

THE KARATEDO FEDERATION OF HONG KONG, CHINA LIMITED

APPEALS POLICY (For the Selection 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 approved by the General Committee (“GC”) of the Federation on **9-July-2019**. The GC of the Federation has the authority to refine and amend this Appeals Policy to suit changes in circumstances.

Scope and Application of this Policy

3. Any member¹ of the Federation will have the right to appeal a decision of the Federation’s GC, 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.

¹ The members of KFHKCL had been defined in the Memorandum and Article of Association (“M&A”) of KFHKCL.

The Appeals Panel

6. The Appeals Panel responsible for reviewing and deciding on appeals comprises (i) the Referee Council's 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 who has not participated in the decision against which the appeal is made. The members of the appeal Panel are required to sign the Declaration of Conflict of Interest form (Attached in Code of Conduct).

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 can be refunded if the appeal is successful.
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 Honorary Secretary of 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. If the appeal is not accepted after screening, appellant will be informed via email with the reason(s) within four working days from the receipt of the appeal.

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.

The Karatedo Federation of Hong Kong, China Limited

Declaration of Conflict of Interest

Part A – Declaration *(To be completed by Declaring Member)*

To: *Chairman/Director* of the General Committee/_____ Council**

I would like to report the following existing/potential* conflict of interest situation in relation to the discussion item: -

i) Matter to be discussed/ involved
ii) Brief description of my connection with the matter in (i) above

Name:

Date:

Part B – Acknowledgement *(To be completed by Chairman/Director*)*

To:

Acknowledgement of Declaration

The information contained in your declaration form of _____ is noted. It has been decided that: -

- You may continue to speak and vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may continue to speak but should not vote on the matter as described in Part A, provided that there is no change in the information declared above.
- You may remain in the meeting as an observer on the matter as described in Part A, provided that there is no change in the information declared above.
- You should withdraw from the meeting and immediately return to the secretary any documents regarding the matter sent to you earlier.
- You should refrain from performance or getting involved in performing the work, as described in Part A, which may give rise to a conflict.
- You may continue to handle the work as described in Part A, provided that there is no change in the information declared above.
- Others (please specify) : _____

Date:

Chairman / Director*

**Please delete as appropriate*