



## **KUGB DISCIPLINARY & GRIEVANCE PROCEDURE**

### **Principles**

The aims of this procedure are to ensure that:

- grievances and complaints are investigated fully and properly;
- appropriate action is taken where necessary;
- those who raise grievances or are the subject of complaints are treated fairly and consistently.

### **Complaints**

A complaint may relate to (but is not limited to):

- breaches of the KUGB's constitution, rules or codes of conduct;
- behaviour which brings the KUGB into disrepute.

A complaint may be made by any person and should be submitted in writing to the Senior Reviewer ([admin@kugb.org](mailto:admin@kugb.org)). It should briefly set out the circumstances forming the basis of the complaint identifying where relevant the breach or breaches of the KUGB's constitution, rules or codes of conduct.

### **Grievances**

A grievance may relate to (but is not limited to) a concern or problem in respect of:

- a member's practice of karate at an affiliated KUGB club;
- membership of the KUGB.

A grievance may be raised by any member of the KUGB who should initially seek to resolve it by talking to an appropriate person within the organisation. If the grievance is sufficiently serious and cannot be resolved in this way it should be submitted in writing to the Senior Reviewer ([admin@kugb.org](mailto:admin@kugb.org)). It should briefly set out the circumstances forming the basis of the concern or problem and the steps taken to resolve it.

### **Senior Reviewer**

All grievances and complaints will be considered by an independent Senior Reviewer who may:

- gather information deemed relevant or potentially relevant to the matter disclosed in the grievance or complaint;
- determine that no action is needed;
- determine that organisational action is appropriate and in which case may make a recommendation to the KUGB National Executive Committee;
- determine that the grievance or complaint might appropriately be dealt with informally and may refer it to an appropriate KUGB officer;
- determine that a grievance might appropriately be referred to the Disciplinary Committee for a grievance meeting;
- determine that the grievance or complaint raises safeguarding issues in which case must refer it to the KUGB Safeguarding Committee;
- determine that the grievance or complaint is treated as an allegation of misconduct and if so must refer the matter to the Disciplinary Committee.

In determining whether to treat a grievance or complaint as an allegation of misconduct the Senior Reviewer must have regard to:

- whether the conduct disclosed in the grievance or complaint or its consequences is serious enough to justify referring it to the Disciplinary Committee;
- whether there is a realistic prospect of a finding of misconduct being made;
- whether it is reasonable in the circumstances to refer the matter to the Disciplinary Committee.

### **Interim Measures**

Where the Senior Reviewer considers that the matter disclosed in the grievance or complaint is so serious that an interim suspension or other appropriate measure may be necessary to protect the interests of any person or the KUGB, the Senior Reviewer must ordinarily refer the matter to the Chair or Vice Chair of the KUGB who have the power to impose the suspension or appropriate measure with immediate effect. In exceptional circumstances the Senior Reviewer, Chair, or Vice Chair may refer the matter to the KUGB National Executive Committee or an appropriate sub committee thereof who have the power to impose the suspension or appropriate measure with immediate effect.

The interim suspension or other appropriate measure may be for a fixed period of time or of indeterminate length pending the investigation of the matter and or the outcome of a grievance meeting or the disciplinary process.

A member subject to an interim suspension may not participate in any KUGB activity for the period of the suspension.

### **Informal Resolution**

Where a grievance or complaint is referred by the Senior Reviewer to a KUGB officer for informal resolution the action taken may include writing or speaking to the member concerned. Without prejudice to any other appropriate way of resolving the matter, the action may involve advice or recommending further training, mentorship or supervision. If the KUGB officer considers that the matter is not suitable for informal resolution they may:

- refer a grievance to the Disciplinary Committee for a grievance meeting to take place;
- treat the grievance or complaint as an allegation of misconduct and if so must refer the matter to the Disciplinary Committee.

Where a matter is referred to the Disciplinary Committee the Senior Reviewer may notify the KUGB National Executive Committee but the particulars of the matter may not be disclosed.

### **Misconduct**

Misconduct is defined as any behaviour falling far below the standard expected of a member of the KUGB.

### **The Disciplinary Committee**

The Disciplinary Committee consists of three independent committee members not previously involved in the matter:

- a chair (who is usually the Chair or Vice Chair of the KUGB);
- two other members (who are usually members of the KUGB National Executive Committee and/or is a KUGB officer)

The Disciplinary Committee can make findings of fact, reach decisions and impose sanctions on the basis of a majority.

### **Sanctions and Remedies**

Where an allegation of misconduct has been admitted or proved the Disciplinary Committee may:

- offer advice;
- issue a written warning or reprimand;
- impose a support requirement involving training, mentorship or supervision;

- suspend the member's membership of the KUGB for a specified period not exceeding 12 months;
- prohibit the member from taking part in specified KUGB activities (including but not limited to: competitions, courses, gradings, instructing or meetings) for a specified or indeterminate period;
- expel the member from the KUGB.

Save for expulsion these sanctions and remedies may be imposed in combination where appropriate, however the totality of the sanctions and remedies imposed must be reasonable and proportionate in all the circumstances.

### **Criminal Convictions and Charges**

Where it is established that a member has been charged with or convicted of an imprisonable criminal offence the matter may be treated as an allegation of misconduct and referred to the Disciplinary Committee if:

- the offence or its consequences is serious enough to justify referring it to the Disciplinary Committee;
- there is a realistic prospect of a finding of misconduct being made;
- it is reasonable in the circumstances to refer the matter to the Disciplinary Committee.

### **The Grievance Process**

Where a grievance is referred to the Disciplinary Committee for a grievance meeting to take place the member will be asked to confirm whether they consent for the matter to be dealt with on the basis of the evidence submitted or whether they wish to attend in person. The member has the right to be accompanied at the grievance meeting.

The member will be notified of the decision reached by the Disciplinary Committee within 14 days.

### **Appeals**

The member can appeal against the finding of the Disciplinary Committee and/or the sanction imposed by notifying the Senior Reviewer within 14 days of becoming aware of it. The grounds of the appeal must be specified and in respect of the disciplinary process it must also be made clear whether the appeal is against the finding, the sanction or both.

Appeals are heard by the Appeals Committee which consists of three independent committee members not previously concerned in the case:

- a chair (who is usually the Chair or Vice Chair of the KUGB);

- two other members (who are usually members of the KUGB National Executive Committee and/or is a KUGB officer)

The member will be given an opportunity to either attend and make oral submissions to the Appeals Committee or submit written arguments. The Appeals Committee may give permission for fresh evidence to be presented only if it appears to afford a ground for allowing the appeal and if there is a reasonable explanation for the failure to present it to the Disciplinary Committee.

The Appeals Committee may confirm, reverse or vary any aspect of the decision appealed against on the basis of a majority decision. The decision with reasons may be announced at the end of the hearing or may be notified to the member in writing within 14 days.

### **The KUGB National Executive Committee**

The outcome of any grievance, complaint or allegation of misconduct may be reported to the KUGB National Executive Committee. Where the decision of the Disciplinary Committee is reported the particulars of the matter may not be disclosed in any way that may prejudice the appeal process.

## Annex 1

### The Disciplinary Process

There are four stages to the disciplinary process:

- Within 14 days of the Senior Reviewer's decision to refer the matter to the Disciplinary Committee a summary of the alleged misconduct is sent to the member along with all the documents considered relevant;
- a timetable is set for the member to provide a response which should include:
  - o confirmation of whether they admit or deny the allegation of misconduct setting out any mitigating factors if they admit it. If they deny the allegation of misconduct (or admit it but dispute any material facts relating to it) they must clearly identify the matters of fact they take issue with;
  - o A copy of any evidence they wish to present;
  - o confirmation as to whether they consent for the matter to be dealt with on the basis of the evidence submitted or whether they wish to attend the meeting in person.
- where the member does not consent to the matter being dealt with on the basis of the evidence submitted, a date, time and place is fixed for the disciplinary meeting;
- The disciplinary meeting takes place.

If the member attends the meeting the following procedure takes place:

- The chair reads out the allegation of misconduct and asks the member to confirm if they admit or deny the allegation. If they admit it the case will usually proceed straight to sanction.
- If they deny the allegation the evidence will be presented and thereafter the member will have the chance to present their case. Statements from witnesses are admissible as evidence only if the person who made the statement had first hand knowledge of the matters stated in it.
- the Disciplinary Committee will decide whether they are satisfied on the balance of probabilities that the allegation is proved.
- The member will be notified of the decision within 14 days.

If the member fails to attend the meeting without reasonable excuse having previously stated they wished to attend, the evidence is considered by the committee in the member's absence.

The member has the right to be accompanied by an appropriate person at the disciplinary meeting.