



**POLICY REGARDING TENNIS QUÉBEC  
DISCIPLINARY COMMITTEE AND APPEAL COMMITTEE**

**February 2021**

# POLICY REGARDING TENNIS QUÉBEC DISCIPLINARY COMMITTEE AND APPEAL COMMITTEE

## 1. DEFINITIONS

In this policy, unless the context provides a different meaning, these terms are understood to mean the following:

*1° “Disciplinary offence”:*

- a) A violation to the Tennis Québec Code of Conduct.
- b) A violation to the Tennis Canada Code of Conduct.
- c) A violation under the terms of the Tennis Québec Conduct Permit.
- d) A violation to the Code of conduct of the Équipe du Québec on tour.
- e) A violation of the anti-doping rules or policies adopted by Tennis Québec or to which Tennis Québec is subject.
- f) A violation by a player of any agreement with Tennis Québec.
- g) A criminal activity committed on the property or on the premises of Tennis Québec or during or in link with Tennis Québec activities and events.
- h) Any other matter for which Tennis Québec is an interested party that may require the imposition of a sanction or penalty as a means of dealing with the case.

*2° “Day”:*

A calendar day (Sunday to Saturday).

If a period specified in this policy is calculated in days, it refers to calendar days and not business days (Monday to Friday). The period specified ends at midnight on the last day. However, if the said period ends on a Saturday or a public holiday, the deadline is extended to the next business day.

## 2. DISCIPLINARY COMMITTEE

### 2.1. Mandate of the disciplinary committee

The disciplinary committee hears and renders decisions on complaints filed before Tennis Québec concerning a disciplinary offence allegedly committed by a member of Tennis Québec or by the parent or any individual related to a member of Tennis Québec.

### **3. COMPOSITION OF THE DISCIPLINARY COMMITTEE**

#### **3.1 Members**

- a. The disciplinary committee is composed of a minimum of three (3) people appointed by the General Manager of Tennis Québec. These persons must not be permanent Tennis Québec employees or administrators.
- b. Each person on the disciplinary committee must avoid being in any situation of conflict of interest with parties involved in a complaint in order to maintain the impartiality of the process.
- c. The members selected for the disciplinary committee appoint among themselves the person who will act as Chairperson of the committee.

### **4. MANAGEMENT PROCESS OF THE COMPLAINTS**

#### **4.1 Filing of the complaint**

- a. Complaints can be filed in writing to the General Manager of Tennis Québec by any person, or initiated by the General Manager, within thirty (30) days of the events concerned.
- b. The General Manager, or a nominated representative, judges the admissibility of the complaint and informs the parties of the decision.
- c. The Tennis Québec board of directors reserves the right to receive and decide on a complaint filed after the period of thirty (30) days, if it deems it necessary in view of the seriousness of the circumstances.
- d. Upon receipt of a complaint, the Tennis Québec representative sends, as soon as possible, an acknowledgement of receipt to the plaintiff. If necessary, a request for additional information from the plaintiff may be made.

#### **4.2 Notice of disciplinary committee proceedings**

The Chairperson of the disciplinary committee must advise the parties of the appointment of a disciplinary committee, and of the complaint, and this, within a period of fourteen (14) days following this appointment.

#### **4.3 Date and hearing deadline**

- a. Once appointed, the disciplinary committee determines the date of the hearing, and sets the deadline for the exchange and filing of documents related to the hearing.

- b. The disciplinary committee must notify the plaintiff, the defendant and any other person having notified the disciplinary committee of their desire to participate in the proceedings, of the date of the hearing, the time and the location of the hearing, of the relevant deadlines for the exchange and filing of documents the disciplinary committee may need or accept, as well as the address where the said documents must be sent.

#### 4.4 Notice

Every notice must be handed in writing and delivered in person, by regular post, by email or by any other means of electronic communication, at the attention of the persons concerned.

#### 4.5 The hearing

- a. The committee has the obligation to listen to all parties.
- b. The committee may establish its own rules regarding the evidence provided and the process.
- c. Hearsay is prohibited, and the testimonies must accordingly be given orally, solely by the people attending in person or, in exceptional cases accepted by the committee, through the means of conference calls.
- d. Cross-examination of one party by the other party is not permitted.
- e. The plaintiff is responsible for presenting its case against the defendant. The burden of proof sits with the plaintiff against the defendant, and that party must demonstrate by a preponderance of evidence that the defendant committed the alleged disciplinary offence.
- f. The parties have the right to call witnesses, to present evidence and argue their case before the disciplinary committee. The parties must provide their list of witnesses to the disciplinary committee prior to the hearing.
- g. The disciplinary committee has the discretionary power to determine what level of participation (if any) may be granted to other persons wishing to participate in the proceedings.
- h. A participant to the proceedings may attend in person, be accompanied and represented by a legal advisor or a person of their choosing.

- i. The hearing is conducted behind closed doors, unless otherwise ordered by the disciplinary committee.
- j. The defendant may waive their right to be heard. This waiver may be submitted in writing or the result of their absence after having been duly summoned. Under such circumstances, the committee may render a decision on the complaint without holding a hearing.
- k. A permanent member of Tennis Québec will be present during the hearing in order to offer administrative support to the disciplinary committee (note-taking, technical support for the videoconferencing, etc.).

#### 4.6 Rendering a decision

- a. Following a hearing, or when the defendant has waived their right to be heard, the disciplinary committee renders a decision, regarding the complaint, by a simple majority, within ten (10) days of the hearing or waiver and, if applicable, determines the applicable disciplinary measures and sanctions.
- b. The Chairperson is a voting member of the committee.
- c. The disciplinary committee must provide the motives for its decision in writing. The decision taken by the committee must be sent to the plaintiff and the defendant.

#### 4.7 Powers of the disciplinary committee

The committee ensures the implementation of this policy.

## 5. **SANCTIONS**

The disciplinary committee may impose the following sanctions, or combination of sanctions, against any person found guilty of having committed a disciplinary offence:

- a. Official reprimand in writing.
- b. The imposition of probationary conditions, with or without the provision that one or more additional sanction(s) may be imposed should the conditions not be met.
- c. Order for payment of restitution or damages.
- d. Suspension of subsidies received from or through Tennis Québec.
- e. Recommendation to the board of directors to temporarily suspend the member's affiliation with Tennis Québec.
- f. Recommendation to the board of directors to permanently ban the person from Tennis Québec.

- g. Any other sanction applicable according to the regulations, policies or agreements, in force at Tennis Québec, as the case may be.

## **6. EFFECT OF THE DECISION OF THE DISCIPLINARY COMMITTEE**

The decision of the disciplinary committee shall be final and binding, subject to the right of appeal provided herein.

## **7. APPEAL COMMITTEE**

### **7.1 Mandate of the appeal committee**

The appeal committee hears appeals of the decisions rendered by the disciplinary committee.

## **8. COMPOSITION OF THE APPEAL COMMITTEE**

### **8.1 Members of the appeal committee**

- a. The appeal committee is composed of three (3) people appointed by the Chairperson of the board of directors of Tennis Québec, as long as they did not participate in any way to the disciplinary committee proceedings that heard the matter under appeal.
- b. These persons must not be permanent employees or board members of Tennis Québec and must avoid conflicts of interest with the parties involved in the appeal process in order to preserve the impartiality of the process.
- c. The persons selected to serve on the appeal committee must nominate among themselves the person who will act as Chairperson of the committee.

## **9. PROCESS FOR MANAGING THE APPEALS**

### **9.1 Filing an appeal**

- a. An appeal must be filed with the Chairperson of the board of directors of Tennis Québec, within fourteen (14) days after receiving the decision notice from the disciplinary committee. The appeal notice will briefly present the requested adjustment and the grounds for filing the appeal.
- b. Upon receipt of the appeal notice, the appeal committee will determine if a hearing is deemed necessary or render a decision based on the case submitted and on the

information contained in the request for appeal. The committee must notify the parties of its decision.

- c. The timely filing of an appeal does not suspend the decision, unless the appeal committee decides otherwise at its discretion, or at the request of an interested party.

#### 9.2 Hearing date and timeline

- a. Once appointed, the appeal committee will determine a date for hearing the appeal, and a deadline for the exchange and filing of documents related to the appeal.
- b. The appeal committee must inform the parties and other participants of the date of the appeal, the time and location of the hearing, and the applicable deadline limits for the exchange and filing of documents and the address to which such documents must be sent.

#### 9.3 Participation to an appeal

The Chairperson of the appeal committee must inform the parties of the appointment of an appeal committee, as well as the nature of the complaint, within ten (10) days of this appointment.

#### 9.4 Presentations

- a. The parties, as well as Tennis Québec, have the right to submit documents or present their case during an appeal proceeding before the appeal committee.
- b. The appeal committee decides who, other than the parties involved and Tennis Québec, will have the right to file documents or be heard during appeal proceedings.
- c. At the discretion of the appeal committee, a participant to the appeal proceedings may be heard by phone or any other means of long-distance communication during the appeal hearing.
- d. A participant to the proceedings may attend in person, be accompanied and represented by a legal advisor or a person of their choosing.
- e. Cross-examination of one party by the other party is not permitted.
- f. A permanent member of Tennis Québec will be present during the hearing in order to offer administrative support to the appeal committee (note-taking, technical support for the videoconferencing, etc.).

9.5 Notice

Any notice or other communication issued in connection with the procedures of the appeal committee under this policy must be done in writing and delivered in person, by regular mail, email or other electronic communication, and addressed to the persons concerned.

9.6 The appeal is not a new procedure.

The appeal committee allows, at its discretion, the filing of supplementary evidence in the appeal process that was not available or presented during the disciplinary committee proceedings.

9.7 Rendering of a decision

- a. The decision of the appeal committee shall be rendered through a majority of its members.
- b. The Chairperson of the appeal committee is a voting member of the committee.
- c. The appeal committee must provide reasons for its decision in writing. The Chairperson of the appeal committee must send a copy of the reasons to the appellant and the defendant, as well as to the Chairperson of the board of directors of Tennis Québec.

9.8 Powers of the appeal committee

The appeal committee may confirm, overturn a decision or substitute with the decision it deems appropriate.

**10. EFFECT OF THE DECISION BY THE APPEAL COMMITTEE**

The decision by the appeal committee is final and without appeal. It is immediately enforceable for all interested parties.