

# POLICY MANUAL

**Original Effective Date:**

January 10, 2009

**Date of Last Amendment:**

**November 20, 2017**

**Section:** 3.0 Operational

**Sub-Section:** 5. Discipline Policy

**\*\*This Discipline Policy replaces and supersedes all pre-existing alternate Tennis Alberta discipline policies and any policies, handbooks, or guidelines that reference discipline and/or complaints related to members (as defined below) of Tennis Alberta**

## **Policy Statement:**

Tennis Alberta is committed to providing a safe environment in which all Tennis Alberta 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, constituents are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the organization's policies, bylaws, rules and regulations, Rules of the Court, and Code of Conduct and Ethics of Tennis Alberta including the Respect in Sport contract signed by all playing card members and/or parents. Irresponsible behavior by Tennis Alberta constituents can result in severe damage to the integrity of Tennis Alberta and disregard for the sport as a whole.

Conduct that violates these values may be subject to sanctions pursuant to this policy. There is zero tolerance for any actions that compromise the safety or well-being of minors. To ensure transparency and fairness, it is essential that Tennis Alberta provide its members with information regarding the process by which concerns regarding a Tennis Alberta member's breach will be handled and sanctions that may result. In particular, the following principles, policies and rules will be utilized to guide the process and possible sanctions: natural justice; Fair play Statement, PTA Code of Conduct; Rules of the Court; Respect in Sport; sanction agreements; other PTA policies such as Abuse and Harassment; Confidentiality and Conflict of Interest.

## **Definitions**

1. The following terms have these meanings in this Policy:
  - a) “Days” – Days refers to business days
  - b) “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, carded players and parents of Tennis Alberta athletes who are card holding members.
  - c) “Complainant” – The party alleging an infraction
  - d) “Respondent” – The alleged infracting Party
  - e) “Parties” The Complainant, Respondent, and by any other Members or persons affected by the complaint
  - f) “Disciplinary Committee”/ “Committee” – volunteers appointed by Tennis Alberta who are free from conflict, able to adhere to high standards of confidentiality and due process, and have a proven track record of analysis, judgment and impartiality.

#### **Application of this Policy (see Figure 1)**

2. This Policy applies to all Tennis Alberta constituents 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, sanctioned events, competitions, practices, training camps, travel associated with Tennis Alberta activities, and any meetings (excluding Board Directors and committee members which are dealt with under separate policy)
4. Discipline matters 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.
5. As per Rules of the Court, parents of junior players should be aware that sanctions against parent(s) may have implications for junior player(s), including but not limited to point penalties in tournament play, default and/or suspension of player card for a period of time or permanently.
6. As per the Tennis Canada Rules of the Court, disciplinary actions are to be reported to Tennis Canada and Provincial Tennis Association (PTA) and are administered by the local PTA.

#### **Filing and Processing of a Complaint**

7. Any member may file a complaint to the Executive Director of Tennis Alberta. Such complaints must be signed and in writing (when complainant is a minor, appropriate

legal guardian will sign in conjunction and/or on behalf of), and must be filed within 15 days of the alleged incident. Where the complainant is a member of a Tennis Alberta Member club, the Tennis Alberta member club is to be advised and confirmation provided to Tennis Alberta of that advice along with the complaint.

8. Tennis Alberta's Executive Director will forward the complaint to the Disciplinary Committee for review and investigation as per the process outlined in Figure 1. The Executive Director will log the complaint and:
  - a. Confirm the membership status of the complainant and respondent and confirm the constituent is in good standing
  - b. If the complaint involves a minor, refer the complaint to the Tennis Alberta President.
  - c. If the respondent is a parent, confirm that the parent has completed the Respect in Sport program.
  - d. If the complaint involves a Tennis Alberta or tennis Canada event, secure the appropriate tournament report, officials report or other incident reports that may be applicable.
  - e. Assess any potential conflict of interest with respect to the members of the disciplinary panel.
  
9. The disciplinary panel will assess the complaint, confirm their impartiality and process the complaint as follows:
  - a. The determination that a concern is frivolous or vexatious will be limited to review of materials submitted with the initial submission of the complaint and no further investigation is required. If the Disciplinary Committee determines the complaint to be frivolous or vexatious, the complaint will be dismissed and this decision will be communicated in writing to the complainant and respondent within 30 days of receiving the complaint.
  - b. Complaints that fall under Rules of the Court will be reviewed to determine if the officials adequately addressed the issue at the event (for example but not limited to line calls, scoring disputes or unsportsmanlike behavior) and if "yes" then the ED will communicate the decision to the complainant within 30 days of receiving the complaint. If "no", then the Disciplinary Committee will proceed with further investigation and decision (7c).
  - c. Disciplinary Committee will review, investigate and determine sanction as appropriate.
  
10. In the circumstance where Tennis Alberta deems it necessary to outsource the review of a complaint, the services of the Sport Dispute and Resolution Center of Canada (SDRCC) may be utilized at the request of Tennis Alberta. Costs related to use of SDRCC may be the sole responsibility of the complainant and/or respondent.

11. This Policy does not prevent an appropriate person having authority (egs. Official, coach, tournament director or staff, TA staff) from taking immediate, informal or corrective action in response to behavior that constitutes an infraction (examples below) 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.

**Infractions:**

12. Infractions are considered any action, deed, statements or gestures that may threaten, offend or undermine the integrity of the sport of the Tennis Alberta organization or its community. The Disciplinary Committee will assess the severity and egregiousness of the infraction through a process of investigation, evaluation and adjudication. Severity of the offense will consider safety; violation of laws; rules and policy; impact on the offended individual; organization or the sport; repetitiveness and any other such extenuating factors considered to relevant by the panel at its sole discretion.

Infractions include, but are not limited to:

- a) Conduct contrary to the Respect in Sport philosophy such as angry outbursts or arguments; disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others
- b) Being late for or absent from Tennis Alberta events and activities at which attendance is expected or required (Rules of the Court may apply);
- c) Non-compliance with the policies, procedures, rules and regulations under which Tennis Alberta is governed.
- d) Repeated incidents of disruptive behavior as a player, parent or volunteer of the organization.
- e) Activities or behavior which interfere with a competition or with any athlete's preparation for competition;
- f) Physical, verbal, emotional or sexual abuse, bullying or harassment (see Abuse and Harassment policy)
- g) Pranks, jokes or other activities that embarrass or endanger the safety of others;
- h) Disregard for the policies, procedures, rules and regulations under which Tennis Alberta is governed;
- i) Conduct which results in harm to the image, credibility or reputation of Tennis Alberta and/or its sponsors;
- j) 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;
- k) Any possession or use of alcohol by minors;
- l) Any possession use of illicit drugs and narcotics; or
- m) Any possession or use of banned performance enhancing drugs or methods.

n) Incidents involving a complaint against an adult towards and/or involving a minor

13. Procedures for dealing with infractions will be determined at the discretion of the Disciplinary Committee of such infractions (as noted above in point 9). 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. Written documentation of the response to the incident and/or infraction should be provided to the ED of Tennis Alberta as soon as possible after the incident and the completeness and quality of the response is the responsibility of the respondent
15. All infractions that result in discipline will be recorded and maintained by Tennis Alberta. The Executive Director will forward the written decision of the Disciplinary Committee, with reasons, to all parties involved within 6 months of the original complaint being submitted.
16. 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.

**Serious Infractions:**

17. Tennis Alberta may determine that an alleged incident is egregious and warrants immediate suspension of the individual pending a hearing and a decision of the Panel. Such situations include:

- a. Where it is brought to the attention of Tennis Alberta, that a Tennis Alberta member 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 Member pending further investigation, a hearing or a decision of the Panel.
- b. Notwithstanding the procedures set out in this Policy, any Tennis Alberta member 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.

- c. Tennis Alberta will not hire and will immediately terminate employment of any coach, volunteer, or other employee who is found to have not successfully cleared the Vulnerable Sector Check.

### **Disciplinary Committee Members**

18. The disciplinary committee is constituted as follows:

1. Incumbency. Up to 6 members of the Discipline Committee are recommended by the Executive Director or a director of the Tennis Alberta Board, subject to confirmation of the Board of Directors. The Board of Directors has the authority and sole discretion to remove a member at any time.
2. Tenure. The Discipline Committee member serves for one year. The service year is normally from annual meeting to annual meeting, unless specified to be otherwise by the Board of Directors. An incumbent may be re-appointed annually and serve for up to five years.
3. Accountability. The chairperson of the Discipline Committee, as elected by the committee is accountable and reports to the Board of Directors. For administration purposes, the Board contact for this committee is the Executive Director.
4. Duties. The broad function of the Discipline Committee as approved by the Board of Directors, is to enforce the Policies of Tennis Alberta, specifically with respect to Discipline and Complaints, Abuse and Harassment; Code of Conduct and the Rules of the Court, including Appeals.
5. Authority: In addition to any other authority properly conferred upon the Disciplinary Committee in the Tennis Alberta by-laws, this policy and any other applicable rules, regulations and procedures, the Panel shall have the authority:
  - a. To dismiss the complaint summarily and without formal hearing if it determines that the allegation is frivolous or vexatious
  - b. to make preliminary procedural orders
  - c. to require the participants in the hearing attend at a pre-hearing conference or other conference with one or more members of the Panel to address procedural matters
  - d. to impose any sanction authorized by the policy
  - e. in its discretion, to award costs of the proceedings.

### **Hearing and Adjudication Process:**

20. The Disciplinary Committee will assign a minimum of 3 individuals, the Panel, to review, investigate and adjudicate any allegation. The ED will provide the names of the members of the panel to the complainant and respondent of the allegation within 30 business days of the TA office receiving notice of the complaint and confirm there are no apparent conflicts with the panelists to the complainant or the respondent to the allegation.

21. Members of the Committee must meet the following conditions with respect to any individual case:
  - a. they must not have a significant relationship with the Parties involved
  - b. they must have had no involvement with the alleged infraction; and
  - c. they must be free from any actual or perceived bias or conflict of interest. Being a “peer” of the respondent should not in itself constitute bias or conflict of interest.
  - d. All Tennis Alberta Disciplinary Committee members are volunteers and will be held to the Tennis Alberta Code of Conduct Conflict of Interest Policy and Confidentiality Agreement.
22. Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel decide to conduct the hearing by way of review of documentary evidence, in-person and/or via teleconference. Oral hearings are not mandatory.
23. The hearing will be governed by the procedures that the Panel deem appropriate in the circumstances, provided that within no more than 60 working days from the panel being established:
  - a. the parties are given appropriate notice of the day, time and place of the hearing
  - b. the ED provide the original submitted documents to the panel however the parties are also responsible for submitting all documents they feel are pertinent
  - c. timelines for exchange of documents are established and communicated
  - c. format of the hearing is defined
  - d. any other matter that may assist in the expediting of the proceedings
  - e. the panel may delegate to its chairperson, the authority to deal with these preliminary matters
24. The parties may be represented by an advisor or legal counsel at their own expense;
25. The panel may request that any other individual participate and give evidence at the hearing such as officials, experts, witnesses etc.
26. If a decision may affect another party to the extent that the other party would have recourse to an appeal in their own right under this policy, that party will become a party to the appeal in question and will be bound by its outcome.
27. Decisions will be by majority vote of the panel where chairperson carries the vote.
28. Where the respondent 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 Respondent chooses not to participate in the hearing, the hearing will proceed in any event.

30. In fulfilling its duties the Panel may obtain independent advice as needed from such persons as lawyers, officials, experts, witnesses etc.

**31. Presentation of Evidence/Information**

a. Documentary Review: 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:

- i) 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
- ii) The applicable principles and timelines set out by the Panel are respected and adhered to.
- iii) The affected parties will be provided copies of all evidence to be relied upon;
- iv) Decisions will be by majority vote where the Chairperson carries a vote;
- v) Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
- vi) The panel has absolute discretion as to defining the timelines and extensions to timelines that may be requested by the parties.

b. Oral Hearing: Where the Panel has determined that case will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

- i) The affected parties will be given seven (7) days written notice of the day, time and place of the hearing
- ii) The parties will have the right to present evidence and argument;
- iii) Any party potentially affected by the matter may be made party to the hearing, at the discretion of the Panel;
- iv) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- v) The hearing will be held in private and only those affected by the matter may attend (in case of a minor, the appropriate guardian(s) may be present);
- vi) Each party will bear their own costs;
- vii) the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

**Decision**

32. After hearing the matter, or where the respondent to the alleged breach waives the right to a hearing, the Panel will determine whether or not an infraction(s) occurred, the severity of the infraction(s) and the sanctions, if any, to be imposed. The Panel's written decision, with reasons, will be distributed to all parties, including Tennis Alberta within thirty (30) days of the conclusion of the hearing and within 6 months

of receiving the original complaint unless an extension to this timeline is communicated in writing to the concerned parties prior to the 6 month mark.

33. The panel, at its discretion, considering the severity of the incident, may reserve the right to receive submissions by the parties with respect to sanctions.

### **Sanctions**

34. The Panel may apply the following disciplinary sanctions singly or in combination, for infractions. Timing/duration of the sanction is to be determined by the Panel:

- 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 funding;
- g) Expulsion from membership;
- h) Publication of the panel's determination that the person committed a disciplinary offence
- i) Other sanctions as may be considered appropriate for the offense such as service to Tennis Alberta or a member club

35. As per the Rules of the Court, parents of junior players should be aware that junior players can incur sanctions for infractions committed by parents. Tennis Canada and its affiliates (officials and Provincial Tennis Associations) must be informed of sanctions of players and/or parents.

36. In applying sanctions, the Panel may give 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 and complainant (eg. a minor)
- f) Whether the individual retaliated; and
- g) The individual's prospects for rehabilitation.

### **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 and advise the involved parties within a reasonable period of time.

### **Implementation and Management of Sanctions:**

38. All sanctions rendered under this Policy will be recognized, respected and adhered to by all Tennis Canada, Tennis Alberta members and their members, and other Provincial Tennis Associations.
39. Communication of the Sanctions to the parties involved, Tennis Canada, officials, pertinent professional associations and appropriate event hosts will be the responsibility of the office of Tennis Alberta.
40. Tennis Alberta will monitor and ensure enforcement of sanctions.
41. Failure to adhere to sanctions may result in extension of or additional sanctions being imposed and/or suspension of membership as determined by TA (in case of parents of junior players, the junior player may be penalized/suspended as well).
42. Any breach of sanction at Tennis Alberta/Canada events will be enforced as per Rules of the Court by Tennis Alberta/Canada officials and/or tournament directors.

### **Confidentiality**

43. The discipline and complaints process is confidential involving only the identified parties, the Executive Director, specific Board directors serving on Disciplinary Committee and the members of the Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or alleged breach to any person not involved in the proceedings.
44. A written record will be maintained by Tennis Alberta at their head office for all infractions that result in a sanction. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Appeals Procedure**

45. The decision of the hearing panel may be appealed in accordance with the Tennis Alberta's Appeal Policy.

See Figure 1.

# Tennis Alberta Complaints and Disciplinary Process

