



The Jitsu Foundation Ltd, PO Box 5068, Bath, BA1 0QD

15th October 2011

Disciplinary Rules and Procedures

The Tertiary Board of the Jitsu Foundation is ultimately responsible for all disciplinary matters relating to the Jitsu Foundation. These Disciplinary Rules should be read in conjunction with the following procedural documents.

The Jitsu Foundation Safety Policy Appendix 4 – Individual Responsibility
The Jitsu Foundation Child Protection Policy Document
The Jitsu Foundation’s Instructors Code of Practice including Duties and Legal Responsibilities, Duty of Care

The aim of the Disciplinary Rules and Procedures is to set out the standards of conduct expected of all Jitsu Instructors and Jitsuka and to provide a framework within which Jitsu Instructors and Jitsuka can work to maintain those standards and encourage improvement where necessary.

It is the policy of the Tertiary Board to ensure that any disciplinary matter is dealt with fairly and in accordance with the Jitsu Foundation Disciplinary Procedure.

If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to the most senior instructor in your region or a member of the Tertiary Board

You should at all times maintain professional and responsible standards of conduct as laid out in the **Jitsu Foundation’s Instructors Code of Practice (October 2010)**. In particular you should observe all the policies, procedures and regulations of the Jitsu Foundation which are notified to you from time to time by means of notice boards, e-mail, internet or otherwise. You must take reasonable care in respect of the health and safety of other Jitsu Instructors, Jitsuka and third parties, comply with all Jitsu Foundation policies, comply with all reasonable instructions given by more senior instructors, address issues raised by less senior instructors and Jitsuka and act at all times in good faith and in the best interests of the Jitsu Foundation and its members.

Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- Minor breaches of national policies
- Minor breaches of the Jitsu Instructors Code of Practice
- Damage to Jitsu Foundation property
- Not turning up to take a session on time
- Continually over running a session
- Repeatedly running below standard training sessions
- Refusal to follow the best practice instructions of a more senior instructor
- Obscene language or other offensive behaviour both on and off the mat whilst fulfilling your role as a member of the Jitsu Foundation
- Negligence in the performance of your duties as a member of the Jitsu Foundation
- Smoking or drinking alcohol whilst dressed in a gi

This list is intended as a guide and is not exhaustive.

Gross Misconduct

Gross misconduct is a serious breach of the Jitsu Foundation's Instructor's Code of Practice and includes misconduct which, in our opinion, is likely to prejudice the Jitsu Foundation or our reputation or irreparably damage the working relationship and trust between instructors, instructors and students and all Jitsu Instructors, Jitsuka and Jitsu Foundation employees. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to immediate suspension from the Jitsu Foundation, potential revocation of membership of the Jitsu Foundation and possible referral to other agencies including the police.

The following are examples of matters that are normally regarded as gross misconduct:

- Theft, fraud, misrepresentation or forgery of Jitsu Foundation documents
- Actual or threatened violence and encouraging behaviour which provokes uncontrolled violence
- Bullying
- Taking, allowing or enabling high risk training procedures without taking due notice of the experience, ability and fitness levels of those undertaking the training
- Deliberate and serious damage to property of another Jitsuka
- Serious misuse of the Jitsu Foundation name or property

- Repeated or serious failure to obey reasonable instructions, reasonable international or national procedures or any other serious act of insubordination
- Unlawful discrimination or harassment;
- Bringing the Jitsu Foundation into serious disrepute;
- Being under the influence of alcohol, illegal drugs or other substances during training sessions
- Causing loss, damage or injury through serious negligence
- Serious or repeated breach of health and safety rules or serious misuse of Jitsu Foundation or Jitsu Club training equipment
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- Acceptance of bribes or other secret payments or payments in kind to further your own or another Jitsuka's progress
- Conviction for a criminal offence that in the opinion of the Tertiary Board may affect our reputation or our relationships with other people in the Jitsu Foundation, family relations of those associated with the Jitsu Foundation, services and organisations associated with the Jitsu Foundation or the public,
- Serious neglect of duties and deliberate breach of operating procedures
- Knowing breach of statutory rules affecting your role within the Jitsu Foundation
- Unauthorised use, processing or disclosure of personal data
- Harassment of, or discrimination against employees, members of the Jitsu Foundation, members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age
- Refusal to disclose any information that may have a bearing on the performance of your duties
- Giving false information as to qualifications or entitlement to teach
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith
- Making untrue allegations in bad faith against another member of the Jitsu Foundation or person associated with the Jitsu Foundation
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under a Jitsu Foundation policy

This list is intended as a guide and is not exhaustive.

Disciplinary Procedure

The aims of this Disciplinary Procedure and its associated Disciplinary Rules are to set out the standards of conduct expected of all members of the Jitsu Foundation and to provide a framework within which the Tertiary Board or those nominated by the Tertiary Board through the **Disciplinary Committee** can work with members to

maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is the policy of the Tertiary Board to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give **all members of the Jitsu Foundation** the opportunity to respond before taking any formal action. Minor disciplinary issues can often be resolved informally between the Jitsuka and their Instructor. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be made within a club or regional context but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given by a Club Instructor or Senior Instructor within a region but these will not form part of a disciplinary record. Formal steps may be taken if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

The following summary represents an overview of formal disciplinary procedures

1. Verbal complaint within club – dealt with by club instructor, verbal warning, no power of suspension, power of referral to Disciplinary Committee or direct referral by complainant to Disciplinary Committee
2. The provision for immediate suspension of any instructor or member for severe breaches of mat discipline (at discretion of Club Instructor, Senior Instructor or member of Tertiary Board)
3. Verbal complaint within region – dealt with by senior instructor in region, verbal warning, no power of suspension, power of referral to Disciplinary Committee or direct referral by complainant to Disciplinary Committee
4. All written formal complaints from individuals, clubs, regions, senior instructors to Disciplinary Committee - no power of suspension, investigation, verbal warning, written warning, referral or appeal to Tertiary Board. The Disciplinary Committee or Tertiary Board cannot be involved in any disciplinary matter unless a formal written complaint has been received.
5. For alleged or actual serious breaches in duty of care, alleged abuse or criminal activity or pending investigation following complaint (at discretion of Chair of Tertiary Board).
6. Direct referral to or appeal to Tertiary Board – verbal warning, written warning, may place special measures on individual/club/region, immediate power of suspension pending outcome of investigation, demotion, temporary/permanent withdrawal of mandates, temporary/permanent revocation of membership
7. Complaint made against member(s) of Tertiary Board – panel of Tertiary Board members not associated with complaint, chaired by Head of Tertiary Board

(unless directly involved), inclusion of Jitsu Foundation Limited, involvement of outside agencies

8. Police/Social Services – Criminal matters or possible criminal issues at instigation of Tertiary Board or Child Protection Officer, inclusion of Jitsu Foundation Limited

Instructors will not normally have their mandate withdrawn or membership revoked for a first act of misconduct, unless the Tertiary Board following appropriate investigation and consultation decide it amounts to gross misconduct.

Confidentiality

The aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All members of the Jitsu Foundation must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless the Disciplinary Committee or Tertiary Board believe that a witness's identity should remain confidential.

Investigations

The purpose of an investigation is for the Disciplinary Committee or Tertiary Board to establish a fair and balanced view of the facts relating to any disciplinary allegations against any Jitsuka or Jitsu Instructor, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from Jitsuka and any witnesses, and/or reviewing relevant documents. The Disciplinary Committee will usually appoint an Investigating Officer to carry out the investigation. In some circumstances the investigation involving senior instructors the investigation will be undertaken by and officer from within the Tertiary Board.

Investigative interviews are solely for the purpose of fact-finding preceding disciplinary action and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. All Jitsuka do not normally have the right to bring a companion to an investigative interview. All Jitsuka must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Criminal charges

Where your conduct is the subject of a criminal investigation, charge or conviction the Disciplinary Committee or Tertiary Board will investigate the facts before deciding whether to take formal disciplinary action.

The Jitsu Foundation will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your role within the Jitsu Foundation. This will usually relate to criminal convictions that include violence, aggression and loss of control. The Tertiary Board reserve the right to temporarily or permanently withdraw teaching mandates and revoke the membership of Jitsu Instructors or Jitsuka who have such convictions.

Suspension

In some circumstances the Jitsu Foundation may need to suspend you from either training or instructing pending investigation of a complaint. The Jitsu Foundation may also suspend witnesses to the complaint in exceptional circumstances. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended Jitsuka and Jitsu Instructors must not attempt to train, visit Jitsu Foundation dojo's, or undertake any Jitsu Foundation business of any kind unless you have been authorised to do so by the Chair of the Tertiary Board.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. All suspensions will remain confidential to the Chair of the Tertiary Board, Chair of the Disciplinary Committee and the Executive Officer of The Jitsu Foundation Limited.

Notification of a hearing

Following any investigation, if the Disciplinary Committee or Tertiary Board considers there are grounds for disciplinary action, you will be required to attend a disciplinary hearing of the Disciplinary Committee or Tertiary Board in exceptional circumstances. The Disciplinary Committee will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if the Disciplinary Committee decides after the hearing that the allegations are true. The Disciplinary Committee will also include the following where appropriate:

- A summary of relevant information gathered during the investigation;
- A copy of any relevant documents which will be used at the disciplinary hearing; and
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time to prepare your case based on the information we have given you.

The right to be accompanied

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. You must tell the Chair of the Disciplinary Committee who your chosen companion is, in good time before the hearing.

- If your choice of companion is unreasonable we may require you to choose someone else, for example:
- If in our opinion your companion may have a conflict of interest or may prejudice the hearing;
- If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

Procedure at disciplinary hearings

If you or your companion cannot attend the Disciplinary Committee hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the Disciplinary Committee may have to take a decision based on the available evidence.

The hearing will be chaired by the Chair of the Disciplinary Committee and will be attended by other members of the Disciplinary Committee. The Investigating Officer who may also be the Chair of the Disciplinary Committee will also be present. You may bring a companion with you to the disciplinary hearing. At the disciplinary hearing the Disciplinary Committee will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing. You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional

circumstances, we decide that a fair hearing could not be held otherwise. The Disciplinary Committee may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

Disciplinary penalties

The penalties for misconduct are set out below. No penalty should be imposed without a hearing unless in exceptional circumstances with the permission of the Tertiary Board. The Jitsu Foundation aim to treat all members fairly and consistently, and a penalty imposed on another member for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

Stage 1 – Verbal warning authorised by the Disciplinary Committee or Tertiary Board in exceptional circumstances

Stage 2 - First written warning. A first written warning may be authorised by the Chair of the Disciplinary Committee or Tertiary Board in exceptional circumstances. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

Stage 3 – Special measures. An individual, club or region may be placed under special measures with direct management from the Jitsu Foundation for a specified period of time.

Stage 4 - Final written warning. A final written warning may be authorised by the Chair of the Disciplinary Committee or Tertiary Board in exceptional circumstances. It will usually be appropriate for:

Misconduct where there is already an active written warning on your record; or
Misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

Stage 5 – Temporary/Permanent withdrawal of teaching mandate and/or temporary/permanent revocation of membership of the Jitsu Foundation. Such actions may only be authorised by the Chair of the Tertiary Board following consultation with the Disciplinary Committee. Such actions will usually only be appropriate for:

- Further misconduct where there is an active final written warning on your record; or
- any gross misconduct regardless of whether there are active warnings on your record.

Gross misconduct will usually result in immediate withdrawal of teaching mandate and revocation of membership of the Jitsu Foundation.

Alternatives to temporary/permanent withdrawal of teaching mandate and/or evocation of membership

In some cases the Jitsu Foundation may consider alternatives to withdrawal of teaching mandate or revocation of membership. These may be authorised by the Chair of the Tertiary Board and will usually be accompanied by a special measures compliance and a final written warning.

The effect of a warning

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for 12 months and a final written warning will usually remain active for 24 months. In exceptional cases verging on gross misconduct a final written warning may state that it will remain active indefinitely.

Conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently the Disciplinary Committee may decide to extend the active period. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

Appeals against disciplinary action

If you feel that disciplinary action taken against you is wrong or unjust a Jitsuka or Jitsu Instructor should appeal in writing, stating your full grounds of appeal, to the Chair of the Tertiary Board within one week of the date on which you were informed of the decision. The Chair of the Tertiary Board will appoint an impartial member of the Tertiary Board who has not been involved in the original investigation to lead the appeals process and review all available information relating to the complaint.

If you are appealing against withdrawal of teaching mandate or revocation of membership, the date on which this action takes effect will not be delayed pending the outcome of the appeal.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before further actions are undertaken.

The appeal may involve a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.

Following the appeal hearing the Tertiary Board may:

- Confirm the original decision;
- Revoke the original decision; or
- Substitute a different penalty.

The Tertiary Board will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible the impartial member of the Tertiary Board who led the appeal will also explain this to you in person. **There will be no further right of appeal.**