

## **COURT OF MASTER SOMMELIERS, AMERICAS PREAMBLE TO THE CODE OF ETHICS**

The mission of the Court of Master Sommeliers is to cultivate and recognize excellence in the wine service profession through our educational and examination processes, which establish the qualification of a candidate to hold the title of Master Sommelier or its preceding levels. Additionally, candidate mentoring supports the professional development and growth of candidates along their path within our organization.

The ethical and professional responsibilities that accompany certification must be emphasized as much as the examination standards in order for the Court's leadership in the hospitality industry to be meaningful.

In a world where social media documents our public conduct, individual members of the Court increasingly represent our collective successes and failures. While our reputation is grounded in our self-understanding and good intentions, it is also shaped by how our stakeholders—the candidates, our fellow members, and the beverage industry at large—perceive us. Our values, however, are not derived from the goal of maintaining our public image; rather, when we live our values well, a positive public image results. Our actions, and the perceptions of those actions, directly affect our candidates' experiences. Our candidates must be at the core of our values, and we must prioritize the candidates' opportunities to grow and learn in an environment that is safe. Only then will we retain the privilege of offering leadership to our industry.

We have drafted a series of documents that articulate our shared values and responsibilities, setting forth a code of conduct that applies to all members of our community and describes how allegations of unprofessional conduct will be reviewed and addressed. These include:

### **I. Charter of Values**

The Charter of Values seeks to develop future Master Sommeliers, acknowledging that the process of fulfilling the responsibilities of a Master Sommelier requires dedication not only to the ongoing cultivation of the skills and expertise attendant to the profession, but also to the integrity and professionalism critical to our role in safeguarding the trust and confidence of the community and candidates whom we serve.

The Charter of Values plots a new path forward, toward the ideals that we strive to embrace, adding an ethical dimension to our existing core mission. This charter of core values articulates the shared vision and expectations for our organization. It will also serve as a plumb line, by which we might evaluate conduct that deviates from our ideals, acknowledging that both excess and deficiency often risk endangering the opportunity for the candidate to fully develop. This codification of common values has the benefit of greater endurance than an ever-growing list of negative prohibitions, which polices anticipated infractions rather than positively guiding the organization toward the realization of our goals.

## **II. Candidates' Bill of Rights**

The Candidates' Bill of Rights enumerates the expectations that a candidate can rely on, establishing clear standards for fair examinations in an environment that is free from abusive, intimidating, or harassing behavior, and for mentoring that is free of expectations for reciprocal arrangements.

## **III. Code of Conduct**

Our stakeholders' experience is similarly contingent on the professional conduct of members and candidates. To address this reality, we have created the Code of Conduct to establish expectations for behavior to ensure a safe and respectful examination environment for both candidates and examiners.

The Code of Conduct also clarifies the policies and procedures for promptly reviewing allegations of unprofessional conduct and, if appropriate, implementing corrective processes. The review may include but is not limited to the assessment of supporting documentation and communication, as well as interviews with relevant witnesses. An independent fact finder will conduct a close examination of the totality of the circumstances, including but not necessarily limited to the original allegation, to assess whether a member may have engaged in unprofessional conduct. The corrective path forward will be designed to address all identified deficiencies. It may be, however, that despite the best efforts of a third-party investigator, the specific allegations of misbehavior are deemed unsubstantiated.

While the maximum extent of our corrective action is limited to termination of membership and title, both the overuse and underuse of our maximum action does a disservice to those affected by member misbehavior. Punishment is never the ultimate goal; rather, it is an attempt to restore a sense of trust and responsibility while creating a space where survivors can find their own unique path toward healing.

We have also considered that some corrective actions might involve efforts to rehabilitate and reintegrate members whose actions do not warrant the most severe punishment with the community of members and candidates, the industry, and the general public. This goal will necessitate an active, directed effort at rehabilitation on the part of the member, in accordance with industry-recognized standards of training and counseling. Only through the member's diligent, concentrated, sustained efforts at rehabilitation will we allow the member to begin the process of regaining the trust of the organization, ensuring healthy and effective learning environments for our candidates.

## **IV. Complaint Procedure**

Procedures for ethics complaints received via the Ethics and Professional Responsibility Committee, the board of directors, members, or the ethics reporting line are detailed in two documents. The flowchart (4.2) is a top-line visual overview, and the Complaint Procedure document (4.1) provides detail for each step. Together, they represent a clear and consistent course of action for any complaint.

## COURT OF MASTER SOMMELIERS, AMERICAS CHARTER OF VALUES

This document codifies our aspirations to guide the development of our organizational culture. First setting our values allows us separately to determine our standards, evaluating each action on the basis of whether its consequences are aligned with or contradictory to the realization of these values. Acknowledging that our actions contribute to what we become, we determine our values to be those necessary to give candidates the best opportunity to develop into Master Sommeliers. The examples of problematic or potentially problematic behavior that each value implicates are intended as a guide for the CMS-A to better understand how each value can be developed in candidates as well as in members; the examples are not intended as a list of proscribed behaviors. The best use of this document is to hold the CMS-A and its members accountable to organizational ideals and to inform deliberations about the propriety of individual actions.

### **Value: Hospitality**

*A Master Sommelier exemplifies the benevolent and generous welcome and care of guests and visitors without seeking personal gain.*

Hospitality describes a unique mode of care for a person who is unfamiliar to us and often in a position of vulnerability. The classical understanding of hospitality describes it as the behavior of welcoming a guest or visitor (even if a stranger) seeking **safety** and shelter while on a journey. This requirement to care for a guest or visitor was a societal norm, the opposite of which—hostility and othering of a guest or visitor as a stranger (literally *xenophobia*)—was a grave breach of protocol.<sup>1</sup>

Hospitality requires the recognition that the guest is separate from the host. A host's care and concern for the guest bridges that divide without collapsing it. Hospitality does not oblige the guest to any **expectation of reciprocity**. If a host were to impose an expectation of reciprocity on a guest in a relationship built on hospitality, it would undercut the responsibility of the host by placing the guest in a double bind, whereby, regardless of how the guest reacts, personal harm becomes a risk. In effect this "reciprocity" is actually a mask for a subtle form of coercion that leaves the guest in a position of even greater vulnerability.

Hospitality recognizes the difference between guest and host as well as their separateness. This separateness supports the expectation of **professional boundaries** in the mentoring and examination relationship between Master Sommelier (host) and candidate (a guest student aspiring to become a Master Sommelier). Hospitality recognizes the uniqueness of the guest in the totality of possible identities, acknowledging the host as equally particular yet different. Hospitality strives to find connections that are based on the needs of the candidate (guest) **without seeking intimacy or obligation as an end goal**: after the encounter, the candidate (guest) departs to continue their journey.

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<sup>1</sup> Russell, L. M., Clarkson, J. S., & Ott, K. M. (2009). *Just Hospitality*. Louisville, Ky: Westminster John Knox Press. p. 19

Hospitality privileges our guest's perceptions as having real value. This is not to say that all other information is unimportant, but we must always consider the perspective of our candidates and stakeholders in concert with other relevant information when weighing our decisions. In particular, hospitality demands that we **privilege the perspective of our guest** when it directly contradicts our own perception of our actions. A necessary component of the perspective of the guest, which can never be forgotten, is the power divide between host and guest, and the constant vulnerability of the guest.

We have learned from our experience as hospitality professionals that our goal is for guests to enjoy a consistent experience. Often, the most generous acts of hospitality originate in the commitment to recognize a guest's particular context and adapt to it. We do not simply provide the same service to each guest; we provide the service required so that each guest has the same experience. Thus, hospitality commits our members and our organization to the value of **equity**, and not merely equality, in our welcome to the guest.

#### **Examples of potentially problematic behavior:**

- A Master Sommelier shows favor to some guests over others based on bias or bigotry.
- A Master Sommelier does not treat guests with attentive respect.
- A Master Sommelier shows favor to a candidate whom the Master Sommelier "likes" more, with increased attention when preparing for an examination.
- A Master Sommelier asks mentees for placements (of wines the MS represents) on a wine list or in a wine shop in exchange for mentorship.
- A Master Sommelier places guests, members, students, or examinees at risk of physical, emotional, or mental harm.
- A Master Sommelier sexually harasses a candidate or engages in a pattern of making remarks considered to be abusive, sexually inappropriate, or intimidating toward a candidate. Sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal, electronic, or physical conduct that is sexual in nature.
- A Master Sommelier abuses the status of the MS credential to extract personal or professional gain through coercive or predatory behavior. This includes a quid pro quo ("pay-to-play") offer or behavior that implies the need for reciprocity in order to earn the favor of the Master Sommelier.
- A Master Sommelier engages in self-violence or violent behavior toward others or property during a CMS-A sanctioned event.
- A Master Sommelier engages in harassing behavior through statements made online via social media or any other outlet while presenting themselves as a Master Sommelier or as an affiliate of the CMS-A.

## **Value: Integrity**

*A Master Sommelier is placed in a position of great power as a consequence of the MS credential. The integrity of the examination process ensures that this power is rightly deserved. Personal integrity sets an example for candidates' developing professionalism and ensures that this power is used for the benefit of the wine and hospitality community and the advancement of candidates.*

Though an examination determines the qualification of a candidate to bear the title of Master Sommelier, the value of the title is only measured by the ability of Master Sommeliers to behave in a **trustworthy** manner. Integrity is assessed in the public sphere, subject to external consensus, and is not solely a matter of personal conscience. Our obligation to be held publicly **accountable** for our actions and for the experiences of our candidates is the extent to which we can be trusted. Without accountability, it is difficult for personal integrity to be assessed by the public. The degree to which we allow ourselves to be held accountable for our actions defines our organization's **transparency**.

Integrity goes beyond trust and accountability; integrity speaks of **wholeness**, of recognizing and valuing all our parts as integral. With regard to examinations, confidential information is secured out of deference to our candidates' hard work, in order to guarantee a fair testing environment. Integrity, however, also requires that candidates' confidential information is kept confidential, and that candidates' results are transparent to them, so that the whole testing experience encourages candidates to accurately assess their performance and their areas for further growth. When confidentiality is breached or testing results are not communicated clearly, candidates can become vulnerable to abuse if they seek alternative paths for advancement in examinations.

If any aspect of a mentoring relationship feels like it must be kept **secret**, then the lack of transparency in the mentoring relationship is a warning that the Master Sommelier is providing ineffective mentoring and putting their own needs ahead of the candidate's, or is giving the candidate an unfair advantage.

The integrity of each Master Sommelier contributes materially to our organization's measure of integrity. As a consequence, when the actions of one Master Sommelier affect our trustworthiness, it is incumbent on all members to rebuild trust in our **organizational integrity**.

Though some members might be ambivalent about the **power** that comes with the title of Master Sommelier, pretending that our authority does not exist increases the likelihood that we will forget the responsibilities that come with our position, ignore the real vulnerability of those under our professional responsibility, and place our comfort above the needs of our guests. Instead, we acknowledge the reality that the Master Sommelier is empowered with the expectation to elevate and educate the hospitality industry. The power of the credential is correctly used when it protects our candidates so that they may grow in a safe learning environment.

Integrity demands that Master Sommeliers be aware of the ethical ideals of the organizations with which they are affiliated, so that they can act in accordance with organizational guidelines.

### **Examples of problematic or potentially problematic behavior:**

- A Master Sommelier compromises the integrity of the examinations through distribution of test material or confidential information that is not explicitly sanctioned by the board of directors in conjunction with the examination director.
- A Master Sommelier fails to recuse oneself from the examination of a candidate pursuant to the CMS-A recusal policy.
- A Master Sommelier fails to recuse themselves from a decision that would be affected by a personal business, romantic, sexual, or known conflict relationship.
- A Master Sommelier uses their position to engage in unethical leveraging of a personal or business relationship, or to unfairly benefit a third party.
- A Master Sommelier steals CMS-A resources or property.
- A Master Sommelier misuses CMS-A resources for personal or professional gain.
- A Master Sommelier is convicted of a felony offense.
- A Master sommelier exposes the CMS-A to legal liability through personal actions.
- A Master Sommelier purposely distributes confidential information from meetings or conversations of the board of directors to individuals not privy to such information.
- A Master Sommelier engages in plagiarism by misrepresenting another person's work, words, or ideas as their own without proper attribution.
- A Master Sommelier retaliates against an individual for raising an allegation or for cooperating in an investigation of such a complaint.
- A Master Sommelier purposefully submits a complaint against a member that is not in good faith, or provides false or misleading information in any investigation of complaints.
- A Master Sommelier knowingly and willfully serves counterfeit wines, or changes or replaces beverages served from preopened bottles.
- A Master Sommelier materially misrepresents the quality, condition, or salability of a wine for personal or professional gain.

## **Value: Humility**

*A Master Sommelier correctly understands their own identity and their context. This value is acquired through the practice of other-centeredness.*

Humility includes the resistance to unjustified pride and rejects performative self-effacement, both of which are distorted and dangerous misunderstandings of reality. Master Sommeliers understand that their achievement of the title is the result of not only self-discipline and talent, but also the invaluable encouragement and mentorship of preceding generations of wine professionals who gave generously of themselves. The successful completion of the Master Sommelier examination is an achievement that reflects the success of an entire community of support to which the Master Sommelier will always be indebted in **gratitude**.

Likewise, the continued usefulness of Master Sommeliers is contingent on their ability to educate and elevate the wine community around them, appreciating the contributions of all. The achievement of the certification is not the end point of a journey; rather, it is the beginning of a lifelong commitment to the **service** of others, in collaboration with other professionals. Out of gratitude for the guidance that each Master Sommelier has received, some degree of **mentorship** is a primary responsibility that Master Sommeliers must continually endeavor to shoulder.

As a member of the community of Master Sommeliers, an individual must show other Master Sommeliers the same respect and professional courtesy that would be shown to a candidate. This includes the mentorship of new Master Sommeliers as they learn to fulfill their responsibilities as examiners and educators for the CMS-A. Members must also respect the personal boundaries of fellow Master Sommeliers, especially in regard to alcohol consumption and physical safety. A final component of humility is **self-improvement**. Our members constantly aspire to attain the highest standards. It is incumbent on members not only to maintain a current knowledge base relevant to their professional responsibilities, but also to continue to educate themselves with updated training on creating a **safe** learning and testing environment for candidates.

### **Examples of problematic or potentially problematic behavior:**

- A Master Sommelier self-represents as uniquely capable, insightful, or valuable at the expense of other Master Sommeliers, other members of a service team, or other industry professionals.
- A Master Sommelier does not offer the best professional opinion when asked for advice, thereby inadequately valuing their own talents, skills, and expertise.
- A Master Sommelier fails to keep abreast of new knowledge relevant to the profession or is inadequately prepared for an examination or teaching role.
- A Master Sommelier ignores requests or deadlines for report filing, expense filing, or any other administrative requirements, thus placing extra burdens on other members of the team.
- A Master Sommelier displays insubordination or fails to follow the instructions of a course or examination coordinator, unless such instructions would be harmful to the safety or health of another person.
- A Master Sommelier refuses to accept or acknowledge feedback or constructive criticism from mentees, candidates, employees, or peers.

- A Master Sommelier fails to communicate in advance with an event coordinator about expected tardiness or absence, or is unable to participate at a professional level in any event in which they plays a central role.



## Value: Self-Care

*A Master Sommelier is most available to meet the responsibilities of the MS title and the needs of mentees and the community to the extent that they takes care of personal physical, social, emotional, mental, and spiritual needs in a responsible way.*

Master Sommeliers are without exception engaged and ambitious, traits that are often assets to their profession and career. But when commitments to work and other external responsibilities eclipse the **awareness of their own needs**, Master Sommeliers become vulnerable to filling their needs by inappropriate and unprofessional means.<sup>2</sup> Master Sommeliers are also particularly vulnerable to the **abuse of alcohol** in an attempt to meet other needs.<sup>3</sup> It is the responsibility of the Master Sommelier to be aware of the dangers of alcohol dependence and the impact of other mental health concerns on alcohol dependence, and to seek help in order to maintain professional standards. It is the community's responsibility to encourage those who may be in an abusive relationship with alcohol to find the assistance they need, and it is the responsibility of the Court of Master Sommeliers to provide basic training to identify and correct early stages of alcohol dependence.

The stress of a rigorous work environment does not affect each person in the same way, but it is a constant struggle for most career professionals to meet their interpersonal needs through relationships outside the workplace. Master Sommeliers who experience isolation as a result of their job commitments are at increased risk of attempting to meet healthy needs for close human contact in unhealthy ways. This can lead to **boundary violations** with coworkers, mentees, or other industry stakeholders. **Roles can become reversed**, with the Master Sommelier becoming the focus of care, and professional relationships may be consciously or unconsciously structured by the Master Sommelier according to emotional or interpersonal needs.<sup>45678</sup> In extreme cases, a Master Sommelier can abuse the **privilege of their position** to the detriment of a vulnerable person.

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<sup>2</sup> Bird, Sara. "Managing Professional Boundaries," Australian Family Physician, Sept. 2013, Vol 2, (9), 593-672

<sup>3</sup> R. Langevin, S. Curnoe, and J. Bain, "A Study of Clerics Who Commit Sexual Offenses: Are They Different from Other Sex Offenders?" *Child Abuse & Neglect* 24 (2000): 535-45.

<sup>4</sup> Peterson, Marilyn R. *At Personal Risk: Boundary Violations in Professional-Client Relationships*. New York, Norton, 1992. p. 77

<sup>5</sup> [2017-professional-boundaries.pdf \(belmont.edu\)](#)

<sup>6</sup> Celenza A, Gabbard GO. Analysts Who Commit Sexual Boundary Violations: a Lost Cause? *Journal of the American Psychoanalytic Association*. 2003;51(2):617-636. doi:10.1177/00030651030510020201

<sup>7</sup> <https://www.usccb.org/sites/default/files/issues-and-action/child-and-youth-protection/upload/child-sexual-abuse-literature-review-john-jay-college-2004.pdf> p. 15

<sup>8</sup> Terry, K.J., Smith, M. L., Schuth K., Kelly, J.R., Vollman, B., Massey, C. *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*. Washington DC: USCCB. 2011 p.120

**Examples of problematic or potentially problematic behavior:**

- A Master Sommelier fails to cultivate relationships and interests outside the professional context.
- A Master Sommelier does not take time out for recreation and personal renewal.
- A Master Sommelier initiates an intimate relationship with a mentee.
- A Master Sommelier overindulges in alcohol at an industry event and engages in offensive and inappropriate behavior as a result.
- A Master Sommelier drives while intoxicated (DWI) or drives under the influence (DUI) of alcohol or any other controlled substance.
- A Master Sommelier is unable to properly and effectively perform examiner or educator duties at a CMS-A course or exam because of excessive alcohol consumption or the effects of said consumption.

## **Value: Diverse Community**

*The Court of Master Sommeliers, Americas as an organization, as well as its individual members, recognizing the inherent dignity and value of all people, will provide thoughtful leadership to the hospitality industry on recognizing and overcoming historic shortcomings in the promotion of **diversity, accessibility, and inclusion** in order to realize an equitable community for wine professionals.*

The talents of generosity, welcome, intelligence, and wine tasting are equally distributed among all demographics. Recognizing the privilege that has historically been the domain of a few limited groups, the Court of Master Sommeliers strives to set an example by recognizing and cultivating the skills needed for leaders throughout the hospitality industry. As a community, and as individuals who are improved by our relationships within our community, the Court of Master Sommeliers is further enriched by increasing its membership from diverse backgrounds. The Court of Master Sommeliers seeks to make the organization **accessible** so that people with different life experiences feel welcome.

While fairness is the goal of any professional certification process, we acknowledge that our larger society is still plagued by deep inequities that undoubtedly affect us and our candidates to varying degrees. Asserting that we are “open” to candidates from diverse backgrounds is not enough: to achieve **inclusion**, the Court of Master Sommeliers commits itself to fostering learning opportunities aimed specifically at including underrepresented groups, especially those who are subject to systemic racism, sexism, classism, queer phobia, or economic inequality. We must be aware of the internal biases present among people of good will and be ready for growth opportunities, no matter how uncomfortable, as we seek to become a more representative organization.

To create a **fair testing experience** for all candidates, we must be proactive in eliminating inequities in access to mentorship and examination processes.

Our internal differences as a community also require that we commit to respectful and peaceful discourse to resolve disagreements, especially in light of the social inequalities outside the immediate control of the Court of Master Sommeliers. Continued exposure to diversity and inclusion training is a useful tool to update our own awareness of the ways in which we can best foster an inclusive community within and beyond the hospitality industry.

### **Examples of problematic or potentially problematic behavior:**

- A Master Sommelier fails to address obstacles to full participation experienced by people who are subjected to bias and abuse.
- A Master Sommelier resists working with candidates, students, or mentees from unfamiliar backgrounds.
- A Master Sommelier harasses, verbally abuses, or otherwise disrespects members of any protected class, including but not limited to sex, gender identity, gender expression, sexual

orientation, race, age, disability, military or veteran status, marital status, ethnicity, color, religion, citizenship status, national origin, preferred language, or socioeconomic status.

- A Master Sommelier makes comments that can generally be regarded as offensive, insulting, or degrading to other Master Sommeliers, candidates, or students at a CMS-A sanctioned event.
- A Master Sommelier fails to report unethical, abusive, offensive, or otherwise unacceptable behavior that violates the CMS-A code of ethical behavior.

## **COURT OF MASTER SOMMELIERS, AMERICAS CANDIDATES' BILL OF RIGHTS**

The diversity of individuals who will progress through the CMS-A programming with the goal of becoming Master Sommeliers correlates directly to the quality and safety of our examination environments and our actions within the community as a whole. In order to include the broadest possible range of qualified candidates, we must ensure a safe and equitable environment for our candidates at every CMS-A event. In an effort to give clear direction to our candidates and members, the CMS-A has created the following Candidates' Bill of Rights. This is our commitment to all candidates who participate in any portion of our programming, events, or activities.

If a candidate ever feels subjected to treatment that is not fair and equitable, we ask that they immediately report the behavior to Lighthouse Anonymous Reporting, at [www.lighthouse-services.com/mastersommeliers](http://www.lighthouse-services.com/mastersommeliers), or to a Master Sommelier with whom the candidate feels comfortable communicating.

All reports of behavior that contravene the Code of Ethics of the CMS-A will be reviewed by the Ethics and Professional Responsibility Committee and may be referred to an impartial third-party investigator. The Ethics and Professional Responsibility Committee chair(s), in consultation with the chair and vice-chair of the board of directors, will determine at the point of referral whether the accusation is severe enough to warrant the immediate suspension of an individual from participation in CMS-A sponsored activities prior to a full investigation.

CMS-A will ensure that anyone reporting misconduct will be protected from any retribution or retaliation as outlined in the Code of Conduct.

All candidates have the right to:

- A testing environment free from misconduct or bias, including but not limited to harassment or coercive behavior by examiners or other candidates.
- An examination based on their skill set and knowledge, free from bias.
- Respectful conduct by examiners, educators, and fellow candidates or students while involved in CMS-A programming.
- Impartial and unbiased examiners, free from unfair or prejudicial influence from previous examinations or outside actions of the candidate.
- Request mentorship from a Master Sommelier without fear of any expectation of reciprocity or quid pro quo.

- Engagement in a mentor-mentee relationship without fear of any expectation of reciprocity or quid pro quo.
- Receive feedback and results from an examination in a constructive, timely, respectful, accurate, and nonprejudicial manner.
- Request the recusal, without fear of retribution, of individual Master Sommeliers from directly examining them if there is a belief that the interaction in question will adversely affect their ability to perform at an examination. This information will be collected at the time of application, will be kept confidential, and will be accessible only to the executive director, director of operations, associate director of operations, education director examination director and the cochairs of the Ethics and Professional Responsibility Committee.
- Contact an approved representative of the CMS-A for a detailed explanation of their exam results.
- Timely and clear communication from the CMS-A regarding examination locations, times, and other logistical details.
- Voice their questions and concerns about the content and administration of examinations.
- A detailed explanation of examination standards and what is expected for success at each level.
- Freely report, anonymously or not, behavior or actions that are in violation of the Code of Ethics without fear of retaliation or retribution. Reports can be made online to Lighthouse Anonymous Reporting, at [www.lighthouse-services.com/mastersommeliers](http://www.lighthouse-services.com/mastersommeliers), or to a Master Sommelier with whom the candidate feels comfortable communicating.

## **COURT OF MASTER SOMMELIERS, AMERICAS CODE OF CONDUCT**

**Updated and Amended 3 May 2021**

Officers, directors, employees, stakeholders, and members (collectively referred to below as “members and stakeholders”) of the Court of Master Sommeliers, Americas (the “Court”) are expected to maintain the highest standards of ethical conduct. This Code of Conduct sets out the Court’s expectations for ethical and professional conduct. All individuals who choose to participate in any activities organized or sponsored by the Court—including but not limited to voting, teaching, paying dues, or attendance at any course, examination, or organized event—agree to abide by this code. Additionally, when individuals are representing the Court, publicly displaying their status as Master Sommeliers, or publicly displaying any other accreditation given by the Court, they are expected to adhere to this code.

Members and stakeholders of the Court must always treat other members, candidates, mentees, partners, vendors, and venues and their staff, as well as the public, with respect and maintain the highest standards of professional behavior at all times. Members and stakeholders must be aware that candidates, students, and the industry at large are watching the actions of the Court and those engaged in its programming, and that they view the Court’s members and its stakeholders as de facto leaders of the beverage and hospitality industry.

Individuals must also be aware of power imbalances within our industry and the ease with which such imbalances can be leveraged in personal, professional, and business dealings. Members and stakeholders must diligently avoid significant conflict as defined in this document between their own personal, professional, or business interests and the interests of the Court, its members, and its stakeholders. The honor and integrity of our members and stakeholders are the best safeguards for preserving the reputation of the Court, its members, its stakeholders, and the industry as a whole.

### **NONDISCRIMINATION AND ANTI-HARASSMENT POLICY**

The Court of Master Sommeliers, Americas does not discriminate on the basis of any of the following categories covered by state or federal law: race, color, national origin, religion, sex (including pregnancy, childbirth, and related medical conditions), disability (physical or mental), age (40 and older), citizenship status, marital status, sexual orientation, gender identity, gender expression, or veteran status. In addition, the Court does not tolerate behavior of any member, employee, or stakeholder that is discriminatory, harassing, or hostile toward an individual or group of individuals. Behavior deemed in violation of the Nondiscrimination Policy will result in corrective action, up to and including suspension or termination of membership or the right to participate in Court programs, or loss of credential.

If you or anyone you know experiences or observes discriminatory or harassing behavior by a candidate, affiliate, or member of the Court of Master Sommeliers, Americas, please

immediately contact a member of the Ethics and Professional Responsibility Committee by sending an email to [diversity@mastersommeliers.org](mailto:diversity@mastersommeliers.org) or filing a report through our online ethics reporting service, Lighthouse Anonymous Reporting, at [www.lighthouse-services.com/mastersommeliers](http://www.lighthouse-services.com/mastersommeliers).

## **HAZING POLICY**

Hazing is not permitted within the Court of Master Sommeliers, Americas. No individual, group, employee, or stakeholder may engage in or condone the hazing of a member, student, candidate, employee, stakeholder, or other CMS-A affiliate. Hazing includes any activity that causes or is likely to cause physical danger, bodily harm, emotional distress, degradation, or humiliation, even if no such physical danger, bodily harm, emotional distress, degradation, or humiliation actually results. Activities that are deliberately intended to coerce or pressure a member, student, candidate, employee, stakeholder, or other CMS-A affiliate into consuming alcohol in an amount beyond that which the individual wishes to consume or feels comfortable consuming will be considered hazing. Any individual who is involved in planning or intentionally assisting in a hazing activity has engaged in an act of hazing even if not physically present at the time of the action. Engagement in hazing, regardless of outcome, may result in serious corrective actions being taken. Consent, implied or explicit, will not be considered a defense against an allegation of hazing.

This policy is broader than California Penal Code section 245.6; corrective action may be taken even if the activity does not fall within the scope of that code. This policy is aimed at deterring dangerous, harmful, or humiliating actions that may be used to act as a rite of initiation, inclusion, or membership.

## **CODE OF CONDUCT**

By working in the alcoholic-beverage industry, we must always be aware of the ease and dangers of overuse and abuse of alcohol. Intoxication will not be considered a defense against any violation of this code and, depending on the circumstances, may be a violation of the code itself. Each individual is personally responsible for ensuring that their consumption of alcohol does not constitute or cause any violations of this code.

The Court expressly prohibits individuals from driving any sort of vehicle (including bicycles, powered scooters, and motorcycles) after the consumption of any alcohol at or in connection with a Court event, or while under the influence of alcohol at any time. Violation of this policy is grounds for corrective action and may also be a violation of the law.

The Court cannot always set detailed guidelines of what is ethical behavior and what is not. The Court recommends that all individuals conduct themselves with the utmost respect for ethical norms and standards, and avoid compromising situations or positions that may be seen as unacceptable business practices. Additionally, the Court asks all individuals to adhere to sales



practices and methods expected of a buyer or seller that do not bring the integrity of the Court-adjudicated titles into question.

The Court will investigate and may submit to a third party a request for investigation into any reports made about perceived or actual unethical or unprofessional behaviors of its members and stakeholders, in a way that is free of conflicts of interest. The Court will apply fair and consistent corrective measures should violations of ethical standards and practices be found.

This code does not prohibit individuals from discussing the actions or decisions of the board that are not otherwise deemed confidential, its committees or delegates, or Court management. The Court is a membership association, and the board of directors is elected by, and is therefore accountable to, the membership. Members and stakeholders of the Court are encouraged to share with one another and with the board their opinions relating to the governance and management of the Court.

The board of directors may require the membership to participate in training that would supplement the guidelines of the Code of Conduct. Fulfillment of these trainings may be required to maintain good standing and participate in Court-sponsored or Court-organized activities and programming.

Every individual agrees to follow this code, which may be occasionally revised, on and after admission as a member, or while participating in any course, examination, or other Court-sponsored activity. If the code is amended, an updated version will be furnished and posted on the Court's website. Adherence to this code is a requirement for participating in Court-sponsored or Court-organized activities and remaining in good standing with the Court. Any violation of this code, as determined by the board in consultation with the Court's Ethics and Professional Responsibility Committee, could potentially subject the individual involved to disciplinary action by the Court.

If an individual experiences any doubt about whether they are violating or may appear to be violating this code, the member is obligated to stop engaging in whatever action is in question and seek guidance from the Court's board of directors.

### **OBLIGATION TO REPORT**

As part of the community of the Court of Master Sommeliers, Americas, each individual has a vested interest in the well-being and integrity of the Court. Keeping this well-being and integrity in mind, members, employees, and stakeholders must report violations of the Court's Code of Ethics or applicable local, state, provincial, or federal law. When having a reasonable and good-faith basis on which to believe a violation of legal, ethical, or professional standards has occurred, each individual is obligated to report such belief and to provide the appropriate authority with the facts and circumstances on which such belief is based. Reports may be made directly to legal authorities (where appropriate) or to a member of the Ethics and Professional Responsibility Committee or the board of directors, or anonymously through Lighthouse Anonymous Reporting, at [www.lighthouse-services.com/mastersommeliers](http://www.lighthouse-services.com/mastersommeliers).

## **WHISTLEBLOWER PROTECTION**

Any individual who has a good-faith reason to believe wrongdoing has occurred, and who reports a suspected or actual violation of legal, ethical, or professional standards, will be protected to the full capacity of the board and Court from retaliation or retribution as a result of such reporting, regardless of whether a violation is found to have occurred.

## **NO-SOCIALIZING AND NONFRATERNIZATION POLICY**

The Court expects all its members to maintain an appropriate degree of impartiality and separation from candidates they may potentially examine. Such distance is essential to maintaining the integrity of the Court's examinations and credentials and avoiding the appearance of any impropriety.

Accordingly, members of the Court may not socialize or fraternize, or take actions that give the appearance of socializing or fraternizing, with candidates from forty-eight hours prior to the start of a particular Court-offered course or examination through the conclusion of a course or examination, outside official Court-sponsored receptions or events.

In addition to prohibiting sexual harassment under the Code of Conduct, the Court prohibits the initiation of any consensual dating, romantic, or sexual relationship between a member and an individual over whom that member has any instructional, mentoring, advising, or evaluative responsibility. This type of relationship within the Court presents numerous problems, including the potential for exploitation, favoritism, and conflict of interest. The appearance of impropriety or unfairness, whether actually occurring or not, can adversely affect the examination and learning environment for other candidates and stakeholders. This policy applies to members and stakeholders of the Court.

Individuals who violate this policy are subject to significant and severe corrective actions for misconduct under the policies of the Code of Conduct as appropriate. The aim of this policy is not to punish members and candidates but rather to protect them. Additionally, members who choose to engage in any dating, romantic, or sexual relationships with candidates or students will be excluded from participating in any courses or examinations at or above the level that the nonmember is sitting, or may sit, in the future. Once the student or candidate is inactive in the Court's programming—that is, they have not sat an exam or course within three full years—then the member may resume examining and teaching as membership status permits.

Any member of the Court who has or has had a significant relationship with a candidate, including but not limited to a spousal or domestic partner relationship, may not examine that candidate or grade that candidate's examination. The member is required to report the existence

of the relationship to either the cochairs of the Ethics and Professional Responsibility Committee or the chair of the board upon the member's receipt of the prospective preexamination examiner-candidate conflict document.

A member or stakeholder who has or has had a spousal, domestic partner, romantic, sexual, or known 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 or stakeholder who has or has had a spousal, domestic partner, romantic, sexual, or known conflict relationship with a candidate may attend any postexamination reception.

A significant relationship is defined as one or more of the following:

- A financial relationship—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
  - the use of one person's assets for the benefit of another (e.g., the provision of free lodging)
- A consequential mentorship—repeated or ongoing guidance, coaching, tutoring, or communication in all forms pertaining to professional development or exam preparation.
- A past or ongoing familial relationship, which 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.
- A past or ongoing romantic or sexual relationship.
- A domestic or cohabitation relationship in which living space or expenses are shared or equitably divided.
- A past or ongoing conflict relationship of which an individual is, or reasonably should be, aware. A conflict relationship is defined as a relationship in which one individual has made a complaint or otherwise taken action against the other through either legal or human resource channels.

- A dependent professional relationship in which there is an employer-employee, supervisor-employee, coworker, buyer-seller, or mentor-mentee dynamic.
- Any other financial, professional, or personal relationship that a reasonable person may determine represents a conflict of interest.

A member of the Court who fails to recuse themselves from an examination as noted above may be subject to significant and severe corrective actions pursuant to the procedures set out in section 2.11 of the Court's bylaws, and may lose the right to examine, educate, or otherwise participate at any Court-offered course, examination, or event.

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 that is specific to Court examinations, outside Court-authorized programming. Members shall not give advantage to any candidate by sharing any information about examinations that is not permitted to be given to all candidates.

### **INVESTIGATION AND DISCIPLINARY ACTION**

Allegations of violations of the code by any member shall be handled consistent with the "Procedures for Reviewing Allegations of Violations of the Code of Ethics and Conduct," and section 2.11 of the Court's bylaws as may be applicable, without the participation of members who are recused from the process because of perceived or actual conflicts of interest.

**ACKNOWLEDGMENT**

To remain a member of the Court of Master Sommeliers, Americas in good standing, every member that participates in a Court-sanctioned or sponsored event agrees to be held to the standards set forth in the code of conduct.

An individual member who wishes to run for the board of directors must have on file a signed acknowledgment of this document before being considered for candidacy.

I confirm that I have read and understand the 3 May 2021 version of the Code of Conduct of the Court of Master Sommeliers, Americas.

I accept that should my conduct at any time violate the Court’s Code of Conduct, the Court may initiate investigative action and impose corrective or disciplinary measures based on the results, subject to the requirements of the Court’s bylaws.

Additionally, I understand that should I witness or be privy to a complaint about an individual’s actions that violate the Code of Conduct, I am obligated to report said information to the Ethics and Professional Responsibility Committee, to the chair of the board of directors, or through the anonymous hotline maintained by the Court. If I do so, I will be protected from retaliation under all whistleblower protections contained in the Code of Conduct and applicable federal, state, provincial, or local laws.

As a condition of becoming or remaining a Master Sommelier in good standing, an employee of the Court, I therefore acknowledge and confirm my obligation to conduct myself in accordance with this code, including any amendments furnished as stated above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**COURT OF MASTER SOMMELIERS, AMERICAS**  
**PROCEDURES FOR REVIEWING ALLEGATIONS OF VIOLATIONS**  
**FOR THE CODE OF CONDUCT**

The following are procedures the Court of Master Sommeliers, Americas will generally follow when it receives an allegation that a member has violated the Code of Conduct. These procedures are intended to be flexible, and may be modified at the discretion of the cochairs of the Ethics and Professional Responsibility Committee as circumstances might require, including but not limited to the need to coordinate with employers, cooperate with law enforcement, or coordinate with other third parties.

A complaint may be received through the ethics reporting line, a report to a member of the board of directors, a member of the CMS, or an external source. The board will consider complaints filed by identified and anonymous complainants.

All complaints will be documented and kept on file at a third-party counsel, regardless of merit or level of severity.

The chair of the board, vice-chair of the board, and cochairs of the Ethics and Professional Responsibility Committee will review the complaint within three days. They may dismiss it without further process or review if they unanimously agree that the complaint appears to lack substance or is clearly outside the scope of the Code of Conduct.

A quorum of three qualified individuals is required for any deliberation or decision once a complaint has been received. Members of the Ethics and Professional Responsibility Committee may be asked to assist in the receipt of a complaint if a quorum cannot be established. If at any time the Ethics and Professional Responsibility Committee cannot reach a quorum of qualified individuals, the chairpersons of the examination, education, finance, communications, industry relations, and international strategies and global examination standards committees will be impaneled as needed in the order listed.

If the complaint is not dismissed, and the complainant makes a request for informal resolution to the matter, the Ethics and Professional Responsibility Committee will assess whether informal resolution is appropriate. If informal resolution is deemed appropriate, the cochairs of the Ethics and Professional Responsibility Committee will work with the parties to gather any relevant information as appropriate and assist the parties in finding a mutually acceptable resolution.

If the Ethics and Professional Responsibility Committee determines that informal resolution is not appropriate, the cochairs of the Ethics and Professional Responsibility Committee will inform the complainant and the respondent of the allegations and the commencement of an investigation. The Ethics and Professional Responsibility Committee may recommend that the board take certain interim measures that it considers necessary to protect a complainant, respondent, or others involved in the process, including but not limited to counseling, training-

related adjustments, schedule modifications, restrictions on contact, or restrictions from Court activities.

The board may appoint a committee or independent third-party fact finder (“investigator”), or both, to investigate, report, and make a recommendation regarding the status of a member. The investigator may review written documentation and communications (electronic or hard copy); interview the complainant, respondent, and other individuals with relevant knowledge; and take any other actions the third-party investigator deems appropriate to make conclusions.

The investigator will assess whether the allegation is supported by a preponderance of evidence, meaning that it is more likely than not (greater than 50 percent chance) that the allegation is true. The investigator shall prepare a written report of its findings of facts, conclusions, and recommendations as may be appropriate. The investigator will provide a draft of its report to the complainant and the respondent for their review and comment. The parties will have fourteen (14) days to provide any comments. The investigator will consider the responses from the parties and may or may not modify its findings, conclusions, or recommendations.

The investigator’s report along with the comments submitted by the complainant and the respondent will be delivered to the Ethics and Professional Responsibility Committee. The Ethics and Professional Responsibility Committee will consider the appropriate sanctions or corrective actions, if any, to recommend to the board. Such sanctions or corrective actions may include but are not limited to counseling, verbal warning, written warning, reprimand, retraining and education, monitoring, probation, suspension, and termination from the Court. Specific examples of potential corrective actions or sanctions include:

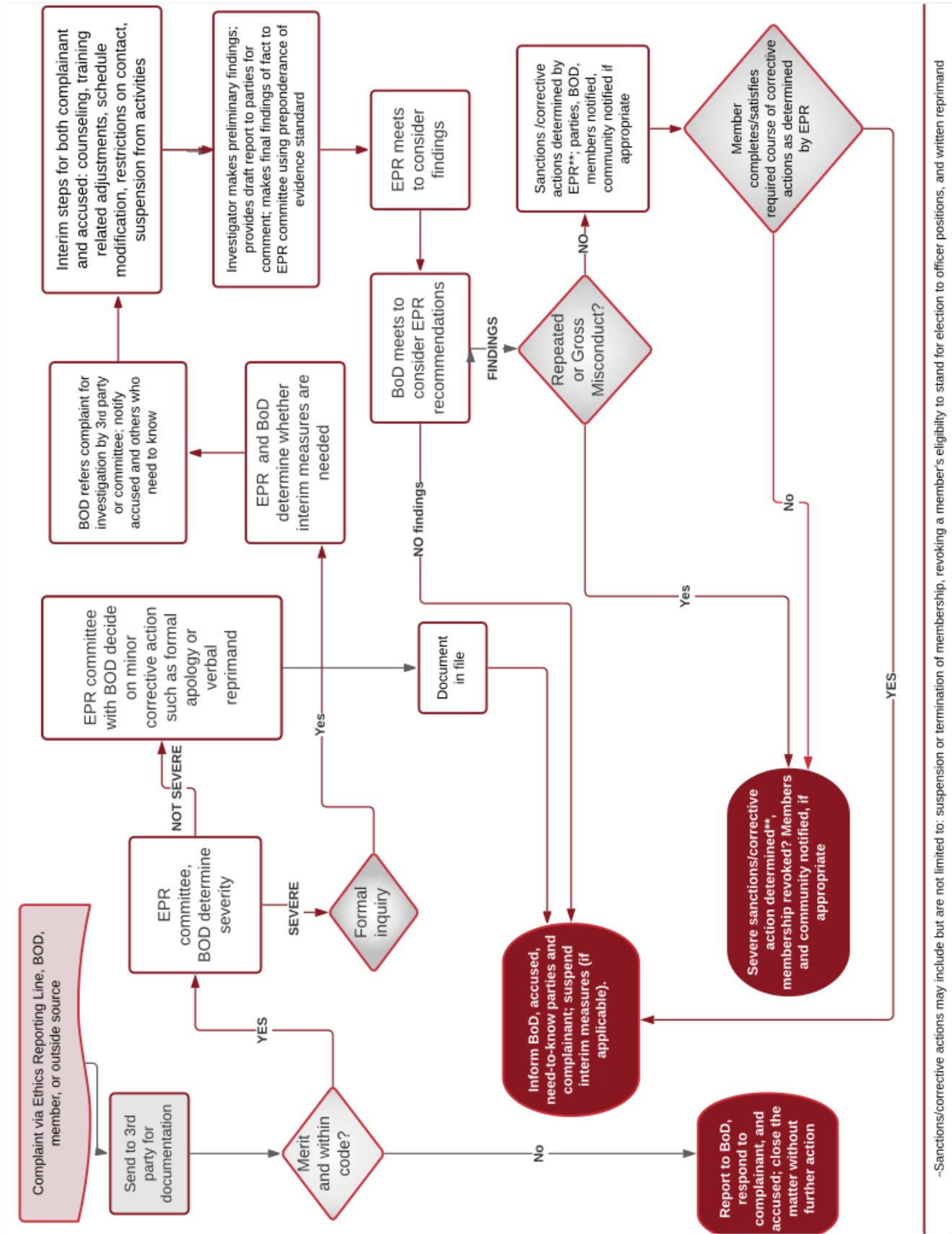
- Reprimanding the member in such terms as may be appropriate orally or in writing.
- Prohibiting the member from taking part in some or all Court-sponsored activities for a period of time.
- Revoking the member’s eligibility to stand for election to director or officer positions for a period of time.
- Suspending or terminating membership pursuant to the procedures set out in section 2.11 of the bylaws, including notice to the member and a right of the member to be heard.
- Prohibiting a terminated member from petitioning for reinstatement.
- Any other corrective or disciplinary action as the board may determine is appropriate. Depending on the nature and gravity of the infraction, the board may opt to require specific corrective actions from a member (e.g., trainings, reports, financial restitution) as a condition for continued membership or for returning to Court-sponsored activities.

The Ethics and Professional Responsibility Committee will provide the member to be impacted by the proposed sanctions with its draft recommendations for their review and comment. The member will submit any comments within seven (7) days. The Ethics and Professional Responsibility Committee will consider the responses from the member and may or may not modify its findings, conclusions, or recommendations.

The board will receive and consider the final investigative report and the recommendations of the Ethics and Professional Responsibility Committee for corrective actions or sanctions, with member comments. Pursuant to section 2.11 of the amended bylaws, if the Ethics and Professional Responsibility Committee recommends terminating or suspending a member's membership and rights of membership for good cause, it shall follow the process set forth therein. The board's decision as to corrective actions or sanctions will be final and binding.

The Ethics and Professional Responsibility Committee will be responsible for oversight and approval of a member's compliance with any required corrective actions. The Ethics and Professional Responsibility Committee will inform the board when a member completes and satisfies the terms of the corrective action to its satisfaction. If applicable, the board will follow the procedures set forth in section 2.11 for reinstatement of the member.





--Sanctions/corrective actions may include but are not limited to: suspension or termination of membership, revoking a member's eligibility to stand for election to officer positions, and written reprimand

**COURT OF MASTER SOMMELIERS, AMERICAS  
RELEASE AND WAIVER OF LIABILITY**

I, \_\_\_\_\_, hereby execute this Release and Waiver of Liability in favor of the Court of Master Sommeliers, Americas (“Court”) and its current and former directors, officers, employees, volunteers, agents, and representatives (collectively, “CMS-A”).

I have voluntarily chosen to participate as a member of the Court. In consideration of being permitted to participate as a member of the Court, I hereby freely and voluntarily, without duress, agree to be bound by the following terms on behalf of myself and my spouse, children, guardians, executors, administrators, heirs, next of kin, successors, and assigns:

1. Driving after the Consumption of Alcohol. I hereby expressly acknowledge that the Court prohibits all its members from driving any sort of vehicle (including bicycles, powered scooters, and motorcycles) after the consumption of any alcohol at or in connection with a Court event, or under the influence of alcohol at any time. Violation of this policy is likely also a violation of the law.

2. Waiver and Release. To the maximum extent permitted by applicable law, I hereby waive, release, and forever discharge and hold harmless CMS-A from any and all liability, claims, rights, demands, judgments, actions, obligations, and causes of action of whatever kind, character, or nature, either in law or in equity, which have arisen or may hereafter arise as a result of, or relating directly or indirectly to, my consumption of alcohol at any Court event, or my driving any vehicle under the influence of alcohol at any time. I understand that the foregoing discharges CMS-A from any liability or claim that I may have against CMS-A with respect to any injury, illness, death, or property damage that may result from my consumption of alcohol at any Court event or my driving under the influence of alcohol.

I hereby expressly waive and relinquish any and all rights, defenses, and benefits I may have now or in the future under the provisions of California Civil Code section 1542 which provides as follows: “A general release does not extend to claims which the creditor does not know or suspect to exist in their favor at the time of executing the release, which if known by them must have materially affected their settlement with the debtor.” I further expressly waive and relinquish all rights, defenses, and benefits that I may have now or in the future under the law of any other state or jurisdiction, or common law principle, to the same or similar effect as California Civil Code section 1542.

3. Miscellaneous. This Release and Waiver of Liability shall be governed by and interpreted in accordance with the laws of California and is intended to be as broad and inclusive as permitted by law. In the event any clause or provision is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue to be enforceable.

**By signing below, I acknowledge I have read and fully understand this Release and Waiver of Liability.**

Print Name of Member: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **COURT OF MASTER SOMMELIERS, AMERICAS RECUSAL AND CONFLICT OF INTEREST POLICY**

Members of the Court of Master Sommeliers, Americas (“CMS-A” or “Court”) are required to remove themselves from Court examinations or from examining specific candidates at Court examinations where their impartiality in adjudication might be reasonably questioned.

Members of the board of directors (“board”) are required to remove themselves from voting or deliberating on any matter regarding a candidate, member, stakeholder, or other entity in which their impartiality in such matters might be reasonably questioned.

Members must continually be aware of potential conflicts of interest and should review on an ongoing basis any relationships, personal or professional, that may pose such conflicts. Members agree to abide by the Court’s recusal policy and, should guidance be needed, to consult with the Ethics and Professional Responsibility Committee.

Relationships that require recusal are outlined in detail in the Court’s Code of Conduct and include but are not necessarily limited to the following categories:

- Spousal, familial, or other domestic relationships
- Significant financial relationships
- Close business relationships
- Close mentorship relationships
- Sexual or romantic relationships
- Conflict relationships
- Employer-employee or supervisory relationships

Additionally, members must recuse themselves from situations where they potentially stand to benefit financially from a particular result, vote, or decision.

### **Examination Recusal Process**

- The examination director or other appointed representative shall disseminate a list of all candidates confirmed to be in attendance at an examination to the group of members selected to be examiners for that examination.
- Should a member find that a candidate, or a number of candidates, would pose a conflict of interest, the member will immediately notify the examination director in writing of which candidates the member would need to be recused from examining.
- No explanation shall be required to recuse oneself from examining a candidate.
- The examination director will then ensure that the recused member does not examine anyone on the provided list.

- If the member finds themselves impaneled to examine a candidate that they requested recusal from examining, the member will notify the panel chair and examination director immediately and remove themselves from the examination of that candidate.
- For the duration of the examination, the recused member will ensure that any interactions with candidates on the recusal list are in strict adherence to the Court's Code of Ethics.

### **Board Member Recusal Process**

- The agenda for a board meeting shall be made available to all board members in advance of the commencement of the meeting, with foreseeable topics and votes listed.
- If a board member becomes aware of a topic, vote, or deliberation that poses a conflict of interest, they will immediately notify the chair of the board about the conflict.
- An explanation of the conflict of interest should be given unless it jeopardizes the privacy, security, or rights of the member or any party of interest. That explanation will remain confidential.
- When the topic, vote, or deliberation is brought forward, the member will leave the room, conference call, videoconference, or meeting platform until the topic, vote, or deliberation is concluded.
- The member will not receive additional information regarding the topic, vote, or deliberation until the conclusion of the full meeting.
- The member may receive a copy of the minutes before they are ratified at the next board meeting, but the topic, vote, or deliberation from which they were recused shall be redacted from any copy provided to them.
- The member may receive the full meeting minutes once they are ratified by the board and made available to the membership at large.

### **Recusal from Disciplinary Processes**

- At the time of taking office, all board members will inform the co-chairs of the Ethics and Professional Responsibility Committee of all members and candidates from whom they must recuse themselves, in accordance with the policies above, in order to preserve the integrity of any potential disciplinary process.
- Board members will keep the co-chairs of the Ethics and Professional Responsibility Committee apprised of any additional members or candidates from whom they must be recused.
- All board member recusals will be reflexive; no board member shall have oversight of another board member if either of them has recused themselves from the other.
- The co-chairs of the ethics committee will maintain current records of board members who are eligible to assist with the adjudication of complaints and will follow proper procedures to ensure that a quorum of qualified members is involved.