



NATIONAL
KARATE-DO
FEDERATION

Complaint and Hearing Procedures

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USA National Karate-do Federation

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SECTION 1. INTRODUCTION

The following Complaint and Hearing Procedures (“Procedures”) apply to complaints that are filed with USA National Karate-Do Federation (USA-NKF) and fall within the jurisdiction of the Judicial Committee or the Ethics Committee.

Any person who falls within the governance of USA-NKF by virtue of becoming a member or participating in USA-NKF sanctioned events agrees to be subject to these complaint procedures.

SECTION 2. JURISDICTION

The USA-NKF Judicial Committee and Ethics Committee (collectively “the Committees”) are created and are governed by the USA-NKF Bylaws, Code of Conduct, Conflict of Interest Policy, Gift Policy, Whistleblower Policy, SafeSport Participant Safety Handbook (“the SafeSport Policy”), USA-NKF Minor Athletes and Officials Abuse Prevention Policies, USOPC Bylaws, and Ted Stevens Act. The purpose of these Complaint and Hearing Procedures is to provide a mechanism for adjudicating cases that fall within any of those policies, and nothing in these Procedures shall be construed as expanding or limiting the jurisdiction of the Committees.

Complaints including but not limited to any alleged violation of or grievance concerning: (i) any USA-NKF rule or regulation, (ii) any provision of USA-NKF’s Bylaws, (iii) any provision of the USOPC’s Bylaws, (iv) any right to participate or compete as per the USA-NKF Bylaws or (v) any provision of the Ted Stevens Olympic and Amateur Sports Act relating to USA-NKF’s recognition as a National Governing Body shall be the jurisdiction of the Judicial Committee. Complaints relating to Ethics Policies including but not limited to the Code of Conduct, Conflict of Interest, Gift and Whistleblower and complaints related to SafeSport Polices shall be under the jurisdiction of the Ethics Committee.

SECTION 3. COMPLAINTS

A Complaint alleging violation of the USA-NKF Articles of Incorporation, Bylaws, Code of Conduct, Conflict of Interest Policy, Gift Policy, Whistleblower Policy, SafeSport Policy, USA-NKF Minor Athletes and Officials Abuse Prevention Policies, USOPC Bylaws,

Ted Stevens Act or any of the Complaint types listed in Section 2 and any USA-NKF rule shall:

§3.1 Set forth a statement in clear and concise language of the conduct (or omission) that is alleged to constitute a violation;

§3.2 Identify the specific document and provision that the Complainant alleges has been violated and any supporting documentation;

§3.3 Be signed by the person making the Complaint, who shall attest to its validity, under express affirmations that all factual statements contained in the Complaint are true to the best of the Complainants knowledge, information and belief;

§3.4 Provide identifying membership information, a telephone number and sufficient contact information for the Complainant or the Complainant's counsel or legal representative (such as a parent or guardian) to permit the exchange of information in written or electronic form (address or e-mail), together with such contact information as the Complainant may have for the Respondent;

§3.5 Ethics and SafeSport related complaints may be submitted via phone at the USA Karate Ethics Hotline number 1-844-598-1865 or online at the USA Karate Ethics Website at www.USAKarateEthics.com. Ethics and SafeSport related complaints can be filed anonymously.

§3.6 If filed by an individual, be accompanied by a fee of \$250 via check or certified check, except in cases of alleged ethics or SafeSport related complaints and Complaints filed by the Chief Executive Officer under Section 3.9 below, which shall require no filing fee;

If filed by an organization, be accompanied by a fee of \$500 via check or certified check, except in cases of alleged ethics or SafeSport related complaints and Complaints filed by the USA-NKF;

§ 3.7 Filed with the Chief Executive Officer of USA-NKF and the Judicial Committee via email at judicial@usankf.org or Ethics Committee via email at ethics@usankf.org. A complaint shall be deemed filed when received at the National Office or by the Judicial

or Ethics Committee. A Complaint naming the Chief Executive Officer as a Respondent may be filed with the Chair of the appropriate Committee sent to the National Office or via email at ethics@usankf.org or judicial@usankf.org;

§3.8 Either Committee may waive immaterial defects in any Complaint and deem a Complaint filed in advance of correction of such defects;

§3.9 The Chief Executive Officer of USA-NKF or his/her designee may file a Complaint naming USA-NKF as the Complainant.

SECTION 4. COMPLAINT DISTRIBUTION

§4.1 Upon receipt of a Complaint unrelated to SafeSport, the Complaint shall be distributed and served as follows:

§4.11 The Chief Executive Officer or the Committee Chair (for Complaints filed with a Chair) shall within three (3) days (or within 24 hours for a right to compete matter) forward a copy of the Complaint to the proper Committee. If a Complaint alleges misconduct under rules over which both the Ethics Committee and Judicial Committee have jurisdiction, the Complaint shall be forwarded to both Committees.

§4.12 The Committee Chair, or his/her designee, shall perform an initial review of materials provided with the complaint to ensure that the Complaint is complete under the provisions of Section 3 and that it is not frivolous or beyond the Committee's jurisdiction on its face.

§4.13 Either Committee may dismiss a Complaint that fails to comply with the provisions of Section 3 five (5) business days after giving the Complainant notice of deficiencies and an opportunity to cure them. Either Committee may dismiss a Complaint on the basis of written finding that it is frivolous or beyond the jurisdiction of the Committee on its face.

§4.14 If the Complaint is not dismissed upon initial review by the Committee, the Committee shall serve the Complaint on the Respondent within fourteen (14) business

days from the receipt of the complaint, without just cause for delay, by certified mail, return receipt requested or by e-mail at any member's registered e-mail address. The committee shall notify the complainant that they have accepted the complaint.

§4.15 The Respondent(s) shall have fifteen (15) business days from service to file a written response to the Complaint, if he/she wishes, or such shorter time as the Committee Chair shall require where the nature of the Complaint requires expedited procedures. The failure to file a written response shall be deemed to constitute a waiver of any right the Respondent(s) might otherwise have to a hearing on the Complaint.

§4.16 After the initial review has been completed and the complaint accepted, the Committee Chair shall assign the Complaint to a Hearing Panel of at least three (3) members, with at least 33% of the members being an athlete satisfying the requirements of Section 8.8.2 of the USOPC Bylaws. Hearing Panel members may be (but are not required to be) members of the Committee, and they need not be "Independent" as that term is defined in the USA-NKF Bylaws. However, all Hearing Panel members shall be disinterested, impartial, and shall be free of any actual or apparent conflict of interest.

The hearing panel members shall be disclosed to the complainant and respondent. If a conflict of interest is raised the Ethics Committee will review the conflict, If a conflict is found the individual will be removed from the hearing panel and an alternate would be placed on the hearing panel.

§4.17 The Hearing Panel at its discretion may request that an independent investigator be retained to determine the facts of the Complaint and to report findings back to the hearing panel.

§4.2 Upon receipt of a Complaint related to a violation of SafeSport Policies, the Complaint shall be distributed and served as follows:

§4.21 SafeSport complaints related to Sexual Misconduct as defined in the SafeSport Policies will follow the reporting requirements of the SafeSport Policy, The US Center

for SafeSport will adjudicate these complaints and USA-NKF will enforce the decisions of the US Center for SafeSport. USA-NKF will not hear appeals to decisions rendered by the US Center for SafeSport.

§4.22 SafeSport complaints not related to Sexual Misconduct or referred back to USA-NKF from the US Center for SafeSport for adjudication will be referred to an independent investigator by the Chief Executive Officer to gather the relevant facts of the complaint.

§4.23 The Chief Executive Officer will forward the complaint and independent investigator report to the Ethics Committee Chair within three (3) days of receipt of the Independent investigators report.

§4.24 The Committee Chair, or his/her designee, shall perform an initial review of materials provided with the complaint and independent investigator's report to ensure that the Complaint is complete under the provisions of Section 3, that the complaint is a violation of the SafeSport Policies and that it is not frivolous or beyond the Committee's jurisdiction on its face.

§4.25 Ethics Committee may dismiss a Complaint that fails to comply with the provisions of Section 3 or the SafeSport Policies five (5) business days after giving the Complainant notice of deficiencies and an opportunity to cure them. Ethics Committee may dismiss a Complaint on the basis of written finding that it is frivolous or beyond the jurisdiction of the Committee on its face.

§4.26 If the Complaint is not dismissed upon initial review by the Committee, the Committee shall serve the Complaint on the Respondent within fourteen (14) business days from the receipt of the complaint, without just cause for delay, by certified mail, return receipt requested or by e-mail at any member's registered e-mail address.

§4.27 The Respondent(s) shall have fifteen business days from service to file a written response to the Complaint, if he/she wishes, or such shorter time as the Committee Chair shall require where the nature of the Complaint requires expedited procedures. The failure to file a written response shall be deemed to constitute a waiver of any

right the Respondent(s) might otherwise have to a hearing on the Complaint.

§4.28 After the initial review has been completed and the complaint accepted, the Committee Chair shall assign the Complaint to a Hearing Panel of at least three (3) members, with at least 33% of the members being an athlete satisfying the requirements of Section 8.8.2 of the USOPC Bylaws. Hearing Panel members may be (but are not required to be) members of the Committee, and they need not be “Independent” as that term is defined in the USA-NKF Bylaws. However, all Hearing Panel members shall be disinterested, impartial, and shall be free of any actual or apparent conflict of interest.

SECTION 5. SANCTIONS

A Hearing Panel, after conducting such investigation or hearings as they may determine to be necessary may recommend imposition of any of the following sanctions or resolutions:

§5.1 Dismiss the Petition with or without permission to re-file;

§5.2 Censure a party, publicly or privately;

§5.3 Establish a period of probation, with or without conditions;

§5.4 Deny, grant, suspend or restore the eligibility or right to compete or participate of any member of USA-NKF;

§5.5 Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision; and

§5.6 Determine the results of, or require a rerun of, any election held or any constituent element thereof;

§5.7 Deny, grant, suspend or restore membership in USA-NKF for a definite or indefinite period of time, with or without terms of probation, or expel any member of USA-NKF, including any administrator, athlete, coach, trainer, manager, event director, official, officer, Board Member, coordinator, chair or member of any committee or sub-committee;

§5.8 Assess actual costs to the prevailing party or refund any filing fee paid by the prevailing party; and

§5.9 Assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the circumstances.

§5.10 USA-NKF shall administer any sanctions imposed by the US Center for SafeSport, US Anti-doping Agency, World Anti-doping Agency, United States Olympic Committee, International Olympic Committee, Pan American Karate Federation, and World Karate Federation.

§5.11 In complaints of SafeSport violations adjudicated by USA-NKF the sanctions imposed shall follow the sanctions identified by the SafeSport Policies.

SECTION 6. DOPING and SAFESPORT DECISIONS

Neither Committee shall have any jurisdiction to adjudicate complaints that fall within the exclusive jurisdiction of the United States Anti-Doping Agency, World Anti-Doping Agency, or the doping rules of the World Karate Federation.

Neither Committee shall have any jurisdiction to adjudicate complaints that fall within the exclusive jurisdiction of the US Center for SafeSport.

SECTION 7. FIELD OF PLAY DECISIONS

The final decision of an official during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the official) shall not be reviewable through, or the subject of, these complaint procedures unless the decision is: the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term “referee” shall include any individual with discretion to make field of play decisions.

SECTION 8. PRELIMINARY HEARING and TEMPORARY ORDERS

In appropriate cases, the Committee Chair or his designee, after an initial investigation and after providing the Respondent an opportunity to be heard, may impose such temporary orders as may be necessary for the good of the sport of Karate and the protection of members. The temporary order may encompass any remedy or order permissible in a final decision (except expulsion).

In cases of SafeSport violations involving claims of Sexual Misconduct the USA-NKF Chief Executive Officer shall suspend the membership of the member and if the member is a club owner the club membership if applicable pending the outcome of the adjudication of the complaint. If the complaint is rejected the Chief Executive Officer will restore the suspended memberships.

SECTION 9. HEARINGS

§9.1 The Chair of the Hearing Panel shall preside over any hearing ordered by the Hearing Panel. Upon receipt of Complaint and a response (if any), the Chair shall conduct a preliminary conference during which the Panel shall impose dates for (a) any hearing the Panel deems necessary, (b) the exchange of all exhibits to be used as evidence, (c) the respondent's response to the charges as per section 4.15, (d) the identification of witnesses, their contact information, and a brief statement as to the subject matter of their testimony, and (e) submission of hearing briefs if desired by the Panel. The identify of witnesses and any evidence submitted shall be provided prior to the hearing. The hearing shall be scheduled for a time that will allow reasonable time to prepare one's position in the matter after the evidence is distributed, within 90 days of the preliminary conference and agreed to by the parties involved.

§9.2 The Panel may impose such sanctions as it may deem advisable for the failure of any party to comply with the procedural orders of the Panel.

§9.3 A hearing before the Hearing Panel may be held in person or telephonically. The hearing will be scheduled for a time and place that will make it practicable for all parties of the grievance to attend. Any witness who testifies must be sworn upon that witness's oath to testify truthfully. Where appropriate in the reasonable determination

of the Hearing Panel Chair, the hearing may be conducted in part through written means and in part by testimony and oral argument, except that the Hearing Panel shall not consider any written or oral evidence that the opposing party has not been given an opportunity to rebut.

§9.4 The Complainant(s), the Respondent(s) and any other person participating in a hearing conducted by a Hearing Panel shall be entitled to be represented by counsel of their choice at their own expense.

§9.5 Judicial rules regarding admissibility of evidence shall not apply to the Hearing Panel, except that the Hearing Panel shall respect all lawful claims of privilege based on Colorado law.

§9.6 Any hearing, or a part thereof, shall be open to members of the Hearing Panel, any attorney advising the Hearing Panel Chair, the Complainant(s), the Respondent(s), any other real party in interest, their counsel and any witnesses except that the Hearing Panel shall exclude from the hearing any witnesses who have not testified if so requested by any party. The Hearing Panel Chair may, in the interests of justice and the sport of Karate, direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by the Hearing Panel and USA-NKF except such public sanctions as may be imposed.

§9.7 Except for emergency hearings, which shall not require agreement of the parties, the Hearing Panel Chair for the hearing may order, with the agreement of all parties, an accelerated hearing schedule in the interest of justice and the sport of Karate

SECTION 10. PRE-HEARING PROCEDURES

The procedures to be followed in connection with all hearings of the Committee Hearing Panels shall be as follows:

§10.1 The Hearing Panel Chair shall issue a Preliminary Hearing Order setting out the deadlines established under Section 9.1.

§10.2 The Hearing Panel, may, upon motion and for good cause, amend any of the dates set out in the Preliminary Hearing Order.

§10.3 No party or party representative shall engage in any ex parte communication with the Hearing Panel Chair or members of the Hearing Panel. All requests for relief shall be made in writing and submitted to the Hearing Panel Chair and its members, with a copy to the opposing party or the opposing party's counsel.

§10.4 In addition to the items set out in Section 9 above, the Hearing Panel may impose such other procedural orders as it deems necessary to the efficient conduct of proceedings.

SECTION 11. CONDUCT of HEARING

§11.1 Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities of traditional courtroom procedures.

§11.2 Absence of a Party –The hearing may proceed in the absence of any party who fails to be available at the duly noticed time and the hearing may proceed to judgment despite that person's absence. If the Hearing Panel Chair determines that in the interests of justice and the sport of Karate the hearing cannot proceed without the absent party, the Hearing Panel Chair may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the Hearing Panel in reaching its decision, and the Hearing Panel may impose reasonable conditions on the missing party for continuation of the hearing.

§11.3 The hearing shall be conducted in the following manner, and the Hearing Panel may set reasonable time limits for each portion of the hearing:

§11.3.1 The Hearing Panel Chair shall open the hearing and conduct such preliminary matters as may be necessary.

§11.3.2 Each party shall have the opportunity to make a brief opening statement

§11.3.3 The Complainant shall call each of its witnesses for examination, which witnesses shall be sworn upon his/her oath, substantially as follows: "I do hereby

swear or affirm under penalties of perjury that the testimony I give shall be true and complete.” In lieu of formal examination, the witnesses may make a statement after being sworn. Upon completion of each witness’s examination or statement, the opposing party(ies) or their counsel may cross- examine the witness. The Hearing Panel Chair shall have the power to limit the cross-examination as may be necessary to avoid the introduction of irrelevant evidence, to protect against harassment or intimidation of any witness, or to avoid repetitive testimony, except that the Chair may not completely bar the cross-examination of any witness. The Complainant shall then have the opportunity to conduct re-direct examination and any witness shall have the opportunity to make a concluding statement limited to the issues that were raised in cross-examination. No further examination or statements shall be permitted except as the Hearing Panel Chair may permit in his/her discretion.

§11.3.4 Following conclusion of the presentation of witnesses or witness statements by the Complainant, the Respondent shall have the opportunity to present witnesses in the same manner as above.

§11.3.5 Following the conclusion of the presentation of witnesses or witness statements by the Respondent, the Complainant shall have the opportunity to present witnesses in the same manner as above limited to new evidence that was presented by Respondent’s witnesses.

§11.3.6 Following conclusion of the Complainant’s rebuttal evidence, each side shall be permitted to give closing arguments. The Hearing Panel Chair shall decide on the time limits for such closing arguments. The Complainant may divide the closing argument time so as to permit rebuttal of the Respondent’s closing argument.

§11.3.7 The Hearing Panel members may question any witness presented by the parties. The Chair of the Hearing Panel shall direct the order of such questioning and any follow-up questions by the parties.

§11.3.8 Within thirty days following completion of the hearing and within 90 days

of receipt of the complaint that is an ethics complaint, the Hearing Panel shall issue a written decision and findings. No failure to satisfy these requirements shall serve to invalidate any decision or to deprive the Hearing Panel of jurisdiction over the Complaint.

SECTION 12. APPEALS

SafeSport related matters adjudicated by Ethics Committee may be appealed to the Judicial Committee, but no appellant shall have the right to a hearing de novo before the Judicial Committee. Notice of appeal must be filed within 15 business days of the issuance of the Hearing Panel decision along with a \$250 appeal fee paid via check or certified check.

For all other matters and SafeSport appeals adjudicated by the Judicial Committee the decision of the Hearing Panel may be appealed to the Board of Directors or to the American Arbitration Association, but no appellant shall have the right to a hearing de novo before the Board of Directors. Notice of appeal must be filed within 15 business days of the issuance of the Hearing Panel decision along with a \$250 appeal fee paid via check or certified check. The decision of the Board of Directors shall be final. For purposes of Section 9 of the USOPC Bylaws, a party shall not be deemed to have exhausted his/her administrative remedies within USA-NKF unless the party has sought relief from the Board of Directors and such relief has been adjudicated by the Board.

Matters adjudicated by US Center for SafeSport, US Anti-doping Agency, World Anti-doping Agency, the United States Olympic Committee, International Olympic Committee, Pan American Karate Federation, and the World Karate Federation are appealed through their individual policies and procedures and cannot be appealed to the Board of Directors. USA-NKF will abide the decisions of those agencies.

SECTION 13. ANTI-RETALIATION

USA-NKF has zero tolerance for retaliation against a person who makes good faith reports of potential ethical, policy, financial or legal violations, or who cooperate with investigations of those reports. That means no athletes, directors, officers, employees, contractors, members, committee members, task force members, hearing panel members, and volunteers may threaten, harass, discriminate against, or take any

negative employment (where applicable) or participation related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis.

Any such retaliation can be reported as described above in the same way as any other policy violation. It will be treated as a violation of the USA-NKF Whistleblower Policy and USA-NKF's Code of Conduct and may lead to serious consequences including termination of employment or participation for anyone involved in retaliation.

