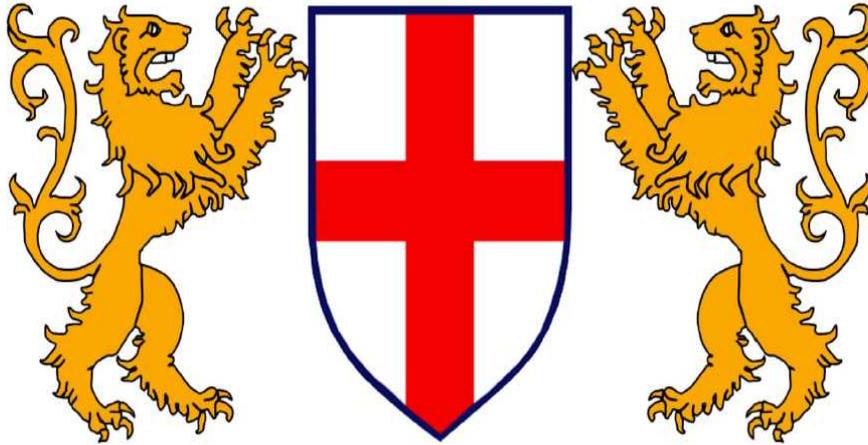


# **ENGLISH KARATE**



# **FEDERATION**

DISCIPLINE CODE

## ARTICLE 1

In disciplinary matters, there will be a Disciplinary & Legal Commission (DLC), a Disciplinary Tribunal (DT) and an Appeal Tribunal (AT)

The DLC has jurisdiction in all juridical and disciplinary matters; it can also provide advice on matters of English Karate Federation (EKF) interest. In disciplinary matters, the primary goal of the DLC is to appoint a DT, and where necessary an AT, to adjudicate in matters arising from a breach of EKF regulations, sporting, ethical or otherwise.

## ARTICLE 2

The DLC is headed by a Chair, appointed from time to time, by the Board of Directors. In each disciplinary case the DLC Chair will appoint a panel of three independent judges, who will form the DT. The Chair of the DLC will appoint, from among the three judges, a DT Chair, who will preside over the case concerned. In the case of an appeal, the DLC Chair will appoint a further three independent judges, again from the three, he will appoint an AT Chair. The DLC Chair may appoint an Investigator, prior to the formation of any DT. The brief of this Investigator will be to consider any allegation/s for substance, gather all relevant evidence and provide a full and comprehensive written report of their findings directly to the DLC Chair. The DLC Chair will then forward the report to the EKF Presenting Officer (Counsel) for their opinion as to whether disciplinary proceedings should take place and if so which charges should be laid against any association/individual. The resulting advice prepared by Counsel shall be sent direct to the DLC Chair for further action by the EKF.

## ARTICLE 3

The DLC will act as above, either upon their own initiative, upon request of the Board of Directors or a request from a third party. In this latter case, the Board of Directors will decide upon the acceptability of the request.

## ARTICLE 4

Any DT decision taken can be appealed, but must in the first instance be appealed before an EKF AT; any appeal of a decision of the EKF AT will be to the Tribunal and Court of Arbitration for Sport (TAS) in Lausanne, Switzerland.

## ARTICLE 5

The DLC will appoint a DT and where necessary an AT, review disciplinary rules and procedure, other than where the Referee Commission has jurisdiction (which covers the application of competition rules). This would include, but not limited to, disciplinary offences in relationship with the opening and closing ceremonies, incorrect behaviour of delegation members inside or outside the competition area, or any behaviour that is considered contrary to the ethics of Karate-do

## ARTICLE 6

The DT has the power to institute disciplinary measures upon Associations, or Members (see Article 12).

## ARTICLE 7

The AT has the power to affirm, alter or dismiss the decision of the DT. For the avoidance of doubt this can include increasing the penalty imposed, if the AT decides that the DT has been unduly lenient.

## ARTICLE 8

The DLC Chair, or a person appointed by the DLC Chair, will survey the opening and closing ceremonies of the EKF National Championships, and will present a written report on any incorrect attitude or misbehaviour arising in these ceremonies to the DLC Chair.

## ARTICLE 9

The DLC Chair will receive and register any violation and sanction that is presented by the Chair of the Referee Commission. This will be centrally held, any violation/sanction can be used in any future proceedings in the determination of sanctions/penalty only.

## ARTICLE 10

The DT meetings will be convened and called for by the DT Chair.

## ARTICLE 11

The DLC chair will appoint a DT in the case of a violation of the rules, to proceed with any investigation, interview or correspondence for the purpose of taking appropriate action.

## ARTICLE 12

The disciplinary penalties are

- Warnings
- Reprimands
- Sport penalties (under the form of temporary ban from participation in competitions, courses, Dan gradings, etc)
- Financial penalties
- Suspension
- Expulsion

## ARTICLE 13

The members of a Disciplinary Tribunal (DT) have the obligation to be discreet and not to disclose to any other party the outcome of their investigations. The members of a DT cannot take part in any instance or case where members of their own Association, their family, or persons having a link with them are involved. It is the responsibility of each DT member to bring any conflict of interest to the notice of the Chair of the DLC and withdraw from a case when a conflict of interest is apparent. In this instance, the Chair of the DLC will appoint another member.

## ARTICLE 14

In general the proceedings will be presented in writing; however the Chair of the DT may decide to call those concerned in person before the Tribunal. Any party facing sanctions may at their own request and at their own expenses have the right to an oral hearing and if they desire to do be accompanied by a lawyer or third party acting as their "friend". Information exchanged between the parties and the Tribunal may be through all modern media including telephone, fax, E-mail, etc. In the event of an oral hearing, the Chair will set the hearing date and will take into account a reasonable period which will allow the parties to properly prepare their case.

## ARTICLE 15

During any DT or AT proceedings the EKF will be represented by a Presenting Officer (Counsel) who will present the case on behalf of the EKF and also advise the tribunal as to the rules governing both the proceedings and any disposal available to it.

## ARTICLE 16

The Tribunal will decide by majority vote. The deliberations will take place at a DT meeting, or if the three DT members agree, by telephone, fax, e-mail, etc.

#### ARTICLE 17

Any proceeding heard in person will be recorded. A transcript of the hearing shall be made available to any appellant and the appellant forum.

#### ARTICLE 18

The decisions of the DT are final, subject to any appeal. Those concerned can, within twenty-one days of receiving the written notification receipt, appeal to the EKF Appeals Tribunal (AT). A notification receipt shall be deemed served, if by post, two days after posting 1<sup>st</sup> class, to the Secretary of the association concerned, or if involving an individual, to that individual's last known address, or via email or fax

#### ARTICLE 19

The decision of the AT may within twenty one days of the decision being made be appealed to the Tribunal of Arbitration for Sport (TAS). A certified copy of the decision made by the AT will be served on appellant within 48 hours of the finding. The rules governing appeals to TAS/CAS will wholly apply to the AT decision.

#### ARTICLE 20

Any appeal will not suspend the DT decision. If an appeal is lodged, the DT, may in the interests of fairness and justice suspend the sanction imposed, if it feels just to do so, pending the hearing of the appeal by the AT. The AT has a like power.

#### ARTICLE 21

The Minutes will be signed by the Chair of the DT.

#### ARTICLE 22

No DT or AT hearing will be open to the public. Only those immediately connected with the hearing will be admitted, that is to say, those facing disciplinary action, those representing such person/association and any witnesses called to give evidence.

#### ARTICLE 23

The decisions of the DT will apply to all EKF members, whether individuals, clubs, or Associations.

#### ARTICLE 24

If a case demands and is deemed of such gravity, the Chair of the DLC may decide upon the provisional suspension of those concerned until the case is heard by the DT. The DT will decide whether to keep or to lift this suspension until the final decision.

## ARTICLE 25

The Chair of the DLC may ask each Association to supply a list of judges competent in juridical and/or sporting matters. The judges need not be EKF members. However in any three judges panel there must be at least one EKF member.

## ARTICLE 26

The DLC Chair's responsibility is to control the development and regularity of the procedures, and to take appropriate measures to insure the fair operation of the process.

## ARTICLE 27

The DLC is not a body for appealing the sanctions imposed by the National Federations

## ARTICLE 28

The DT, once appointed for a case, appoints one of its members as secretary, studies the dossier, transmits it to the parties concerned, requests an answer, and fixes a reasonable deadline for the procedural stages.

Notification of the outcome will be sent to those concerned in such a manner that receipt can be proven. In cases of address difficulties, it will be considered sufficient that notification is sent to the Association of those concerned.

## ARTICLE 29

The applicable legislation will be English Law.

## ARTICLE 30

In the case of any offence committed by competitors or Referees during a competition, the Chair of the Referee Commission may impose an immediate suspension. The issue will be transmitted to the DLC Chair as soon as possible.

## ARTICLE 31

As a general rule the members of a DT panel will make every effort to resolve all matters in their hands within a reasonable time and in any case within a period of 6 months.

## ARTICLE 32

The DT may impose in its rulings the payment of the DT panel costs. When acting to resolve conflicts between National Federation members, it may rule that one or both parties should bear the costs.

ARTICLE 33

Amendments to these regulations may be made at any time and must be approved by the EKF Board of Directors.