



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

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PART A – PURPOSE AND APPLICATION

1. Purpose

NWT Karate Association is committed to providing a sport environment that reflects NWT Karate Association’s values of community, personal development, sportsmanship, ethical conduct and excellence. Membership in NWT Karate Association, 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.



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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.

Provisions of the NWT Karate Association Bylaws also apply including:

Bylaw 2.9 provides that any Member may resign which shall be effective upon acceptance by the Board;

Bylaw 2.13 provides a Member may be removed by Ordinary Resolution of the Board at a duly called meeting, provided notice is given and the Member is provided with reasons and the opportunity to be heard. Notice will set out the reasons for termination of membership and the member receiving the notice will be entitled to submit a written submission opposing the termination.

2. Application of the Policy

2.1 Policy Scope

The Member Rights, Code of Conduct, Discipline, Disputes, and Appeals Policy and Procedures Policy governs all categories of membership in NWT Karate Association according to the bylaws - athletes, participants, students, instructors, coaches, officials, and volunteers. The good conduct expectations are in effect at all times insofar as the well-being of participants is paramount and the reputation of NWT Karate Association may be detrimentally affected by inappropriate conduct by its members.

The policy applies to discipline matters that may arise during the course of NWT Karate Association business, activities and events, including, but not limited to training at member clubs, competitions, practices, training, camps, travel associated with NWT Karate Association, or involvement as Directors, Committee members or in other volunteer positions.

2.2 Policy Limitations

This policy does not apply to matters that are:

- a. Doping offences, which are dealt with through the Canadian Anti-Doping Program; or
- b. Commercial matters for which another dispute resolution process exists under a contract or applicable law, including employment law.

3. Annual Declaration of Compliance

Each year, individual registration through a Provisional or Full Member Club to NWT Karate Association will require agreement to comply with the NWT Karate Association Code of Conduct as an athlete, participant, student, instructor, coach, official or volunteer.

PART B - DEFINITIONS

1. Harassment

Harassment can take many forms but is generally defined as inappropriate behaviour including comments and/or conduct which is insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual, or group of individuals, or which creates an uncomfortable environment.



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Harassment may include but is not limited to:

- written or verbal abuse or threats;
- sexually oriented comments;
- racial or ethnic slurs;
- unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire, age, marital status, ethnic or racial origin, religion etc.
- displaying of sexually explicit, racist or other offensive or derogatory material;
- sexual, racial, ethnic or religious graffiti;
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
- unwelcome sexual remarks, invitations or requests whether indirect or explicit, or intimidation;
- leering (suggestive staring), or other obscene or offensive gestures;
- condescension, paternalism or patronizing behaviour which undermines self-respect or adversely affects performance or working conditions;
- physical conduct such as touching, kissing, patting, pinching, etc.
- vandalism;
- sexual abuse or misconduct
- physical, emotional or psychological assault.

2. Conflict of Interest

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 NWT Karate Association'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 NWT Karate Association not being able to achieve a result which would be in the best interest of NWT Karate Association'.

PART C – MEMBER RIGHTS

NWT Karate Association and its Full and Provisional Member Clubs strive to provide:

- a safe, healthy and fun environment for all participants
- qualified and knowledgeable leadership;
- accessible programs to meet a variety of needs;
- opportunities to strive for success;
- programs that are free from harassment and/or discrimination.

PART D – CODES OF CONDUCT

1. Kobudo

No weapon that is a prohibited weapon pursuant to the Criminal Code of Canada may be used in competition at any NWT Karate Association tournament or any tournament sanctioned by NWT Karate Association



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2. Regular, Associate and Individual Members' Code of Conduct

All Members of NWT Karate Association are expected to reflect NWT Karate Association's values of community, personal development, sportsmanship and excellence. As a Karate-ka and a member of NWT Karate Association, Regular, Associate and Individual members must adhere to the following code. Members must:

- a. Comply at all times with the bylaws, policies, rules and regulations of NWT Karate Association as adopted and amended from time to time, including complying with any contracts or agreements executed with or by NWT Karate Association.
- b. comply with the ethics and uphold the standards of Karate-Do.
- c. demonstrate through words and actions the spirit of sportsmanship, sports leadership and ethical conduct;
- d. demonstrate respect for all participants regardless of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age. Treat others with respect and refrain from negative or disparaging remarks or conduct;
- e. not knowingly place themselves in a situation that could give rise to a conflict between personal interests and the interests of NWT Karate Association. 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 NWT Karate Association'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 NWT Karate Association not being able to achieve a result which would be in the best interest of NWT Karate Association'.
- f. refrain from use of any performance enhancing or other prohibited drug in the spirit of fair competition and comply with the NWT Karate Association Anti-Doping Policy.
- g. if a minor, refrain from consuming alcohol or using any tobacco product while in attendance at member clubs, NWT Karate Association sanctioned events or on NWT Karate Association sanctioned trips. If an adult, refrain from consuming alcohol or using any tobacco products while at members clubs, sanctioned events or other competitions, and when accompanied by minors while on NWT Karate Association sanctioned trips.
- h. Refrain from any behaviour that constitutes harassment, as defined in Part B of this policy
- i. Refrain from any behaviour that constitutes sexual misconduct, where sexual misconduct is defined as:
 1. 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
 2. 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;

3. Athlete's Code of Conduct

In addition to the Members' Code of Conduct in Part D.2, athletes representing NWT Karate Association must:



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- 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 NWT Karate Association rules regarding advertising, clothing and logos

4. Instructors' and Coaches' Code of Conduct

Instructors and coaches have expectations and obligations in addition to the Members' Code of Conduct in Part D.2. Instructors and Coaches play a critical role in the personal and athletic development of students, participants and athletes. Instructors and Coaches must understand and respect the inherent power imbalance that exists in these relationships and be careful to not abuse it.

Instructors and Coaches must also recognize that they are important conduits through which the values and goals of NWT Karate Association are expressed and communicated. The attitude of a student, participant or athletes toward their sport is often deeply influenced by the behaviour and demonstrated values of their Instructor and/or Coach.

Instructors and Coaches are required to:

- a. consistently display high personal and professional standards and project a positive image of the sport and of coaching;
- b. treat everyone fairly within the context of their activity, regardless of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age;
- c. direct constructive comments or criticism at the performance rather than the individual;
- d. consistently display standards and project a favourable image of Karate-do;
- e. refrain from unnecessary public criticism of other members or individuals;
- f. at no time become inappropriate or intimately or sexually involved with Students, Competitors or Athletes. This includes any request, directly or indirectly, for sexual favours or the threat of reprisal due to the rejection of such requests;
- g. respect the individual dignity of Students, Competitors and Athletes and refrain from the use of profane, insulting, harassing, discriminatory or otherwise offensive language;
- h. never advocate or condone the use of drugs or any other banned performance enhancing substance;
- i. abstain from the use of tobacco products while in the presence of Students, Competitors and Athletes and discourage their use by other individuals;
- j. discourage the excessive use of alcohol in conjunction with activities;
- k. never provide under-age Students, Competitors or Athletes with alcohol;
- l. abstain from excessive consumption of alcoholic beverages when working with Students, Competitors and Athletes;
- m. ensure the safety of Students, Competitors and Athletes in that any activity being undertaken is suitable for the age, experience, ability and fitness level of the Students, Competitors and Athletes



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- n. educate individuals about their responsibility in contributing to a safe practice or performance environment;
- o. 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;
- p. consider their future health and well-being as foremost when making decisions regarding an injured Student, Competitor or Athlete's ability to continue training or competing;
- q. recognize and accept when to refer Students, Competitors or Athletes to other Instructors, Officials or Coaches;
- r. regularly seek ways of increasing personal development, self-awareness and a greater understanding of Karate-do;
- s. treat all other members with due respect and encourage Students, Competitors and Athletes to act accordingly. Actively encourage them to uphold the principles, ethics and rules of Karate-do;
- t. in the case of minors, communicate and cooperate with the parents or legal guardians of Students, Competitors and Athletes, and where necessary involve them in decisions pertaining to their child's development;
- u. be aware of academic pressures being placed upon Students, Competitors and Athletes and ensure that their activities permit them to pursue academic success;
- v. take advantage of professional development and educational opportunities to ensure that they maintain awareness and understanding of the changes and evolution of the sport.

5. Officials Code of Conduct

Officials ensure the integrity and fairness of competitions. Individual Officials. In addition to the Members' Code of Conduct, an Official shall:

- a. treat competitors, coaches, other officials, volunteers and spectators with respect and in doing so encourage reciprocal treatment;
- b. conduct all events according to the rules of NWT Karate Association , with the integrity of the sport and each athlete's performance in mind;
- c. work in cooperation with other officials, assisting less experienced colleagues, and refraining from public criticism of other officials;
- d. avoid any behaviour that abuses the power imbalance inherent in an official's position to:
 - a. establish or maintain a sexual relationship with an athlete, or
 - b. encourage inappropriate physical or emotional intimacy with an athlete, regardless of the athlete's age.
- e. never advocate or condone the use of drugs or any other banned performance enhancing substance;
- f. never provide under-age Students, Competitors or Athletes with alcohol;
- g. act professionally and support the actions of KBC at all times;
- h. take advantage of professional development and educational opportunities to ensure that they maintain awareness and understanding of the changes and evolution of the sport.

6. NWTKA Director and Committee Members' Code of Conduct



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The conduct of the leaders in the association sets the tone and direction for the rest of the membership. NWT Karate Association values should be well represented in the work and deeds of elected and appointed volunteers, who always must be above reproach. The NWT Karate Association Directors and standing or ad hoc committee members must:

- a. represent the best interests of the organization as a whole, while respecting the needs and priorities of individual clubs and other members. Efforts should focus on the mission of the organisation and not the individual's personal goals;
- b. not use the organisation or serve on the Executive Committee or other committees for his/her own personal advantage or for the individual advantage of his/her friends or supporters;
- c. abide by the NWT Karate Association policies on confidentiality and conflict of interest;
- d. approach all Executive Committee and other Committee issues with an open mind, prepared to make the best decision for the whole organisation;
- e. do nothing to violate the trust of those who elected or appointed him/her to the Executive Committee or other committees;
- f. never exercise authority as a Director or committee member except when acting in a meeting with the full Board or committee, or as delegated by the Executive Committee or other committee.

7. Full Member or Provisional Member Club Code of Ethics

Full and Provisional Member Clubs provide the focal point for participation and involvement with the sport. Each club has a critical role in representing the sport of Karate with dignity, tradition and passion. Member Clubs shall:

- a. manage the club and its programs with the best interests of its students, athletes, instructors, coaches and other members at the forefront;
- b. emphasize fair play, stage appropriate skill development and provision of a healthy sport environment in all club activities;
- c. encourage professional development for coaches and instructors;
- d. ensure that club members are aware of the expectations of conduct as members of NWT Karate Association ;
- e. govern the club with integrity, transparency and strong competency in operations;
- f. abide by the Bylaws and policies of NWT Karate Association .

PART E – DISCIPLINARY POLICIES AND PROCEDURES TO ADDRESS MISCONDUCT

1. General

1.1 Principles of Natural Justice

The procedures followed under the policies of NWT Karate Association 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;



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- 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 Time Limitations

The resolution of disciplinary concerns, 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 NWT Karate Association, 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

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.

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

4. Conflict of Interest and Materiality

NWT Karate Association recognizes that some situations may present conflicts that are not materially harmful. As a result, NWT Karate Association’s Executive Committee or Executive Director, as appropriate, will address such situations on a case-by-case basis. All Members are responsible to report to NWT Karate Association 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 NWT Karate Association or its Members.

5. Types of Conduct Infractions

Failure by a Member to achieve the expected conduct 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.

5.1 Minor infractions

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:



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- 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 NWT Karate Association 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 NWT Karate Association .

5.1.1 Dealing with Minor Infractions

All disciplinary situations involving minor infractions will be dealt with by the NWT Karate Association Board members.

5.2 Major infractions

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 NWT Karate Association 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 NWT Karate Association ;
- e. Conduct that intentionally damages the image, credibility or reputation of NWT Karate Association , 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.

5.2.1 Dealing with Major Infractions

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

- a. **Within Competition:** Major infractions that occur within competition and are reported or discovered at that time, may be dealt with immediately by the appropriate person having authority, such as the Tournament Director, the Tournament Committee or a NWT Karate Association 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.
- b. **Outside of Competition:** Major infractions that occur inside competition and are not discovered or reported, or occur outside competition, will be managed in accordance with this policy Part F.6 and onward.

6. Reporting a Conduct Infraction

6.1 Submission in Writing

Any individual may report a complaint of a conduct infraction to an Officer of NWT Karate Association within 15 days of the infraction occurring. Such complaint must be in writing using the *Complaint Form*



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for Misconduct (Appendix A). An 'Official' is the President of NWT Karate Association or a member of the Board of Directors (Executive Committee) of NWT Karate Association .

The President is advised that a conduct complaint has been received in order to activate section 7. below.

After receiving notice of complaint, regarding conduct of a member club, the Association will forward a letter acknowledging the complaint and write to the member of concern requesting all particulars of the situation. The matter will then be addressed at the next Executive Committee meeting (See Appendix P for Member Conduct, Dispute Resolution and Appeals Policy).

6.2 Extension of Timeline

An individual wishing to submit a report of an infraction beyond this time limit must also submit a written request stating reasons for the extension.

7. Case Manager

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

7.1 Role of the Case Manager

The role of the Case Manager is:

- a. To serve in an unbiased capacity;
- b. To provide information about the resources and support available to the parties; and
- c. To facilitate and administer the process under this policy up to and including conducting investigations into complaints. 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.

7.2 Notice to Respondent

The Case Manager will advise the respondent that a complaint has been filed against them, and that NWT Karate Association will be following the policies and procedures outlined herein to handle the complaint. The Respondent will be given an opportunity to speak to the complaint, and to address the Discipline Committee is the complaint gets to that stage.

7.3 Case Manager Alternatives

The Case Manager will review the complaint and will conduct or appoint an investigator to conduct an investigation into the allegations to determine the validity of the complaint.

- a. If the complaint is not found to be complete or is not valid or is considered to be trivial, vexatious or untimely, the Case Manager will provide the investigative report to the Executive Committee with a recommendation to dismiss the complaint. The complainant and respondent will be informed. The Executive Committee must respond with their decision with 7 days of receiving the recommendation;
- b. If it is found that the complaint does not fall within the jurisdiction of this policy, the Case Manager will refer it the appropriate body having jurisdiction, and inform the complainant respondent of that referral;



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- c. If it is found that the complaint should be dealt with informally as a minor infraction, the matter will be referred to the appropriate person or committee, and the complainant and respondent informed of the referral; or
- d. If the matter is found to be a major infraction, the Case Manager will refer the matter to a Discipline Committee, along with the investigative report listing the infractions and any recommendations. The complainant and the respondent will be informed of the referral.

7.4 Appeal of a Case Manager's Decision

If the complainant is not satisfied with the decision of the Case Manager, the complainant may appeal that decision directly to the Executive Committee, who will either refer the matter to a Discipline Committee or reject the appeal by accepting the Case Manager's recommendation.

8. Discipline Committee

The members of the Discipline Committee will be appointed by the President from a roster maintained by NWT Karate Association. If the President is named in the Complaint, or has a conflict, the committee appointments will be made by the Vice President. 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.

8.1 Discipline Committee Procedures

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.

- a. Depending on the circumstances of the complaint, the Discipline Committee panel may authorize further investigation into the alleged infraction.
- b. The Discipline Committee may determine that an alleged infraction is of such seriousness as to warrant suspension of the Member, pending a hearing and a disciplinary decision.
- c. 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.
- d. 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.
- e. After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what penalty should be invoked.
- f. The Discipline Committee will issue a written decision with 5 days, including reasons, for distribution to the Respondent, the Complainant, and the Case Manager. If the any party involved is not satisfied with the result, they may appeal in writing and as per the Part H. Appeal Policy contained in this document.
- g. If after 15 days no written appeal has been delivered to the Executive Director or the President, as per Part G 3.1, the ruling of the Discipline Committee shall stand and be deemed final.

8.2 Potential Disciplinary Penalties



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The following are examples of disciplinary penalties 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 NWT Karate Association ;
- 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 NWT Karate Association activities such as competing, coaching or officiating for a designated period of time;
- g. Removal of funding;
- h. Suspension from all NWT Karate Association activities for a designated period of time;
- i. Expulsion from membership; or

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

8.3 Communication of the Discipline Committee Decision

- a. the Full Member or Provisional Member Club of the Respondent will be informed of the disciplinary decision and action taken (if any);
- b. the Discipline Committee may recommend publication of its decision; OR
- c. where the conduct being reviewed by this policy is of a sensitive nature, the Discipline Committee and NWT Karate Association 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.

8.4 Independent Advice

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

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 NWT Karate Association in accordance with the Bylaws, and removal from all NWT Karate Association 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. Appealing a Disciplinary Decision



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

Appeals of decisions rendered under this policy will be dealt with using the NWT Karate Association Part G. Appeals Policy.

PART F – DISPUTE RESOLUTION POLICES AND PROCEDURES

1. Purpose

This policy provides the parameters and procedures for effective dispute resolution within NWT Karate Association for instances and issues that do NOT fall under misconduct or under the limitations described in 2.3 below. It is intended that this policy will be used to resolve issues and concerns that relating to Executive Committee or Standing Committee decisions, organizational policies other than misconduct and other matters such as technical decisions, funding decision, team selection or eligibility matters.

2. Scope of the Policy

2.1 Application Across Membership

This Policy applies to all categories of members in NWT Karate Association and all individuals participating in activities of NWT Karate Association, including without limitation, athletes, coaches, officials, directors, officers, team managers, and volunteers

2.2 Examples of Disputes

For the purposes of this policy, a dispute may arise due to

- a. an incident occurring at sporting events, competitions or training sessions;
- b. an incident occurring at the office;
- c. an incident occurring at NWT Karate Association's business or sport functions, such as meetings, conferences, training sessions, workshops or social functions;
- d. an incident occurring during work- or sport-related travel;
- e. an incident occurring via the telephone, electronic and/or other telecommunication devices;
- f. decisions made by a committee or the Executive Committee that affect an individual's eligibility for or selection to a KBC team or KBC event, or to receive KBC funding; or
- g. a result of work- or sport-related responsibilities or a work- or sport-related relationship.

2.3 Limitations of the Dispute Resolution Policy Scope

This policy does not apply to matters that are:

- a. misconduct under Part D of this policy, which should be dealt with under Part E;
- 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 Written Submission



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

A Complainant seeking resolution of a dispute under this policy shall submit a written complaint using the NWT Karate Association *Request for Review Form for Disputes* (Appendix B) to an Official of NWT Karate Association . An 'Official' is the Executive Director or the President of NWT Karate Association or any person in a similar staff or volunteer position within NWT Karate Association , within 15 days of the date of the matter arising.

3.2 Extension of Timeline

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.

3.3 Respondent to the Request for Review

Depending on the issue, concern or decision being reviewed, the "Respondent" to the Request for Review may be an individual member, the Executive Committee, the Executive Director or other staff member, an operational or programming committee or the association itself, represented by the President.

4. Case Manager

Upon receipt of the Request for Review, the President shall appoint a Case Manager. 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. The Case Manager may be external to the association if necessary to ensure no conflict.

4.1 Role of the Case Manager

The Case Manager shall:

- a. Serve in an unbiased capacity;
- b. Provide information about the resources and support available to the parties involved in the dispute;
- c. Seek to facilitate an informal and/or formal resolution of the Request for Review;
- d. Undertake such investigation as the Case Manager considers necessary in connection with the Request for Review;
- e. Make recommendations to the Executive Committee of NWT Karate Association for resolution of the dispute and such further action as the Case Manager may consider necessary or desirable.

5. Investigation and Report to the Board

5.1 Advising the Respondent of the Request for Review

The Case Manager will inform the Respondent of the Request for Review and provide them with a copy of the Review submission.

5.2 Other Parties



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If the request for Review concerns a review of team or event selection or funding, other individuals may be impacted by the eventual outcome. They should be advised that they are an “other party” to the Review and may become part of any investigation conducted.

5.3 Informal Resolution

The Case Manager will first meet in person or electronically with the Complainant and Respondent and attempt to reach a resolution informally. Other parties may be asked to comment on the Review as part of the informal resolution.

5.4 Further Investigation

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 Submission of Report to the Executive Committee

Upon conclusion of the investigation, the Case Manager shall prepare a report to the Executive Committee of NWT Karate Association . The report will include, but not necessarily be limited to:

- a. recommended resolution for decisions made that do not follow current policies and procedures;
- b. recommended resolution for policies misinterpreted or leading to ambiguity;
- c. recommended resolution for issues between individuals that are not misconduct based on Part D of this policy document;
- d. recommendations for any other measures considered appropriate, to resolve the dispute and prevent similar future issues or concerns. A copy of the report shall be provided to the parties.

5.3 Decision of the Executive Committee

As soon as practical after receipt and review of the report, the Executive Committee of NWT Karate Association shall, in a timely manner, determine to take such action as it sees fit. A copy of such decision shall be provided within seven (7) 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 Part G. Appeals Policy.

PART G – APPEALS POLICY AND PROCEDURES

1. Purpose

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

2. Scope of the Policy



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

2.1 Application Across Membership

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

2.2 Respondent's Right to Appeal

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

2.3 Limitations of Policy

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 NWT Karate Association ;
- c. matters of budgeting, budget implementation, or operational structure;
- d. matters that are decided by the general membership of NWT Karate Association ;
- 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 5X (Grounds for Appeal) of this Policy.

3. Notice of Appeal

3.1 Submission of Notice of Appeal

Members who wish to appeal a decision will have 15 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 NWT Karate Association .

3.2 Notice of Appeal Information

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 Requesting Postponement of Prior Decision During Appeal Procedures

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 penalties or consequences related to the decision under appeal be held in abeyance until after the hearing.



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

4. Appeals Manager

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

4.2 Role of Appeals Manager

The role of the Appeals Manager is:

- a. to serve in an unbiased capacity;
- b. to provide information about the resources and support available to the parties; and
- c. 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 for 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 Disciplinary Committee (for misconduct), or the Executive Committee (for a dispute):

- 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 NWT Karate Association ;
- 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 is of the decision’; or
- d. making a decision that is grossly unreasonable or unfair.

6. Screening of Appeal

6.1 Review Process

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 Decision of the Appeals Manager

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.

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 other parties in the original complaint.

7. Appeals Panel



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

7.1 Composition of Appeals Panel

An Appeals Panel composed of three persons will be appointed by the Appeals Manager.

The members of the Appeals Panel may be selected from an Appeals Roster maintained by NWT Karate Association . 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 Responsibilities of the Appeal Panel

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 Hearing Format

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 Preliminary Conference

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 Hearing Procedures

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 Other Parties

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

Following the hearing, the Appeals Panel will issue its written decision, with reasons within 14 days after completing a hearing.

9.1 Appeal Panel Authority

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



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- 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.

9.2 Verbal Decisions

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

9.3 Communication of Decision

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 NWT Karate Association . The decision will be made public, unless the Appeals Panel directs otherwise.

9.4 Appeal Materials

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

10. Final and Binding Decision

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

NWT KARATE ASSOCIATION COMPLAINT FORM FOR MISCONDUCT

(2-page form)

Section 1: Person Filing the Complaint		
Name:	Date of Filing:	
Mailing address:	City, Province:	Postal Code:
Phone number (day):	Phone number (evening)	Member Club:
Email:		
Parent / Guardian Submission: Is This Complaint Being Made on Behalf of a Minor? <input type="checkbox"/> No <input type="checkbox"/> Yes		
If yes, provide the name and age of the minor:		
Section 2: Person Against Whom the Complaint is Being Made		
Name:	Date of Filing:	



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Mailing address:	City, Province:	Postal Code:
Phone number (day):	Phone number (evening)	Member Club:
Email:		
Is This Person a Minor? <input type="checkbox"/> No <input type="checkbox"/> Yes		
If yes, name of Parent / Guardian (if known):		

MISCONDUCT COMPLAINT: Describe the incident(s) or situation in detail, including dates, locations, witnesses and all pertinent information (attach additional pages if necessary)

Is any supporting documentation available? Please specify:

Please outline any additional information that would be helpful in investigating this complaint.

NWTKA Response

Date received:	Date acknowledged:	Acknowledged by:	Further information sought? <input type="checkbox"/> No <input type="checkbox"/> Yes
Is Complaint Complete? <input type="checkbox"/> No <input type="checkbox"/> Yes Date Complete:			
If no - advise of what is still required			
Does the Complaint Meet the Requirements of the KBC Discipline Policy? <input type="checkbox"/> No <input type="checkbox"/> Yes			
<u>Next Steps:</u>			
1. Case Manager Appointment: Name		Date	



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

2. Notification of Respondent: Yes Date:
3. Case Manager Recommendation to Executive Committee: Yes Date
4. Establishment of Disciplinary Committee: No – complaint closed Yes Date:
5. Date of Disciplinary Hearing:
6. Decision Submitted to Respondent and Complainant: Yes Date:
7. Decision and Materials Received by KBC office: Yes Date:
8. Appeal Request Received within 30 days: No – Disciplinary Committee Decision activated Yes – move to Appeal procedures

NWTKA Name:	NWTKA Signature:	Date:
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NWT KARATE ASSOCIATION REQUEST FOR REVIEW FORM FOR DISPUTES

(2-page form)

Section 1: Person Filing the Request for Review

Name:		Date of Filing:	
Mailing address:		City, Province:	Postal Code:
Phone number (day):	Phone number (evening)	Member Club:	
Email:			
Parent / Guardian Submission: Is This Complaint Being Made on Behalf of a Minor? <input type="checkbox"/> No <input type="checkbox"/> Yes			
If yes, provide the name and age of the minor:			

Section 2: Person, Committee, Group or Policy for Which the Review Request is Being Made

Name or Title:		Date of Filing:
<i>If Filed Against an Individual</i>		
Mailing address:		City, Province:
Phone number (day):		Phone number (evening)
Email:		Member Club:
Is This Person a Minor? <input type="checkbox"/> No <input type="checkbox"/> Yes		
If yes, name of Parent / Guardian (if known):		

REQUEST FOR REVIEW: Describe the situation or concern in detail, including dates, relevant documentation, policies at issue or decisions being questioned



NWTKA MEMBER RIGHTS, CONDUCT, DISCIPLINE, DISPUTES, AND APPEALS POLICIES AND PROCEDURES

Is any supporting documentation available? Please specify:

Please outline any additional information that would be helpful in investigating this review.

NWTKA Response

Date received:	Date acknowledged:	Acknowledged by:	Further information sought? <input type="checkbox"/> No <input type="checkbox"/> Yes
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Is Request for Review Complete? No Yes Date Complete:

If no - advise of what is still required

Does the Request for Review meet the Requirements of the KBC Dispute Resolution Policy? No Yes

Next Steps:

1. Case Manager Appointment: Name _____ Date _____
2. Notification of Respondent: Yes Date: _____
3. Case Manager Recommendation to Executive Committee: Yes Date _____
4. Decision Submitted to Respondent and Complainant: Yes Date: _____
5. Decision and Materials Received by KBC office: Yes Date: _____
6. Appeal Request Received within 30 days? No – Case Manager Decision activated Yes – move to Appeal procedures

NWTKA Name:	NWTKA Signature:	Date:
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