

# TENNIS ALBERTA POLICY MANUAL

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**Section 1: Board of Directors Code of Conduct**

Approved: Nov. 17, 2015

Modified: Jan. 17, 2016

**POLICY STATEMENT**

The Alberta Tennis Association represents the collective interests of its members in the Province of Alberta. As such, the Alberta Tennis Association holds the conduct of its representatives to a very high standard.

**GUIDELINES**

The purpose of this document is to provide the members of the Board of Directors of the Alberta Tennis Association with guidelines for ethical conduct when representing the Association.

**PRINCIPLES**

1. Application. This Code of Conduct, Conflict of Interest Guidelines, and Confidentiality Guidelines have been approved by the Board of Directors of the Alberta Tennis Association. As such, the Code of Conduct is intended to govern the conduct of the Directors of the Association, the Conflict of Interest Guidelines set out procedures for avoiding and disclosing conflicts of interest, and the Confidentiality Guidelines outline the responsibility of the Director to know what information is confidential and to obtain clarification when in doubt.
2. Clarification. In the context of this policy, the term “Association” shall refer to the Alberta Tennis Association; the term “Board” shall refer to the Board of Directors of the Alberta Tennis Association; and the term “Director” shall refer to the duly elected or appointed members of the Board of Directors of the Alberta Tennis Association.
3. Definitions. Unless otherwise specified, the words and expressions used in this document shall have the same meaning as in the Alberta Tennis Association By-law or, as in the practices of the Board.
4. Complement. The provisions of this Policy are intended to complement and enhance, in a consistent manner, the requirements that arise at law and in the By-law of Alberta Tennis Association.

## CODE OF CONDUCT

1. Responsibilities. Directors are expected to be informed of the legislation under which the Alberta Tennis Association exists, By-law, mission, vision and guiding principles and all policies which pertain to the duties of a Director. In this context, a Director is responsible to:
  - a. Keep generally informed about the activities of the association, the provincial tennis community, and general trends in the sector in which it operates;
  - b. Become an active participant in the Board and attend Board meetings regularly, serve on committees of the Board and contribute from personal, professional and life experience to the work of the Board;
  - c. Exercise the degree of care, diligence and skill required of a Director in the performance of his/her duties pursuant to the laws under which the Association is incorporated;
  - d. Act with honesty and integrity and conduct herself/himself in a manner consistent with the nature and the responsibilities of board business and the maintenance of member confidence in the conduct of the Board;
  - e. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward or fear of criticism;
  - f. Exercise vigilance for and declare any personal conflict of interest in accordance with the Association's By-law and policies, and comply with all other policies approved by the Board from time to time;
  - g. Offer his/her personal perspectives and opinions on issues that are the subject of Board discussion and decision;
  - h. Voice, clearly and explicitly at the time a decision is being taken, any opposition to a decision being considered by the Board;
  - i. Maintain solidarity with member Directors in support of a decision that has been made in good faith in a legally constituted meeting;
  - j. Ask the Board to review a decision, if she/he has reasonable grounds to believe that the Board has acted without full information or in a manner inconsistent with its fiduciary obligations, and, if still not satisfied after such review, ask that the matter be placed before the membership; and
  - k. Know and respect the distinction in the roles of Board and staff consistent with the principles underlying these governance policies.
  
2. Conduct. A Director will at all times conduct himself/herself in a manner that:
  - a. Supports the objectives and serves the overall best interests of the Alberta Tennis Association;
  - b. Brings credibility and goodwill to the Association;
  - c. Respects principles of fair play and due process and demonstrates respect for individuals and human rights;
  - d. Respects and gives fair consideration to diverse and opposing viewpoints;

- e. Demonstrates due diligence and dedication in preparation for, and attendance at, meetings of the Board and Committees;
- f. Demonstrates good faith, prudent judgment, honesty, transparency and openness in her/his activities on behalf of the Association;
- g. Subordinates his/her personal interests, and those of any particular constituency, to the best interests of the Association;
- h. Ensures that the financial affairs of the Association are conducted in a responsible and transparent manner with due regard for her/his fiduciary responsibilities;
- i. Avoids real or perceived conflicts of interest; and
- j. Conforms to the By-laws and policies approved by the Board, in particular this Code of Conduct and the following Conflict of Interest Policy and Confidentiality Agreement.

### **CONFLICT OF INTEREST GUIDELINES**

1. **Responsibilities.** As these Conflict of Interest Guidelines are intended to ensure the highest standards and maintain the integrity of the Board, Directors shall, at all times, act in the best interests of the Association ahead of any personal interest or the interest of any other person or entity. It also means that Directors shall perform their duties and transact the affairs of the Association in a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board.
2. **Conflict of Interest.** A conflict of interest, as it relates to #1 above, refers to situations in which personal, occupational or financial considerations may affect, or appear to affect, a Director's objectivity, judgment or ability to act in the best interests of the Association. Conflicts of interest include, but are not limited to, the situations described below:
  - a. A conflict of interest may be real, potential or perceived in nature.
  - b. A real conflict of interest arises where a Director has a private or personal interest, for example, a close family connection or financial interest.
  - c. A potential conflict of interest may arise when a Director has a private or personal interest such as an identified future commitment.
  - d. A perceived or apparent conflict of interest may exist when a reasonable, well-informed person has a reasonable belief that a Director has a conflict of interest, even if there is no real conflict.
  - e. Full disclosure, in itself, does not remove a conflict of interest.
3. **No Financial Benefit:**
  - a. No Director shall, either directly or indirectly, receive any profit from her/his position, with the exception that, notwithstanding anything herein to the contrary, Directors may receive reimbursement for reasonable expenses

incurred by them in the performance of their duties as permitted in the By-law and approved by the Board.

- b. The financial interests of immediate family members (including the immediate family members of a Director's partner) or close personal or business associates of a Director are also considered to be the financial interests of the Director.
4. Examples of Conflict of Interest. A Director participating in one the following or similar examples would constitute a Conflict of Interest under this Policy.
- a. Any circumstance that may result in a personal or financial benefit to a Director or his family, business associate or friend. This includes, but is not limited to, accepting any payment for services rendered to the Association other than reimbursement of expenses as outlined in this Policy, including contracted work or an honorarium, or accessing financial or other resources for personal use, i.e. transportation, training costs, supplies, equipment, etc.
  - b. Personal interests which conflict with the interests of the Association or are otherwise not in the best interests of the Association.
  - c. Seeking, accepting or receiving any personal benefit from a supplier, vendor or any individual or entity doing or seeking business with the Association.
  - d. Being a member of the board or staff of another organization which might have material interests that conflict with the interests of the Association and participating in matters on one board which might materially and adversely affect the other board.
  - e. Any involvement in the hiring, supervision, grievance, evaluation, promotion, remuneration or firing of a family member, close personal or business associate of the Director so involved.
5. Procedures for Dealing with Conflict of Interest. Directors must openly disclose, both prior to serving on the Board and during their term of office, a potential, real or perceived conflict of interest as soon as the issue arises.
- a. If the Director is not certain whether she/he is in a conflict of interest position, the Director may bring the matter before the Chair of the Board or the Board for advice and guidance.
  - b. If there is any question or doubt about the existence of a real or perceived conflict, the Board will determine by majority vote if a conflict exists. The Director potentially in conflict of interest shall be absent from the discussion and shall not vote on the issue.
  - c. It is the responsibility of other Directors who are aware of a real, potential or perceived conflict of interest by a fellow Director to raise the issue for clarification, first with the Director in question and, if still unresolved, with the Chair of the Board.
  - d. The Director so challenged must abstain from participation in any discussion on the matter, shall not attempt to personally influence the outcome, shall refrain

from voting on the matter and, unless otherwise decided by the Board, must leave the meeting room for the duration of any such discussion or vote.

- e. The disclosure and decision as to whether a conflict exists shall be duly recorded in the minutes of the meeting. The time the Director left and returned to the meeting shall also be recorded.
6. Gifts and Hospitality. Directors shall not directly or indirectly offer or accept cash payments, gifts, gratuities, privileges or other personal rewards which are intended to influence the activities or affairs of the Association. Directors may, however, give or receive modest gifts or hospitality as a matter of general and accepted business practice, provided the foregoing does not include cash or other negotiable instruments and provided further proper accounting of any such expenses is made.
7. Complaints and Disputes Involving Directors.
- a. The Board of Directors, in a meeting duly called for the purpose, shall review any complaints that a Director has violated any provision of the association's By-law or policies approved by the Board, in particular, this Code of Conduct, Conflict of Interest Policy and Confidentiality Agreement.
  - b. The Board shall similarly review disputes between Directors that interfere with the ability of the Board to carry on its affairs.
  - c. Complaints of a grave nature may be referred to an independent arbitrator.
  - d. Allegations of illegal activity must be made in writing and shall immediately be referred to appropriate authorities for investigation. Any Director against whom any such bona fide allegations are made shall take a leave of absence from the Board pending completion of the investigation.
  - e. The review of such complaints or disputes shall include an opportunity for the Director concerned to present his/her position. Board members who originate or are the subject of such complaints or disputes must declare their conflict and excuse themselves from such meetings (but shall nonetheless be counted as part of the quorum).
  - f. Every attempt should be made to resolve such matters expeditiously and fairly.
  - g. The recommendations regarding resolution of such matters shall be brought to the Board for approval.
  - h. The ruling of the Board shall be final. If the Director refuses to abide by the ruling, the Board may table the matter pending determination of disciplinary action. Such action may include formal or informal censure by the Chair with the approval of the Board, suspension, a request for the Director's resignation or a resolution removing the person as a Director.

## **CONFIDENTIALITY GUIDELINES**

1. **Confidential Information.** It is the responsibility of the Director to know what information is confidential and to obtain clarification when in doubt.
  - a. Except as may be compelled by applicable legal process, a Director must, both while having and after ceasing to have that status, treat as confidential all information regarding the internal operations, systems, business or affairs of the Association obtained by reason of her/his status as a Director and not generally available to the public.
  - b. A Director shall not use information obtained as a result of his/her involvement on the Board for her/his personal benefit. Each Director shall avoid activities which may create appearances that she/he has benefited from confidential information received during the course of his/her duties as a Director.

**LETTER OF AGREEMENT TO BE SIGNED BY ALL MEMBERS OF THE BOARD OF DIRECTORS OF  
THE ALBERTA TENNIS ASSOCIATION**

I, \_\_\_\_\_, a Director of the Alberta Tennis Association, have read and understand the above Code of Conduct, Conflict of Interest Guidelines and Confidentiality Guidelines and hereby agree to the terms noted therein.

(Signature) \_\_\_\_\_ (Position) \_\_\_\_\_

(Date) \_\_\_\_\_

(Witness name) \_\_\_\_\_ (Position) \_\_\_\_\_  
(Please print)

(Witness signature) \_\_\_\_\_

(Date) \_\_\_\_\_

**APPROVALS**

on behalf of the Executive Committee		
		Date:
President		
		Date:
on behalf of the Board of Directors		
		Date:

## Section 2: Appeal Process

Approved: Jan. 10, 2009

Modified: November 20, 2017

1. The purpose of this appeals policy is to enable disputes with members and participants to be dealt with fairly, expeditiously and affordably, within Tennis Alberta, without recourse to external legal procedures.

### DEFINITIONS

2. These terms will have these meanings in this policy:
- a. *Days* -- will mean business days
  - b. *Member* -- refers to all categories of members in Tennis Alberta, as well as to all individuals engaged in activities with or employed by Tennis Alberta, including, but not limited to, athletes, parents/guardians of junior player card members, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel)
  - c. *Appellant* -- refers to the Member appealing a decision
  - d. *Respondent* -- refers to the body whose decision is being appealed.

### SCOPE OF APPEAL

3. Any Member of Tennis Alberta who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, the Associations' policies or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Paragraph 7 of this policy. Examples of decisions that may be appealed include but are not limited to those relating to eligibility, carding, harassment, discipline and entitlements and obligations under an athlete agreement or national team agreement.
4. This policy will not apply to decisions relating to:
- a. Matters of employment;
  - b. Infractions for doping offences, which are dealt with pursuant to the *Canadian Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
  - c. The Rules of the Court (Tennis Canada), which may not be appealed or are subject to the appeal parameters outlined in the source document;
  - d. Procedures, such as selections or qualifications, which have their own appeals policy stated within the criteria or policies relating to that process;
  - e. Discipline matters arising during events organized by entities other than Tennis Alberta, which are dealt with pursuant to the policies of these other entities; and
  - f. Any decisions made under Paragraphs 6 and 9 of this policy.

## **TIMING OF APPEAL**

5. Members who wish to appeal a decision will have 14 days from the date on which they received notice of the decision, to submit in writing notice of their intention to appeal, grounds for the appeal, submission of the processing fee of \$100 and a summary of the evidence that supports these grounds, to the Executive Director of Tennis Alberta (hereafter referred to as “Executive Director”).

Specific situations may have shorter appeal deadlines as determined from time to time by the Board or designate of Board (eg. executive director).

6. Any party wishing to initiate an appeal beyond the 14-day period must provide a written request stating reasons for an exemption to the requirement of Paragraph 5. The decision to allow, or not allow an appeal outside the 14 day period will be at the sole discretion of the Executive Director, and may not be appealed.

## **GROUND FOR APPEAL**

7. Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
  - a. Making a decision for which it did not have authority or jurisdiction as set out in Tennis Alberta's governing documents;
  - b. Failing to follow procedures as laid out in the bylaws or approved policies of Tennis Alberta; or
  - c. Making a decision that was influenced by bias.

## **SCREENING OF APPEAL**

8. Within 5 days of receiving the notice and grounds of an appeal, the Executive Director will determine whether there are appropriate grounds for the appeal to proceed as set out in Paragraph 9. In the absence or by decision of the Executive Director, a designate will perform this function.
  9. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons and informed that the processing fee will not be refunded. This decision is at the sole discretion of the Executive Director, or designate, and may not be appealed.

## **APPEALS PANEL**

10. If the Executive Director, or designate, is satisfied that there are sufficient grounds for an appeal, within 21 days of having received the original notice of appeal the Executive Director will establish an Appeals Panel (hereafter referred to as the "Panel") as follows:

The Panel will be comprised of up to three individuals who:

- a. will have no significant relationship with the affected parties
- b. will have had no involvement with the decision being appealed
- c. and will be free from any other actual or perceived bias or conflict. Being a "peer" of the respondent should not in itself constitute bias or conflict of interest.

The Executive Director may designate one of the Panel members to serve as chairperson of the Panel. In the event the Executive Director does not designate a Chairperson, the members of the Panel will select from themselves a Chairperson.

## **PRELIMINARY CONFERENCE**

11. The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:

- a. Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
- b. Timelines for exchange of documents;
- c. Clarification of issues in dispute;
- d. Clarification of evidence to be presented to the Panel; order and procedure of hearing;
- e. Location of hearing, where the hearing is an oral hearing;
- f. Identification of witnesses; and
- g. Any other procedural matter that may assist in expediting the appeal proceedings.

12. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

## **PROCEDURE FOR THE HEARING**

13. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
  - a. The hearing will be held within 30 days of the Panel's appointment. If there are delays, the panel will contact the Appellant and Respondent and inform them.
  - b. The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
  - c. A quorum will be all three Panel members barring extenuating circumstances (eg but not limited to an illness). Decisions will be by majority vote, where the Chairperson carries a vote.
  - d. If the decision of the Panel 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.
  - e. Any of the parties may be accompanied by a representative or advisor, including legal counsel.
  - f. The Panel may direct that any other person participate in the appeal.
  
14. In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference.

## **PROCEDURE FOR DOCUMENTARY APPEAL**

15. Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate 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. The parties are responsible for directly submitting all information they wish reviewed to the panel.
- b. The applicable principles and timelines set out in Paragraph 13 are respected.

## **APPEAL DECISION**

16. Within 14 days of concluding the appeal, the Panel will issue its written decision, with reasons. Any delay will be communicated to both Appellant and Respondent within a reasonable time. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:

- a. To reject the appeal and confirm the decision being appealed; or

- b. To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- c. To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality; and
- d. To determine how costs of the appeal, excluding processing fee, legal fees and legal disbursements of any of the parties, will be allocated, if at all.

17. A copy of this decision will be provided by the Chair of the Panel to each of the parties and to the Executive Director.

18. In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Paragraph 16.

## **TIMELINES**

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

## **LOCATION**

20. The appeal will take place in the location designated by the Executive Director, unless the Panel decides the appeal is to be held by way of telephone conference, or unless, at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

## **FINAL AND BINDING DECISION**

21. The decision of the Panel will be final and binding on the parties and on all members of Tennis Alberta.

### **Section 3: Privacy Statement**

Approved:

Jan. 10, 2009

Modified:

We, the Alberta Tennis Association, respect and protect your privacy. This means that:

We will not sell, exchange, loan or make available to other organizations any personal information that you have provided to us

We keep all personal information confidential and we will have safeguards to protect that information whether in print, electronic or other form

We will make available to you upon request, your personal information that we have on file and we will correct, amend or delete information at your request

#### **Personal Information**

Personal information is the information that relates to you as an individual. Personal information may be collected from prospective members, members, athletes, participants, coaches, officials, managers, fans and volunteers (collectively “Individuals”) and used by TA for purposes that include, but are not limited to, the following:

- a. Registration at programs, activities and events; travel administration and purchasing equipment, coaching manuals and other products.
- b. Receiving communications from TA in regards to fundraising, programs, events, and activities.
- c. Determining eligibility, age group and appropriate level of play/competition.
- d. Award nominations, biographies, published articles and media relations.
- e. Outfitting uniforms and various components of athlete and team selection.
- f. Data to determine level of certification, coaching qualifications and coach selection.
- g. Credit card information for purchasing equipment and for registration at leagues and tournaments and other events.
- h. Technical monitoring, coach/club review, officials training, education, sport promotion, media publications and posting on TA’s website, displays or posters.
- i. Implementing TA’s volunteer screening program.
- j. Emergency contacts, medical history for use in the case of classification, medical emergency or reports relating to medical or emergency issues and managing insurance claims.
- k. Determining membership demographic structure, and program wants and needs.
- l. Communicating discipline results and long term suspensions.

We will only request information from you that relates directly to the resources or services we are providing to you and we will keep that information active only as long as the uses for which it has been collected are relevant to your needs. If a purpose has not been identified herein, the TA will seek consent from individuals when personal information is used for a purpose not already consented to. This consent will be documented as to when and how it was received.

### **Consent**

We must obtain the consent of anyone whose name may be retained in our records to receive information. If a client or other person sends in a coupon or form requesting our services, we accept that as implied consent. If we need information beyond that which you have indicated (in conducting a survey for instance), we will request your explicit consent either verbally or in writing. You can withdraw your consent at any time. If you withdraw your consent, we will remove your name and personal information within seven (7) working days.

### **Employee Commitment**

Our employees are committed to respecting the personal information we hold in our files. Our employees have been trained in the proper and respectful use of personal information.

### **Third Party Commitment**

From time to time, we may send information to third parties such as printers and mailers. As part of our contractual arrangements with these companies, we require them to respect our privacy policy and to utilize the information only for the purposes we specify and in accordance with our policy.

### **Limitations on Use**

We will not use your personal information for any purposes other than those outlined above unless we have asked your permission and have received your consent. We will remove or destroy personal information when it is no longer relevant for the uses for which it was gathered. We will delete your name from our mailing lists following the receipt of your request by letter, fax, email or phone.

### **Retention of Personal Information**

We will not retain personal information indefinitely (refer to retention schedule below). Files are then destroyed or deleted, except for those on electronic and financial records which, in accordance with the law, must be retained for seven years. Archived information is not accessible for operational or marketing purposes.

Personal information will be retained for certain periods of time in accordance with the following:

- a. Personal information including address, telephone number, fax number will be retained for a period of three years after an individual has left TA in the event that individual chooses to return to TA;
- b. Personal health information will be immediately destroyed in the event that the individual chooses to leave TA;
- c. Coaching information will be retained for a period of seven years after an individual has left TA in the event that individual chooses to return to TA and to communicate programs and conference dates;
- d. Athlete information including name, hometown, school, height, weight, date of birth, uniform number, statistics and performance results will be retained indefinitely for media relations, fan information and historical purposes.
- e. Qualifications and certifications of coaches may be retained for a period of seven years after a coach has left TA in the event that the individual requires confirmation of qualification and certifications.
- f. Employee information will be retained for a period of seven years in accordance with Canada Customs and Revenue Agency requirements;
- g. Marketing information will be immediately destroyed upon compilation and analysis of collected information.
- h. E-mail addresses will be retained for a period of seven years in order to communicate with fans, athletes and members.
- i. Credit Card information will be destroyed immediately upon completion of a financial transaction.
- j. Discipline and Incident Reports will be retained indefinitely for precedents.
- k. As otherwise may be stipulated in federal or provincial legislation.

### **Security**

All information held by us is subject to strict internal security to prevent unauthorized access and improper usage. Electronic records are subject to limited access by authorized personnel who must use passwords and other security measures. Print records containing personal information are subject to physical protection such as locked rooms or cabinets, accessible only to authorized personnel.

### **Website**

When you visit our website, we take steps to respect and protect your privacy. We automatically collect generic, non-personal information about visits to our website. We do not collect personal information such as names, ages, phone numbers, addresses or email addresses from visitors to our website. We do collect selected visitor information such as IP addresses, return visits from past guests, referring pages, pages visited and time spent on the website. This non-personally identifiable information is collected in order to obtain statistical analysis of website traffic patterns, administer our website and servers, allow for auditing of our services by third parties and improve our services. We collect data in aggregate form and data is not recorded or stored about individual visitors.

We do use cookies to serve you better. We do not use cookies to retrieve personal data from your hard drive or to obtain your email address or other personal information. A cookie is information about how and when you use a site and it is created at the time you visit a site. Rather than retain this data, the Association's cookie is a small text file sent to your computer hard drive to record your preference information on your own computer. Most of our cookies are "session cookies" used only for the time you stay on the website each visit. We do have some "persistent cookies" to identify previous visits so that you may be directed to that part of our website that you are most interested in. "Persistent cookies" stay on your computer between visits to the site. If you do not wish to accept cookies, you may choose not to by setting your browser options to inform you when cookies are being sent or to deny cookies altogether. Please note, however, that by not accepting cookies, you may limit the functionality that we can provide to you when you visit our site.

### **Access to Information**

You have a right to know what information we are holding about you and to ensure that it is accurate. On request, we will arrange to supply you with a printout of our files relating to your information. If you wish to verify your information, please write to:

Alberta Tennis Association  
11759 Groat Road  
Edmonton, AB T5M 3K6  
Attn: Executive Director

If you find errors or omissions, we will be pleased to make corrections.

### **Contact Us**

If you have questions or comments about our policy or about the personal information we have about you, you may contact us and we will do our best to answer your questions.

**Section 4: Abuse and Harassment**

Approved:

Jan. 30, 2016

Modified:

**TENNIS ALBERTA ABUSE POLICY****POLICY STATEMENT AND APPLICATION**

1. This policy applies to all employees of Tennis Alberta, as well as to all directors, officers, consultants, volunteers, coaches, athletes and officials associated with specific Tennis Alberta activities (collectively referred to in this policy as “members” of Tennis Alberta).
2. Tennis Alberta prohibits and will not condone any form of abuse or neglect, whether physical, emotional or sexual, of any participant of any age in any of its programs. Tennis Alberta expects every employee and member to take all reasonable steps to safeguard the welfare of Tennis Alberta participants and to protect them from any form of maltreatment. Tennis Alberta encourages the reporting of all incidents of abuse, regardless of who the offender may be.
3. Allegations of abuse or neglect will be dealt with in accordance with: (a) Tennis Alberta’s complaint procedures as set out in this policy and in Tennis Alberta’s Discipline and Complaints policy; and (b) where applicable, in accordance with the requirements of applicable child protection or related legislation.
4. This policy applies to abuse occurring during the course or in conjunction with any Tennis Alberta business, activities or events.
5. Notwithstanding this policy, every person who experiences abuse continues to have the right to seek assistance from the police, their provincial or territorial child protection authority (if applicable), and their provincial or territorial human rights commission, even when steps are being taken under this policy.

**RELATIONSHIP TO HARASSMENT POLICY**

6. Some behaviours that are defined as abuse can also constitute harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries. The Tennis Alberta Harassment Policy covers harassing or bullying behaviour, including both abusive and non-abusive behaviour. Together, the two policies address the entire spectrum of abusive, bullying and harassing behaviours.

## DEFINITIONS

7. Abuse is any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage. Abuse may be perpetrated by an adult or a child, and the victim may be an adult or a child.
8. Child abuse raises distinct issues and triggers unique legal obligations. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust by an adult over a child.
9. In Alberta a person is considered a child, for purposes of triggering a legal obligation to report child abuse, any person under 18 years.
10. Physical abuse occurs when a person purposefully injures another person. This may include slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.
11. Emotional abuse is a chronic attack on a person's self-esteem. It is psychologically destructive behaviour. It can take the form of, among other things, name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the person's needs.
12. Sexual abuse is when a person, without their consent, is used by another person for his or her own sexual stimulation or gratification. Children under 14 are deemed not to consent to sexual touching by an adult. Children under 18 are deemed not to consent to sexual activity by an adult who is in a position of authority or trust. There are different types of sexual abuse, some of which involve physical contact, and some of which do not. Sexual abuse that does not involve physical contact includes making obscene remarks, voyeurism, showing pornography, forcing a person to watch sexual acts, asking sexually intrusive questions or making sexually intrusive comments, and forcing a person to pose for sexual photographs or videos.
13. Neglect is chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. This may occur in tennis when injuries are not adequately treated or players are made to play with injuries, equipment is inadequate or unsafe, no one intervenes when team members are persistently harassing another player, or road trips are not properly supervised.
14. Abuse and neglect may be inflicted directly or indirectly, and through any means of communication, including through electronic communications.

## **RESPONSIBILITY**

15. The President of Tennis Alberta and the Chair of the Board of Directors are responsible for the implementation of this policy. In addition, the President and Executive Director of Tennis Alberta are responsible for:
- discouraging and dealing with abuse within Tennis Alberta;
  - ensuring that formal complaints of abuse are investigated in a sensitive, responsible, and timely manner;
  - imposing appropriate disciplinary or corrective measures when a complaint of abuse has been substantiated, regardless of the position or authority of the offender;
  - providing advice to persons who experience abuse;
  - doing all in their power to support and assist any employee or member of Tennis Alberta who experiences abuse by someone who is not an employee or member of Tennis Alberta;
  - making all employees and members of Tennis Alberta aware of the problem of abuse, including, sexual abuse, and of the procedures contained in this policy;
  - informing both complainants and respondents of the procedures contained in this policy and of their rights under the law; and,
  - regularly reviewing the terms of this policy to ensure that they adequately meet the organization's legal obligations and public policy objectives.
16. Every employee and member of Tennis Alberta has a responsibility to play a part in ensuring that the Tennis Alberta sport environment is free from abuse, by complying with this policy.
17. In the event that the Chair of the Board of Directors is involved in a complaint, which is made under this policy, the Tennis Alberta President shall appoint a suitable alternate for the purpose of dealing with the complaint.

## **DISCIPLINARY ACTION**

18. Employees or members of Tennis Alberta against whom a complaint of abuse is substantiated may be severely disciplined, up to and including employment dismissal or termination of membership.

## **CONFIDENTIALITY**

19. Tennis Alberta understands that it can be extremely difficult to come forward with a complaint of abuse and that it can be devastating to be wrongly convicted of abuse. Tennis Alberta recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

20. However, abuse allegations must be dealt with in a forthright and fair manner. This includes an obligation to share relevant information with child protection authorities and police, and to be fair to the alleged abuser by providing sufficient information about the allegation that concerns them to enable them to respond properly. In many cases, this will mean that anonymity is not feasible or fair. However, employees and members can be assured that Tennis Alberta will take all possible steps to preserve confidentiality to the extent reasonably possible. Where information pertaining to allegations is disseminated, the status of the allegations as being allegations only should be articulated.

## **REPRISALS AND FALSE ALLEGATIONS**

21. A person who makes a complaint of abuse, whether under this policy or otherwise, should not be penalized for doing so. For the purposes of this policy, retaliation against an individual:

- for having filed a complaint or taken any other step under this policy;
- for having participated in any procedure under this policy; or
- for having been associated with a person who filed a complaint or participated in any procedure under this policy will not be tolerated and will be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

22. The making of false, frivolous or malicious allegations of abuse by another person will likewise be treated as a disciplinary offence. The person may have their privileges or employment reviewed up to and including termination.

## **PROCEDURES FOR ADDRESSING SUSPECTED CHILD ABUSE**

### **General Principles**

23. The child protection authorities and/or police have prime responsibility for the investigation of allegations of child abuse and neglect. This means that any internal Tennis Alberta investigation will generally be deferred or modified, pending the completion of a related child protection or police investigation. Tennis Alberta will work cooperatively with the appropriate child protection authority and police and will share all information relevant to an investigation, to the extent permitted by law.

24. Where an employee or member of Tennis Alberta has reasonable grounds to suspect that a child has suffered or is at risk of likely suffering child abuse, he or she must report those suspicions and the information on which they are based directly to the provincial or territorial child protection authority. The reporting person may request that one or more representatives of Tennis Alberta be present while he or she is making the report to the child protection authority.

## Receiving a Complaint from a Child

25. An initial disclosure of alleged child abuse must be received and responded to appropriately. Trauma may result from responses that seek to minimize or discount truthful disclosures. Some basic “dos and don’ts” for receiving a child’s disclosure are:

<b>DO</b>	<b>DON’T</b>
Listen to the child.	Lead or suggest answers to the child.
Tell the child who must be notified.	Promise the child not to tell anyone.
Reassure the child that the conduct described is not the child’s fault and that the child has done the right thing by disclosing.	Criticize the child for how or when disclosure has been made.
Speak to the child in private.	Bring the suspected perpetrator in to confront the child.
Determine the immediate safety needs of the child, involving the child in this decision.	Return the child to a risk-laden situation.

26. The employee or member must also immediately notify the President of Tennis Alberta or, if the President is not available, the Vice President of Tennis Alberta.
27. The President of Tennis Alberta or his or her delegate must immediately notify the child’s parents or guardians, unless it would be inappropriate to do so in the circumstances. It may be appropriate in some cases to seek the advice of the child protection authority prior to contacting the child’s parents or guardians.
28. The reporting person may need to ask questions of the child or of the child’s parent to clarify the nature of the complaint. Questioning should occur only until the point that the person has a reasonable suspicion that the child has been abused. Any further questioning constitutes investigation, which is the responsibility of the child protection authority or the police. Employees and members of Tennis Alberta must avoid interfering with the child protection or police investigation.
29. The reporting person must document in writing all details of the report and provide a copy to the President of Tennis Alberta. The President of Tennis Alberta or his or her delegate must write to the child protection authority confirming that the suspicion has been reported, and keep a copy of the letter.
30. The President of Tennis Alberta or his or her delegate shall consult with the child protection authority as to the best way to address the child’s continued involvement in Tennis Alberta activities, if appropriate, and shall follow up with the child protection authority to determine the outcome of the investigation.

31. Tennis Alberta shall ensure that support structures are in place for children who disclose alleged abuse.

### **When an Employee or Member is Suspected**

32. Where an employee or member of Tennis Alberta is suspected of conduct that may constitute child abuse, the President of Tennis Alberta (or, if the President is not available, the Vice President) must be notified immediately and provided with all relevant information regarding the suspicion. Where the President of Tennis Alberta is suspected of such conduct, the Vice President of Tennis Alberta must be notified.
33. The subject matter of a complaint should not be discussed with the alleged perpetrator until specific instructions are received from the investigating police or child protection authority.
34. Generally, where abuse has been alleged against an employee or member, the individual should be removed from situations involving unsupervised access to children, pending determination as to whether abuse occurred. Depending on the circumstances, removal may involve reassignment to other duties, suspension with or without pay (if an employee), or immediate termination if, for example, abuse is admitted.
35. The employee or member's status should be reassessed upon completion of any police or child protection investigation, after any criminal charges are laid, after any criminal case is completed, and upon completion of any internal Tennis Alberta investigation.
36. Any employee or member of Tennis Alberta may initiate disciplinary proceedings against a suspected perpetrator of child abuse, by complying with the Tennis Alberta's Discipline and Complaints Policy. However, any Discipline Committee or Discipline Appeal Committee struck pursuant to the policy must determine whether to defer its investigation or disciplinary proceedings until the child protection or police investigation is complete.
37. Regardless of whether an employee or member of Tennis Alberta initiates disciplinary proceedings, the President of Tennis Alberta must consider whether an internal Tennis Alberta investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings. A criminal conviction or finding of guilt will justify disciplinary action, including termination of employment or membership. The need for a full internal investigation by Tennis Alberta may thereby be unnecessary. However, an internal investigation may be required where no criminal investigation or prosecution is initiated, or where criminal charges are withdrawn, stayed or dismissed. This is a recognition that criminal charges involve a different burden of proof, and that different rules of admissibility are applicable in a disciplinary context.

38. Any internal investigation conducted by Tennis Alberta and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:
- a) Avoiding or reducing trauma to the child;
  - b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
  - c) Ensuring fairness to the Tennis Alberta employee or member against whom a complaint has been made.

### **When a Child is Suspected**

39. Where an employee or member of Tennis Alberta who is a child is suspected of conduct that may constitute child abuse, the procedures outlined above apply, with necessary modifications. The child protection authority should be contacted about both the victim and the alleged perpetrator, and the parents of both the victim and the alleged perpetrator should be notified.
40. The President of Tennis Alberta or his or her delegate should review the available information to determine whether the alleged perpetrator may continue to participate in Tennis Alberta activities pending investigation of the matter. Advice of the child protection authority or the police may be sought in this regard.
41. A decision to permit the alleged perpetrator to continue to participate may be made if it is determined, after appropriate consultation, that the alleged perpetrator's continued involvement is unlikely to be detrimental to the physical or mental well-being of the alleged victim or witnesses or other employees or members, and is in the alleged perpetrator's best interests. Reasonable conditions may be imposed.

### **PROCEDURES FOR ADDRESSING ABUSE OTHER THAN CHILD ABUSE**

42. Incidents of abuse other than child abuse can appropriately be divided into two categories: serious incidents of violence, and less serious incidents. In determining the seriousness of an incident, the totality of the circumstances should be considered, including:
- a) The nature of the conduct perpetrated;
  - b) Whether the conduct would amount to a criminal offence;
  - c) The impact, including physical and emotional harm, upon the victim and the Tennis Alberta community;
  - d) The motivation or underlying causes for the conduct;
  - e) The ages of the alleged perpetrator and victim;
  - f) Whether the conduct is isolated or reflects a pattern of misconduct; and
  - g) Whether the alleged perpetrator acted alone or with others.

43. Uttering threats of serious bodily harm or death, criminal intimidation, assault causing serious bodily harm, sexual assault, arson, robbery, stalking, extortion, gang or group related violence, and hate motivated violence, will almost always be regarded as serious.
44. Fighting not resulting in bodily harm, some violent acts such as throwing objects, some threats and intimidation, and some inappropriate but not criminal behaviour may be regarded as less serious.

### **Serious Incidents of Violence**

45. All serious incidents of violence shall be reported to the police and to the President of Tennis Alberta or, if the President is not available, to the Vice President for Tennis Development.
46. If a child is involved, the parents or guardians of the child must be contacted with the least possible delay. However, reporting to the police should not be delayed because of the unavailability of a parent or guardian.
47. If, in the course of an investigation, the police need to speak to an employee or member of Tennis Alberta regarding alleged abuse, Tennis Alberta will cooperate after being informed of the nature of the request.
48. Any employee or member of Tennis Alberta may initiate disciplinary proceedings against a suspected perpetrator of a serious incident of violence, by complying with the Tennis Alberta Discipline Committee and Discipline Appeal Committee Terms of Reference. However, any Discipline Committee or Discipline Appeal Committee struck pursuant to the policy must determine whether to defer its investigation or disciplinary proceedings until the police investigation is complete.
49. Regardless of whether an employee or member of Tennis Alberta initiates disciplinary proceedings, the President of Tennis Alberta must consider whether an internal Tennis Alberta investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings.
50. Any internal investigation conducted by Tennis Alberta and any resulting disciplinary proceedings in connection with alleged abuse should be informed by the desirability of:
  - a) Avoiding or reducing trauma to the victim;
  - b) Respecting the confidentiality and privacy interests of all affected parties, to the extent possible; and
  - c) Ensuring fairness to the Tennis Alberta employee or member against whom a complaint has been made.

## Less Serious Incidents

51. Where a less serious incident of abuse is alleged, the allegations must be reported to the most senior employee of Tennis Alberta present at the location of the incident or, if no employee is present, to an employee of appropriate seniority who is familiar with the alleged perpetrator and/or the victim. The employee must determine whether, in all the circumstances, the incident should immediately be reported to the President of Tennis Alberta for investigation, or whether the incident may properly be investigated and dealt with on the spot by the employee.
52. If the incident is reported to the President, he or she must consider whether an internal Tennis Alberta investigation should be conducted, or internal disciplinary proceedings commenced, and determine the appropriate timing of any investigation or proceedings. Such an investigation will generally be informal and expeditious, given the nature of the allegations.
53. If the incident is investigated and dealt with on the spot by the senior employee, the employee must provide a written report to the President immediately thereafter, explaining the facts and the manner in which the incident was dealt with by the employee. If appropriate, the President may initiate a further investigation or disciplinary proceedings.

## **Section 5: Discipline and Complaints**

Approved: Jan 10, 2009

Modified: November 20, 2017

**\*\*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 adherence 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.

## Section 6: Concussion Policy

Approved:

Jan. 30, 2016

Modified:

### POLICY STATEMENT

This policy provides guidance to Tennis Alberta Management, staff and volunteers in the identification and management of concussions at Tennis Alberta run tournaments and events.

#### Background:

Concussions are usually not life threatening, but they can cause serious symptoms that require medical treatment. The brain injury cannot be seen on X-rays or CT scans. Concussion can occur even if there has been no loss of consciousness; in fact most concussions occur without a loss of consciousness. A concussion can occur from a direct blow to the head but may also occur from a major physical trauma to other parts of the body (e.g., a sideways check to the body) that causes a whiplash effect on the head and neck.<sup>1</sup> Symptoms of a concussion vary depending on the severity of the injury and the person.

### DEFINITIONS

1. A "**concussion**" is a mild traumatic brain injury (where the brain makes contact with the inside of the skull) that causes changes in how the brain cells function, leading to symptoms that can be physical (e.g., headache, dizziness), cognitive (e.g., memory problems, decreased concentration), or emotional (e.g., feeling depressed).

### RESPONSIBILITY

1. For Tennis Alberta Management, staff/volunteers: to work with the club staff/club volunteers to follow health and safety/facility procedures if available.
2. For Tennis Alberta Management, staff/volunteers to stop play (cease match)/activity for the individual involved and initiate emergency response. Notify any on-site partners/spouses, parents, guardians, coaches that the incident has taken place, and summarize the incident in a report for parents, guardians, spouses/partners and Tennis Alberta records.

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<sup>1</sup> Adapted from: "*ThinkFirst Position Statement on Concussion*"

## GUIDELINES

### Application of the Policy:

This policy is applicable to Tennis Alberta management, staff and volunteers directly involved in activities at Tennis Alberta run tournaments and other events but for greater certainty is not applicable solely because a tournament or other event is sanctioned by Tennis Alberta where no Tennis Alberta management or staff are physically present at the tournament or event in question.

### Concussion Identification - Common Signs and Symptoms:

An athlete may be reluctant to report symptoms of concussion because of a fear that they will be removed from the physical activity; it may jeopardize their status on a team or in a game or it will impact their standings. However, it is important to consider the permanent repercussions of a concussion. If concussions are not identified and properly managed they can result in permanent brain damage and even death.

### Potential Scenarios:

Although concussion in the sport of tennis is not prevalent, the following are some examples of scenarios that come to mind where concussions could occur: player hitting himself/herself with racquet on their follow through; player running into a net post, fence, chair, umpire chair or another object; and a player falling/tripping and hitting head on the court or into the fencing. Doubles play would include the preceding scenarios; however, in addition the succeeding might also occur: partner serves and hits partner; partner swings and hits partner; partners collide during play or in a celebratory bump.

An athlete may experience many different signs and symptoms. A symptom is something the athlete will feel, whereas a sign is something that will be observed by a parent/guardian, coach, supervisor, etc. The symptoms may begin immediately, or they may not develop for hours, days, weeks, or even months following the injury. No concussion is the same and so the signs and symptoms may be a little different for everyone. Concussion should be suspected in the presence of any one or more of the following symptoms and signs and may include:

### Signs Observed:

#### Physical

- ✓ nausea and vomiting
- ✓ slurred speech
- ✓ slowed reaction time
- ✓ poor coordination or balance
- ✓ blank stare/glassy-eyed
- ✓ decreased playing ability
- ✓ loss of consciousness

### Cognitive

- ✓ difficulty concentrating
- ✓ easily distracted
- ✓ general confusion
- ✓ cannot remember things that happened before and after the injury
- ✓ does not know time, date, place, class, type of activity in which he/she was participating
- ✓ slow to answer questions or follow directions

### Emotional

- ✓ strange or inappropriate emotions, (e.g., laughing, crying, getting mad easily)
- ✓ sleep
- ✓ drowsiness

## **Symptoms Reported**

### Physical

- ✓ headache
- ✓ neck pain
- ✓ feeling off/not right
- ✓ ringing in the ears
- ✓ seeing double or blurry/loss of vision
- ✓ seeing stars, flashing lights
- ✓ pain at physical site of injury
- ✓ nausea/stomach ache/pain
- ✓ balance problems or dizziness
- ✓ fatigue or feeling tired
- ✓ sensitivity to light or noise

### Cognitive

- ✓ having difficulty concentrating or remembering
- ✓ feeling slowed down, fatigued or low energy
- ✓ feeling dazed or in a fog

### Emotional

- ✓ irritable, sad, more emotional than usual
- ✓ nervous, anxious, depressed
- ✓ sleepy
- ✓ drowsiness
- ✓ sleeps more/less than usual
- ✓ has trouble falling asleep

During the recovery period after a concussion, one may experience the following symptoms:

- ✓ irritability
- ✓ sensitivity to light or noise
- ✓ difficulty concentrating
- ✓ mild headaches

## PROCEDURE DEVELOPMENT

### Management Procedures for a Suspected Concussion

#### Initial Response

##### Unconscious Athlete/Participant:

For an athlete who is unconscious or there is/was a loss of consciousness, a concussion should be assumed and medical attention must be sought:

- Initiate Emergency Action Plan and call 911
- Immobilize the athlete. Assume there is a possible neck injury and wait for ambulance/emergency responders
- If the athlete regains consciousness, encourage him/her to remain calm and to lie still; do not administer medication
- Even if the athlete regains consciousness, he/she must be taken to the hospital for examination.

##### Conscious Athlete/Participant:

If there is no loss of consciousness, but a concussion is suspected due to a direct blow to the head or a major physical trauma to other parts of the body causing whiplash effect on the head and neck:

- Remove the athlete/participant from the current activity or game immediately.
- Conduct an initial assessment of the athlete (i.e., check signs and symptoms).
- Do not leave the athlete/participant alone and continue to monitor signs and symptoms.
- Do not administer medication.
- Do not allow the athlete/participant to return to play in the activity, game or practice that day even if the athlete/participant states that he/she is feeling better. **(If in doubt, sit them out)**
- The athlete/participant must not leave the premises without parent/guardian (or emergency contact) supervision.

1. All athletes/participants with a suspected concussion (brain injury), even if there was no loss of consciousness, need to be evaluated by a physician as soon as possible.
2. Parents/guardians/partners/spouses must be informed of the:

- a. Injury.
  - b. Importance of monitoring during the initial hours following a suspected concussion.
  - c. Importance of the head injury being evaluated by a physician as soon as reasonable possible.
3. Provide parents/guardians/coach with an accident report form.
  4. Follow whatever safety procedures are in place at the particular facility.

### **When can an athlete return to the sport?**

If **NO CONCUSSION** is determined by a physician:

- a) The physician must indicate in a note to the athlete who in turn submits it to Tennis Alberta that the athlete has **“No concussion - athlete may return to:”** and signs and dates the note.
- b) The note must be returned to Tennis Alberta who will inform all relevant personnel (parents, coach of athlete, club, etc.) that the athlete can participate with no restrictions.

**Note:** Tennis Alberta shall keep an electronic record of this note in its e-files.

If **CONCUSSION** is determined by a physician:

- a) The physician must indicate in a note to the athlete who in turns submits to Tennis Alberta that the athlete has **“Concussion - no physical activity until symptoms and signs have gone”** and signs and dates the note.
- b) The athlete/parent/guardian must return this note to the athlete who in turn submits it to Tennis Alberta.
- c) A secondary note from the physician stating that the **“athlete may return to:”** and signs and dates the note.
- d) The secondary note must be submitted to Tennis Alberta.

**Note:** Tennis Alberta shall keep an electronic record of these notes in its e-files.