

World Taekwondo

Disciplinary Actions and Appeals Code

January 2023

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ARTICLE 1. FRAMEWORK & FUNDAMENTAL PRINCIPLES

1.1 Framework

(A) The World Taekwondo Federation (WT) is comprised of and represents organizational and individual members around the world including Continental Unions (CUs) and their officers and staff; Member National Associations (MNAs) and their officers and staff; competition management officials; team officials, athletes and athlete support personnel in WT events; and other participants in the Taekwondo Movement (altogether, Participants).

(B) In accordance with Article 10 of the WT Statutes, all Participants are bound by this Code, as well as the WT Integrity Code, Code on the Prevention of Manipulation of Competitions, Antidoping Rules, Safeguarding Policy, and other WT rules and regulations.

(C) In accordance with Article 6.9 of the WT Statutes, the WT Council has enacted this Disciplinary Actions and Appeals Code (this Code) and its amendments from time-to-time to provide a framework and tools to reach decisions on disciplinary matters and to resolve disputes in a transparent, fair and efficient manner.

1.2 Fundamental Principles

(A) This Code specifies in how disciplinary matters are to be managed and disputes resolved in certain situations. In accordance with the principles of good governance and natural justice, this Code is intended to embody two essential principles as set forth below.

(B) The right to be heard in a dispute according to the processes set forth in this Code at Article 3.7(B) for Disciplinary Actions and 4.7(B) for Appeals.

(C) The right to an objective and impartial decision and protection against inappropriate conflict of interest.

- i. For the avoidance of doubt, whether or not WT is a party, the mere fact that a person holds a WT Staff, Council, or Committee position does not in itself constitute a conflict for the purposes of this Code. The test is whether the individual was materially involved in the underlying incident that gave rise to the dispute.

ARTICLE 2. GENERAL PROVISIONS

2.1 Disciplinary Actions: Applicability and Enforcement

(A) WT administers this Code to provide the rules and procedures to govern WT disciplinary matters.

(B) This Code is promulgated in accordance with Articles 15 and 16 of the WT Statutes (Statutes) and may be amended from time to time by WT in accordance with the applicable rules.

(C) CUs and MNAs shall comply with, recognize and take all necessary and reasonable steps within their powers to enforce and give effect to this Code and to all decisions and penalties imposed hereunder.

(D) Subject to the right of appeal, any decision in compliance with this Code by a CU or MNA will be recognized and respected by the World Taekwondo.

2.2 Appeals: Scope and Limitations

(A) This Code applies to decisions taken by a WT Tribunal under Article 3 of this Code.

(B) This Code shall not apply to the following:

- i. matters preempted by the WT Anti-Doping Rules and Interpretations;
- ii. matters preempted by the World Taekwondo Code on the Prevention of Manipulation of Competitions;

(C) For penalties issued by Competition Supervisory Boards on the field of play, first see Article 23 of the WT Competition Rules and Interpretations.

2.3 Language

(A) The Official and Working language of WT is English and unless otherwise agreed by WT the language for all procedures governed by this Code shall be English.

(B) For any documents submitted under this Code in a language other than English, WT (or deciding panel if any) may, at its discretion, require that the submitting party provide at its own expense a certified English translation.

ARTICLE 3. DISCIPLINARY ACTIONS

3.1 Purpose

(A) The purpose of this Disciplinary Actions section is to provide the rules and procedures governing WT disciplinary matters.

(B) CUs and MNAs should adopt equivalent rules to manage disciplinary matters or, at minimum, rules that are in accordance with the Fundamental Principles of this Code as set forth in Article 1.

3.2 Investigations

(A) WT may at its sole discretion initiate an investigation into the actions of any Participant that WT believes may have infringed the WT Statutes or other rules (Infringement(s)).

(B) WT may appoint one or more persons to conduct an investigation. Such investigation may be conducted in conjunction with relevant competent national or international authorities.

(C) Upon request by WT or its designate, the concerned Participant must provide any information which WT considers may be relevant to investigate the alleged violation.

(D) WT shall have discretion where it deems it appropriate to stay its own investigation pending the outcome of investigations or hearings conducted by other competent authorities.

(E) If WT reasonably suspects that a Member has committed an Infringement it may make a written demand to such Member for information that is related to the alleged Infringement.

(F) All Members are required to cooperate with any WT investigation. Failure of any Member to cooperate with any reasonable investigation can in itself be subject to investigation and penalty.

3.3 Complaints

(A) Members can allege the existence of an Infringement of WT rules by other Members in accordance with this Code.

(B) The complaining party has the burden to establish a prima facie case of a violation to WT's comfortable satisfaction.

(C) Complaints must:

i. be in English, submitted by email to the WT at the following email address:
disputes@worldtaekwondo.org;

iii. include the following:

- 1) a Jurisdictional Statement establishing why WT has the jurisdiction to hear this complaint;
- 2) the WT rule(s) infringed;
- 3) a summary of the facts, and how the facts indicate this infringement;
- 4) an outline of the evidence the complainant will rely on, including statements from any witnesses, to establish the facts;
- 5) the outcome the complainant is seeking from WT; and,
- 6) the full contact information of the complainant and the accused party.

iv. be accompanied by proof of payment of the US\$500 processing fee. This fee can be waived or refunded by WT based on special circumstances. The processing fee should be paid to the following account:

Bank name: KEB Hana Bank

Account number: 548 910001 08032(USD)

Holder of account: WORLD TAEKWONDO

Bank address: 045-13 39, Sejong-daero, Jung-gu, Seoul

SWIFT CODE: KOEXKRSE

(D) For any documents submitted under in a language other than English a WT may, at its discretion, require that the submitting party provide at its own expense a certified English translation.

(E) After processing the complaint WT at its sole discretion will make a decision on whether or not to act upon a complaint. WT will inform the complainant of this decision. This decision is unappealable. Possible decisions include:

- i. Decline to proceed, close the case, and issue a letter to the complainant describing why the Complaint is not being acted upon (for instance, because of inadequate evidence to support the claim or a failure to invoke an appropriate rule or regulation); or,
- ii. Decline to proceed, close the case, and suggest that the complainant seek an alternative, more appropriate venue in which to air the dispute; or,
- iii. 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 3.4 (Procedure) below.

3.4 Disciplinary Management

(A) Where WT determines that there is a disciplinary case for a Member to answer WT shall take action in accordance with the following procedure:

- i. give notice of the charge to the accused (Accused);
- ii. give the opportunity for the Accused to request a hearing and to present evidence and arguments in defense;
- iii. inform the Accused of the decision and offer a right to appeal a finding of guilt sanctions imposed.

3.5 Notice of the charge

(A) The Notice of Charge shall set out the following:

- i. specific rule infringement(s) that the Accused is alleged to have committed;
- ii. facts upon which such allegation(s) are based;
- iii. range of penalties applicable for such Violations;
- iv. details relating to the Accused 's response to the Notice of Charge within a specified deadline; and
- v. the Accused 's right to request a hearing.

(B) Notice to a Participant may be accomplished by delivery of the notice to the MNA concerned. The MNA shall be responsible for immediately communicating the notice to the Participant.

3.6 Hearings

(A) The Notice of Charge shall specify that if the Accused wishes to exercise his right to a hearing he must submit a written request for a hearing (Hearing Request) so that it is received by WT within 14 days of receipt of the Notice of Charge (or if this deadline falls on a weekend or holiday then the first working day thereafter).

(B) The Hearing Request must state how the Accused responds to the charge(s) and must explain (in summary form) the basis for such response.

(C) Hearings may be conducted in person or via conference call or other media as appropriate at the discretion of WT.

(D) If the Accused fails to file a written request for a hearing by the specified deadline, he shall be deemed to have:

- i. waived his right to a hearing;
- ii. admitted that he has committed the Infringement(s) specified in the Notice of Charge; and
- iii. acceded to the range of applicable penalties specified in the Notice of Charge.

(E) Where the Accused requests a hearing the matter shall proceed to a hearing in accordance with the Hearing Procedure.

3.7 Hearing Procedure

(A) Where WT alleges that a Member has committed an Infringement and the Member denies the allegation then the matter shall be managed according to the following process.

(B) Process: The process can be flexibly designed by WT so long as the accused are treated fairly and given a reasonable opportunity to present their case in accordance with the following rights:

- i) to be informed of the facts on which any decision will be based so that a defense can be prepared;
- ii) to have sufficient time to prepare such a defense;
- iii) to have notice of the time, date and location of any hearing;
- iv) to be represented by counsel (at own expense);
- v) to have an interpreter at the hearing (at own expense)
- vi) to respond to the asserted rule violation and range of resulting sanction or penalty;

vii) to present evidence.

(C) WT may require witnesses to testify under oath to affirm the truth of the evidence that they will give and/or for the moving party to provide notarized witness statements.

3.8 Decision

(A) After the hearing, if any, and upon consultation with the Juridical Committee, the WT Legal Affairs Office shall determine whether an Infringement has been committed. Where WT determines that an Infringement has been committed, WT shall decide the appropriate penalty after considering any submissions on the subject made by the parties.

(B) WT shall issue a decision in writing, with reasons, as soon as possible after the conclusion of the hearing. The decision will set out and explain:

- i. WT's findings as to whether any Infringement has been committed;
- ii. WT's findings as to what penalties, if any, are recommended;
- iii. the date that any period of ineligibility shall commence; and
- iv. the rights of appeal described in this Code.

3.9 Evidence

(A) The moving party has the burden to establish facts by a preponderance of the evidence.

(B) Infringements of WT rules may be demonstrated by any form of evidence. This can include:

- i. video or photos;
- ii. witness statements;
- iii. expert opinions; and
- iv. reports and official findings.

(C) It is WT's discretion, in consultation with the Juridical Committee, to determine the credibility and weight of evidence presented.

3.10 Aggravating and Mitigating Factors

(A) In imposing penalties WT is entitled to consider the existence of any aggravating and/or mitigating factors including the following:

(B) Aggravating Factors:

- i. failure to co-operate with any investigation or requests for information;
- ii. any previous Infringements;
- iii. receiving or being due to receive a significant benefit in connection with the Infringement;
- iv. the Infringement having or having the potential to affect the course or result of an Event or Competition;
- v. displaying a lack of remorse; and
- vi. any other aggravating factor the WT deems relevant.

(C) Mitigating factors:

- i. co-operation with any investigation or requests for information;
- ii. a timely admission of guilt;
- iii. clean prior disciplinary record;
- iv. youth or inexperience;
- v. Infringement not having affected or not having the potential to affect the course or result of an Event or Competition;
- vi. displaying remorse; and
- vii. any other mitigating factor the WT deems relevant.

3.11 Penalties

(A) Penalties may be determined in consideration of past precedent and/or as benchmarked against those imposed by other comparative organizations but these shall be for comparative purposes only and shall not be binding.

(B) Measures which may be taken by the WT include the following:

- i. warnings;
- ii. rebuke;
- iii. fine;
- iv. suspension or ban;
- v. monitoring and/or mandatory education
- vi. expulsion;
- vii. disqualification;
- viii order the return of funds provided by WT;
- ix. disqualification of results, forfeiture of medals or prizes won,.
- ix. order to payment for reasonable costs incurred by WT in relation to the Investigation and Hearing process;
- x. any other sanction or penalty deemed appropriate.

(C) If a Participant violates any prohibition on participation in a Competition imposed in accordance with this Code, such Participant shall be disqualified immediately from the relevant Competition and the period of ineligibility originally imposed in accordance with this Code shall recommence from the date of such violation.

(D) This Code shall continue to apply to any ineligible Participant and any violation committed during a period of suspension or ineligibility shall be treated as a distinct violation and separate proceedings may be brought against the Participant in accordance with this Code.

(E) Once the period of the Participant's ineligibility or suspension has expired, he or she will become automatically re-eligible to participate in Taekwondo provided that he or she has:

- completed to World Taekwondo's satisfaction any official integrity education imposed on him or her as a sanction by the World Taekwondo disciplinary body;
- paid, in full, any fine imposed under this Code and/or any order of costs made against him or her by the World Taekwondo disciplinary body; and
- agreed to subject himself or herself to any reasonable and proportionate monitoring of his or her future activities in connection with Taekwondo as World Taekwondo may reasonably consider necessary given the nature and scope of the violation that he or she has committed.

3.12 Preliminary suspensions

(A) In cases where WT launches an investigation into possible serious ethical misconduct, or in cases where there is risk of harm to the health and safety of an individual, or where there is potentially irreparable harm to WT or a member organization, WT may, upon recommendation of the Integrity Committee, provisionally suspend the Accused pending the outcome of the investigation.

(B) In any case where WT decides to charge a Member, WT shall have discretion, in circumstances where it considers appropriate, to provisionally suspend the Accused pending determination of whether a violation has been committed.

(C) Provisional Suspensions shall include a timeline and reasoning. They may be appealed to the WT Juridical Committee which shall decide on the matter via a reasoned decision.

3.13 Publication

(A) Outcomes shall be made public. The Reasoned Decision, redacted as appropriate, may be made public if it is determined that it may provide useful guidance to Members.

3.14 Confidentiality

(A) Investigations and Hearings conducted under this Code are confidential. WT, the Parties, their representatives and advisors, the witnesses and experts, and any other persons participating in the process, shall not disclose to any third party any confidential information or confidential document related to the proceedings or any information or

document given to them during the proceedings. All Members subject to this code shall avoid undue speculation regarding any ongoing investigation or hearing.

3.15 Appeal of WT Decisions

(A) Sanctions issued under this Disciplinary Actions section may be appealed under and in accordance with Article 4 of this Code.

ARTICLE 4. APPEALS

4.1 Purpose

(A) The purpose of this Appeals section is to provide a process for fair and expeditious resolution of Appealable Decisions.

(B) Members must submit to the jurisdiction of any decision making committee or panel (Appeal Panel) convened under this Code.

4.2 Appealable Decisions

(A) Appealable Decisions are those made under Article 3 of this Code or otherwise expressly provided for under WT rules.

(B) In accordance with Article 8.4.1 of the WT Statutes (in effect as of November 2021), WT MNAs and CUs are required to provide appeal of disciplinary decisions to their National Olympic Committee, a national arbitrational body, the Court of Arbitration for Sport, or similarly situated arbitrational body.

4.3 Procedure

(A) For an appeal to be heard under this Code the following procedure applies:

- i. A Statement of Appeal (Appeal) is received by WT from the Appellant.
- ii. WT shall verify that the Appeal is timely and complete.
- iii. If the Appeal is timely and complete WT will confirm this to the Appellant, nominate an Appeals Panel, and provide Panel-approved Hearing Guidelines.

4.4 Time Line

(A) All days are included in the calculation of time limits hereunder, including weekends and holidays.

(B) Statement of Appeal: In the absence of a time limit set by agreement, regulation or other applicable rules governing the appealed decision, a Statement of Appeal must be received within 20 days following the appealed decision or the date of its discovery. Untimely Appeals shall be dismissed except in the case of extraordinary circumstances and upon approval of WT's Juridical Committee. Incomplete Appeals may, at the

discretion of WT, be given a onetime extension. Additional extensions must be based on a showing of good cause.

4.5 Statement of Appeal

(A) The Appeal must be in English and submitted by email to the WT at the following email address: disputes@worldtaekwondo.org.

(B) The Appeal must include:

- i. name and contact information for the person(s) initiating the process (Appellant(s));
- ii. the name and contact information of the Respondent(s);
- iii. a brief statement of the dispute including, facts and legal arguments;
- iv. a copy of the decision appealed against (if available);
- v. the Appellant's request for relief;
- vi. any exhibits, including witness statements or expert testimony, upon which the Appellant(s) intend to rely (exhibits may be submitted after the deadline at the discretion of the Panel); and
- vii. proof of payment of the Appeals fee (see Art. 4.5(C)) if applicable.

(C) Appeals of decisions not issued by WT must be accompanied by a non-refundable US\$1,500 processing and panel-cost fee.

i. The fee should be paid to the following account:

Bank name: KEB Hana Bank
Account number: 548 910001 08032(USD)
Holder of account: WORLD TAEKWONDO
Bank address: 045-13 39, Sejong-daero, Jung-gu, Seoul
SWIFT CODE: KOEXKRSE

ii. This fee can be waived by WT based on special circumstances. To receive such a waiver the complainant must state adequate grounds.

(D) In addition to the Appeals fee WT may require that an Appellant submit an amount equal to the reasonable expected cost to the hearing of the complaint, which will be approved by the Panel and outlined in the Hearing Guidelines.

4.6 Answer

(A) The Respondent's Answer to the Appeal shall contain:

- i. a brief statement of the dispute including, including facts and legal arguments, questions to be answered, remedy sought, any counterclaim and proposed solution to the dispute;
- ii. any challenge or objection to the admissibility of the Appeal or the authority of WT to hear the appeal;
- iii. any exhibits, including witness statements or expert testimony, upon which the Appellant(s) intend to rely (exhibits may be submitted after the deadline at the discretion of the Panel).

4.7 Appeals Panel

(A) Composition:

- i. Panels shall be composed of three (3) WT Council or Committee Members unless otherwise agreed by the Parties;
- ii. Panel members shall have no prior involvement with the case..
- iii. Parties shall be given the opportunity to challenge Panel members. Challenges should be in writing and set forth the facts giving rise to the challenge. WT shall give the challenged panelist the opportunity to respond to the challenge. The WT Juridical Committee shall decide on the merits of the challenge and inform all parties in writing.

(B) Procedures of the Panel:

- i. Upon appointment, subject to this code, the Panel shall have the power to establish its own procedures so long as the Parties are treated equally and fairly and given a reasonable opportunity to present their case or respond to the case of another Party. The Panel may take such steps and conduct the proceedings as considered necessary or desirable by the Panel to avoid delay and to achieve a just, speedy and cost-effective resolution of the dispute. The Panel shall approve Hearing Guidelines at the outset of the hearing process which shall include target timelines and expected costs.
- ii. The hearing process shall respect the following principles: a timely and fair hearing, the right to be represented by counsel (at own expense), the right to respond to the asserted rule violation and range of resulting sanction; the right of each party to present evidence, including the right to call and question witnesses (subject to the Panel's discretion to accept evidence by telephone or written submission), the right

to an interpreter at the hearing (at own expense) and a timely, written decision including an explanation of the reason(s) for the sanction imposed.

iii. The Panel may require witnesses to testify under oath or affirm the truth of the evidence that they will give.

4.8 Fact finding and decisions making

(A) The moving party has the burden to establish facts by a preponderance of the evidence. Credibility of the parties and witnesses is a consideration that can be taken into account by the Panel as the finder of facts.

(B) A Panel has discretion to conduct a de novo review of the facts and the law, including the introduction of new evidence if compelling reason can be shown as to why the new evidence was not introduced during the initial investigation process. In absence of significant new evidence appropriate deference shall be given to the initial fact finding body, whose findings shall not be overturned except by a showing of clear and convincing evidence by the moving party.

(C) A Panel has broad discretion to determine the scope and method of its investigation. The panel shall not be bound by judicial rules governing the admissibility of evidence and facts may be established by any reliable means, including but not limited to, admissions, evidence of third parties, witness statements, expert reports, documentary evidence and other analytical information.

(D) A Panel has, at its sole discretion, the right to issue formal requests for information to any party to the investigation as well as related persons.

(E) A Panel shall be entitled to draw an inference adverse against any party if that party fails to participate in a hearing if requested to do so within a reasonable time in advance of the hearing, or fails to comply with any reasonable information request.

(F) Failure of any Member to cooperate with any reasonable investigation, including failing to provide any information and/or documentation requested by WT or an Appeal Panel that may be relevant to an investigation, can in itself be subject to investigation and penalty.

(G) The Panel has full scope to affirm, invalidate, reduce, increase or modify any penalty being appealed. The Aggravating and Mitigating Factors of Article 3.10 and the Range of Penalties in Article 3.11 may be used as references.

(H) Panel decisions shall be in writing and dated. For a Panel of three (3) arbitrators, the decision shall be made by a majority decision.

(I) Panel decision shall be communicated to the Parties as soon as possible upon completion of the hearing process.

4.9 Costs

- (A) Each Party shall be responsible for its own expenses and that of its witnesses. Upon formation of the panel, subject to later changes, the expected total costs for the procedure shall be established in the hearing guidelines.
- (B) The Parties shall share the cost of the Hearing unless otherwise determined by the Panel as provided below.
- (C) The Panel shall determine whether there is to be any award on costs and the extent of any such award. When making its determination the Panel shall take into account the outcome of the proceedings, the conduct of the parties and each Party's willingness in attempting to resolve the dispute prior to the Appeal. Success in the Appeal does not mean that a party is entitled to be awarded costs.

4.10 Publication

- (A) Outcomes shall be made public. The Reasoned Decision, redacted as appropriate, may be made public if it is determined that it may provide useful guidance to Members.

4.11 Confidentiality

- (A) Ongoing Appeals conducted under this Code are confidential. The Panel, the Parties, their representatives and advisors, the witnesses and experts, and any other persons participating in the process, shall not disclose to any third party any confidential information or confidential document related to the proceedings or any information or document given to them during the proceedings. All Members subject to this code shall avoid undue speculation regarding any ongoing appeal.

4.12 Appeal of Appeal Panel Decisions

- (A) Final Decisions made by a WT Appeal Panel may be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of sports-related arbitration. The number of arbitrators shall be one unless otherwise agreed by the Parties. The language of the arbitration shall be English. The time limit for appeal is twenty-one days after the reception of the decision concerning the appeal.