



# Pan American Taekwondo Union

## Union Pan Americana de Taekwondo

### **Bylaws of Dispute Resolution & Disciplinary Actions**

#### **Article 1: General**

1.1 Scope: Bylaws for Dispute Resolution & Disciplinary Actions (these “Bylaws”) are promulgated in accordance with Article 14 of the Pan American Taekwondo Union (“PATU”) Statutes (the “Statutes”).

(A) Unless otherwise provided herein appeal under these Bylaws are the sole means for resolution by any persons subject to PATU statutes, regulations, etc., of relevant PATU-related disputes or disciplinary actions.

(B) Unless otherwise provided herein resolutions or actions under these Bylaws are final.

(C) If provided for herein, appeal of resolutions or actions made under the Bylaws can be made only to the WTF.

1.2 Enforcement: These Bylaws govern disputes the underlying facts of which occurred on or after January 01, 2011.

#### **Article 2: Dispute Resolution**

2.1 Dispute Resolution: These Bylaws provide for resolution of relevant PATU related disputes among members or between members and the PATU.

2.2 Relevant Disputes: Relevant PATU-related disputes include disputes that arise related to PATU membership, participation in PATU-Promoted or Sanctioned championships, Managements of the PATU Member National Associations (“MNAs”) and the interpretation of the Statutes or other PATU rules and regulations and bylaws, etc.

2.3 Members: PATU members include PATU Sub-Regions, PATU Member National Associations (“MNAs”) including all levels of membership provided in Article 5 of the Statutes, and the individual members of national delegations to PATU affairs, Promoted and Sanctioned events.

2.4 Individual Members: PATU Individual Members who are involved in all levels of PATU affairs.

#### **Article 3: Disciplinary Action**

3.1 Disciplinary Action: These Bylaws govern offences submitted for the assessment of the PATU. Such offences include, but are not limited to, the following:

(A) Violation of the Statutes, Competition Rules, Code of Ethics, or other PATU rules, regulations or bylaws.

(B) Unsportsmanlike conduct.

(C) Aggressive behavior, including verbal, physical or sexual abuse.

(D) Corruption, embezzlement, or inhumane treatment of individuals under the jurisdiction of PATU.

(E) False declarations when entering a competition or as a candidate for an election

(F) Violations of the Publicity Code, PATU Council Confidentiality Policy or other actions that create undue harm to the image or reputation of the PATU

#### **Article 4: Procedure**

4.1 Process: Dispute Resolution and Disciplinary Action under these Bylaws shall follow the following process:

(A) A complaint is received by the PATU. The Complaint must be addressed to the Secretary General.

(B) Within fifteen working days the Secretary General shall determine whether or not to proceed with an investigation related to the complaint. The decision to proceed is solely at the discretion of the PATU. Once the decision is made, the PATU shall do one of the following:

i. Decide not to proceed and issue a letter to the Complainant describing why the Complaint is not being investigated, and if appropriate request additional information in order to reconsider the action; or

ii. Decide to proceed and give notice to the Complainant and the accused regarding the initiation of an investigation, and the details of the subsequent process, in compliance with Article 5 (Principles) below.

(C) If the decision is to proceed, then an ad-hoc investigation committee will be formed and/or notice will be given to the Arbitration and Ethics Committee, or any other relevant PATU committees.

4.2 The Complainant:

(A) Any person, individual or entity, whether or not they are a member of the PATU, can present a complaint to the PATU if they are personally the victim of one of the offences listed in Bylaw 3.1 above.

(B) Members of the PATU Council or the President or Secretary General of a MNA can state the existence of an offence susceptible of being pursued by the PATU for disciplinary action.

(C) Any member of the PATU or any party to an agreement for PATU dispute resolution can present a request the resolution of a relevant dispute as provided in Bylaw 2 or 3 above.

#### 4.3 Form of the Complaint:

(A) The complaint must be addressed to the PATU Secretary General within 30 days following the incriminating acts or the date of their discovery. The postmark of the E-mail, postal envelope or the reception stamp of the fax establishes the time.

(B) The Complaint must note:

- i. the name, title, address and nationality of the individual(s) (or entity) making the complaint(s);
- ii. the name, title, address and nationality of the individual(s) (or entity) being prosecuted or the indication that their address is unknown;
- iii. a summary of the facts, the objectives of the complaint, with an indication of the rule or principle infringed;
- iv. the relief sought; and
- v. the signature of the complainant.

(C) The complaint can be supplemented by supporting evidence of documentation necessary for the investigative file.

(D) The complaint must be accompanied by a non-refundable USD\$300.00 processing fee. This fee can be waived based on special circumstances. To receive such a waiver the complainant must provide adequate grounds.

#### **Article 5: General**

5.1 Principles: In all investigations conducted under these bylaws, the parties shall be accorded:

(A) Notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true.

(B) Reasonable time between receipt of the notice of charges and the issuance of any decision within which to prepare a defense.

(C) Investigation and findings by a disinterested and impartial body of fact finders.

(D) If a hearing is deemed necessary, the right to have the hearing conducted at a time so as to make it practicable for the person charged to attend.

(E) The right to be assisted in the presentation of one's case at the hearing.

(F) The right to call witnesses and present oral and written evidence and argument at a hearing.

(G) The right to confront witnesses, including the right to be provided the identity of the witnesses in advance of the hearing.

(H) The right to have a record made of the hearing if desired.

(I) A written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

## **6. Appeal:**

6.1 As provided in Article 1.1(C) above, decisions and actions under these Bylaws are appealable to WTF unless :

(A) the dispute centers on the appropriate interpretation of a PATU Statutes, Competition Rules, or other codes or bylaws; or,

(B) the final decision expressly states that the issue(s) is(are) “deemed resolved and closed.”

6.2 Special reconsideration: Regarding appeal ability, any parties to a solution or an agreement under these bylaws can submit a request to the PATU for special reconsideration of an action or resolution. Acceptance of special reconsideration shall be made by vote the PATU Council upon recommendation of the President.