

**THE COURT OF MASTER SOMMELIERS, AMERICAS (CMS-A)
CODE OF ETHICS/CONDUCT AND NON-FRANERNIZATION POLICY**

(Amended – February 2019)

Officers and members of the Court and participants in any CMS-related course are expected to maintain the highest standards of commercial ethics and conduct. Members must always treat other members, candidates, mentees and the public with respect and maintain the highest degree of professionalism at all times. Members must scrupulously avoid any conflict, or appearance of conflict, between their own respective personal, professional or business interests and the interests of the CMS-A. The honor and integrity of our members are the best safeguards for preserving the reputation of the CMS-A, its members and the industry as a whole.

THE CODE OF ETHICS/CONDUCT

Alcoholic beverages are particularly vulnerable to abuse. While laws may be legislated for the protection of those who buy, serve and sell the products, the best safeguards are always going to be the honor and integrity of the members of the trade.

The Court recognizes this and therefore requires of its members the highest standards of conduct. Thus members are required to abstain from any behavior which may discredit the Court or could appear to violate any part of this Code of Ethics/Conduct. If a member is in doubt about whether he or she is violating or may appear to be violating this Code, the member is obligated to stop taking whatever action is in question and seek guidance from the Board of the CMS-A.

Wine legislation does its best to offer protection from dishonesty and in particular to ensure authenticity. However, legislation does not always define precisely what is honorable and correct. The CMS-A will take action not only when an infringement of the law is proven, but also when a member's commercial conduct does not appear to conform with the highest ethical standards. The CMS-A and its members have an obligation to the public to act legally, ethically and professionally as representatives of the Court and our industry. Doing so is not only right but also will enhance the Court's reputation and influence.

Members must recognize the importance of maintaining and enhancing the reputation of alcoholic beverages and the service of them. Therefore, members engaged in sales should be careful to always be responsible, truthful and use good sense, never claiming virtues that do not exist or endorsing or advertising products under the name Master Sommelier.

Members must accept in principle that they will be regarded by the Court as answerable for the commercial conduct of any person acting on their express instructions.

The Court's objectives, in regard to the Court's Code of Ethics/Conduct, are accepted by each member upon admission as a Master Sommelier. Therefore, any action or utterance by a member that demonstrates a conflict with any of these aims could open the member to disciplinary action by the Court. Members are requested to conserve the good name of the Court at all times and refrain from any statements regarding its wishes that could be construed as detrimental.

All members of the Court are required to sign a Release and Waiver of Liability, in the form attached as Exhibit A, as a condition of membership.

The Board of the Court is available to members for consultation as required.

NON-FRATERNIZATION POLICY

Although CMS-A does not intend to interfere with personal time outside of CMS-related events, CMS-A expects all members of the Court to maintain an appropriate degree of separation from, and to avoid fraternization with, candidates. Such separation is essential to maintaining the integrity of the Court's examinations and avoiding the appearance of any impropriety.

Accordingly, members of the Court may not fraternize, or take actions that give the appearance of fraternizing, with candidates from the day prior to the start of a particular CMS-A course or examination, through the final day of the course or examination, outside of official CMS-sponsored events.

Any member of the Court who has or has had a "significant relationship" with a candidate, including a spousal or domestic partner relationship, may not examine that candidate in any capacity at any time and is required to report the existence of the relationship to the Chairperson of the Ethics Committee, upon the member's receipt of the prospective pre-examination Examiner/Candidate Conflict document.

A member of the Court who has or has had a "significant relationship" with a candidate may nevertheless be present at the candidate's examination, except in the event that the member has or has had a spousal, domestic partner, romantic and/or physical relationship; or "conflict relationship," as defined below, with the candidate.

A "significant relationship" is defined as:

- Any financial relationship. A "financial relationship" is defined as a direct or indirect relationship within five years prior to the date of the examination, of which the member of the Court involved was aware at any time while the relationship existed, that involves:
 - the payment of a material amount of consideration for goods, services (including an employer/employee or consultant relationship), or intellectual property rights;
 - a debt obligation;
 - the transfer of an interest of material value in real, personal, or intellectual property, whether or not for consideration;
 - a partnership involving the sharing of income and expenses; or
 - the use of one person's assets for the benefit of another (e.g., the provision of lodging free of charge).
- Significant mentorship is defined as repeated and/or ongoing counsel, coaching, tutoring, communication in all forms pertaining to professional development and/or exam preparation.
- Familial relationship. A "familial relationship" exists if one individual is the spouse, domestic partner, parent, parent-in-law, child (biological or adoptive), aunt, uncle, nephew, niece, cousin, grandchild, or grandparent of the other individual.

- Romantic and/or physical relationship.
- Conflict relationship. A “conflict relationship” is defined as a relationship in which one individual has made a complaint or otherwise taken action against the other either through legal or human resources channels.

A member who has or has had a spousal, domestic partner, romantic and/or physical relationship, or “conflict relationship” with a candidate may not be present at the candidate’s examination and may not communicate with any person regarding the candidate’s examination. Once the candidate’s examination is complete and the results of the examination are known to all present candidates, a member who has or has had a spousal, domestic partner, romantic and/or physical relationship or “conflict relationship” with a candidate may attend the Reception, provided that he or she has obtained permission from the Chairperson of the Ethics Committee.

A member of the Court who fails to recuse himself/herself from an examination as provided above may be subject to suspension or termination of membership by the Board pursuant to the procedures set out in Section 2.11 of the CMS Bylaws, and may lose the right to examine and/or educate at any CMS course or examination.

Any member who mentors a candidate shall maintain an appropriate degree of separation to ensure the integrity of the Court’s examinations and avoid the appearance of any impropriety. No member may accept any fee, monetary or otherwise, for mentoring outside of CMS-A courses. Members shall at all times teach officially endorsed principles and shall not give advantage to any candidate by sharing information about examinations that is not permitted to be given to all candidates.

INVESTIGATION AND DISCIPLINARY ACTION

The CMS-A Board may appoint a committee pursuant to Section 2.11 of CMS’s Bylaws to investigate any asserted breaches of this Code of Ethics/Conduct and to make a report and recommendation to the Board.

The Board may then decide to:

- Reprimand the member in such terms as may be appropriate
- Call upon the member to resign
- Suspend or terminate membership pursuant to the procedures set out in Section 2.11 of the Bylaws; or
- Take such other disciplinary action as the Board may determine is appropriate.

Any member who is alleged to have violated this Code of Ethics/Conduct will be given the opportunity to present his/her case to the Board pursuant to the procedures and in the manner described in Section 2.11 of the Bylaws. The authority to terminate any member for a violation of this Code of Ethics/Conduct shall be vested solely in the Board.

DECLARATION ON ADMISSION

Before admission as a Master Sommelier, candidates for admission will be required to sign a declaration. The original of this declaration, of which the following is the text, remains with the Court.

DECLARATION ON ADMISSION

I confirm that I have read and understand the Code of Ethics/Conduct and Non-Fraternization Policy of the Court of Master Sommeliers, Americas.

As a condition of my admission to become a Master Sommelier, I therefore acknowledge and confirm my obligation to conduct myself in accordance with such Code, as it shall be amended from time to time.

I accept that should the Board of CMS-A regard my conduct at any time as in breach of the Court's Code of Ethics/Conduct and Non-Fraternization Policy, the Board may suspend or terminate my membership in the Court of Master Sommeliers, remove me from the registry and stop all communication.

Print Name _____

Signed _____

Dated _____