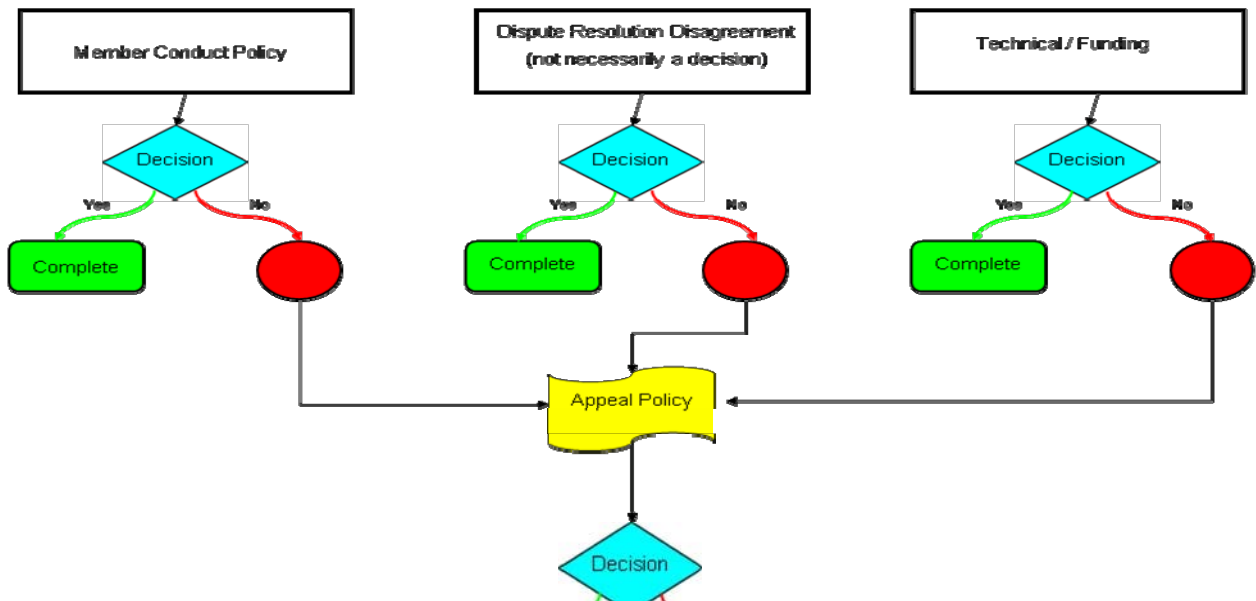




**Member Conduct, Dispute Resolution and Appeals Policy**

## Conduct, Dispute and Disagreement Procedures



## **GENERAL**

### **1. Principles of Natural Justice**

1.1. The procedures followed under the policies of Karate BC shall adhere to the principles of natural justice, which means that:

- a) the parties will be advised of the provisions of this policy;
- b) the parties will be given an opportunity to present evidence in support of their positions and to defend themselves against allegations;
- c) the issues will be clearly and concisely stated so that the parties are aware of the allegations;
- d) the parties will have the right to be represented at any stage of the process at their own expense;
- e) the parties will receive copies of all notices, statements, reports and decisions;
- f) the decision-makers have a duty to listen fairly to both sides and to reach a decision untainted by bias; and
- g) the parties have the right to an appeal pursuant to the provisions of the Appeals Policy.

1.2. The resolution of disputes and appeals should proceed as expeditiously as possible within the specified time limits. However, failure to meet the specified time limits will not invalidate the process set out in these policies.

### **2. Confidentiality**

Subject to any limits or disclosure requirement imposed by law or required by the policies of Karate BC, including the policies contained herein, any and all information, oral and written, created, gathered, received or compiled during and through the course of a proceeding under these policies, including details regarding a proceeding itself, is to be treated as confidential by all parties; provided that decisions of the Appeals Panel shall be made public unless the Appeals Panel determines otherwise.

### **3. Representation by a Responsible Adult**

3.1 If a party is a minor (the "minor party"), or someone otherwise unable to speak for him or herself, a proceeding may be brought forward by a "Responsible Adult.", being a parent, guardian, or other adult of the person's choice who may speak on behalf of a minor party.

3.2 The Responsible Adult will have the right to act on behalf of the minor party throughout the proceeding.

## **PART I**

### **MEMBER CONDUCT POLICY**

#### **1. Purpose**

Karate BC is committed to providing a sport environment that reflects Karate BC's values of community, personal development, sportsmanship, ethical conduct and excellence. Membership in Karate BC, and participation in its activities, brings with it many benefits and privileges that are balanced by Member responsibilities and obligations.

This policy defines the parameters for these responsibilities and obligations and identifies a standard for behaviour that is expected of all Members. This policy also identifies procedures to be followed when this standard is not achieved.

Compliance with this policy, as with all rules in a civil and democratic society, depends primarily upon understanding and voluntary compliance; secondarily upon reinforcement by peers and others; and finally, when necessary, upon enforcement through disciplinary proceedings.

#### **2. Application of this Policy**

2.1 This policy applies to all categories of membership in Karate BC according to the bylaws. It also applies to discipline matters that may arise during the course of Karate BC business, activities and events, including, but not limited to competitions, practices, training, camps, travel associated with Karate BC, and any meetings.

2.2 This policy does not apply to matters that are:

- a) properly the subject of policies relating to funding, technical matters, team selection or other eligibility criteria within the jurisdiction of Karate BC or another entity;
- b) doping offences, which are dealt with through the Canadian Anti-Doping Program; or
- c) commercial matters for which another dispute resolution process exists under a contract or applicable law, including employment law.

#### **3. Expected Standard of Conduct**

3.1 All Members of Karate BC are expected to reflect Karate BC's values of community, personal development, sportsmanship and excellence. As such all Members will:

- a) Demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct;
- b) Treat others with respect and refrain from negative or disparaging remarks or conduct;
- c) Not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of Karate BC. For the purposes of this policy, conflict of interest is defined as *'a situation where a Member, or an entity with which he or she is affiliated, has a real or perceived competing interest with Karate BC's activities. This competing interest may result in the Member, or the entity with which the Member is affiliated, being in a position to benefit from the situation or in Karate BC not being able to achieve a result which would be in the best interest of Karate BC'*.

- d) Karate BC recognizes that some situations may present conflicts that are not materially harmful. As a result, Karate BC's Board of Directors or Executive Director, as appropriate, will address such situations on a case-by-case basis. All Members are responsible to report to Karate BC all instances of real or perceived conflict so that a determination can be made as to whether the particular instance is in fact harmful to Karate BC or its Members.
- e) Avoid the non-medical use of drugs or the use of performance-enhancing drugs or methods;
- f) Refrain from using alcohol and tobacco products when involved in Karate BC training sessions or competitive events and consuming these products responsibly in association with Karate BC social events;
- g) Refrain from any behaviour that constitutes harassment, where harassment is defined as *'comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious'*;
- h) Refrain from any behaviour that constitutes sexual misconduct, where sexual misconduct is defined as *'(i) the use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity, including explicit or implicit threats of reprisals for non-compliance or promises of reward for compliance, or (ii) engaging in deliberate or repeated unsolicited sexually-oriented comments, anecdotes, gestures or touching that are offensive or unwelcome, that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to teammates'*;
- i) Comply at all times with the bylaws, policies, rules and regulations of Karate BC as adopted and amended from time to time, including complying with any contracts or agreements executed with or by Karate BC.

3.2 Athletes, coaches and officials have additional responsibilities. Coaches and instructors will:

- a) Consistently display high personal and professional standards and project a positive image of the sport and of coaching;
- b) Ensure a safe training environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes;
- c) Actively assist in sustaining the present and future health of athletes by communicating and cooperating with registered medical practitioners in the diagnosis, treatment and management of injuries and other associated health or fitness problems;
- d) Educate athletes about the dangers of drugs and performance-enhancing substances;
- e) Avoid any behaviour that abuses the power imbalance inherent in the coaching position to (i) establish or maintain a sexual relationship with an athlete that he or she is coaching, or (ii) encourage inappropriate physical or emotional intimacy with an athlete, regardless of the athlete's age;
- f) Accept and promote athletes' personal goals and, as need and opportunity arises, refer athletes to other coaches and sports specialists;
- g) In the case of minors, communicate and cooperate with the parents/guardians of athletes and involve them to an appropriate degree in decisions pertaining to the athlete's development;
- h) Consider the academic pressures placed on student-athletes and respect the importance of academic success;
- i) Adhere to Karate BC rules regarding advertising, clothing and logos;
- j) Adhere to the Karate BC Codes of Conduct

3.3 Athletes will:

- a) Report any health- or fitness-related problems in a timely fashion, where such problems may limit the athlete's ability to travel, train, compete or, in the case of carded athletes, interfere with the athlete's ability to fulfill requirements under the Athlete Assistance Program;
- b) Participate in all competitions, events, activities or projects to which the athlete has made a commitment;
- c) Adhere to Karate BC rules regarding advertising, clothing and logos.
- d) Adhere to the Karate BC Athletes Code of Conduct

3.4 Officials will:

- a) Conduct all events according to the rules of Karate BC, with the integrity of the sport and each athlete's performance in mind;
- b) Work in cooperation with other officials, assisting less experienced colleagues, and refraining from public criticism of other officials;
- c) Avoid any behaviour that abuses the power imbalance inherent in an official's position to (i) establish or maintain a sexual relationship with an athlete, or (ii) encourage inappropriate physical or emotional intimacy with an athlete, regardless of the athlete's age.
- d) Adhere to the Karate BC Officials Code of Conduct

#### **4. Types of Infractions**

4.1 Failure by a Member to achieve the expected standard set out above may result in an infraction and the imposition of discipline. Infractions are divided into two types, minor infractions and major infractions, which are dealt with using different procedures.

4.2 Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally do not result in harm to others. Examples of minor infractions include, but are not limited to:

- a) single instances of failing to meet the standards of conduct set out in section 3;
- b) single instances of disrespectful comments or behaviour directed towards others;
- c) single instances of unsportsmanlike conduct;
- d) being late for or absent from Karate BC events or portions of events and activities at which attendance is expected or required;
- e) single instances of non-compliance with the policies and rules of Karate BC.

4.3 All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the Member involved: this person may include, a member of the Tournament Committee, the Karate BC Tournament Director, or a Karate BC Board member.

4.4 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 BC or to the sport of karate. Examples of major infractions include, but are not limited to:

- a) repeated minor infractions;
- b) activities or behaviours that interfere with a competition or with any athlete or coach's preparation for a competition;
- c) pranks, jokes or other activities that endanger the safety of others, including hazing;
- d) deliberate disregard for the policies and rules of Karate BC;

- e) conduct that intentionally damages the image, credibility or reputation of Karate BC, including entering into a conflict of interest;
- f) behaviour that constitutes harassment or sexual misconduct;
- g) abusive use of alcohol, any use of alcohol by minors, use of illicit drugs and narcotics, or use of banned performance enhancing drugs or methods.

4.5 Major infractions will be reviewed and decided using the disciplinary procedures set out in this policy.

4.6 Major infractions that occur within competition may be dealt with immediately by the appropriate person having authority, such as the Tournament Director, the Tournament Committee or a Karate BC Board member. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter using the disciplinary procedures set out in this policy.

## **5. Reporting an Infraction**

5.1 Any individual may report to an Official of Karate BC a complaint of an infraction. Such complaint must be in writing. An 'Official' is the, Tournament Director, Executive Director or the President of Karate BC or a member of the Board of Directors of Karate BC.

5.2 A report of infraction must be submitted, in writing, signed by the complainant, within 30 days of the date of the infraction occurring. If an individual wishes to submit a report of an infraction beyond this time limit, it must be accompanied by a written request stating reasons for the extension.

## **6. Case Manager**

6.1 Upon receipt of a complaint the President shall appoint a Case Manager.

6.2 The role of the Case Manager is (i) to serve in an unbiased capacity; (ii) to provide information about the resources and support available to the parties; and (iii) to facilitate and administer the process under this policy. The Case Manager must not have any personal or professional involvement with the parties involved in the complaint and no prior involvement with the matter under consideration.

6.3 In the case of a complaint, the Case Manager will review the complaint and may:

- a) Dismiss the complaint if he or she considers it to be trivial, vexatious or untimely;
- b) Determine that the complaint does not fall within the jurisdiction of this policy, and refer it the appropriate body having jurisdiction;
- c) Direct that the complaint be dealt with informally as a minor infraction; or
- d) Refer the matter to a Discipline Committee to deal with as a major infraction.

## **7. Discipline Committee**

7.1 If the complainant is not satisfied with the decision of the Case manager, the matter may be referred to a Discipline Committee, by the Executive Committee. The complainant may appeal the decision directly to the Executive Committee, who will may refer the matter to the Discipline Committee or reject the appeal..

7.2 The members of the Discipline Committee may be selected from a roster maintained by Karate BC. In any event, no members of the Discipline Committee shall have any personal or professional involvement with the parties involved in the complaint and no prior involvement with the matter under consideration.

7.3 The Discipline Committee panel has an overall responsibility to ensure procedural fairness is respected at all times during the disciplinary process and to carry out this process in a timely manner.

7.4 Depending on the circumstances of the complaint, the Discipline Committee panel may authorize an investigation into the alleged infraction.

7.5 The Discipline Committee may determine that an alleged infraction is of such seriousness as to warrant suspension of the Member, pending investigation, a hearing and a disciplinary decision.

7.6 The Discipline Committee panel will determine the format of the disciplinary process, 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.

7.7 The Member will be given reasonable notice of the format as well as day, time and place of the hearing; will receive a copy of the Investigation Report if an investigation was carried out; may be accompanied by a representative; and will have the right to present evidence and argument before the Discipline Committee panel..

7.8 After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be. The Discipline Committee will issue a written decision, including reasons, for distribution to the Member, the Complainant, and the Case Manager. If the complainant or any party involved is not satisfied with the result, they may appeal in writing to the Executive committee, whose decision will be final.

7.9 Where the conduct being reviewed by this policy is of a sensitive nature, the Discipline Committee and Karate BC will keep all proceedings under the policy confidential, except where publication is ordered as part of the sanction, is stipulated by the Canadian Anti-Doping Program, is required by law, or is in the best interests of the public.

7.10 In fulfilling its duties, and with the approval of the Executive Director or the President, the Discipline Committee may obtain independent advice.

## **8. Disciplinary Sanctions**

8.1 The following are examples of disciplinary sanctions that may be applied, singly or in combination, where it is found that an infraction has occurred:

- a) verbal or written reprimand;
- b) request for a verbal or written apology;
- c) service or other voluntary contribution to Karate BC;
- d) removal of certain privileges of membership or employment;
- e) suspension from certain events, which may include suspension from the current competition or from future teams or competitions;
- f) suspension from certain Karate BC activities such as competing, coaching or officiating for a designated period of time;
- g) removal of funding;
- h) suspension from all Karate BC activities for a designated period of time;
- i) expulsion from membership; or
- j) publication of the disciplinary sanction.

8.2 It is understood that the above are representative penalties only and that they may be modified to fit the circumstances of the infraction.



## 9. Criminal Convictions

A Member's conviction for any of the following Criminal Code offenses will be deemed a major infraction under this Policy and will result in expulsion from Karate BC and removal from all Karate BC programs, activities and events:

- a) Child pornography offences;
- b) Any sexual offences involving a minor;
- c) Any offence of assault involving a minor;
- d) Any offence of physical or psychological violence involving a minor; or
- e) Any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List.

## 10. Appeals

Appeals of decisions rendered under this policy will be dealt with using the Karate BC Appeals Policy.

## **DISPUTE RESOLUTION POLICY**

### 1. Purpose

The purpose of this policy is to provide a procedure for effective dispute resolution within Karate BC. It is intended that this policy will be used to resolve issues that are covered by the Member Conduct Policy or any of the organization's other policies, including those relating to technical/funding/team selection/eligibility matters. This policy will also not apply to matters described in section 2.3 below.

### 2. Application

2.1 This Policy applies to all categories of members in Karate BC and all individuals participating in activities of Karate BC, including without limitation, athletes, coaches, officials, directors, officers, team managers, etc.

2.2 For the purposes of this policy, a dispute may occur:

- a) at sporting events, competitions or training sessions;
- b) at the office;
- c) at office- or sport-related social functions;
- d) at Karate BC's business or sport functions, such as meetings, conferences, training sessions, and workshops;
- e) during work- or sport-related travel;
- f) via the telephone, electronic and/or other telecommunication devices; or
- g) elsewhere if the dispute arises as a result of work- or sport-related responsibilities or a work- or sport-related relationship.

2.3 This policy does not apply to matters that are:

- a) properly the subject of policies relating to funding, technical matters, team selection or other eligibility criteria within the jurisdiction of **Karate BC** or another entity;
- b) doping offences, which are dealt with through the Canadian Anti-Doping Program; or
- c) commercial matters for which another dispute resolution process exists under a contract or applicable law, including employment law.

### **3. Request for Review**

3.1 A Complainant seeking resolution of a dispute under this policy shall provide a written Request for Review to an Official of Karate BC. An 'Official' is the Executive Director or the President of Karate BC or any person in a similar staff or volunteer position within Karate BC.

3.2 A Request for Review must be submitted by the Complainant within 30 days of the date of the matter giving rise to the dispute. If a Complainant wishes to submit a Request for Review beyond this time limit, it must be accompanied by a written request stating reasons for the extension. The decision to allow the extension of time shall be made by the Case Manager and shall be final.

#### **4.1 Case Manager**

4.1 Upon receipt of the Request for Review the President shall appoint a Case Manager.

4.2 The Case Manager shall (i) serve in an unbiased capacity; (ii) provide information about the resources and support available to the parties involved in the dispute; (iii) seek to facilitate an informal and/or formal resolution of the Request for Review; (iv) undertake such investigation as the Case Manager considers necessary in connection with the Request for Review; (v) make recommendations to the Board of Directors of Karate BC for resolution of the dispute and such further action as the Case Manager may consider necessary or desirable.

4.3 The Case Manager must not have any personal or professional involvement with either the Complainant or Respondent and no prior involvement with the matter under consideration.

### **5. Investigation and Report to the Board**

5.1 Where the Case Manager is unable to informally resolve the dispute to the satisfaction of the parties, he/she shall undertake such further investigation as to the facts and circumstances of the dispute as he/she considers necessary and advisable.

5.2 Upon conclusion of the investigation, the Case Manager shall prepare a report to the Board of Directors of Karate BC and may recommend any measures considered appropriate, including disciplinary action, to resolve the dispute. A copy of the report shall be provided to the parties.

5.3 As soon as practicable after receipt and review of the report, the Board of Directors of Karate BC shall, in a timely manner, determine to take such action as it sees fit. A copy of such decision shall be provided within seven days to the parties to the dispute, the Executive Director, and the Case Manager.

### **6. Appeals**

Appeals of decisions rendered under this policy will be dealt with using the Karate BC Appeals Policy.

## **PART II**

### **APPEALS POLICY**

#### **1. Purpose**

The purpose of this policy is to enable appeals from decisions to be dealt with fairly, expeditiously and affordably, within Karate BC and without recourse to legal proceedings.

#### **2. Application**

2.1 This policy applies to all categories of membership in Karate BC and all individuals participating in activities with or employed by Karate BC, including without limitation, athletes, coaches and instructors, officials, volunteers, directors, officers, team managers, medical and other support personnel, administrators, staff and contract personnel of Karate BC ("Members").

2.2 A Member who is affected by a decision of the Board of Directors, of any other Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors or Karate BC, will have the right to appeal that decision, provided there are sufficient grounds.

2.3 This right to appeal will not apply to decisions relating to:

- a) Infractions for doping offences, which are dealt with through the Canadian Anti-Doping Program;
- b) Eligibility or team selection matters that are within the jurisdiction of entities other than Karate BC;
- c) Matters of budgeting, budget implementation, or operational structure;
- d) Matters that are decided by the general membership of Karate BC;
- e) Commercial matters for which another dispute resolution process exists under a contract or applicable law, including employment law;
- f) The rules of the sport of Karate;
- g) Any decision made under Section 5 of this Policy.

#### **3. Notice of Appeal**

3.1 Members who wish to appeal a decision will have 30 days from the date on which they received notice of the decision, to submit in writing a Notice of Appeal to the Executive Director, and/or the President of Karate BC.

3.2 The Notice of Appeal will contain the contact information for the Appellant, the name of the Respondent (the individual or body whose decision is being appealed), grounds for the appeal, a summary of the evidence that supports these grounds, and the remedy or remedies requested.

3.3 At the time of delivering the Notice of Appeal, the Appellant may also submit a written request for the Appeals Panel to rule that any sanctions related to the decision under appeal be held in abeyance until after the hearing.

#### **4. Appeals Manager**

4.1 Upon receipt of a Notice of Appeal, the President shall appoint an Appeals Manager.

4.2 The role of the Appeals Manager is (i) to serve in an unbiased capacity; (ii) to provide information about the resources and support available to the parties; and (iii) to facilitate and administer the process for appeals. The Appeals Manager must not have any personal or professional involvement with either the Appellant or Respondent and no prior involvement with the matter under consideration.

## **5. Grounds of Appeal**

Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:

- a) Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- b) Failing to follow procedures as laid out in the bylaws or approved policies of Karate BC;
- c) Making a decision that was influenced by bias, where bias is defined as *'a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or made a decision that was influenced by factors unrelated to the merit of the decision'*; or
- d) Making a decision that is grossly unreasonable or unfair.

## **6. Screening of Appeal**

6.1 Within seven days of receiving the Notice of Appeal, the Appeals Manager will determine whether there is a right of appeal (Sections 2 and 5), whether the appeal has been brought in a timely way (Section 3) and whether the appeal is brought on appropriate grounds (Section 5).

6.2 If the appeal is denied on the basis that there is no right of appeal, that the appeal is not timely, or that the appeal is based on insufficient grounds, the Appeals Manager will notify the Appellant of this decision in writing, giving reasons. This decision is at the sole discretion of the Appeals Manager and may not be appealed.

## **7. Appeals Panel**

7.1 If the Appeals Manager is satisfied that there is a right of appeal and that there are sufficient grounds for an appeal, the Appeals Manager shall send a copy of the Notice of Appeal to the Respondent and an Appeals Panel composed of three persons will be appointed by the Appeals Manager.

7.2 The members of the Appeals Panel may be selected from an Appeals Roster maintained by Karate BC. In any event, no members of the Appeals Panel shall have any personal or professional involvement with either the Appellant or Respondent and no prior involvement with the matter under appeal.

7.3 The Appeals Panel, assisted by the Appeals Manager, is responsible to ensure procedural fairness is respected at all times during the appeal process and to carry out this process in a timely manner.

## **8. Appeal Hearing**

8.1 The Appeals Panel will determine the format of the appeal hearing, which may involve an oral hearing in person, an oral hearing by telephone, other electronic means, a hearing based on written submissions, or a combination of these methods.

8.2 The Appeals Panel may, in its discretion, hold a preliminary conference to consider such procedural issues as it considers necessary. The parties to the appeal, any affected party as determined by the Appeals Panel and Appeals Manager shall participate in the preliminary conference.

8.3 The Appeals Panel will govern the hearings as it sees fit. The Appellant and Respondent will be given reasonable notice of the hearing and will have the right to present documents, evidence and arguments before the Appeals Panel.

8.4 If the decision of the Appeals Panel 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

## **9. Appeal Decision**

9.1 Following the hearing, the Appeals Panel will issue its written decision, with reasons.

9.2 In making its decision, the Appeals Panel will have no greater authority than that of the original decision-maker. The Appeals Panel may decide:

- a) To reject the appeal and confirm the decision being appealed; or
- b) To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- c) To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time or lack of neutrality.

9.3 A copy of the decision will be given to each of the parties, the Board of Directors and to the Executive Director. The decision will be made public, unless the Appeals Panel directs otherwise.

9.4 In extraordinary circumstances, the Appeals Panel may issue a verbal decision or a summary written decision, with written reasons to follow.

9.5 Within 14 days after completing a hearing, the Appeals Panel shall send notice of its decision and the reasons for such decision, by registered mail, to the last known addresses of the Appellant and the Respondent, the Appeals Manager, and to Karate BC.

9.6 After completion of its duties, the Appeal Panel will turn over all copies of materials related to the appeal to Karate BC.

## **10. Final and Binding Decision**

10.1 The decision of the Appeals Panel will be final and binding on the parties and on all members of Karate BC.

### **APPROVAL**

These policies were approved by Karate BC's Executive Committee on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.