



TAEKWON-DO

NOVA SCOTIA ASSOCIATION

DISCIPLINE AND COMPLAINTS POLICY



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DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a. “TNSA” – CTFI Taekwon-Do Nova Scotia Association;
 - b. “CTFI” – Canadian Taekwon-Do Federation International;
 - c. “ITF” – International Taekwon-Do Federation;
 - d. “Complainant” – The party alleging an infraction;
 - e. “Respondent” – The alleged infracting party;
 - f. “Days” – Days irrespective of weekend and holidays; and
 - g. “Members” – All categories of memberships as defined by the TNSA, as well as all individuals engaged in activities with the TNSA, including but not limited to, athletes, students, coaches, instructors, officials, volunteers, directors, committee members, employees, managers and administrators.

PURPOSE

2. Membership in the TNSA, 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 TNSA policies, procedures, rules and regulations. Irresponsible behaviour by members can result in severe damage to the integrity of the TNSA. Conduct that violates these values may be subject to sanctions pursuant to this policy.

SCOPE & APPLICATION

3. This Policy applies to all members as defined in the definitions.
4. This Policy applies to discipline matters that may arise during the course of the TNSA’s business, activities and events, including but not limited to, office environment, club/school environment, competitions, practices, tournaments, training camps, travel, demonstrations, special events and any meetings.
5. Discipline matters and complaints arising within the business, activities or events organized by entities other than the TNSA will be handled pursuant to their policies unless accepted by the TNSA at its sole discretion, or such discipline matters and complaints adversely affecting the relationships within the TNSA and/or is detrimental to the image and reputation of the TNSA.

REPORTING A COMPLAINT

6. Any person of the public or member of the TNSA may report to the TNSA, Instructor of any TNSA School, or directly to the TNSA Disciplinary Sub-Committee any complaint of an infraction by a member. A complaint must be in writing, signed and filed to the TNSA Disciplinary Sub-Committee within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of the President of the TNSA.

7. Any individual receiving a complaint will notify the TNSA Disciplinary Sub-Committee within 24 hours from the receipt of complaint.

8. 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 President of the TNSA and cannot be appealed.

HANDLING A COMPLAINT

9. Upon receipt of a complaint, the President of the TNSA will oversee management and administration of the complaints submitted in accordance with this Policy. An understanding of investigations, dispute resolution and conflict management would be beneficial in the complaint proceedings. The President of the TNSA and Disciplinary Sub-Committee has an overall responsibility to ensure procedural fairness is respected at all times in this policy, and to implement this policy in a timely manner. More specifically, has a responsibility to:

- a. Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this policy. If the complaint is frivolous or vexation or outside the jurisdiction of this policy, the complaint will be dismissed immediately. The decision to the acceptance or dismissal of the complaint may not be appealed;
- b. Determine if the complaint is a minor or major infraction;
- c. Appoint a Mediator and/or the Panel to include the 2 Board of Directors (President, Vice-President or Secretary-General), 2 Non Board Members and 1 Non-partisan, if necessary, in accordance with this policy;
- d. Determine the format of the hearing;
- e. Coordinate all administrative aspects of the complaint;
- f. Provide administrative assistance and logistical support as required; and
- g. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

10. The President of the TNSA Disciplinary Sub-Committee will inform the Parties if the incident is to be dealt with as a minor infraction of major infraction and the matter will be dealt with under Part II or Part III of this Policy, as applicable.

11. This policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behaviour that constitutes either a minor or a major infraction. Further sanctions may be applied in accordance with the procedures set out in this policy.

CONFIDENTIALITY

12. The discipline and complaints process is confidential involving only the Parties, the President of the TNSA Disciplinary Sub-Committee 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.

TIMELINES

13. 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.

APPEALS PROCEDURE

14. Except where stated otherwise in this policy, a decision of the Panel may be appealed. An appeal will be written, signed and submitted to the TNSA Disciplinary Sub-Committee stating the appeal within fourteen (14) days of the notice of the initial decision.

MINOR INFRACTIONS

15. Minor infractions are single incidents of failing to achieve the expected standards of conduct that generally does not result in compromising the reputation or integrity of the TNSA.

16. The appropriate person having authority over the situation will deal with all disciplinary situations involving minor infractions and the individual involved. These persons in authority may include, but is not restricted to, Grand Masters, Masters, Instructors, Officials, Coaches, Organizers, and the Board of Directors.

17. Procedures for dealing with minor infractions will be informal as compared to those of major infractions and will be determined at the discretion of the person responsible for discipline of such infractions. This is provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.

18. Penalties for minor infractions, which may be applied independently or in combination, include the following:

- a. Verbal or written warning;
- b. Verbal or written apology;
- c. Service or other voluntary contributions to the TNSA;
- d. Removal of certain privileges of membership for a designated period of time;
- e. Suspension from the current competition, activity or event; and

f. Any other sanction considered appropriate for the offense.

19. Minor infractions that result in discipline will be recorded and maintained by the President of the TNSA Disciplinary Sub-Committee. Repeat minor infractions may result in further such incidents being considered a major infraction.

MAJOR INFRACTIONS

20. Major infractions are incidents of failing to achieve the expected standard of conduct that result, or have the potential to result in harm to another person or has the potential to cause serious negative impact to the reputation to the TNSA.

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

- a. Repeat minor infractions;
- b. Intentionally damaging TNSA property or improperly handling the TNSA monies;
- c. Incidents of physical abuse;
- d. Pranks, jokes or other activities that endanger the safety of others, including hazing;
- e. Blatant disregard for the bylaws, policies, rules, regulations and directives of the TNSA;
- f. Conduct that intentionally damages the image, credibility or reputation of the TNSA;
- g. Behaviour that constitutes harassment, sexual harassment, sexual misconduct or criminal in nature; and
- h. Abusive use of alcohol and/or drugs, any use or possession of alcohol and/or drugs by minors while conducting official TNSA classes, programs, events, tournaments etc.

22. Major infractions will be decided using the disciplinary procedures set out in this policy, except where a dispute resolution procedure contained within a contract or other formal written agreement takes precedence.

23. The TNSA may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

24. Any incident that is alleged criminal in nature will be forwarded to the appropriate legal authorities for further action.

PROCEDURES FOR MAJOR INFRACTIONS HEARING

25. If the President of the TNSA Disciplinary Sub-Committee is satisfied that the complaint is a major infraction, it will, with the consent of the Parties, seek to resolve the complaint through mediation using the services of a mediator.

26. If the complaint cannot be resolved through mediation then a hearing before a Panel will take place. The President of the TNSA Disciplinary Sub-Committee will appoint the Panel. In the event of an appeal, the President of the TNSA Disciplinary Sub-Committee will appoint another Panel to hear the appeal. In extraordinary circumstances, and at the discretion of the President of the TNSA Disciplinary Sub-Committee, a Panel of two additional persons may be appointed to hear and decide the complaint. In this event, the President of the TNSA Disciplinary Sub-Committee will appoint one of the Panel's members to serve as the Chair.

27. The President of the TNSA Disciplinary Sub-Committee will determine the format of the hearing, which may involve but not limited to an oral hearing in person, an oral hearing by telephone or other electronic means, a hearing based on written submissions or a combination of aforementioned methods. The hearing will be governed by the procedures that the President of the TNSA Disciplinary Sub-Committee and the Panel deem appropriate in the circumstances, provided that:

- a. The Parties will be given appropriate notice of the day, time and place of the hearing;
- b. Copies of any written documents which the parties wish to submit to Panel for consideration will be provided to all Parties in advance of the hearing in accordance with the appropriate timeline;
- c. Both Parties may be accompanied by a representative or adviser, including legal counsel, at their own expense;
- d. The Panel may request other individuals to testify, provide evidence or expertise at the hearing;
- e. If a decision affects another party to the extent that the other party would have recourse to an appeal in their own right under the policy, that party will become a party to the appeal in question and will be bound by its outcome; and
- f. Decision will be by majority vote.

DECISION

28. After hearing the matter, the Panel will determine if an infraction occurred and if so, what appropriate sanctions will be imposed. The Panel's written decision, with reasons, will be distributed to all parties and the TNSA. The decision will be considered a matter of public record unless voted otherwise by the Panel.

29. Where the Respondent acknowledges the facts of the incident, they may waive the hearing, in which case the Panel will determine the appropriate disciplinary actions. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

30. If the Respondent chooses not to participate in the hearing, the hearing will proceed in any event.

31. In fulfilling its duties, the Panel may obtain independent advice.

SANCTIONS

32. The Panel may apply the following disciplinary sanctions independently or in combination for major infractions:

- a. Verbal or written warning;
- b. Verbal or written apology;
- c. Service or other voluntary contributions to the TNSA;
- d. Removal of certain privileges;
- e. Suspension from certain TNSA teams, events and/or activities;
- f. Suspension from all TNSA activities for a designated period of time;
- g. Payment of the cost of repairs for property damages;
- h. Suspension from the TNSA;
- i. Expulsion from the TNSA; and
- j. Other sanctions as may be considered appropriate for the offense.

33. 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 the TNSA until compliance occurs.

34. A written record will be maintained by the TNSA at their head office for major infractions that result in a sanction.

SERIOUS INFRACTIONS

35. The TNSA may determine that an alleged incident is of such seriousness as to warrant suspension of the Respondent pending a hearing and a decision of the Panel.

CRIMINAL CONVICTIONS

36. A conviction for any of the following Criminal Code offenses will be deemed a serious infraction under this policy and will result in expulsion from the TNSA and/or removal from TNSA competitions, programs, activities and events upon the sole discretion of the TNSA Disciplinary Sub-Committee:

- a. Any child pornography offences;
- b. Any sexual offences;
- c. Any offence of physical or psychological violence;
- d. Any offence of assault;
- e. Any offence involving a weapon; and

- f. Any offence involving trafficking of illegal drugs, humans or weapons.

PENALTY GUIDELINES

37. Any Member who has committed the specific unsportsmanlike acts or practices noted below may be subject to the following penalties:

- a. **Illegal Acts:** Committing any act, which is considered an offence under law, will be a minimum suspension (1 year up to expulsion).
- b. **Willfully Damaging Property:** Replacement of property and suspension (1 month to a maximum of 1 year).
- c. **Violence:**
 - i) Showing outward displays of temper or aggression;
 - ii) Deliberately throwing an item in the direction of an official, spectator or opponent; and
 - iii) Threatening bodily injury to anyone.

Acts of violence can result in a suspension (6 months up to expulsion).

- d. **Poor Attitude:**
 - i) Swearing at an official, spectator or opponent; and
 - ii) Using profanity or obscene language or gestures.

Poor attitude can result in a suspension (2 weeks to 1 year).

REVIEW AND APPROVAL

37. This policy will be reviewed annually on the date of first approval.

38. This Policy was approved by the TNSA on the ___ day of _____, 20__.