

BANGLADESH CRICKET BOARD (BCB)

EXCLUDED PERSONS POLICY

Introduction:

1. Pursuant to its mandate to preserve the integrity and ethics of the sport of cricket, and to promote fair play, the Bangladesh Cricket Board (“BCB”) adopts this Policy to further support this objective and its commitment to preventing corrupt practices undermining the integrity of the sport and to preserve public confidence in the sport and BCB’s ability to protect cricket from such corrupt practices, which it effects through the ICC Anti-Corruption Code for Participants (the “Code”).
2. In particular, through this Policy, which forms part of the Code framework as adopted by BCB, BCB seeks to protect Official Cricket (i.e. cricket sanctioned or authorised by the ICC, BCB and their affiliated bodies) from non-Participants who seek to threaten the integrity of the sport. For the avoidance of doubt, this Policy may also apply to any person where necessary to protect the integrity of cricket.
3. Article 2.4.9 of the Code makes it an offence for a Participant to associate in a professional or sport-related capacity with an Excluded Person after having been specifically warned against such association by BCB and/or the ICC. An Excluded Person is defined in the Code as someone who has been issued with an Exclusion Order.

Exclusion Order:

A. Investigation:

4. The BCB Integrity Unit (BCBIU) (acting through its Designated Anti-Corruption Official or an authorized person), may, at any time, conduct an investigation into the activities of any non-Participant that it reasonably believes may be a genuine threat to the integrity of the sport (for example but without limitation, where such individual is actively involved in attempting to corrupt Participants, or where they act as an intermediary for someone actively involved in attempting to corrupt cricket). Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with ICC or and/or other relevant authorities (including criminal, administrative, professional and/or judicial authorities).
5. If, following such investigation, BCBIU considers (having consulted with the Independent Chair of the BCB Integrity Unit and the General Counsel of BCB) that the investigation demonstrates that a non-Participant is engaging in activities that pose a genuine threat to the integrity of the sport and BCBIU shall send a written notice to the non-Participant (the “Notice”) of the following:

- that BCB considers that such non-Participant represents a genuine threat to the integrity of the sport and thus intends to issue an Exclusion Order against him/her (which may be for a fixed or indefinite period);
 - a link to where this Excluded Persons Policy can be found;
 - details of the alleged acts and/or omissions relied upon;
 - the consequences of an Exclusion Order being issued;
 - an invitation to file a response within twenty-one (21) days from deemed service; and
 - that failure to respond within the deadline will result in deemed acceptance of the imposition of an Exclusion Order of such duration as BCB may impose acting reasonably and proportionately.
6. The Notice may be served by any means of postal, digital or electronic communication (including, without limitation, email, social media and messaging applications such as WhatsApp), as well as personal service and/or oral communication, provided that reasonable steps are taken to ensure receipt.
 7. For the avoidance of doubt, service shall be deemed to have occurred as follows:
 - a) in the case of personal service or oral communication, within 1 hour;
 - b) in the case of electronic or digital service, within 12 hours of sending; and
 - c) in the case of postal service, within 72 hours of sending or upon acknowledgement of receipt, whichever is sooner.
 8. If the non-Participant fails to respond within the required deadline, they shall be deemed to have accepted the imposition of an Exclusion Order and the CEO of BCB, in consultation with the Independent Chair of the BCBIU and General Counsel of BCBIU, shall promptly issue an Exclusion Order, which shall be served and may be published, identifying the person, summarising the reasons and specifying the period of exclusion.
 9. If the non-Participant provides a response, such response shall be considered by the BCBIU, in consultation with Chief Executive Officer of BCB, who shall determine whether the exclusion is necessary to protect the integrity of the sport. Following such review:
 - 9.1. where BCB is not satisfied that the non-Participant represents a genuine threat, the person shall be notified accordingly;
 - 9.2. where BCB is satisfied that the non-Participant represents a genuine threat, BCB shall issue an Exclusion Order excluding that person from playing, coaching, officiating or otherwise participating, attending or being involved in any capacity in any Match or other kind of function, event or activity, team, franchise, competition or league that is authorised, organised, sanctioned, recognised or supported by the ICC, BCB or any entity under their jurisdiction, or receiving accreditation to provide media or other services at any official venue or Match, for such duration as BCB considers appropriate.

10. For the purposes of clarity, any person issued with an Exclusion Order shall, amongst other things, be excluded from having any role in a cricket team or franchise (including as owner, CEO, COO or similar), and from any involvement in the organisation, administration or financing of any cricket event or activity, whether directly or indirectly.

B. Appeal:

11. Any non-Participant issued with an Exclusion Order shall be entitled to appeal such decision to an Independent Adjudicator. Such Exclusion Order shall remain in effect while under appeal unless the Judicial Commissioner orders otherwise.

12. Any notice of appeal must be lodged with the CEO of BCB within fourteen (14) days of service of the notice of the imposition of the Exclusion Order, setting out, in summary form, the grounds upon which the appeal is made.

13. Upon receipt of a notice to appeal, the CEO of BCB shall refer the matter to Chairman of Disciplinary Panel who shall appoint one member from the Disciplinary Panel to act as *Independent Adjudicator* and determine the appeal. The *Independent Adjudicator* shall be independent of the parties and shall have had no prior involvement in the case.

14. The appeal shall take place on the basis of written submissions alone, save where the *Independent Adjudicator*, in their absolute discretion, determines that a hearing should be convened. The procedure for the appeal, including the timetable for the exchange of written submissions, shall be at the discretion of the *Independent Adjudicator*, provided that the *Independent Adjudicator* shall ensure that the appellant is afforded a fair and reasonable opportunity to present evidence, address the *Independent Adjudicator* and present their case.

15. The decision of the *Independent Adjudicator* shall be final and binding on all parties, and no further right of appeal shall lie.

C. Review:

16. Notwithstanding a non-Participant's right to appeal the imposition of an Exclusion Order, where an Exclusion Order is imposed excluding that person from the sport indefinitely, the Excluded Person shall have the right to have the continuance of such Exclusion Order reviewed by an *Independent Adjudicator*, at their request.

17. Other than in exceptional circumstances, an Excluded Person shall be entitled to apply for such a review every four (4) years.

18. Where a review by an *Independent Adjudicator* is requested by an Excluded Person in accordance with paragraph 16 above, the procedure for such a review shall be at the discretion of the *Independent Adjudicator* appointed to consider the review by BCB save that the process shall include, at a minimum, the right for the *Independent*

Adjudicator to dismiss the review request, on paper, where the *Independent Adjudicator* considers that the request for a review is based on frivolous or vexatious grounds.

D. Public Disclosure:

19. BCB shall maintain and keep up to date on its official website:
 - a) a copy of this Excluded Persons Policy; and
 - b) a list of all individuals subject to an Exclusion Order, together with their nationality and the period for which such Exclusion Order is in force.
20. Such information shall be shared with the ICC and other National Cricket Federations and may be used by BCB in integrity education programmes.
21. BCB shall also be entitled, at its discretion, to publicly report, in full, decisions of an *Independent Adjudicator* on appeals under this Policy.