



**DISCIPLINE COMMITTEE PROCEDURES AND
RECOURSE TO SPORT DISPUTE RESOLUTION CENTRE OF CANADA**

Terms of Reference

I. Discipline Committee

1. Jurisdiction

- (a) To hear and decide complaints made to the Canadian Tennis Association (“Tennis Canada”) regarding an alleged disciplinary offence by a tennis player; a coach, trainer and other person assisting or supporting a tennis player or a National Team; or a volunteer or official or any other person associated with an event, activity or program operated, sponsored or sanctioned by Tennis Canada. Any such hearing and decision shall be in accordance with these terms of reference and any other rules, regulations and procedures established from time to time by the Board of Directors of Tennis Canada and approved at a general meeting of members held in accordance with Tennis Canada by-laws.
- (b) A “disciplinary offence” means:
 - (i) A violation of the Tennis Canada Code of Conduct.
 - (ii) A violation of National Team Program Policy #2 -- “Tennis Canada’s Behaviour Guidelines”.
 - (iii) A violation of the National Junior Touring Team Code of Conduct.
 - (iv) A violation of anti-doping rules or policies adopted by Tennis Canada or to which Tennis Canada is subject.
 - (v) A violation by a tennis player of any agreement between Tennis Canada and the tennis player.
 - (vi) Criminal activity perpetrated on Tennis Canada property or premises, or during or in connection with Tennis Canada activities events.
 - (vii) A violation of any other Tennis Canada rules, regulations, or policies, or any other conduct associated with an event, activity or program operated, sponsored or sanctioned by Tennis Canada that may warrant the imposition of a sanction or penalty as a means of addressing the conduct.
- (c) The following matters do not fall within the scope of this policy or the jurisdiction of the Discipline Committee:

- (i) Grievances against a director of Tennis Canada when acting as a director.
- (ii) Grievances against an employee of Tennis Canada when acting in the course of his or her employment or an independent contractor of Tennis Canada when operating pursuant to the contract.
- (iii) Employment-related disputes between Tennis Canada and an employee of Tennis Canada.
- (iv) Grievances relating to:
 - (A) national team selections or wild cards;
 - (B) Sports Canada carding program selections; or
 - (C) other administrative decisions made by Tennis Canada.
- (v) Challenges to, or grievances regarding, the validity or appropriateness of Tennis Canada rules, regulations, policies and procedures or their application.
- (vi) Grievances or complaints, made pursuant to any agreement between Tennis Canada and a tennis player, that do not involve the possible commission of a disciplinary offence.
- (vii) Any conduct that does not warrant the imposition of a sanction or penalty as a means of addressing the conduct.
- (viii) Complaints of harassment and abuse under the Tennis Canada Harassment and Abuse Policies. Such complaints are to be addressed through the procedures and by the bodies prescribed in these Policies.

2. Membership

- (a) The Discipline Committee consists of three persons designated by the Executive Committee of Tennis Canada for the purpose of hearing and deciding a particular disciplinary matter.
- (b) No person may be a member of the Discipline Committee who is:
 - (i) A complainant in the disciplinary hearing.
 - (ii) A respondent in the disciplinary hearing.
 - (iii) A person with a personal interest in the outcome of the disciplinary hearing, or any other conflict of interest.
 - (iv) A person who was or is involved in investigating the allegations in the complaint.

- (c) One member of the Discipline Committee must be a member of the Board of Directors of Tennis Canada. The other two members need not be members of the Board of Directors. One member of the Discipline Committee must be a lawyer in good standing with the law society of a Canadian province or territory.
- (d) The Executive Committee appoints the Chair of the Discipline Committee.

3. Procedure

- (a) Filing of complaint
 - (i) Complaints about alleged disciplinary offences may be made in writing to the Chair of the Board of Directors of Tennis Canada using the Complaint Form attached as Schedule "A" to these terms of reference. The person making the complaint is referred to as the "complainant". The person alleged to have committed a disciplinary offence is referred to as the "respondent".
 - (ii) The Executive Committee shall consider the complaint and determine if the alleged conduct complained of could, if proved, constitute a disciplinary offence. If so, the Executive Committee shall appoint a Discipline Committee to hear and decide the complaint. If not, the Executive Committee may take whatever other action it deems appropriate to the circumstances, including communication to the complainant of the determination the Executive Committee has made.
 - (iii) The Executive Committee may take such investigative steps, prior to making the determination identified in (ii), as it deems appropriate.
- (b) Notice of Discipline Committee proceedings
 - (i) Within 10 days of the appointment of a Discipline Committee, the Chair of the Discipline Committee shall give notice of the complaint, and of the appointment of the Discipline Committee to hear and decide the complaint, to the respondent and to the complainant.
 - (ii) The Chair of the Discipline Committee may give notice of the complaint and of the appointment of the Discipline Committee to any other person whom the Discipline Committee considers, in its sole discretion, may have an interest in the proceedings or whose participation in the proceedings may be of benefit to the Discipline Committee.
 - (iii) The notice of the complaint must advise of the time requirement for participation in the Discipline Committee proceedings set out in (iv).
 - (iv) Any person, other than the complainant or the respondent, who has received notice from the Discipline Committee under this Section and who wishes to participate in the hearing before the Discipline Committee or make written submissions to the Discipline Committee, must so notify the Discipline Committee within 21 days of the date of notice of the complaint.

- (v) The Discipline Committee may extend the time for notification set out in paragraph (iv) where it determines, in its sole discretion, that there exist exceptional circumstances to warrant such extension.
- (c) Mediation
- (i) The Discipline Committee shall decide whether a complaint to the Discipline Committee should be mediated, with a view to resolving the complaint in an amicable fashion.
 - (ii) At any time during the proceedings, or at the request of either the complainant or the respondent, a representative of the Discipline Committee may contact the complainant and the respondent to schedule a mediation.
 - (iii) The choice of mediator is determined by agreement of the complainant and the respondent or, failing agreement, by the Discipline Committee.
 - (iv) The mediator need not be an employee of Tennis Canada or a member of the Discipline Committee.
 - (v) If the decision to mediate is made, the proceedings of the Discipline Committee are stayed until the mediation is completed, terminated or cancelled.
- (d) Hearing date and deadlines
- (i) The Discipline Committee, once appointed, sets a hearing date, and sets deadlines for exchange and filing of written materials in connection with the hearing.
 - (ii) The Discipline Committee shall give notice of the hearing date, the time and place of the hearing, the applicable deadlines for exchanging and filing any written materials the Discipline Committee may require or accept, and the address to which such written materials should be sent, to the complainant, the respondent, and all other persons who have notified the Discipline Committee of their desire to participate in the proceedings.
- (e) Notices
- (i) Any notice or other communication to be given in connection with Discipline Committee proceedings under these terms of reference shall be given in writing and shall be by personal delivery, facsimile, ordinary mail or email or other form of electronic communication, addressed to the recipient. Any communication given by personal delivery shall be deemed to have been given on the day following actual delivery; if given by mail, on the fifth day following mailing; and if given by fax, email or other form of electronic communication, on the day following the day on which it was sent.

- (f) The Hearing
- (i) Discipline Committee hearings shall be conducted in an informal manner, in accordance with the principles of natural justice.
 - (ii) The Discipline Committee may impose such procedures, not contrary to these terms of reference, as it deems appropriate. The Discipline Committee is not bound to observe strict legal procedures.
 - (iii) The Discipline Committee is not bound to apply strict rules of evidence. Evidence may be received in written or oral form.
 - (iv) The Discipline Committee may take note of matters generally within the knowledge of the employees, directors or officers of Tennis Canada.
 - (v) The complainant and the respondent are permitted to present documentary and oral evidence and argument before the Discipline Committee.
 - (vi) The Discipline Committee, in its sole discretion, determines
 - (A) the manner in which evidence is presented, including whether witnesses: (i) are required to testify under oath, (ii) are to be cross-examined, and (iii) are to be examined in the first instance by the Discipline Committee.
 - (B) what level of participation, if any, is to be granted to other persons who wish to participate in the proceedings.
 - (C) whether a participant in the proceedings may be represented by legal counsel or by an agent.
 - (D) whether a participant in the proceedings, or a witness, may communicate with the Discipline Committee for purposes of the proceedings by telephone or through other means of long distance communication.
 - (vii) The hearing shall not be open to members of the public, unless otherwise ordered by the Discipline Committee.
 - (viii) The respondent may waive the right to a hearing. In such a case, if the Discipline Committee determines that the case against the respondent has been proved on the basis of the written materials submitted, it may rule on the complaint without a hearing. Otherwise, or in its discretion, the Discipline Committee shall proceed to hold a hearing notwithstanding the respondent's waiver of the right to a hearing.

(g) Decision making

- (i) After a hearing, or where the respondent waives the right to a hearing, the Discipline Committee shall rule on the complaint and, where the Discipline Committee concludes that a disciplinary offence has been committed and that the respondent should be disciplined, impose one or more of the sanctions authorized in these terms of reference.
- (ii) Each member of the Discipline Committee, including the Chair, is a voting member of the Committee.
- (iii) The decision of the majority of the members of the Discipline Committee governs.
- (iv) The Discipline Committee shall give a written decision. The Discipline Committee shall forthwith send a copy of the decision to all participants in the proceedings.

(h) Powers of the Discipline Committee

- (i) In addition to any other powers properly conferred upon the Discipline Committee in the Tennis Canada by-laws, these terms of reference and any other applicable rules, regulations, policies and procedures, the Discipline Committee shall have the power:
 - (A) To dismiss the complaint summarily and without formal hearing if it determines that the complaint is frivolous or vexatious.
 - (B) To make preliminary procedural orders.
 - (C) To require that the participants in the hearing attend at a pre-hearing conference or other conference with one or more members of the Discipline Committee to address procedural matters.
 - (D) In the event these terms of reference conflict with other Tennis Canada rules, regulations or policies with regard to procedural matters, to determine the applicable procedure.
 - (E) To impose any sanction authorized by these terms of reference.

4. Sanctions

- (a) The following sanctions or combinations of them may be imposed by the Discipline Committee upon persons found to have committed a disciplinary offence:
 - (i) Publication of the Discipline Committee's determination that the person committed a disciplinary offence.
 - (ii) Formal written reprimand.

- (iii) Order placing the person on probation conditions, with or without the provision that another sanction or sanctions will be imposed if the conditions are not observed.
- (iv) Denial of access to some or all events, activities, programs or facilities connected to Tennis Canada.
- (v) Order for the payment of restitution or damages.
- (vi) The person's temporary or permanent suspension from Tennis Canada, which may include temporary or permanent suspension from association with Tennis Canada, and/or from participation in events, activities or programs operated, sponsored or sanctioned by Tennis Canada.
- (vii) Any other sanction available under the rule, regulation, policy or agreement found to have been violated, if applicable.
- (viii) Such other reasonable conditions of access to or participation in Tennis Canada events, activities, programs or facilities as the Discipline Committee determines are appropriate and just in the circumstances.

5. Effect of Discipline Committee decision

- (a) A decision of the Discipline Committee is final and binding, subject to the right of appeal described in Section II.

II. Recourse to Sport Dispute Resolution Centre of Canada

Any complainant or respondent to proceedings before the Discipline Committee who disputes a Discipline Committee decision, or the disciplinary sanction imposed, may refer the dispute to the alternate dispute resolution services (mediation and/or arbitration) of the Sport Dispute Resolution Centre of Canada, under the Canadian Sport Dispute Resolution Code, as amended from time to time.

Schedule "A" – Complaint Form for Complaints to the Tennis Canada Discipline Committee

1. Name (of person making the complaint):

2. Contact information (address, phone number, email):

3. Name of person believed to have committed the disciplinary offence:

4. Contact information of the person believed to have committed the disciplinary offence, if available (address, phone number, email):

5. Describe in detail the acts or omissions that it is believed constitute the disciplinary offence (attach additional pages if necessary):

6. When did the events occur? Provide specific dates if known.

7. Where did the events occur (country, city, address)?

8. Who was directly involved in the events? List all persons directly involved, and provide their contact information if available.

9. What other persons personally witnessed the events or otherwise have relevant information? List all persons, and provide their contact information if available.

10. What specific law, rule, agreement or policy was breached, if known?

11. Do you believe that criminal activity has occurred? If so, what is the nature of the crime believed to have been committed?

12. Have the police been contacted? Provide full details of any contact with the police, including dates of contact, identity of police officers involved, identity of person(s) who contacted the police, the nature of the contact with the police, and a description of what the police were told.

13. Do the events involve discrimination, harassment or abuse?

14. If so, have steps been taken under the Tennis Canada Equity & Access Policy, Harassment Policy or Abuse Policy? Please provide full details of any such steps.

15. Have any other steps been taken to address or resolve the complaint? If so, describe.

16. Has Tennis Canada already taken disciplinary action in connection with the events against the person who is believed to have committed a disciplinary offence? If so, describe.

17. Are you interested in trying to resolve this complaint through mediation, facilitated discussion or some other means of non-disciplinary action?

18. What outcome, resolution or penalty do you seek?

19. Please provide any additional relevant information.