

# **THE KARATEDO FEDERATION OF HONG KONG, CHINA LIMITED**

## **APPEALS POLICY**

### **Purpose**

1. The purpose of this Appeals Policy is to enable disputes with members to be dealt with fairly, expeditiously and affordably, within the Karatedo Federation of Hong Kong, China Limited (the “Federation”) without recourse to outside organisations.
2. This Appeals Policy was supported by 74% of the votes cast at the Extraordinary General Meeting of the Federation on 12 May 2018. The General Committee of the Federation has the authority to refine and make minor adjustment to this Appeals Policy to suit changes in circumstances.

### **Scope and Application of this Policy**

3. Any member of the Federation will have the right to appeal a decision of the Federation’s General Committee, Sub-committees, or anybody or individual who has been delegated authority to make decisions on behalf of the Federation, provided there are sufficient grounds for the appeal as set out in Section 10 below and subject to the conditions set out in Sections 7, 8 and 11 below.
4. This Policy will only apply to decisions made by the Federation under delegated authority relating to the eligibility and selection of athletes for joining the Federation’s feeder training programmes and the Hong Kong Sports Institute’s elite training programmes as well as participation in overseas tournaments.
5. For the avoidance of doubt, this Policy does not apply to decisions relating to:
  - (a) eligibility and selection of athletes for participating in those overseas tournaments for which the organisers have overriding eligibility and selection criteria (e.g. the Olympic Games and the Asian Games) and/or specific appeal procedures have been separately drawn up;
  - (b) policies, and other issues (e.g. tournament rules) decided by resolution at the General Meeting or Extraordinary General Meeting of the Federation;
  - (c) policies and procedures established by organisations other than the Federation; and
  - (d) administrative issues.

### **The Appeals Panel**

6. The Appeals Panel responsible for reviewing and deciding on appeals comprises (i) the Referee Director or his authorised representative, (ii) a General Committee member designated by the General Committee, and (iii) a coach from the Hong Kong Sports Institute. All panel members must not have participated in the decision against which the appeal is made.

## **Lodging an Appeal**

7. Unless otherwise specified, members of the Federation have 7 days from the date on which they receive notice of the decision to submit their appeal.
8. Appeals must be submitted in writing to the Appeals Panel and include the following:
  - (a) reasons for the appeal,
  - (b) grounds for the appeal,
  - (c) all evidence that supports the reasons and grounds for the appeal,
  - (d) the remedy or remedies requested, and
  - (e) a payment of \$500 which is non-refundable.
9. An appeal lodged beyond the 7 days limitation period must include reasons for an exemption for the requirement of Section 7. The decision to allow, or not allow a late appeal will be at the sole discretion of the Appeals Panel and cannot be appealed.

## **Grounds for Appeal**

10. Not every decision may be appealed. Decisions may only be heard on procedural grounds. Procedural grounds are strictly limited to the respondent:
  - (a) making a decision for which it did not have authority or jurisdictions to do so;
  - (b) failing to follow established policies and procedures;
  - (c) making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views or that the decision was influenced by factors unrelated to the substance or merits of the decision;
  - (d) failing to consider relevant information or taking into account irrelevant information in making the decision;
  - (e) exercising its discretion for an improper purpose, and/or
  - (f) making a decision that was grossly unreasonable.
11. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 10.

## **Screening of Appeal**

12. The Senior Sports Executive of the Federation will acknowledge the receipt of the appeal. He/she will review the appeal to ensure that the appeal lie within the jurisdiction of this Policy as stated in Sections 4 and 5, and the requirements of Sections 7, 8, 10 and 11 have been complied with before forwarding the appeal to the Appeals Panel.

## **Deciding on the Appeal**

13. The Appeal Panel will review the appeal documents submitted by the Appellant against relevant established policies, procedures and rules to ascertain if there has been procedural unfairness as alleged by the Appellant.
14. The Appeal Panel will decide on the format of deliberation which can be a paper evaluation, a video review or holding a hearing and calling witnesses.
15. The Appeals Panel decides on the appeal by
  - (a) rejecting the appeal and confirming the decision being appealed; or
  - (b) upholding the appeal and, where appropriate, referring the matter back to the initial decision-maker for a new decision; or
  - (c) upholding the appeal and varying the decision being appealed but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons of lack of clear procedures, lack of time, or lack of neutrality; and/or
  - (d) where appropriate, determining whether the remedies sought by the Appellant should be acceded to.

A verdict will be reached by a majority vote.

16. Within 10 days of concluding the appeal, the Appeal Panel will issue its written decision to the Appellant, providing reasons for its decision.