



Disciplinary Rules and Procedures

V1.2

York Karate

8/22/2018

DISCIPLINARY RULES AND PROCEDURES



1. Introduction and General Principles

The purpose of these Disciplinary Rules and Procedures (“the Disciplinary Rules”) is to ensure justice in disciplinary proceedings and to provide a framework within which decisions can be made in a fair, consistent, independent and expeditious manner. It is the policy of York Karate to ensure that any disciplinary matters are dealt with fairly and that steps are taken to establish the facts.

2. Competence of the Welfare Committee

The Welfare Committee may act:-

- 2.1. as an appeal body in the event of a suspension or expulsion of a Member or Person from York Karate or from any competition or event organised by York Karate or in relation to any other dispute arising between a Member or Person and York Karate
- 2.2. in the event of any breach of the Rules by any Member or Person; and/or
- 2.3. in any disciplinary matter which relates to the affairs of York Karate or on request of a third party (including any Member or Person).
- 2.4. For the avoidance of doubt, the Welfare Committee shall not act in relation to any organisational matters that have been determined in relation to York Karate that are not disciplinary matters or matters concerning welfare, and shall not act in relation to any employment matters relating to York Karate.
- 2.5. In the case of a request for the Welfare Committee to act from a third party (including a Member or Person) the third party must notify York Karate in writing of the request for the Welfare Committee to act. York Karate shall notify the Welfare Committee (within a reasonable period) and the Welfare Officer will decide upon the acceptability of the request at their entire discretion.
- 2.6. The Welfare Committee is competent in disciplinary matters and these Disciplinary Rules shall apply to all Members and Persons. The Welfare Committee can give advice on any disciplinary incidents or matters of interest to York Karate. In disciplinary matters, the goal of the Welfare Committee is to adjudicate all disputes arising from regulations relating to the sporting and ethical behaviour of Members and Persons. The Welfare Committee shall have power and competence to resolve all conflicts and disputes between Members, Members and Persons and all conflicts, disputes or matters arising between Members or Persons and York Karate in all cases insofar as relevant to the sport of karate and provided that the matter is a disciplinary matter.
- 2.7. The Welfare Committee will deal with disciplinary matters other than where the JKS, WKF or EKF has jurisdiction in accordance with their respective rules. The jurisdiction of the Welfare Committee will include, for example, disciplinary matters and behaviour at all Classes, events and competitions, incorrect behaviour of Members or Persons inside or outside the training hall or any behaviour that is considered contrary to the ethics of karate or is likely to bring the sport of karate into disrepute.
- 2.8. The Welfare Committee has the power to institute disciplinary penalties upon Members or Persons in the form of (without limitation) verbal or written warnings, reprimands, sanctions, penalties, suspensions or expulsions from participation in



York Karate events and a written recommendation to be excluded from JKS England, from the EKF and the WKF.

- 2.9. The Welfare officer, or any person appointed by the Welfare Officer, may survey any relevant class or event and will present a written report to York Karate and the Welfare Committee on any incorrect or inappropriate attitude or conduct or misbehaviour arising during these classes or events.

3. Investigations into a Disciplinary Matter

- 3.1. The Welfare officer may undertake a preliminary inquiry into the facts of the case in question and to provide a report to the Welfare Committee on the case, such a report is to be provided by the Welfare Officer to the Welfare Committee within 14 days of request or such other period as the Welfare Committee may specify.
- 3.2. The Welfare Officer can proceed with any investigation, interview or correspondence for the purpose of obtaining necessary information prior to taking any appropriate action in response to any request to act from York Karate, a Member or Person or any third party (whereupon the Welfare Officer shall determine the acceptability of the request at their entire discretion) or on their own initiative. York Karate, all Members and all Persons shall provide all such information necessary and reasonably requested by the Welfare Officer in order to enable them to carry out their functions. The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations. York Karate, all Members and all Persons involved in the disciplinary matter must co-operate fully and promptly in any investigation. Following any investigation, if the Welfare Officer considers that there are grounds for disciplinary action, the Welfare Officer shall inform the Member or Person concerned in writing of the allegations against them, the basis for these allegations and its initial findings from its investigation.
- 3.3. In cases of certain gravity, the Welfare Officer may decide upon the provisional suspension from York Karate and any event or competition of the JKS of those concerned in a disciplinary matter until the case is heard by the Welfare Committee. Once applied, the Welfare Committee may decide whether to keep or to lift the suspension until the final decision by the Welfare Committee. While suspended no Member or Person who is the subject of the disciplinary matter shall participate in any sporting activity related to karate (including competition or coaching) and, if requested by the Welfare Committee, shall not attend at any property of the Member concerned, York Karate or any karate body.
- 3.4. In the case of a serious offence committed by any Person, the Welfare Officer or Simon Flint may impose an immediate suspension. The issue will be transmitted for determination by the Welfare Committee as soon as possible thereafter in accordance with these Disciplinary Rules.
- 3.5. Once all investigations have been carried out by the Welfare Officer the Welfare Committee shall fix a deadline for the procedural stages of the matter which shall be



issued for guidance only. Each person involved in the disciplinary matter shall be given an opportunity to make representations to the Welfare Committee.

4. Proceedings of the Disciplinary meeting

- 4.1. In general, the proceedings of the Welfare Committee will be presented in writing and information exchanged between the parties may be through all media including fax and email. However the Welfare Officer may decide to call those concerned in any case in person before the Welfare Committee and if this is the case the persons concerned will be given written notice of the date, time and place of the meeting of the Welfare Committee and shall be afforded an opportunity to be heard at the hearing. The Welfare Committee shall be entitled to call upon, receive and consider such evidence as it thinks appropriate. The Welfare committee may require the attendance at a hearing of any person. In any case where a person required by the Welfare Officer to attend a hearing refuses or fails to attend, the Welfare Committee may adjourn the hearing, proceed with the hearing in the absence of that person, allow or refuse to allow the evidence of that person or allow their evidence to be given in any other form. For the avoidance of doubt nothing in these Disciplinary Rules shall prevent the Welfare Committee from determining the matter in question without the person concerned present.
- 4.2. At their own request and at their own expense those concerned will have the right to be heard by the Welfare Committee alone or through a lawyer or a third party provided that they shall notify the Welfare Committee at least 48 hours in advance of any hearing of the identity of any such lawyer or third party.
- 4.3. When the Welfare Committee decides to have hearings these will not be public and only members of the Welfare Committee and the parties concerned (together with their duly appointed representatives) shall be entitled to attend. The deliberations of the Welfare Committee shall be held in private.
- 4.4. Where disciplinary proceedings are taken against more than one Person or Member as a result of an incident or incidents occurring at or in connection with the same event or circumstances, any such proceedings may be heard together, where the Welfare Officer so determines, provided that there is no manifest prejudice to anyone against whom such proceedings are taken.
- 4.5. All minutes of any disciplinary meeting or hearing of the Welfare Committee will be signed by the Chairperson of the Welfare Committee
- 4.6. Notification of the outcome of the decision of the Welfare Committee will be sent to those concerned in such manner that receipt can be proven, provided that it shall be considered sufficient that notification is sent to the Member or Person concerned at their last known address.

5. Voting of the Disciplinary Committee



- 5.1. Decisions of the Welfare Committee on any case shall be determined by a majority vote and if there is an equality of votes the Welfare Officer shall have a second and casting vote. The decisions of the Welfare Committee are final.
- 5.2. The Welfare Committee shall have due regard to natural justice at all times and the standard of proof in all questions for determination by the Welfare Committee shall be proof on the balance of probabilities.

6. Sanctions of the Welfare Committee

- 6.1. The disciplinary penalties open to the Welfare Committee to impose include but are not limited to:
 - 6.1.1. Warnings: a warning may be given by the Welfare Committee for a minor act of misconduct where no other warnings have been given to the Member or Person in question. A warning may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct. A record of the warning will be retained by York Karate and the Welfare Committee
 - 6.1.2. Reprimands: a reprimand may be given in a case which is more serious than a minor act of misconduct or where previous warnings have been issued to the Member or Person concerned. The reprimand may set out the nature of the misconduct, the change of behaviour required and (if possible) the likely outcome of further misconduct. A record of the reprimand will be retained by York Karate and the Welfare Committee;
 - 6.1.3. Sport Penalties: any such penalties shall be at the entire discretion of the Welfare Committee to determine as appropriate in the circumstances and may include a temporary ban for any Member or Person from participation in competition, any course or gradings;
 - 6.1.4. Financial Penalties: any such penalties shall be at the entire discretion of the Welfare Committee to determine appropriate in the circumstances and may include a fine on any Person or Member;
 - 6.1.5. Suspension: a Member or Person may be suspended from membership of York Karate and/or from participation in competition, any course, gradings or any participation in the sport of karate in a case of serious misconduct or suspected serious misconduct or where in the opinion of the Welfare Committee (at their entire discretion) the suspension of the Member or Person involved is required in order to secure the safety of any persons involved in karate or the integrity or good reputation of the sport of karate;
 - 6.1.6. Expulsion: a Member or Person may be expelled from membership of York Karate and/or from participation in competition, any course, gradings or any participation in the sport of karate where an investigation into the facts has been carried out by the Welfare Officer and the Member or Person has been determined by the Welfare Committee (in their sole discretion) to be guilty of



serious misconduct or where in the opinion of the Welfare Committee in their entire discretion, the expulsion of the Member or Person involved is required in order to secure the safety of any persons involved in karate or the integrity or good reputation of the sport of karate.

- 6.2. The Welfare Committee can impose any such measures as it deems necessary on the Members or Persons involved in a disciplinary matter to ensure that the matter concerned is not repeated, the safety of those involved in karate is protected and that the integrity and good reputation of the sport of karate is maintained. The Welfare Committee may impose more than one sanction in relation to a disciplinary matter.
- 6.3. When determining any sanctions the Welfare Committee shall, without limitation, have regard to:
 - 6.3.1. the seriousness, size and nature of the disciplinary matter;
 - 6.3.2. the extent to which the disciplinary matter was deliberate or reckless;
 - 6.3.3. the general compliance history of the Member or Person in question, and any specific history of the disciplinary matter in question; and
 - 6.3.4. the responsiveness and conduct of the Member or Person in relation to the disciplinary matter in question.

7. Conduct and Conflicts of Interest

- 7.1. The members of the Welfare Committee have an obligation to be discreet and not disclose to any other party the outcome of their investigations other than as required under the terms of these Disciplinary Rules or as required in order to ensure that the disciplinary matter is adequately dealt with and sanctions are complied with.
- 7.2. The members of the Welfare Committee cannot take part in any instance or case where members of their own family or persons having a legal or business link with them are involved. It is the responsibility of each member of the Welfare Committee to withdraw from a case when a conflict of interest is apparent. In this instance York Karate will appoint another member to the Welfare Committee on a pro tem basis. The Chairperson's decision on conflicts of interest shall be final and binding. Should the Chairperson have a conflict of interest and be obliged to withdraw, York Karate will elect another member of the Welfare Committee as Chairperson for the purposes of the case in question.

8. Timescale

The members of the Welfare Committee will make every effort to resolve all matters in their hands within a period of 6 months from the date upon which the matter is first notified to the Welfare Committee.

9. Amendments to these Disciplinary Rules



Amendments to these Disciplinary Rules must be approved by York Karate and the Welfare Committee.

10. Disciplinary action against employees, instructors or York Karate

- 10.1. The Welfare officer may conduct an investigation into an employee, Instructor or York Karate (taken as the entirety of the business) and can present their findings to the Welfare Committee. The possible actions available to the Welfare Committee are:
 - 10.1.1. Address the concerns with the member or individual but apply no sanctions, penalties or any other actions.
 - 10.1.2. Refer the matter to York Karate where this would be appropriate
 - 10.1.3. Present findings to JKS England or the English Karate Federation
 - 10.1.4. Present findings to York City Council
 - 10.1.5. In serious cases, refer the matter to the authorities
- 10.2. All other regulations should be followed as above.

11. Appeals

- 11.1. If a member of York Karate, upon receiving a sanction from the welfare committee, believes that this decision is unfair, or that not all information was considered, or that new information has come to light, then they may request that their case be heard again as an appeal.
- 11.2. The Welfare Committee must arrange another hearing within 7 days where new evidence, or a resubmission of the member's case can be made.
- 11.3. Upon the conclusion of the hearing, the welfare committee will vote, following the procedure explained elsewhere, on whether to uphold the appeal or not. The Welfare committee may:
 - 11.3.1. Remove all sanctions and penalties
 - 11.3.2. apply a reduced sanction or penalty
 - 11.3.3. do not uphold the appeal and apply the same sanctions and penalties as previously given.
 - 11.3.4. The welfare committee may not increase sanctions or penalties following an appeal. Should new evidence or information warrant a reconsideration, a new disciplinary process must be started as outlined previously.