

## EDGA DISCIPLINARY REGULATION HARASSMENT & SEXUAL ABUSE

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### DEFINITIONS

Assistant:	an assistant is a person assisting an athlete in the widest sense of the term and/or responsible for such assistance (including in any case the training, coaching and/or tending) at and around the place where the sports exercise or the preparation therefor takes place.
Accused:	the person against whom the complaint is directed and who is accused of having sexually harassed the harassed.
Appeals Committee:	the appeals committee as intended in article 21 of these articles.
Athlete:	the person conducting the sport exercise.
Articles and Bylaws:	the articles of association and bylaws of the EDGA.
Board:	the Board of the EDGA as intended in article 13 of these articles.
Complaint(s):	the written description of a (possible) violation in the sense of article 8 of this SH-Regulation.
Complainant:	the harassed or the person who has communicated the complaint on behalf of the harassed to the Board.
Disciplinary Committee:	the disciplinary committee as intended in article 14 of this SH-Regulation.
Disciplinary regulation:	the disciplinary regulation according to this protocol.
EDGA:	the association with full legal personality, founded on 4 <sup>th</sup> March 2000 and registered in the Netherlands.
Good Governance officer:	officers who are appointed by the EDGA Board on the basis of article 9 of this SH-regulation.
Harassed:	the person against whom the sexual harassment was directed.

Inquiry Committee:	the committee established by the Board that investigates complaints about sexual harassment.
Member(s):	members of the EDGA.
Notification:	the notification of a possible violation of this SH-Regulation; a notification is not a complaint and is not qualified as a disciplinary prosecution.
Parties:	complainant, the harassed, and the accused.
Registration:	According to article 23 of this SH-regulation, personal data of a person sentenced for sexual harassment are registered - with regard to all sanctions imposed - in the EDGA registration system for the time as sentenced only.
Registration Office:	the EDGA Office: currently at Pauluslaan 76, 2204 CA Noordwijk, the Netherlands.
Report:	the report prepared by the Inquiry Committee on grounds of the registration system of article 13 of this SH-regulation.
Sexual harassment:	all conduct and actions as described in article 5 of this SH-regulation.
SH-Regulation:	the underlying disciplinary regulation sexual harassment.
Sport exercise:	by sport exercise is intended both the sports activities within the context of golf itself and all activities that have a direct relationship with that exercise of sport.

## **GENERAL PROVISIONS**

### Article 1 – Applicability and scope SH-regulation

1. The SH-regulation is applicable to all persons who directly or indirectly subjected to the articles, regulations and decisions of the EDGA, who are operative for the EDGA or who participate in the games and competitions organised or badged by the EDGA, or the assistants thereof, as well as the volunteers involved, and in all cases relating to the attendance at any badged event or the performance of duties at any time and in any capacity which relate to EDGA or EDGA events.
2. The EDGA Members who participate in the games and competitions organised or badged by the EDGA, make sure that the substance and tenor of this SH-regulation is known and applicable to their members/associates, golf professionals, employees, assistants, as well as course operators and their employees and volunteers.
3. This SH-regulation is also applicable if the harassment and sexual abuse occurred during the membership/being associated of the harassed or the accused of/with one of the EDGA Members.

4. Sexual harassment falls under the scope of this regulation if it has occurred in relation to the sport exercise or if it has taken place outside an accommodation of a sports organisation when the harassed is in a relationship of dependency towards the accused that has arisen within the context of the sport exercise.
5. The sexual harassment falls under the scope of this regulation if it has taken place outside the context of the sport exercise and/or outside the context of the EDGA, whereby a risk pertains for the safety of who are operative for the EDGA or who participate in the games and competitions organised or badged by the EDGA, or the assistants thereof, as well as the volunteers involved.

#### Article 2 – Reporting obligation

1. All harassment and sexual abuse must be reported under this Regulation;
2. Every assistant to the EDGA or to an EDGA member who becomes cognisant of (or has a suspicion of) behaviour that is in conflict with this SH-regulation, is obligated to report this to the EDGA Board or the Board of a member or to the GGO of the EDGA, unless they have been subjected to the sexual harassment themselves or have a function as a GGO at a member and/or the EDGA.
3. A notification can be made verbally or in writing.
4. A notification can be made anonymously, unless the notification is made by a Board member, assistant, or volunteer or employee of the EDGA.
5. Each individual, with the exception of the persons mentioned under section 1 and section 2 of this article, who has a reasonable suspicion that conduct pertains that is in conflict with this SH-regulation, is subject to the responsibility of making a notification thereof to the Board of the EDGA, unless this may not reasonably be expected of this individual given the circumstances.

#### Article 3 – Confidentiality

Whoever takes cognisance of a notification or complaint in connection with this notification or complaint, or of data and information that regard such, is bound to observe the secrecy of this notification or complaint, data, and information, unless disclosure is required to the persons investigating the notification or complaint in the context of this SH-regulation, who must judge on the notification or complaint, who assist the harassed or will treat them, or in the event any legal requirement renders disclosure mandatory.

#### Article 4 – Police report and criminal procedure

1. In case of a suspicion of a serious criminal act to which the obligation of filing a Police report applies on account of the Dutch Criminal Code 'Wetboek van Strafrecht', the GGO is obligated to report this without delay to the EDGA Board. The EDGA Board is obligated to file a police report and to inform complainant or the harassed concerning.
2. A criminal or a civil-law procedure with regard to sexual harassment, for which a complaint is also filed on grounds of this SH-regulation, does not exclude the treatment and punishments thereof by way of this disciplinary procedure.

## GROUNDS COMPLAINT

### Article 5 – Harassment & Sexual Abuse

1. Harassment & sexual abuse is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
  - has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
  - is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.
  - A single incident can be harassment if it is sufficiently serious.
2. By sexual harassment, as stated in section 1 of this article, are also intended the articles 239 through 250 (Title XIV: sexual offenses ‘misdrijven tegen de zeden’) of the Dutch Criminal Code, criminal offenses.

### Article 6 – Code of conduct - assistants

1. The assistant must procure an environment and an atmosphere within which the athlete can feel safe.
2. The assistant refrains from treating the athlete in a manner that violates the athlete’s dignity and to invade in the athlete’s private life beyond what is necessary in the context of the exercise of sport.
3. The assistant refrains from any form of abuse (of power) or sexual harassment vis-à-vis the athlete.
4. Sexual acts and sexual relationships between the assistant and the young athlete until and including sixteen years of age are not permitted under any circumstance and are considered sexual abuse.
5. The assistant may not touch the athlete in such a manner that the athlete and/or the assistant can be reasonably expected to consider it sexual or erotic in nature;
6. The assistant refrains from (verbal) sexually oriented intimacy through any means of communication whatsoever.
7. The assistant refrains from making and distributing intimate visual footage of the athlete.
8. The assistant will handle the athlete and the space the athlete finds himself in (such as the dressing room or hotel room) with reserve and respect during training (sessions), matches, and travel.
9. The assistant has the obligation – to the extent it is in his powers – to protect the athlete against damage and abuse (of power) as a result of sexual harassment. Wherever it is known or arranged for who defends the interest of the (young) athlete, the assistant is obligated to collaborate with these persons or institutions so that they can do their work properly.
10. The assistant will not give the athlete any (im)material compensation with the apparent intention of asking for favours in return. Also the assistant does not accept any financial remuneration or gifts from the athlete that are in disproportion to the customary or established fee.

11. The assistant will actively monitor that these rules are observed by everyone who is involved with the athlete. If the assistant identifies conduct that is not in accordance with this code of conduct, he will take the action(s) required to such effect.
12. In those cases that the code of conduct does not (directly) provide for, it is the responsibility of the assistant to act in its spirit. He must, e.g., act professionally and he must be aware of his function and conduct.

#### Article 7 – Mutual code of conduct athletes

1. The athlete contributes to an environment and atmosphere within which other athletes feel safe.
2. The athlete treats other athletes with respect and in such a manner that no one's dignity is violated.
3. The athlete refrains from any form of abuse (of power) or sexual harassment vis-à-vis other Athlete(s).
4. The athlete may not touch another athlete against their will in such a manner that the athlete and/or the assistant can be reasonably expected to experience this touching as sexual or erotic in nature;
5. The athlete will treat the other athletes with respect during training (sessions), matches, and travel as well.
6. The athlete will not give any (im)material compensation to another athlete with the apparent intention of wanting sexual favours in return.
7. In those cases which the Code of Conduct does not (directly) provide for, it is the responsibility of the adult athlete to act in its spirit.

#### Article 8 – Violations

1. Sexual harassment as well as violation of the Code of Conduct mentioned in article 6 and 7, as well as non-compliance with the reporting obligation mentioned in article 2, constitutes a violation in the sense of the SH-regulation and can therefore be sanctioned in conformity with this SH-regulation.
2. By a violation is furthermore intended the providing of an opportunity for or the giving of incentives for, the facilitating of or the being helpful for the engaging in the violation.
3. A violation is punishable in case of wilful intent, fault, negligence, or carelessness of the accused.
4. The Disciplinary Committee can with regard to a young adult who at the time of the violation has reached the age of 18 take into account the personality or circumstances due to which a different – therefore also younger – developmental age may pertain and such justifies the handling of the case as if it regarded a non-adult.

### **FILING COMPLAINT**

#### Article 9 – Good Governance officer (GGO)

1. At least one GGO has been appointed by the Board who is operative at the EDGA.
2. The GGO has as his/her task to advise the complainant and to assist them with regard to the filing of a complaint.
3. The GGO observes the greatest possible diligence during his/her activities and assists the complainant and harassed in word and deed.

4. The GGO will not cast doubt on the integrity of the harassed and does not have the right to investigate a complaint or to meddle with the investigation.

Article 10. Handling notification, complaint

1. In connection with a written, electronic, or verbal (anonymous) notification with regard to punishable actions or omissions as stated in this SH-regulation, the Board can (let) carry out an investigation.
2. The Board can (let) carry out a further investigation of actions or omissions that are punishable in their opinion as mentioned in this SH-regulation and/or treat the case as a complaint.

Article 11 – Filing a Complaint

1. Every person within the exercise of sport who holds that a violation towards him/her or the harassed pertains, can submit a complaint concerning to the Board.
2. If the complaint is submitted verbally, the Board orders the GGO forthwith to contact the complainant in order to establish the complaint in writing. The GGO presents the complaint established in writing for confirmation to the Complainant before forwarding it to the Board.
3. The complaint must be submitted in writing or through electronic channels to the Board. A complaint comprises:
  - a. Name, address, at least phone number and possibly e-mail address of the complainant and harassed.
  - b. Name and – if possible – address, phone number and e-mail address of the accused.
  - c. A description of the sexual harassment the complaint is about.
  - d. The description of the actions that have already been taken to reach a solution.
  - e. The confirmation that the complainant and harassed accepts this SH-regulation.
  - f. Signing of the complaint by complainant.
4. The complaint must regard the conduct of the accused, who:
  - a. Is directly or indirectly bound by the Articles, Regulations, and decisions of the EDGA, or who has committed himself to them directly or indirectly.
  - b. Within the exercise of sport carries out or has carried out activities as an assistant or official or who carries out or has carried out tasks as a volunteer.
5. If a complaint does not meet one or more of the requirements mentioned in section 3, the complainant is given the chance to restore the deficiency that was identified within such reasonable term as is to be set by the Board.
6. Anonymous complaints are not taken under advisement, though they are archived.
7. The complainant and harassed have the right at all times to withdraw the complaint. Withdrawal must occur in writing to the Board.
8. Upon withdrawal of the complaint, the Inquiry Committee remains authorized to investigate the complaint, to evaluate the complaint, and to prepare a report in connection with this complaint. The complainant is informed accordingly.
9. Within 10 days after receipt of the written complaint, the Board submits it to the Inquiry Committee and informs the Disciplinary Committee of the receipt of the complaint.

## PRELIMINARY INVESTIGATION

### Article 12 – Inquiry Committee

1. The Board establishes an Inquiry Committee that will investigate complaints about sexual harassment before the Disciplinary Committee pronounces judgment.
2. The Inquiry Committee consists of at least 3 members, whereby a composition is chosen consisting of at least one lawyer and an expert in the field of undesirable social behaviour and whereby both sexes are represented. The members of the Inquiry Committee may not have involvement themselves with the complaint, accused, or the complainant and/or the harassed and not have a personal interest in the handling of the complaint.
3. After receipt of the complaint, the Inquiry Committee informs the complainant and the accused in writing that they are investigating the complaint and informs them regarding the complaints procedure and the terms to be observed.
4. Before the Inquiry Committee proceeds with the investigation, they will evaluate on grounds of article 11 section 3 as well as article 11 section 4 whether the Complaint is admissible and whether the Disciplinary Committee will be competent to judge on the complaint.
5. Within ten (10) days after receipt of the complaint, the Inquiry Committee informs the complainant, the harassed, as well as the accused in writing whether the complaint is admissible. If the complaint is non-admissible, the Inquiry Committee must state the grounds on which it based their decision. No appeal is possible against this decision.
6. If the complaint is admissible, the Inquiry Committee can decide nevertheless not to take the complaint under advisement or not to investigate it further, if:
  - a. the term between the sexual harassment and the submittal of the complaint by standards of reason and fairness is unreasonably long.
  - b. it regards a complaint that was submitted to the Inquiry Committee before already, after which no new facts or circumstances have occurred, and it has already been handled by them or by the Disciplinary Committee.
  - c. the complaint apparently is unfounded.
  - d. Complainant or the harassed does not provide information to the Inquiry Committee or does not render the assistance that is required for the Inquiry Committee to be able to investigate the complaint.
7. The Inquiry Committee can proceed to combine several complaints regarding the same accused and treat them simultaneously.
8. The Inquiry Committee can seek the assistance of advisors if necessary.
9. The Inquiry Committee is competent at all times to deviate from the terms included in this SH-regulation. The communicate such in a substantiated manner to the parties concerned, stipulating a new term.
10. If the Inquiry Committee holds that the treatment of the complaint has an urgent character, they can shorten the terms mentioned in this SH-regulation. The Inquiry Committee accordingly informs the parties in writing, indicating grounds.

## Article 13 – Tasks Inquiry Committee

1. The Inquiry Committee has the right to obtain information that is necessary to form an idea that is as complete as possible of the legitimacy of the complaint.
2. The Inquiry Committee can by order and under the responsibility of the Board start a preliminary investigation of (i) the correctness of a suspicion of a violation of this SH-regulation and (ii) following a notification, of the facts and/or circumstances.
3. The Inquiry Committee prepares a plan of action beforehand, whereby they also indicate within what term they strive to have the investigation take place.
4. The Inquiry Committee investigates the contended facts and circumstances on the basis of the complaint and in connection with the investigation hears each individual complainant, harassed, and accused as well as their counsels, and persons who can make statements about the facts and circumstances contended, including witnesses and/or experts as well as members of boards of Members involved.
5. If the harassed is a minor, this minor is heard as well, unless special circumstances – especially in the area of the personal interest of the minor – oppose such.
6. If the accused refuses to be heard, the Inquiry Committee requests within five business days to still respond in writing or through electronic channels. If the accused does not comply, then the Inquiry Committee continues its investigation without (being able to) take into account the explanation of the accused.
7. Third parties are not informed further by the Inquiry Committee regarding what the Inquiry Committee knows than what is strictly necessary to hear them in the context of the investigation.
8. If the Inquiry Committee sees grounds for this, they are competent at all times to suspend the investigation and to try to convince the complainant, harassed, and accused to discuss the complaint jointly, possibly by way of mediation. Complainant and harassed can decide to withdraw the complaint in connection therewith.
9. Written reports are prepared of the hearings. These reports are presented to the person concerned for comments and approval. If the person heard refuses to sign the report, this is noted in the report, including statement of reason(s).
10. Complainant and accused can seek the assistance of a GGO at own expense.
11. The Inquiry Committee observes all due diligence and prepares a written case file that is as complete as possible.
12. The Inquiry Committee informs parties as well as the Board from time to time regarding the progress of the investigation.
13. After it has received all relevant information and it has heard all persons concerned, the Inquiry Committee prepares a report as soon as possible, in which it judges on the legitimacy and culpability of the Complaint, in which it can also make recommendations to the Disciplinary Committee regarding the measures or sanctions to be applied.
14. The Inquiry Committee strives to complete its investigation within two (2) months after receipt of the complaint and to have sent a report to the Disciplinary Committee.



15. The Inquiry Committee sends the report as well as a copy of the entire file as soon as possible, though no later than within 5 days after preparation of the report, to the Disciplinary Committee, and informs parties accordingly. The Disciplinary Committee is not obliged to inform the parties of the substance of the report.
16. The Inquiry Committee will hold the entire case file in any event for five years after preparation of the report as intended in section 12 of this article, in its keeping in an archive that is only accessible to the Inquiry Committee.

## **HANDLING COMPLAINT**

### Article 14 - The Disciplinary committee

1. Reference to be made to the EDGA Board meeting and decision of October 2020 to order the Disciplinary Committee to rule on complaints submitted on account of this SI-regulation.
2. The Disciplinary Committee is authorized to rule on complaints, on condition they were submitted by:
  - a. the Board.
  - b. an Inquiry Committee established by the Board and article 12 of the SI-regulation.
3. The Disciplinary Committee is assisted by a secretary in the person of the President of the EDGA, or a collaborator of the EDGA to be designated by him. This secretary also takes care of the secretariat for the Appeals Committee.
4. The office of the EDGA is the address of the seat and for correspondence of the Disciplinary Committee.

### Article 15 - Handling of Complaints

1. If the Disciplinary Committee establishes on the basis of the case file forwarded by the Inquiry Committee and the report that the complaint is unfounded, they announce within seven (7) days after the receipt thereof to parties that they declare the complaint unfounded.
2. If the Disciplinary Committee holds that the complaint, on the basis of the case file forwarded by the Inquiry Committee and the report, is well-founded, the Disciplinary Committee establishes a date for the oral procedure and invites parties for this in writing, at least fourteen (14) days prior to the hearing. They also offer the accused the possibility of submitting a statement of defence prior to the hearing, within such reasonable term as is to be further established.
3. During hearings, parties may have themselves assisted by a counsel.
4. The Disciplinary Committee will, if it deems such desirable, be able to call witnesses and experts in writing to be interrogated at the hearing.
5. In case one of the parties has not appeared at the hearing, the Disciplinary Committee verifies whether the convocations were properly done. In case no proper convocation has occurred, or the Disciplinary Committee believes for different reasons that the postponement of treatment is desirable, then they will delay the hearing until such date as is further to be determined. Parties are accordingly informed in writing by the secretary.

6. In case a witness or expert has not appeared at the hearing, the Disciplinary Committee can decide to postpone the hearing, or to treat the case to the extent possible and continue it on another date for the witness or expert who has not appeared.
7. Parties and their counsels may attend the entire hearing, unless what is established in section 8 and 9 is applied.
8. The Disciplinary Committee can deny permission to further attend the hearing to anyone whose conduct provides grounds for doing so.
9. The Disciplinary Committee can determine that the harassed is interrogated separately from the accused. In the event parties are interrogated separately from each other, the counsels of parties may attend those interrogations. The President of the Disciplinary Committee provides a report of a hearing that has taken place separately to the other party.
10. The members of the Disciplinary Committee if necessary ask questions to the parties and the other persons to be heard. Parties can all ask the president of the Disciplinary Committee for permission to ask additional questions. Such request is granted unless the questions in the opinion of the President are not relevant in the matter. The President can determine that questions can only be asked through him.
11. The secretary prepares a relevant, substantive summary of the oral procedure that is signed by the President and the secretary.
12. Treatment of the complaint takes place behind closed doors.
13. The Disciplinary Committee and Appeals Committee strive to have treatment of the first instance and the appeal take place within five months.

#### Article 16 - Sentence Disciplinary Committee

1. The Disciplinary Committee pronounces sentence within three (3) weeks following the oral procedure.
2. The Disciplinary Committee sends parties a copy of the sentence, specifying the term and the manner of filing an appeal in accordance with what is established in article 22 of the SH-regulation.

### **DISCIPLINARY MEASURES, SANCTIONS, AND IMPLEMENTATION**

#### Article 17 – Disciplinary measure EDGA Board

1. To prevent recurrence, to reinstate quiet and/or assure the safety of athletes, the Board can take administrative measures by imposing, with immediate effect, a temporary restriction of movement on the person suspected of sexual harassment for the location(s) where the recurrence or lack of safety must be feared.
2. The Board can also take another disciplinary measure, if and to the extent the disciplinary measure is required to assure or reinstate order and/or safety within the EDGA or EDGA membership.
3. The disciplinary measure of the Board is not a disciplinary measure but an administrative measure to assure order and the safety of the athletes.
4. The Board can also take the disciplinary measure pursuant to a request to such effect by the GGO or the Inquiry Committee.

5. The disciplinary measure lapses if:
  - a. the complaint is declared unfounded;
  - b. the accused was acquitted pursuant to a disciplinary procedure and the term for appeal has lapsed;
  - c. the Board decides to such effect.
6. The disciplinary measure can only be taken on the basis of a (criminal) complaint, police report and/or notification with the police and/or public prosecutor with regard to transgressive behaviour, regardless of whether a complaint has been submitted.
7. Against a disciplinary measure taken by the Board an appeal can be submitted to the Disciplinary Committee pursuant to this regulation.
8. The Board can also take the disciplinary measure pursuant to a request to such effect by the GGO or the Inquiry Committee.
9. The disciplinary measure taken by the EDGA Board remains in force until the Disciplinary Committee has pronounced judgment.
10. If the case is inadmissible or a disciplinary body does not reach sentence, then it is the responsibility of the Board to assess whether the disciplinary measure can reasonably remain in effect.

#### Article 18 – Sanctions to be imposed and explanation

1. Imposed as a sanction can be:
  - a. a reprimand.
  - b. the prohibition to participate in one or more activities of the EDGA for such a term as is to be established by the Disciplinary Committee of a maximum of three (3) years.
  - c. the prohibition to exercise one or more of such rights as have been granted to employees, assistants, officials, volunteers, or other participants for a duration of a maximum of three (3) years.
  - d. the prohibition to exercise one or more functions in the EDGA for such period as is to be further determined by the Disciplinary Committee of a maximum of ten (10) years.
  - e. suspension for a duration of a maximum of five (5) years.
2. During the term of appeal and pending the appeal, the accused is suspended.
3. If a sanction applies for a certain term or for specific activities or functions, this is stated in the announcement of the sentence.
4. A reprimand or a suspension cannot be imposed with another sanction jointly.
5. With the exception of the reprimand, the sanctions mentioned in section 1 can be imposed entirely or partially conditionally. The conditional part of a sanction is subject to a term of a maximum of two years.
6. When imposing a sanction, the Disciplinary Committee can take into account the situation that may arise between parties following termination of the sanction. The Disciplinary Committee can, if this is possible at the time the sanction is imposed, indicate in what manner the accused must behave vis-a-vis the harassed after having undergone the sanction or what restrictions are desirable to prevent parties from meeting. Such can be stated in the sentence announcement. The harassed can also request after imposition of the sanction, but prior to termination of the sanction, the Disciplinary Committee to make the announcement intended in the matter.

7. If the accused commits a violation in the matter of sexual harassment again within the term of a conditionally imposed sanction, the Disciplinary Committee can decide to still convert the conditional part into an unconditional sanction and besides to impose a sanction for the new violation.
8. If a violation constitutes a grave infringement on the legal order in the EDGA, then the Disciplinary Committee can impose a provisional measure as soon as a complaint is submitted. The Inquiry Committee can also petition the Disciplinary Committee to such effect in writing in a substantiated manner.
9. Upon imposing a sanction and determining the (scope of the) sanction, a criminal conviction and/or the result of another manner in which the sexual harassment was addressed can be taken into account.
10. An irrevocable disciplinary conviction, with the exception of a reprimand, leads to registration of the accused in the sexual harassment registration system of the EDGA. The registration is not a sanction in the sense of this article. The secretary of the Disciplinary Committee refers said disciplinary conviction to the administrator of the registration system.

#### Article 19 – Implementation

1. The Board monitors the implementation of sanctions.
2. The accused, members, and bodies of the EDGA are obliged to render their assistance for the implementation of sanctions. Failing to do so constitutes a violation that will be assessed and treated by the Disciplinary Committee.
3. The implementation of a sanction imposed by the Disciplinary Committee on account of the violation of this SH-regulation commences on the date on which the Disciplinary Committee pronounces its sentence, unless it is established differently in the sentence.
4. The filing of an appeal does not suspend the implementation of a sanction. Upon request of the accused, the president of the Appeals Committee can suspend the implementation of a sanction for the duration of the treatment of the appeal. The request for the suspension of the sanction can be made simultaneously with the filing of an appeal, though no sooner. The president pronounces judgment in writing upon the request, which sentence does not bind the Appeals Committee for their final judgment.
5. The Board can suspend the implementation of sanctions if new facts or circumstances turn out with regard to the sanction imposed that – if they had been known during the treatment of the case before the relevant disciplinary committee – with a high degree of certainty would have led to acquittal or a much more lenient sentence. Such a request for review must be made by the accused in writing or through electronic channels with an elaborate substantiation of such facts and circumstances. The Board can only take the request under advisement if at that time no options for appeal are open.
6. If the Board grants the request for a review and suspends the implementation, the Board hands over the request to the relevant disciplinary body, which will treat the request as a disciplinary matter. The disciplinary body will then treat the case anew, for the sentence of which an appeal can be filed.

7. With exception of the reprimand, the Board can in special cases pardon the remainder after at least two-thirds of a sanction has lapsed following a written request of the accused. The Board can subject the pardon of the intended remainder to conditions, after the Board has heard either the Disciplinary Committee or the Appeals Committee in the matter of the pardon and the conditions it may be subject to.

#### Article 20 – Criminal conviction

1. In case in the matter of the sexual harassment an unconditional sentence has been imposed by the criminal court, the accused is obligated to present the criminal sentence to the Board. In such case, but also in the event the Board has at its disposal such sentence of a criminal court on another account, the Board sends that sentence to the Disciplinary Committee without delay.
2. The Disciplinary Committee treats the case with due regard for the provisions of this SH disciplinary regulation. The Disciplinary Committee assesses whether the punishment imposed by the criminal court was imposed in the context of sexual harassment as intended in article 5 and decides whether the case may be eligible for a shortened disciplinary procedure. In case of a shortened procedure, no oral treatment occurs, and no witnesses and/or experts are heard.
3. The appellant and the Board can file appeal with the Appeals Committee against the sentence of the Disciplinary Committee within four weeks after the date of the receipt of the sentence of the Disciplinary Committee.
4. The Appeals Committee handles the appeal within four weeks and pronounces judgment as soon as possible afterwards in writing, after which the secretary of office forwards the sentence by way of regular mail and by way of registered mail to the appellant. No appeal is possible against the sentence of the Appeals Committee.
5. In case the Disciplinary Committee or on appeal, the Appeals Committee holds that the sanction imposed by the criminal court regards sexual harassment as intended in article 5, the Inquiry Committee, mentioned in article 12 of the SH-regulation, sends the non-anonymised sentence to the EDGA Registration Office as soon as possible.

### **APPEAL**

#### Article 21 – Appeals Committee

1. At the EDGA Board meeting of October 2020 it was decided to open the possibility of appeal against decisions of the Disciplinary Committee concerning complaints on account of the SH-regulation at the Appeals Committee.

#### Article 22 - Appeal

1. Each of the Parties can, within three weeks after the date of signing of a decision of the Disciplinary Committee in accordance with article 16 section 1 or article 18, file an appeal against it in writing in a substantiated manner with the Appeals Committee, by way of the forwarding of a notice of appeal to the secretary of the Appeals Committee, intended in article 14 section 4 of the SH-regulation.
2. To the manner of treatment of the appeal, established in article 15, is correspondingly applicable, mutatis mutandis, as much as possible.

3. The Disciplinary Committee and the Appeal Committee strive to have the treatment of a case in the first instance and on appeal take place within five months.
4. If it regards an appeal against a judgment in urgent cases, as intended in article 20 of the SH-regulation, the Appeals Committee can immediately after receipt of the notice of appeal order the oral treatment in order to speed up the processing of the appeal.

## **REGISTRATION SYSTEM**

### Article 23 - Notification Registration system

1. The personal data of a person sentenced for sexual harassment irrevocably on the basis of the SH-regulation and/or applicable regulations where the event is taking place, are registered for the duration of the sentence only and with regard to all sanctions imposed in the EDGA registration system, unless:
  - a. the sanction imposed is a reprimand.
  - b. this person has not reached the age of sixteen yet, unless a criminal conviction pertains. In that case, also convicted persons younger than sixteen can be included in the registration system.
2. No appeal can be filed against a registration in the registration system based on an irrevocable sentence of either the Disciplinary Committee or the Appeals Committee.
3. The Inquiry Committee, mentioned in article 12 of the SH-regulation, sends the non-anonymized sentence as soon as possible to the EDGA Registration Office. No later than 5 days after the forwarding to the EDGA Registration Office, the secretary will inform both the punished person and the EDGA Board of the registration by way of certified mail.

## **FINAL PROVISIONS**

### Article 24 – Establishment and modification SH-regulation

1. The SH-Regulation was established at the EDGA Board meeting of October 2020.
2. The SH-Regulation can be modified by the EDGA Board or at the request of an EDGA Member by majority of votes at the General Member Meeting in case the proposal for modifications was proposed by the EDGA Membership.
3. The decision to modify the SH-Regulation enters into effect on the day after the EDGA Board meeting or on the day after the General Meeting of Members has approved the proposed changes, unless another date has been established.
4. In case of conflict between the SH-regulation and the Disciplinary Regulation, the SH-regulation prevails.
5. In those cases where this SH-regulation does not provide for, the Disciplinary Regulation is applicable.
6. In those cases, neither the SH-regulation nor the Disciplinary Regulation provide for, the Disciplinary Committee decides or, on appeal, the Appeals Committee.