

DISCIPLINE AND COMPLAINTS

FOREWORD

The Shintani Wado Kai Karate Federation is committed to fostering a positive and enjoyable environment in the dojo. Our karate community has a shared responsibility to ensure that every member, child and vulnerable adult, regardless of their background, experiences a karate journey that contributes to their well-being with the following goals:

- **Be Healthy**
- **Stay Safe**
- **Enjoy and Achieve**
- **Make a Positive Contribution**
- **Achieve Economic Well-being**

The transformative power of sports, particularly karate, is widely recognized in helping individuals achieve these outcomes. As part of our legal and moral duty, we are dedicated to safeguarding all members including children and vulnerable adults while supporting them in reaching these goals.

Principles

Respect and Fair Play

Everyone involved in the SWKKF is expected to follow the rules and regulations established by the SWKKF.

All members are required to treat others with dignity, courtesy and respect.

Application

Universal Application

This policy applies to all participants in the SWKKF, engaging in activities such as competitions, practices, training, and events. This includes employees, members, contractors, consultants, suppliers, volunteers, and Senate members.

Scope

This policy applies to all incidents including non-compliance with the Constitution and Bylaws, Rules and Regulations, breach of the Code of Conduct and Ethics, and other policies.

This policy applies to all incidents of discrimination, harassment and violence, including sexual harassment and sexual violence, family violence and third-party violence.

Decision Authority

The SWKKF, as represented by the Senate, has the sole authority to decide if this policy applies. The Standard of Reasonableness will apply. The Senate is the sole governing body and has full discretion for the SWKKF.

All investigations by the Discipline and Complaints Committee must be disclosed to the Secretary General and approved by the Senate.

Immediate Action

Depending on the situation, the SWKKF may apply immediate disciplinary or corrective action. Further actions will follow as per this policy. Infractions during competitions will be handled according to specific competition procedures.

In the case of a physical assault the police should also be contacted immediately.

Employee Accountability

SWKKF employees facing complaints may be subject to the consequences outlined in their Employment Agreement or Human Resources policies, in addition to the actions defined in this Discipline and Complaints Policy.

Proactive Response

Individuals who believe they are being harassed are encouraged to:

- Firmly and promptly notify the offender either verbally or in writing that their behaviour is unwelcome
- Be specific in communicating as many offenders do not realize that their actions are considered offensive
- Report the incident and the action, risk-free, within 48 hours to the Head Instructor or to the Senate

There are valid reasons that may make a direct discussion impossible, therefore individuals who believe they are being harassed are encouraged to report all incidents.

Procedures for Addressing a Complaint

Should an incident occur which is an internal dojo or club matter and does not reflect poorly upon the Federation, then it is the duty and responsibility of the head instructor of that dojo to respond to the matter immediately and rectify the situation.

Incidents that violate the Constitution and Bylaws, Rules and Regulations, the Code of Conduct and other policies should be documented and reported.

Shintani Wado Kai Karate Federation recognizes there are valid reasons that may make a direct confrontation impossible, such as power and status disparities, therefore individuals who believe they are being harassed are encouraged to report all incidents.

Complaints should be made as soon as possible, but no later than within one (1) year of the last incident or perceived harassment, unless there are circumstances that prevented the member from doing so. Late reporting of complaints, however, will not in and of itself preclude the organization from acting.

Complaints Involving Minors

- Complaints involving minors can be made by or against them.
- Minors must have a parent, guardian, or another adult as their representative during the process.
- Communications related to the incident will be directed to the representative of the minor.

Filing a Complaint

Anyone can report a complaint to any Instructor, Head Instructor, SWKKF event organizer, member of the Discipline and Complaints Committee or the SWKKF Senate when it doesn't involve maltreatment.

Complaints related to maltreatment should be reported to the Head Instructor, member of the Discipline and Complaints Committee or the Senate.

- The complaint may be verbal or in writing.
- Verbal complaints will have details recorded by the receiving member and will be signed by the complainant.
- The submitting member should be prepared to provide details such as what happened; when it happened; where it happened; how often; and who else was present (if applicable).
- The complaint shall be submitted to the Secretary General. The Secretary General will decide if the matter is to be forwarded to the Discipline and Complaints Committee.
- The Secretary General may provide guidance, and reports can be accepted in any format.

Upon receiving a complaint, the Discipline and Complaints Committee must:

- Identify the appropriate jurisdiction (SWKKF or Club Level).
- Decide on handling by SWKKF or delegate to the respective organization or to a third party.
- Determine if the complaint is valid within this policy.
- Decide if an investigation is necessary.

SWKKF as Complainant

SWKKF may act as the complainant if necessary, appointing a representative.

Notifications and Updates

The Discipline and Complaints Committee will contact the complainant within 14 days of receiving the complaint to:

- Confirm that the complaint has been received
- Explain how relevant policies may be accessed
- Explain each step of the resolution process
- Advise the complainant that they may be represented at any time during the resolution process

The Discipline and Complaints Committee will inform the respondent in writing within 14 days, that a complaint has been made and filed and will:

- Provide details of the allegations that have been made against them and advise as to the timeline for a response to the allegation(s).
- Explain how relevant policies may be accessed
- Explain each step of the resolution process
- Advise the respondent that they may be represented at any time during the resolution process
- Explain that a written statement in response to the allegations will be prepared by the respondent.

The Discipline and Complaints Committee will provide regular updates on the status of the complaint to the complainant and respondent.

Early Resolution of Complaint

During the investigation process, either the complainant or the respondent may notify a member of the Discipline and Complaints Committee in writing that they are prepared to resolve the matters in dispute through internal mediation. If no such notice is given, then it shall be presumed that mediation will not take place.

Mediation offers the possibility of the parties resolving the issue themselves, the most desirable way for a complaint resolution.

Requires the consent of both parties.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

An agreement on mediation and agreement on the appointed mediator, subject to Senate approval, will be written and signed by the complainant, respondent and members of the Discipline and Complaints Committee.

The mediator is responsible for planning mediation, assisting the parties to come to an agreement, suggesting possible solutions and to diffuse volatile situations.

If mediation is successful, the agreement arrived at between the complainant and respondent will be written and signed by all parties involved in the mediation.

The mediation shall be completed within thirty (30) working days of the agreement for mediation. If it is not completed within that period, the mediation shall be presumed to have failed.

If mediation fails, the mediator will notify all parties including the Discipline and Complaints Committee in writing.

Protection Against Reprisal and Retaliation

Participants who submit complaints, provide information as a witness or any other person involved in an investigation are protected against reprisal or retaliation. Any such conduct may be considered harassment and subject to disciplinary proceedings. Retaliation is a serious violation of policy and should be reported immediately.

Investigation

Subject to the Secretary General's discretion, investigations will be handled by the SWKKF Discipline and Complaints Committee, with the support of the Senate. The burden of proof shall rest upon the party seeking to prove that the alleged conduct or comment has occurred. Credibility and believability are two important factors that will play important roles throughout the entire investigation.

The Discipline and Complaints Committee shall review all documents that are provided by the complainant, respondent and important witnesses to determine if any conduct or actions were/are contrary to the ideals, objectives, and accepted standards of the SWKKF as set out in the Code of Conduct and Ethics, and other policies of the organization. The investigation may include interviews with the complainant, witnesses and respondent, statements, and a review of applicable legislation.

Any witness interviews will be specific and will focus only on the matters that the witness has personal knowledge of. The witness may be asked to describe the way the victim and the alleged harasser conduct themselves in the association. Witnesses may be asked to submit any documentary evidence.

Sport-specific differences are acknowledged during the investigation, especially in areas like acceptable levels of touch, physical contact, and aggression.

The Discipline and Complaints Committee will prepare a report for the Senate that will include:

- a description of the allegations;
- the statement from the respondent;
- a summary of the evidence gathered about the incident and respondent; and
- if the conduct or actions are on a balance of probabilities contrary to the ideals, objectives, and accepted standards of the Shintani Wado Kai Karate Federation as set out in the Code of Conduct and Ethics or other relevant policies.

If a complaint is believed to be substantiated by the Discipline and Complaints Committee, the Committee will submit their report to the Senate for consideration and determination of appropriate remedies and/or corrective actions.

If a complainant withdraws the complaint, it may be the legal duty of the SWKKF and therefore in its best interest to continue an investigation into the incident. SWKKF understands that under certain circumstances this investigation may have to continue without any assistance from the complainant.

If the complaint's nature makes adhering to outlined timelines challenging, they may be revised but must still ensure a fair and timely resolution.

If an issue persists, the Discipline and Complaints Committee may propose alternative dispute resolution methods. If unsuccessful, the issue will be referred to the Senate for resolution and decision.

Decision and Corrective Actions

Within 30 days of receiving the investigation report, the Senate will provide a written decision, with reasons, and share with the involved parties, and the Discipline and Complaints Committee. In exceptional cases, a summary decision may precede the complete written version.

Factors Considered

Before determining corrective actions, various factors will be considered, including but not limited to:

- Nature and duration of the relationship.
- Respondent's history and behavior patterns.
- Age of individuals involved.
- Safety concerns.
- Respondent's admission and cooperation.
- Impact on the Complainant, organization, or community.
- Specific circumstances related to the Respondent.

- Appropriateness of continued participation.

Corrective action Options

Corrective actions may include, but not limited to, any of the following:

- An oral or written apology to the complainant
- Verbal or written warnings with guidance for how to avoid future reprimands
- Educational measures
- Probation
- Suspension
- Eligibility restrictions
- Permanent ineligibility
- Termination of membership in SWKKF
- Other discretionary corrective actions.

Corrective actions begin immediately unless the Senate decides otherwise, and non-compliance leads to automatic suspension.

SWKKF may suspend a Participant if an alleged incident is deemed serious pending investigation, legal processes, or a Senate decision.

Shintani Wado Kai Karate Federation shall maintain a complete written record of each complaint, investigation, decision and resolution. All written records shall be maintained by the Secretary General in a confidential manner for at least 7 years.

Decisions may be shared with other organizations, like national sport bodies or sport clubs, as deemed necessary.

Other Redress

A member who is not satisfied with the process or decision may file a complaint with the Senate within ten (10) working days of receipt of the decision and provide arguments as to why the proposed remedies and/or corrective actions should not be adopted.

Reporting Criminal Findings

If criminal activity is found, the Complainant and SWKKF will be advised to involve the police. The SWKKF decides whether to report criminal findings to the police, especially for offenses related to prohibited substances, sexual crimes involving minors, fraud, or actions that could harm the SWKKF's reputation.

Criminal Code Convictions

A Participant's conviction for a Criminal Code offense usually results in permanent ineligibility or termination of membership in SWKKF. Criminal Code offences include but are not limited to:

- Any child pornography offences.

- Any sexual offences.
- Any offences of physical violence.
- Any offences of assault.
- Any offences involving trafficking of drugs.

False Allegation Consequences

Participants making malicious or false allegations may face a complaint under the Discipline and Complaints Policy. They may also be required to cover the costs of the investigation. The SWKKF or the accused participant may act as the complainant in such cases.

Confidentiality

The discipline and complaints process is confidential. Only the Senate, involved parties, and the Discipline and Complaints Committee and their independent advisors are part of the process. Parties must not share any confidential information until a decision is released.

Failure to maintain confidentiality may lead to additional corrective actions or discipline, as decided by the Senate.

Final Word

Shintani Wado Kai Karate Federation has developed this policy to ensure that all its participants, members and partners can participate in an environment free from harassment. The organization is bound by our principles of ethical conduct.

SWKKF will:

- Ensure members are familiar with the policies through education
- Post the policies for easy access to the Shintani Wado Kai Karate Federation website
- Ensure that any complaint received will be thoroughly investigated and appropriately resolved.
- Review this policy every three (3) years, or as required, and make changes deemed necessary to ensure that it meets the needs of all members.

Shintani Wado Kai Karate Federation has invested a great deal of time and effort to ensure that the organization has done everything in its power to offer a safe and hostile free environment for all members and guests. The Code of Conduct and other policies and their implementation is an honorable attempt to prevent harassment and provide a complaint resolution system that is to be taken seriously, studied and followed.