

# POLICY MANUAL

**Original Effective Date:**

January 10, 2009

**Date of Last Amendment:**

<b>Section:</b>	3.0	Operational
<b>Sub-Section:</b>	3.	Discipline and Complaints Policy
<b>Topic Area:</b>	3.1.5	

## **Policy Statement:**

Tennis Alberta is committed to providing an environment in which all Tennis Alberta participants and constituents are treated with respect and characterized by the value of fairness, integrity and open communication. Membership in Tennis Alberta, as well as participation in its activities, brings with it many benefits and privileges. At the same time, members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, bylaws, rules and regulations and Code of Conduct and Ethics of Tennis Alberta. Irresponsible behavior by Tennis Alberta participants and constituents can result in severe damage to the integrity of Tennis Alberta. Conduct that violates these values may be subject to sanctions pursuant to this policy. Since sanctions may be applied, it is only fair to provide Tennis Alberta participants and constituents a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably.

## **Definitions**

1. The following terms have these meanings in this Policy:
  - a) “*Days*” – Days irrespective of weekend and holidays.
  - b) “*Tennis Alberta Constituent*”- All categories of membership within the Alberta Tennis Association, as well as all individuals employed by or engaged in activities with Tennis Alberta, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, officers, managers, administrators, spectators and parents of Tennis Alberta athletes.

### **Application of this Policy**

2. This Policy applies to all Tennis Alberta Members as defined in the Definitions.
3. This Policy only applies to discipline matters that may arise during the course of Tennis Alberta business, activities and events, including but not limited to, competitions, practices, training camps, travel associated with Tennis Alberta activities, and any meetings.
4. Discipline matters and complaints arising within the business, activities or events organized by entities other than the Tennis Alberta, including its member clubs, will be dealt with pursuant to the policies of these other entities unless requested and accepted by Tennis Alberta at its sole discretion.

### **Reporting a Complaint**

5. Any Tennis Alberta constituent may report to Tennis Alberta head office any complaint. Such complaint must be signed and in writing, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Tennis Alberta.
6. A complainant wishing to file a complaint beyond the fourteen (14) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the fourteen (14) day period will be at the sole discretion of Tennis Alberta. This decision may not be appealed.
7. Tennis Alberta will appoint a Case Manager who will determine whether the complaint is frivolous or vexatious. If the Case Manager determines the complaint is frivolous or vexatious, the complaint will be dismissed immediately.
8. If a complaint is determined by the Case Manager to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Case Manager, to determine whether a complaint is to be dealt with as a major or minor infraction. This decision is not appealable.
9. If the incident is to be dealt with as a minor infraction, the Case Manager, will inform the parties, and the matter will be dealt with according to the section relating to minor infractions.
10. If the incident is to be dealt with as a major infraction, the Case Manager will inform the parties, and the matter will be dealt with according to the section relating to major infractions.
11. This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further sanctions may be applied in accordance with the procedures set out in this Policy.

### **Minor Infractions**

12. Examples of minor infractions include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Conduct contrary to the ideals of respect such as angry outbursts or argument;
  - c) Being late for or absent from Tennis Alberta events and activities at which attendance is expected or required; and
  - d) Non-compliance with the policies, procedures, rules and regulations under which Tennis Alberta is governed.
  
13. All disciplinary situations involving minor infractions occurring within the jurisdiction of Tennis Alberta will be dealt with by the appropriate person having authority over the situation and the individual involved (the person in authority may include, but is not restricted to, coach, manager, official, judge, or Tennis Alberta staff).
14. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person responsible for discipline of such infractions (as noted above in point 13). This is provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
15. Sanctions for minor infractions, which may be applied singly or in combination, include the following:
  - a) Verbal or written reprimand which may be placed in the individual's file;
  - b) Verbal or written apology;
  - c) Service or other voluntary contribution to Tennis Alberta;
  - d) Suspension from the current competition, activity or event; or
  - e) Any other sanction considered appropriate for the offense.
  
16. Minor infractions that result in discipline will be recorded and maintained by Tennis Alberta. Repeat minor infractions may result in further such incident being considered a major infraction.

### **Major Infractions**

17. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or to Tennis Alberta.
18. Examples of major infractions include, but are not limited to:
  - a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
  - c) Repeated incidents of being late for or absent from Tennis Alberta events and activities at which attendance is expected or required;
  - d) Activities or behavior which interfere with a competition or with any athlete's preparation for competition;
  - e) Incidents of physical abuse;

- f) Pranks, jokes or other activities that endanger the safety of others;
- g) Disregard for the policies, procedures, rules and regulations under which Tennis Alberta is governed;
- h) Conduct which results in harm to the image, credibility or reputation of Tennis Alberta and/or its' sponsors;
- i) Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- j) Any possession or use of alcohol by minors;
- k) Any possession use of illicit drugs and narcotics; or
- l) Any possession or use of banned performance enhancing drugs or methods.

*Note: The definition of "repeated" will depend on the severity of the infraction and frequency of offences within a given time to be determined by the Tennis Alberta at its sole discretion.*

19. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

### **Discipline Panel and Hearing**

20. Upon notifying the respondent of a complaint of a major infraction, the Case Manager, at their sole discretion, will appoint a Discipline Panel ("Panel") of 1-3 individuals to hear the complaint. The members of the Panel will select from themselves a Chairperson.
21. Members of the Panel will have had no involvement with the alleged infraction and will be free from any other bias or conflict of interest.
22. The Panel will hold the hearing as soon as possible.
23. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel will decide to conduct the hearing by way of review of documentary evidence, in-person or via teleconference.

### **Preliminary Meeting**

24. The Panel may determine that the circumstances of the complaint warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with preliminary matters, which may include but are not limited to:
- a) Format (hearing by documentary evidence, oral hearing, in-person or a combination);
  - b) Date and location of the hearing, if necessary;
  - c) Timelines for the exchange of documents;
  - d) Clarification of issues in dispute;
  - e) Any procedural matters including order and procedure of the hearing;
  - f) Remedies sought;

- g) Evidence to be brought before the hearing;
- h) Identification of any witnesses; or
- i) Any other procedural matter that may assist in expediting the hearing.

### **Documentary Review**

25. Where the Panel has determined that the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
  - b) The applicable principles and timelines set out by the Panel are respected.

### **Oral Hearing**

26. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:
- a) The affected parties will be given seven (7) days written notice of the day, time and place of the hearing;
  - b) The affected parties will be provided copies of all evidence to be relied upon;
  - c) Decisions will be by majority vote where the Chairperson carries a vote;
  - d) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
  - e) The parties may be accompanied by a representative;
  - f) The parties will have the right to present evidence and argument;
  - g) Any party potentially affected by the matter may be made party to the hearing by the Panel;
  - h) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
  - i) The hearing will be held in private;
  - j) Each party will bear their own costs;
  - k) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
27. After hearing the matter, the Panel will determine whether or not the individual will be sanctioned, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties, the Case Manager and Tennis Alberta within fourteen (14) days of the conclusion of the hearing.
28. Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.
29. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **Sanctions**

30. The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a) Written reprimand to be placed in the individual's file;
  - b) Written apology;
  - c) Removal of certain privileges of membership;
  - d) Suspension from certain Tennis Alberta teams, events and/or activities;
  - e) Suspension from all Tennis Alberta activities for a designated period of time;
  - f) Suspension of Tennis Alberta and Alberta Sport, Recreation, Parks and Wildlife funding;
  - g) Expulsion from membership;
  - h) Other sanctions as may be considered appropriate for the offense.
31. Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership in Tennis Alberta until such time as compliance occurs.
32. In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- a) The nature and severity of the incident;
  - b) Whether the incident is a first offense or has occurred repeatedly;
  - c) The individual's acknowledgment of responsibility,
  - d) The individual's remorse and post-infraction conduct;
  - e) The age, maturity or experience of the individual;
  - f) Whether the individual retaliated; and
  - g) The individual's prospects for rehabilitation.
33. A written record will be maintained by Tennis Alberta at their head office for major infractions that result in a sanction.

## **Serious Infractions**

34. Tennis Alberta may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.
35. Where it is brought to the attention of Tennis Alberta, that a Tennis Alberta Constituent has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, Tennis Alberta may suspend the Tennis Alberta Constituent pending further investigation, a hearing or a decision of the Panel.
36. Notwithstanding the procedures set out in this Policy, any Tennis Alberta Constituent who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of Tennis Alberta for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Tennis Alberta in accordance with this Policy and the Tennis Alberta Screening Policy.

**Timelines**

37. If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

**Confidentiality**

38. The discipline and complaints process is confidential involving only the parties, the Case Manager and the Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

**Appeals Procedure**

39. The decision of the Panel may be appealed in accordance with the Tennis Alberta's Appeal Policy.