



KSA Disciplinary Procedure Policy

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From KSA Secretary General on
request**

President: Sonny Pillay, **Vice President:** Albert Marais,
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Karate South Africa disciplinary Procedure

The seriousness of the offense and the circumstances under which the offence was committed will have bearing on the outcome of any disciplinary process. In this document, offenses are not necessarily listed in order of importance or gravity.

It is impossible for any Disciplinary Code to contain an exhaustive list of every conceivable offense that might occur. This Code therefore lists only the more important or more serious offenses or more common types of offenses, but the omission or non-inclusion of any offense from this Code shall not prohibit the Federation from instituting Disciplinary Action against any Member or Athlete for any offense not listed in this Code.

1. The Right to Representation:

- Those called before a disciplinary hearing do not necessarily have the right to be represented by an attorney, unless the rules, policies, procedures and/or code of conduct of Karate South Africa allow for legal and/or other representation. Those called before a disciplinary hearing do have the right to be supported at a hearing and approval must be sought from Karate South Africa for such representation no later than 48 Hours before the hearing.
- The members of the DHC are entitled to have and consult with legal representation to ensure the hearings are conducted procedurally correct and fair and may surrender any decision or function to their legal representation and independent chairman or Disciplinary Panel.

2. Procedure at Hearings:

- The disciplinary hearings must always be conducted procedurally correct and fair by the members of the DHC, who have a good knowledge and understanding of the good corporate governance and fiduciary duties of the administration of the national federation known as Karate South Africa as well as the sport of karate, its officials and athletes who operate within the rules, policies, procedures and/or code of conduct of Karate South Africa.
- The members of the DHC must enter the hearing with an open mind.
- The DHC has the right to appoint independent assessors and chairman to preside over the hearing.
- No adjudicator can give evidence in a proceeding or to be the person who made the specific accusation, nor may the adjudicator/chairman take the role of the prosecutor position.
- If any form of bias is suspected, it must be proved.
- Only those members of the appointed DHC for the specific matter should be present when a decision and penalty occurs.
- Decisions made by the appointed DHC must be made on the evidence before the tribunal and not on any past reputations.
- Both sides should be generally allowed to question the witnesses of the other (cross examination), unless cross-examination is excluded by any rule, policy, procedure and /or code of conduct of Karate South Africa.



9. Material not available 24 hours before to both sides should not be used by the adjudicators in reaching a decision.
10. The Chairperson of the DHC is to prepare a written report on the findings and penalties of the hearings within 7 days of the finalizing of the Disciplinary Hearing and provide this report to the Secretary General of Karate South Africa to hand over to the DHC.
11. The Karate South Africa General Secretary to advise those accused of the findings of the hearing and penalties in writing after the hearing.

3. Disciplinary Process

In most circumstances, but not all circumstances, should any offence occur, a person, who is a member of Karate South Africa will be suspended from all duties and structures within the organization, pending the outcome of a disciplinary hearing, constituted by the Legal Commission of Karate South Africa and The Secretary General and will heard by an Independent Panel if such a panel is required, or Internal Panel made up of the following:

- a) Independent Chairperson or Internal Chairperson
- b) At least 1 Assessor
- c) Head of Legal Commission – (Province or KSA)
- d) Prosecutor
- e) Defendant / Accused/ Complainant
- f) Witnesses called by Defendant / Accused and Complainant

4. Mandate – Legal Affairs Committee

- a) Co-ordinate all legal and disciplinary matters on behalf of Karate South Africa through the office of the Secretary General
- b) Be the advisory body to KSA on any Legal matter
- c) Report on the activities of the Disciplinary Body at each executive, General Council Meeting and AGM
- d) Report on the activities of the Appeal Board
- e) Prosecute on behalf of KSA

5. Mandate – Disciplinary Board

- a) The KSA Disciplinary Board is authorized to convene and hear all cases before it and recommend a suitable sanction.

6. Mandate – Appeal Board

- a) The Appeals committee is responsible for presiding and deciding the appeals against any of the Disciplinary Committees decisions that KSA regulations do not declare as final or referable to another body.



7. Penalties

Penalties are often necessary to protect the federation and to motivate officials and/or athletes to act and/or participate in karate events and administrate the national federation known as Karate South Africa with the rules, policies, procedures and/or code of conduct, to set a good example, to abide by the code of conduct, etc. Penalties could include:

- a) Exclusion of an official and/or athlete from participating at regional, provincial, national and or/ international events.
- b) Warnings
- c) A financial penalty.
- d) The loss of selection as an official and/or athlete for a representative team.
- e) Removal of Awards
- f) Suspension / Expulsion of membership from regional, provincial and/or national structures.

8. Terms of Warnings

- a) Verbal warning - 3 months
- b) Written Warning - 6 months
- c) Final Written warning - 6 months
- d) All verbal and Written Warnings will be processed by the Federation and relevant Line Province / Region and served to the member in an informal discussion/consultation process unless otherwise determined by a Disciplinary Hearing.
- e) Such an event can be witnessed by a co member, Dojo Head but no representation is permitted in the informal / internal hearing.
- f) Any related offence occurring within 6 months after a Final Written Warning has been issued will incur a full Hearing where suspension or Expulsion may be instituted.

9. Suspension / Expulsion Process:

- a) In the event of a serious offence as outlined in the schedule of offences, A Formal Disciplinary hearing will be convened by the DHC in any disciplinary process where the accused could potentially face a Suspension / Expulsion / Dismissal finding.
- b) A minimum of 7 working days' notice of such a hearing is to be given to all parties.
- c) The Parties are permitted to apply for 1 postponement – The Federation reserves the right to approve or refuse the postponement request.
- d) Outline of evidence and/or witness' to be provided to the accused no later than 24 hours prior to the Hearing.
- e) Sanction/ findings is to be made known as part of the Hearing Process and a written report within latest 7 days after the hearing, findings can also be done at the hearing and the Outcome Report can follow in 7 days.
- f) If Suspension / Expulsion or dismissal (in the case of a volunteer) is sanctioned, then the member will be required to leave the Federation all its structures and offices with immediate effect. This applies to any office bearers within the Structure of Member, Region, Province or National Federation.



- g) The member has the right to appeal. The Federation has the right to refuse the appeal. Should such an appeal be granted – an Independent appeals board will be constituted by the Federation to hear such an appeal.

10. Conduct that may lead to suspension/or Expulsion from the organization includes, but is not limited to, the following:

- a) Conduct that violates the rights or safety of others.
- b) Criminal behavior of any kind.
- a) Defacing or destroying any property of any kind
- b) Disrespectful or objectionable conduct and verbal abuse directed at any member or fellow athlete
- c) Outright defiance of lawful requests or instructions issued by persons in authority.
- d) Indulging in harmful graffiti, racism or “hate speech”.
- e) Sexual harassment or sexual assault.
- f) Immoral behavior or profanity.
- g) Possessing, using or displaying evidence of use of any narcotics, unauthorized drugs, alcohol or any other intoxicant.
- h) Repeated infringements of the Code of Conduct.
- i) Defamation or any other written word on any Media / Social Media platform e.g. What’s app, Facebook, Twitter, LinkedIn or any other platform that is in public view.
- j) Verbally abusing any other member of the organization
- k) Defaming any other member of any other organization
- l) Violation of any part of any Statute or any Policy of Karate South Africa.
- m) Bringing the organization into disrepute of any kind.
- n) Possession of dangerous weapons (guns, knives and other objects which may threaten the lives of athletes and officials).
- o) Suspension = Suspension from all structures pending a hearing where a verdict of expulsion from the organization could be handed down.
- p) If a verdict of expulsion is handed down, the Defendant / Accused will be deemed to be expelled from all structures within the Member/Regional/Provincial and National Structure.



Example of a disciplinary code offences and related penalty

<u>NATURE OF OFFENSE</u>	<u>1ST OFFENSE</u>	<u>2ND OFFENSE</u>	<u>3RD OFFENSE</u>
<u>VERY SERIOUS OFFENSES</u>			
Theft, fraud, forgery, bribery, corruption, making false statements on any platform, and other seriously dishonest practices, including fraudulent or dishonest time-keeping/awarding of points. Including fraudulent or dishonest refereeing or any practice that is deemed to be dishonest	Suspension/ Expulsion		
Cheating in any form (age, weight, referees)	Suspension		
Racial discrimination	Suspension/ Expulsion		
Mismanagement of any sort of activity	Suspension/ Expulsion		
Fraud	Expulsion / Referral to SAPS		
Misappropriation of Funds	Expulsion / Referral to SAPS		
Any Misdemeanor carried out by any volunteer	Dismissal		
Sexual harassment or indecent assault	Suspension/ Expulsion		
Assault - or intent to or threat	Suspension/ Expulsion		
Insubordination – gross or serious or with serious aggravating circumstances	Suspension		
Violating the Communication Policy by failing to approach the Region First or going directly to the Province in the case of a Dojo/Member or failing to Approach the Province first in the case of a Region.	Suspension / Expulsion		
Violating the communication Policy by failing to approach the National Federation through the correct channels and going directly to external bodies without seeking internal relief first e.g. SASCOG/ Government Department or any other external body or organization.	Suspension / Expulsion		
Derogatory or defamatory or false statements on any public forum such as but not limited to Print Media/ Social Media of any kind	Suspension/ Expulsion		

Disciplinary Code of Conduct



Willful damage to Company property or property of other members	Suspension		
Any act that is deemed to be Bringing the organization into disrepute	Suspension		
Conflict of interest / association with a dissident body	Suspension/ Expulsion		
Dishonesty of any kind	Suspension/ Expulsion		
Drug related incidents of any sort – including failing of drug testing with WADA	Suspension/ Expulsion		
Being in possession of or under the influence of alcohol or alcoholic beverages or substances, or any substance having a narcotic producing effect, or having alcohol smelling on the breath during tournaments or having consumed alcohol beverages or any substance having a narcotic producing effect during tournament hours	Suspension/ Expulsion		
Offensive behavior, disorderly behavior, Insulting, Aggressive, or abusive language or behavior, discriminatory language or insults, racism or racist language or insults, discriminatory language or behavior on arbitrary grounds, victimization, swearing or foul language of any sort use of vulgar or abusive language, etc.	Suspension / Expulsion		

OFFENSE	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
Negligence minor	Written warning	suspension	Expulsion
Negligence - serious	Final Written Warning	Suspension	Expulsion
Minor infringements	Written Warning	Final Written Warning	Suspension/ Expulsion
Major infringements	Final Written Warning	Suspension	Expulsion
Unauthorized or unexplained absence from 3 meeting in accordance with the constitution	Dismissed from Portfolio/ office		
Breach of confidentiality	Suspension/ Expulsion		
Intimidation or inciting members to any form of defiance of management authority, including to violence, “work to rule” or “go-slow” or “sit-down strike” or “down tools.”	Suspension/ Expulsion		

Disciplinary Code of Conduct



Any other serious deviation from any policy and standards.	Suspension/ Expulsion		
Disrespectful behavior towards any superior	Written Warning	Final Written Warning	Suspension
Refusal, or neglect, or failure to carry out, any authorized instruction in respect of normal process, policy or procedure,	Suspension/ Expulsion		
Failure to comply with fire, health and/or safety regulations.	Suspension/ Expulsion		

- i. The KSA Executive in its entirety and as a collective, is the only body who holds the authority to override any term of the Disciplinary Policy should this be in the best interest of KSA to do so.

Signed by KSA Executive members on this **8th** day of **OCTOBER** 2017

President: Kyoshi Sonny Pillay

Vice President: Albert Marais

Secretary General: Gillian Elson