

KARATE CANADA

Discipline and Complaints Policy



**KARATE
CANADA**

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Complainant*” – The Party alleging an infraction.
 - b) “*Days*” – Days irrespective of weekend and holidays.
 - c) “*Karate Canada Member*”- All categories of membership as defined in the Karate Canada Bylaws, as well as all individuals engaged in activities with Karate Canada, including but not limited to directors, officers, committee members, volunteers, athletes, coaches, officials, referees and administrators.
 - d) “*Respondent*” – The alleged infracting Party.

Purpose

2. Membership in Karate Canada, as well as participation in its activities, brings with it many benefits and privileges. At the same time, Karate Canada Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Karate Canada’s, Bylaws, policies, procedures, rules and regulations and Code of Conduct and Ethics. Irresponsible behavior by Karate Canada Members can result in severe damage to the integrity of Karate Canada. Conduct that violates these values may be subject to sanctions pursuant to this policy.

Application of this Policy

3. This Policy applies to all Karate Canada Members as delineated in the Definitions.
4. This Policy only applies to discipline matters that may arise during the course of Karate Canada business, activities and events, including but not limited to, competitions, practices, training camps, travel associated with Karate Canada activities, and any meetings.
5. Discipline matters and complaints arising within the business, activities or events organized by entities other than Karate Canada, including its member Provinces/Territories and clubs, will be dealt with pursuant to the policies of these other entities unless the matter is accepted by Karate Canada at its sole discretion. jhh

Reporting a Complaint

6. Any Karate Canada Member (Complainant) may report to the Karate Canada head office any complaint of an infraction by a Karate Canada Member. Such a complaint must be filed in writing, addressed to the 1st or 2nd Vice-President, within fourteen (14) days of the alleged incident and signed. Anonymous complaints may be accepted upon the sole discretion of Karate Canada.
7. A Complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of Karate Canada. This decision may not be appealed.

Case Manager

8. Upon receipt of a complaint, Karate Canada will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy. This appointment is not appealable. The Case Manager is not required to be a member of Karate Canada. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times as per this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager’s decision as to acceptance or dismissal of the complaint may not be appealed.
 - b) Determine if the complaint is a minor or major infraction;
 - c) As per point 20, appoint the Panel, if necessary, in accordance with this Policy;

- d) Coordinate all administrative aspects of the complaint;
 - e) Provide administrative assistance and logistical support to the Panel as required; and
 - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
9. The Case Manager will inform the Parties if the incident is to be dealt with as a minor infraction or major infraction and the matter will be dealt with according to the applicable section relating to the minor or major infraction.
10. This Policy does not prevent an appropriate person from having the authority to take immediate, informal and corrective action in response to behavior that constitutes either a minor or major infraction. Further sanctions may be applied in accordance with the procedures set out in this Policy.

Minor Infractions

11. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others, Karate Canada or to the sport of karate. Examples of minor infractions include, but are not limited to, a single incident of:
- a) Un-sportsmanlike conduct;
 - b) Disrespectful comments or behavior directed towards others; and
 - c) Non-compliance with the bylaws, policies, procedures, rules, regulations and directives of Karate Canada.
12. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, officials, coaches, organizers, or Karate Canada staff).
13. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in point 11). This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
14. Penalties for minor infractions, which may be applied singly or in combination, include the following:
- a) Verbal or written warning;
 - b) Verbal or written apology;
 - c) Service or other voluntary contribution to Karate Canada;
 - d) Removal of certain privileges of membership for a designated period of time;
 - e) Suspension from the current competition, activity or event; or
 - f) Any other sanction considered appropriate for the offense.
15. Minor infractions that result in discipline will be recorded and maintained by Karate Canada. Repeat minor infractions may result in further such incidents being considered a major infraction.

Major Infractions

16. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to Karate Canada or to the sport of karate.
17. Examples of major infractions include, but are not limited to:
- a) Repeated Minor Infractions;
 - b) Intentionally damaging Karate Canada property or improperly handling Karate Canada monies;
 - c) Activities or behavior that interferes with a competition or with any athlete's preparation for a competition;
 - d) Incidents of physical abuse;
 - e) Pranks, jokes or other activities that endanger the safety of others, including hazing;
 - f) Deliberate disregard for the bylaws, policies, rules, regulations and directives of Karate Canada;
 - g) Conduct that intentionally damages the image, credibility or reputation of Karate Canada;

- h) Behavior that constitutes harassment, sexual harassment or sexual misconduct; or
 - i) Abusive use of alcohol and any use or possession of alcohol by minors. Use or possession of illicit drugs and narcotics, and/or use or possession of banned performance enhancing drugs or methods.
18. Consequences to major infractions will be decided upon by using the disciplinary procedures as set out in this Policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.
19. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

Procedure for Major Infraction Hearing

20. If the Case Manager is satisfied that the complaint is a major infraction, the Case Manager will establish a Panel consisting of a single Adjudicator to hear the complaint. At the discretion of the Case Manager, a Panel of three persons may be appointed to hear and decide a complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
21. The Panel will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedure that the Panel deem appropriate in the circumstances, provided that:
- a) The hearing will be held within the appropriate timeline determined by the Panel.
 - b) The Parties will be given appropriate notice of the day, time and place of the hearing.

- c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all parties in advance of the hearing in accordance with the appropriate timeline.
- d) Both parties may be accompanied by a representative or adviser, including legal counsel.
- e) The Panel and the parties may request that any other individual participate and give evidence at the hearing.
- f) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome.
- g) In the situation where the hearing is conducted by a Panel consisting of three persons, a quorum will be all three and decisions will be by majority vote.

Decision

- 22. After hearing the matter, the Panel will determine whether an infraction has occurred and if so what appropriate sanction will be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Karate Canada within fourteen (14) days of the conclusion of the hearing. The decision will be considered a matter of public record unless decided otherwise by the Panel.
- 23. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
- 24. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.
- 25. In fulfilling its duties, and with the approval of Karate Canada, the Panel may obtain independent advice.

Sanctions

- 26. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
 - a) Verbal or written warning;
 - b) Verbal or written apology;
 - c) Service or other voluntary contribution to Karate Canada
 - d) Removal of certain privileges of membership;
 - e) Suspension from certain Karate Canada teams, events and/or activities;
 - f) Suspension from all Karate Canada activities for a designated period of time;
 - g) Suspension from Karate Canada;
 - h) Expulsion from Karate Canada;
 - i) Other sanctions as may be considered appropriate for the offense.
- 27. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Karate Canada until such time as compliance with all sanctions is complete.
- 28. A written record will be maintained by Karate Canada at their head office for major infractions that result in a sanction.

Serious Infractions

- 29. Karate Canada Board of Director's, according to its By-Laws, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.

Criminal Convictions

30. A Karate Canada Member's conviction for any of the following Criminal Code offenses may be deemed an infraction under this Policy and will result in expulsion from Karate Canada (if the Participant is a Member) and/or removal from Karate Canada competitions, programs, activities and events:
- a) Child pornography offences;
 - b) Any sexual offences;
 - c) Any offence of assault;
 - d) Any offence of physical violence; or
 - e) Any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List.

Timelines

31. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

Confidentiality

32. The discipline and complaints process of a major infraction is confidential involving only the parties, the Case Manager and the Panel, unless otherwise decided by the Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Appeals Procedure

33. The decision of the Panel may be appealed in accordance with the Karate Canada's Appeal Policy.