

OKF DISCIPLINE & COMPLAINTS POLICY

1. Definitions

The following terms have these meanings in this Policy:

- a. “*Complainant*” – the Party alleging an infraction;
- b. “*Respondent*” – The alleged infracting party;
- c. “*Affected Party*” – A party that is not the subject of the Complaint, but may be affected by a decision rendered based on the Complaint;
- d. “*Parties*” – The Complainant, Respondent and Affected Party(ies) affected by the Complaint;
- e. “*Individuals*” – All Members and Participants under the Bylaws as well as all individuals employed by, or engaged in activities with, the OKF, including but not limited to, athletes (recreational or competitive), coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, directors and officers, event spectators and parents/guardians of athletes;
- f. “*Days*” – Calendar days, including weekends and holidays;
- g. “*OKF Member*”- includes all categories of membership and all roles within the OKF

2. Purpose

- 2.1** Ontario Karate Federation is committed to providing an environment in which all OKF Members and participants are treated with respect and characterized by the value of fairness, integrity and open communication. Membership in OKF, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, bylaws, rules and regulations and Code of Conduct of OKF. Irresponsible behavior by OKF Members and Participants can result in severe damage to the integrity of Ontario Karate Federation. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is fair to provide Parties a mechanism so complaints and discipline will be dealt with fairly, expeditiously and affordably.

3. Application of this Policy

- 3.1** This Policy applies to all Individuals;
- 3.2** This Policy applies to discipline matters that may arise during the course of OKF business, activities, programs and events that are under the direct control or management of Ontario Karate Federation or events at which OKF participates, as well as any other conduct that would bring our provincial association, national association, sport or province into disrepute as determined at the sole discretion of OKF.
- 3.3** This Policy does not prevent discipline from being applied, during a competition or event, according to specific procedures in place for the particular event. However, further discipline may be applied according to this Policy.

4. Reporting a Complaint

- 4.1 Any Individual may report to the Ontario Karate Federation any complaint. Such complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. The Complaint shall be filed when delivered to the President of the OKF or the Executive Director, if one employed by the OKF. Anonymous Complaints may be accepted at the sole discretion of the OKF.
- 4.2 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 the OKF Board of Directors. This decision may not be appealed.

5. Mandatory Mediation

- 5.1 Upon receipt and screening of the Complaint, as well as providing the Respondent the requisite number of days to respond to the Complaint, the OKF shall contact the Parties to schedule a mandatory mediation. The OKF shall appoint a Director to facilitate the mediation and the Director may elect to include a professional who has a legal background and has experience with Arbitration or Mediation matters. The Parties may elect to have an authorized representative present at the Mediation. In the event a minor is a Party to a Complaint, the Minor shall have an adult parent or authorized representative present at the Mediation.
- 5.2 The purpose of the Mediation is to bring the Parties together to see if the matter can be resolved between the Parties without going through the formal Complaint Procedures. The Mediation shall be without prejudice, meaning anything discussed or disclosed during the Mediation cannot be used against a Party during the formal Complaint Process. The Mediation shall not be used to try the Cases of the Parties. The OKF Director, and other professional assisting the Director, cannot make any decisions regarding the Mediation and are not there to discuss the relative chances of success of the Parties case. The opinion of the Director and Professional are immaterial in this process and are there only to facilitate a discussion in an effort to allow the Parties to resolve the dispute between them. If the Parties are able to resolve the dispute during Mediation, they shall sign an Agreement stating that they have resolved the dispute and the dispute shall be closed, without right of Appeal. If the Parties are unable to resolve the dispute, the Complainant shall proceed forward.

6. Screening of a Complaint

- 6.1 Before any complaint proceeds to a formal hearing, the dispute will first be referred to OKF's Board of Directors (or "Designate" as approved by the OKF Board) for review. The OKF Board of Directors (or "Designate") will determine whether the complaint falls within the jurisdiction of OKF in accordance with Section 3 above. In addition, the Board or Designate, shall determine whether the Complaint is frivolous or vexatious. If the Board, or its Designate, determine the Complaint is not within the jurisdiction of the OKF or that the Complaint is frivolous or vexatious, the Complaint shall be dismissed. A dismissal on these grounds is not appealable.
- 6.2 If the President or Executive Director are a Party to the Complaint, they shall not take part in the Screening of the Complaint and no Officer or Director shall disclose any information to them under any circumstance relating to the Complaint.

- 6.3 If the OKF is a Party to a Complaint, the OKF shall designate an independent Third Party to screen the Complaint and handle the Complaint under the applicable Minor Infraction procedures or Major Infraction procedures, as applicable under the circumstances.
- 6.4 If a complaint is determined by the OKF Board of Directors (or “Designate”) to be legitimate, the complaint will be designated as a Minor infraction or a Major infraction and dealt with according to the appropriate sections of this Policy. It will be at the discretion of the OKF Board of Directors (or ‘Designate’) to determine whether a complaint is to be dealt with as a minor or major infraction. This decision is not appealable.
- 6.5 If the incident is classified as a Minor Infraction, the OKF Board of Directors (or “Designate”) shall notify the Parties, and the matter will be dealt with pursuant to the section relating to Minor Infractions.
- 6.6 If the incident is classified as a Major Infraction, the OKF Board of Directors (or “Designate”) shall notify the Parties and appoint a Case Manager. The matter shall be dealt with pursuant to the section relating to Major Infractions.
- 6.7 The Board or the Case Manager may determine that an alleged infraction rises to a level of seriousness that the Individual should be suspended during the pendency of the hearing and decision of the Board or the Panel. This suspension is not a determination of guilt or innocence with respect to the infraction. The Board, the Case Manager nor the Panel shall consider the suspension in its deliberations - just the facts as presented by the Parties.

7. Minor Infractions

- 7.1 Minor Infractions are single incidents of non-compliance with the Policies and Bylaws of the Organization or sport that generally do not result in harm to others. Examples of minor infractions include, but are not limited to:
 - a) Unsportsmanlike conduct;
 - b) Disrespectful comments or behaviour directed towards others;
 - c) Non-compliance with the policies, procedures, rules and regulations under which OKF is governed.
 - d) Conduct contrary to the values of the OKF.
 - e) Minor violations of the Code of Conduct and Ethics.
- 7.2 All disciplinary situations involving minor infractions shall be dealt with by the Board of Directors. The Board of Directors shall be the Panel that decides the outcome of the Complaint. Its primary objective is to ensure procedural fairness is respected at all times and to implement this Policy in a timely manner.
- 7.3 Upon receipt and acceptance of a Complaint involving a Minor Infraction, the Board shall notify the Parties of its decision to accept the Complaint and give the Respondent a copy of the Complaint. The Board shall provide the Respondent an opportunity to respond to the Complaint, in writing, within twenty (20) days of their receipt of Notice of a Complaint. If the Respondent responds to the Complaint in writing, the Board shall forward a copy of the Response to the Complainant. The Respondent is under no obligation to respond in writing and shall not be penalized for not responding. Either way, after the twenty-day period lapses, the Board shall conduct Mandatory Mediation between the Parties as set forth in Section 5 above. If the Mediation

is successful and the Parties settle the dispute, the matter is closed. If the Parties do not settle the dispute, the Board shall schedule a Preliminary Meeting with the Parties.

- 7.4 A Party may be represented by an authorized representative if they so choose. In the case where a Minor is a Party, the Minor shall be represented by their parent, guardian or an adult chosen by the parent or guardian. Any costs associated with an authorized representative shall be borne by the Party who hired the authorized representative and in no case shall any other Party or the OKF pay those costs.
- 7.5 At the Preliminary Meeting, the Board shall facilitate a discussion as to when the hearing will be held; whether the Parties think an oral hearing is appropriate or whether written submissions will suffice. The Board shall make the final decision as to whether written submissions or an oral hearing are required under the circumstances. In the event an oral hearing is required, the Parties shall inform the Board as to their intent to call witnesses and the number of witnesses to be called, if any. If any Party intends to call witnesses, that Party shall provide to the Board and the Opposing Party a list of the witnesses they intend to call as well as a statement of expected testimony from the witness.
- 7.6 The hearing shall take place on the date and time set at the Preliminary Meeting. Each Party shall have the opportunity to give an opening statement, present evidence and call witnesses, question the opposing Party's evidence and witnesses and give a closing statement. The Complainant shall give their opening statement first and then present their witnesses and evidence for questioning and cross-examination. When the Complainant has finished their case, the Respondent shall then give their opening statement and present evidence and witnesses for questioning and cross-examination. When the Respondent has completed their case, the Complainant shall give a closing statement and then the Respondent shall give a closing statement.
- 7.7 The Board of Directors may ask questions of the witnesses and the Parties during the Hearing.
- 7.8 At the conclusion of the hearing, the Board of Directors shall dismiss the Parties and then the Board shall deliberate and render a decision by a simple majority vote. Then, the Board shall deliberate as to the appropriate sanction if the Complainant was successful in their claim. Of the majority that voted, they shall select one person from that Majority to issue a written decision that shall include the sanction imposed.
- 7.9 Sanctions for minor infractions, which may be applied singly or in combination, include the following:
 - a) Verbal or written reprimand which may be placed in the individual's file;
 - b) Verbal or written apology;
 - c) Suspension from the current competition, activity or event; or
 - d) Any other sanction considered appropriate for the offense.
- 7.10 Minor infractions that result in discipline will be recorded and maintained by Ontario Karate Federation. Repeat minor infractions may result in further such incident being considered a major infraction.

8. Major Infractions

8.1 Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to Ontario Karate Federation.

8.2 Examples of major infractions include, but are not limited to:

- a) Repeated minor infractions;
- b) Activities or behavior that interfere with a competition or with any athlete's preparation for competition;
- c) Incidents of physical abuse;
- d) Pranks, jokes or other activities that endanger the safety of others;
- e) Intentionally damaging OKF property or improperly handling OKF monies;
- f) Deliberate disregard for the policies, procedures, rules and regulations under which Ontario Karate Federation is governed;
- g) Conduct which results in harm to the image, credibility or reputation of OKF and/or its' sponsors;
- h) Behaviour that constitutes harassment, sexual harassment or sexual misconduct;
- i) 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.

Note: The definition of "repeated" will depend on the severity of the infraction and frequency of offences within a given time to be determined by Ontario Karate Federation at its sole discretion.

8.3 Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. 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.

8.4 Major Infractions shall be handled in accordance with the provisions that follow.

9. Discipline Panel and Hearing

9.1 Upon notifying the Respondent of a complaint of a major infraction, the Case Manager, at their sole discretion, will appoint a Discipline Panel ("Panel") of 1-3 individuals to hear the complaint. The members of the Panel will select from themselves a Chairperson.

9.2 Members of the Panel will have had no involvement with the alleged infraction and will be free from any other bias or conflict of interest.

9.3 The Panel will hold the hearing as soon as reasonably possible.

9.4 Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will determine whether the hearing should be conducted by way of documentary evidence, oral hearing, in-person or a combination thereof.

10 Preliminary Meeting

- 10.1 The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:
- a) Format (hearing by documentary evidence, oral hearing, in-person or a combination);
 - b) Date and location of the hearing, if necessary;
 - c) Timelines for the exchange of documents;
 - d) Clarification of issues in dispute;
 - e) Any procedural matters including order and procedure of the hearing;
 - f) Remedies sought;
 - g) Evidence to be brought before the hearing;
 - h) Identification of any witnesses; or
 - i) Any other procedural matter that may assist in expediting the hearing.

11 Documentary Review

- 11.1 Where the Panel has determined that the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
 - b) The applicable principles and timelines set out by the Panel are respected.

12 Oral Hearing

- 12.1 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) The affected parties will be given twenty-one (21) days written notice of the day, time and place of the hearing, unless otherwise agreed upon by the Parties;
 - b) The affected parties will be provided copies of all evidence to be relied upon;
 - c) Decisions will be by majority vote where the Chairperson carries a vote;
 - d) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
 - e) The parties may be accompanied by a representative;
 - f) The parties will have the right to present evidence and argument;
 - g) Any party potentially affected by the matter may be made party to the hearing by the Panel;
 - h) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
 - i) The hearing will be held in private;
 - j) Each party will bear their own costs;
 - k) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
- 12.2 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.

- 12.3 If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

13 Decision

- 13.1 After hearing the matter, the Panel will determine whether a Major Infraction has occurred and, if so, the sanctions to be imposed. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and OKF within fourteen (14) days of the conclusion of the hearing. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

14 Sanctions

- 14.1 The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a) Written reprimand to be placed in the individual's file;
 - b) Written apology;
 - c) Removal of certain privileges of membership;
 - d) Suspension from certain OKF teams, events and/or activities;
 - e) Suspension from all OKF activities for a designated period of time;
 - f) Expulsion from membership;
 - g) Fine;
 - h) Other sanctions as may be considered appropriate for the offense.
- 14.2 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 OKF until such time as compliance occurs.
- 14.3 In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- a) The nature and severity of the incident;
 - b) Whether the incident is a first offense or has occurred repeatedly;
 - c) The individual's acknowledgment of responsibility;
 - d) The individual's remorse and post-infraction conduct;
 - e) The age, maturity or experience of the individual;
 - f) Whether the individual retaliated; and
 - g) The individual's prospects for rehabilitation.
- 14.4 A written record will be maintained by Ontario Karate Federation at their head office for major infractions that result in a sanction.

15 Serious Infractions

- 15.1 The Ontario Karate Federation Board of Directors 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.

- 15.2 Where it is brought to the attention of OKF Board of Directors that an OKF Member or participant has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Board may suspend the Member or participant pending further investigation, a hearing or a decision of the Panel.
- 15.3 Notwithstanding the procedures set out in this Policy, any Ontario Karate Federation Member or Participant who is convicted of a criminal offense involving child pornography, any sexual offenses, any offences of assault involving a minor, any offence of physical or psychological violence, or any offence involving trafficking of illegal drugs or substances listed on the Canadian Anti-Doping Program's Prohibited List will face automatic suspension from participating in any activities of Ontario Karate Federation for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Ontario Karate Federation in accordance with this Policy.

16 Timelines

- 16.1 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.

17 Confidentiality

- 17.1 The discipline and complaints process is confidential involving only the parties, the OKF Board of Directors and "Designate", the OKF ED, the Case Manager and 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.
- 17.2 Once completed, decisions and appeals are matters of public interest and shall be publicly available with the names of the individuals redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Panel may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

18 Appeals Procedure

- 18.1 The decision of the Panel may be appealed in accordance with OKF's Dispute Resolution and Appeals Policy.

19 Review

- 19.1 This Policy will be reviewed on an annual basis and may be amended, deleted or replaced by a resolution of the Board.