



*Tennis  
Ireland*

*Sport For Life*

**Complaint, Objection &  
Disciplinary Rules and Procedures**

26<sup>th</sup> October 2010

To: All Affiliated Clubs and Organisations  
Provincial Branches  
Members of Tennis Ireland Ltd

I am very pleased to enclose a copy of the new ***Complaint, Objection & Disciplinary Rules and Procedures*** for Irish tennis as approved by the Board of Tennis Ireland on the 22<sup>nd</sup> October 2010. These Rules and Procedures replace any earlier Disciplinary Rules and Procedures in use in the sport of tennis.

I wish to highlight some of the key aspects of these new Disciplinary Rules and Procedures;-

- These Disciplinary Rules and Procedures are binding upon Provincial Branches, Affiliated organisations, all Members and all Individual Associates in accordance with Article (31b) of the Articles of Association of Tennis Ireland Ltd.
- The date of implementation of these Disciplinary Rules and Procedures is the 1<sup>st</sup> January 2011.
- It will be necessary for the Provincial Branches, Affiliated organisations and all Members of Tennis Ireland Ltd to incorporate these Disciplinary Rules and Procedures into their respective Constitutions and Rules at the earliest possible date.
- I would wish to draw your particular attention to the introduction of Just Sport Ireland ("JSI") arbitration in dispute resolution in tennis as outlined on page 4 of these Disciplinary Rules and Procedures.

JSI is an independent dispute resolution service for Irish Sport offering both a mediation and arbitration facility. JSI aims to provide a fair, impartial and efficient resolution of sporting disputes thus helping to ensure justice and fairness in sport. The arbitration services offered by JSI provide a favorable alternative to expensive and protracted court actions in the resolution of sporting disputes.

Tennis Ireland staff will be happy to provide any assistance you may require in implementing these new Disciplinary Rules and Procedures. You can reach us at 01-8844010 or by email [info@tennisireland.ie](mailto:info@tennisireland.ie)

Yours sincerely,



Des Allen  
Chief Executive

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## INTRODUCTION

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Tennis Ireland is the National Governing Body for the game of tennis in the island of Ireland.

The role of Tennis Ireland is to administer the game of tennis and regulate the conduct of its Participants (athletes) Individual Associates (individual club members), Members (clubs) and Branches (provinces) and the National Governing Body (Tennis Ireland) within the Tennis Ireland structures.

These Complaint, Objection & Disciplinary Rules and Procedures apply to all Participants, Individual Associates, Members, Branches and Tennis Ireland from 1 January 2011.

Every Member should have ease of access to clear and simplified rules and to fair procedure in dealing with any Complaint, Objection or Disciplinary Action.

### Complaint

The Rules and Procedures allow for a grievance procedure for Complaints to be made by any Individual Associate, Member, Branch against any other Individual Associate, Member, Branch of Tennis Ireland.

### Disciplinary Action

The Rules and Procedures allow for Disciplinary Action to be taken against any Participant, Individual Associate, Member, Branch of Tennis Ireland for breaches of the Regulations, as defined.

### Objection

The Rules and Procedures allow for an Objection by a Participant to be raised against any fixture result in any Event organised by any Member, Branch or Tennis Ireland on the grounds of eligibility .

### Rules and Procedures

These Rules (Part 1 of this document) and Procedures (Part 2 of this document) are designed to provide a quality and consistent administration of Complaints, Objections and Disciplinary Action.

The Rules set out the jurisdiction, offences, sanctions and aggravating and mitigating factors to be taken into account.

The Procedures prescribe the relevant Bodies who administer Complaints, Objections and Disciplinary Action. It specifies how each is commenced validly. It clarifies the stages of a hearing, the right of appeal and the grounds of challenge under JSI arbitration.

### Consistency

To ensure that Complaints, Objections and Disciplinary Action are administered to a high standard at Member, Branch and national level each Member, Branch and Tennis Ireland is entrusted with jurisdiction to administer such Complaints, Objections and Disciplinary Action and must adhere to these Rules & Procedures. In the case of any conflict between any rules, byelaws or codes of conducts introduced by such Members of Branches these Rules and Procedures will take precedence.

### Structure of Bodies

The administration of Complaints, Objections Disciplinary Action is to be conducted at level in which the incident took place. In the event that the matter is not resolved satisfactorily at the local level, the matter can then be appealed to the next highest level. Member level being the lowest , Branch the next and Tennis Ireland the highest. If either party is still not satisfied with the outcome on appeal there is a right to challenge the internal decision(s) of Tennis Ireland in arbitration, but only when all internal avenues have been exhausted.

Each Member's executive committee shall appoint a Hearings Committee to administer, hear and decide all Complaints, Objections and Disciplinary Action that occurs at an Event organised by the Member club.

Each Branch's executive committee shall appoint a Hearings Committee to administer, hear and decide all Complaints, Objections and Disciplinary Action that occurs within the Province which is not dealt at the first instance at Member level. The Branch Hearings Committee shall sit as an appellate body to any appeal of a decision of the Member Hearings Committee.

Tennis Ireland shall appoint a Hearings Committee to administer, hear and decide all Complaints, Objections and Disciplinary Action that occurs within the country which is not dealt at the first instance at Member or Branch level. The Tennis Ireland Hearings Committee shall sit as an appellate body to any appeal of a decision of the Branch Hearings Committee.

Any appeal made against a decision of the Tennis Ireland Hearings Committee shall be appealed to the Tennis Ireland Appeal Committee.

#### JSI Arbitration

Any decision of the Hearings or Appeals Committees at Member, Branch or national level can be challenged before Just Sport Ireland (JSI) on the grounds of the illegality of the decision made or procedures used by such committee. There are no other grounds for challenging such decisions.

Just Sport Ireland (JSI) is an independent arbitral body which was set up by the Federation of Irish Sport in 2007. National Governing Bodies which have signed up to JSI arbitration bind their members so that any challenge to decisions of the internal bodies or any dispute between any member, Individual associate or branch and any other member, individual associate or branches of Tennis Ireland shall be referred to JSI arbitration. Therefore challenges cannot be taken to the Courts. Tennis Ireland has signed up to JSI arbitration and so all associates, members and branches of Tennis Ireland are bound to resolve their disputes ultimately by arbitration. <http://www.justsport.ie/>

#### Omissions

If there is an omission in these rules, then the Hearings and Appeals Committees (Member, Branch and/or National) shall decide the matter in accordance with the Tennis Ireland custom or, in the absence of custom, in accordance with the spirit of the Rules & Procedures.

Tennis Ireland may review and amend these Rules and Procedures from time to time, particularly where legislative updates or legal developments require it. Tennis Ireland will also review, and may amend, the monetary value of the complaint and appeal fees and/or the penalties payable under these Procedures on an annual basis.

**Each Member and Branch must incorporate these Rules and Procedures into their Constitution / Rulebook to replace all existing Complaints, Objections and Disciplinary Rules & Procedures.**

## Definitions

*Affected Party* means the Participants who are affected by the Objection

*Board* means the members of the Board of Directors for the time being of Tennis Ireland.

*Branch* means the four provincial branches of Tennis Ireland and any sub committees therein in accordance with article 4(a) of the Articles of Association.

*Member* means a Member which is a member of Tennis Ireland and any sub committees therein.

*COD Bodies-* means the Hearings Committees at Member, Branch and national level including those committees which sit in an appellate function which includes the Tennis Ireland Appeals Committee to hear and decide on Complaints, Objections and Disciplinary Action.

*Complaint:* means any written complaint made against any Participants, Individual Associate, Member, or Branch or Tennis Ireland or any subcommittee therein within the meaning of clause 3.2 of the Procedures.

*Complainant:* means the party making the Complaint.

*Disciplinary Action* means the steps undertaken in initiating, investigating, prosecuting and administering disciplinary misconduct by a Participant, Individual Associate, Member, Branch and Tennis Ireland.

*Disciplinary Officer* means the person appointed by the executive committee of a Member, Branch or the Board of Tennis Ireland to investigate, administer or prosecute Disciplinary Action, but not to decide on sanction.

*Event* means any Member, Branch or Tennis Ireland national or international event (including but not limited to training, meetings, competitions, tournaments of any kind).

*First Instance Matter* means a matter that is within the first instance jurisdiction of the Tennis Ireland Hearings Committee because it falls within one of the following categories:

- a. a serious claim or allegation which, if substantiated, has the possibility of bringing Tennis Ireland into disrepute;
- b. a majority of a Member or Branch executive committee are involved in the decision to bring a Complaint, Objection or Disciplinary Action against a Participant, Individual Associate, Member or Branch to the extent that the Member or Branch could not form a Hearings Committee that would be free from conflicts of interest; or
- c. a Complaint, Objection or Disciplinary Action is brought by a Participant, Individual Associate, Member, Branch or Tennis Ireland against a Member or Branch Committee as a whole such that the Member or Branch could not form a Hearings Committee that would be free from conflict of interest.

A First Instance Matter includes a matter referred to the Tennis Ireland Hearings Committee by a Member or Branch Hearings Committee because it falls within one of (a) to (c) above.

*Hearings Committee* means the Member, Branch or Tennis Ireland hearings committee appointed by the executive committee or boards to administer and hear Complaints, Objections or Disciplinary Actions.

*Individual Associate* means the person who is the member of prescribed bodies as defined in article 2 (b) of the Articles of Association

*Leader* means the coach, manager and/or team leader that has responsibility for Participants at a particular Event.

*Member:* means a club which is affiliated to Tennis Ireland and any sub committees in accordance with article 2(b) of the Articles of Association.

*Objection* means any objection to the result of a fixture at an Event on the grounds of eligibility.

*Official* means any person who referees, umpires or officiates at an Event.

*Parent* means the person legally appointed as being responsible for a child

*Participant* means any athlete or assistant such as a doctor, physio, parent, coach, trainer, mentor, psychologist, manager, advisor, agent or representative that accompanies an athlete to an Event.

*Procedures:* means these Complaints, Objection and Disciplinary Procedures.

*Respondent:* means the Participant, Individual Associate, Member, Branch or Tennis Ireland or their subcommittees responding to or the subject of a Complaint, Objection or Disciplinary Action

*Tennis Ireland:* means Tennis Ireland Ltd trading as Tennis Ireland.

*Spectator* means any person who neither participates in nor officiates at an Event but who attends in a capacity to support an athlete

*Unit* means Individual Associate, Member, Branch and Tennis Ireland

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## **PART 1 – THE COMPLAINTS AND DISCIPLINARY RULES (“the Rules”)**

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### **1. JURISDICTION**

Any breaches of the following shall be dealt with under the Complaints and Disciplinary Rules: -

- (i) these Rules and Procedures
- (ii) Memorandum and Articles of Association of Tennis Ireland
- (iii) Tennis Ireland Guidelines for safeguarding children
- (iv) The Rules of Tennis
- (v) Regulations for the Conduct of Official Tournaments

(hereinafter collectively referred to as “the Regulations”)

In doing so the Hearings and Appeals Committees shall determine the offences committed and the sanctions to be imposed, if any, at Member, Branch or national level.

These rules together with the Complaints, Disciplinary & Objection Procedures (part 2) regulate the organisation and function of the COD Bodies responsible for taking decisions and the procedures to be followed by these bodies.

#### **1.1 The Rules apply in respect of:-**

- (a) Complaints
- (b) Objections
- (c) Disciplinary Action
- (d) Hearings before COD Bodies
- (e) Appeals before COD Bodies
- (f) Challenges before JSI

#### **1.2 The following natural and legal persons and any sub committee are subject to and agree to be bound by these rules: -**

- (a) Individual Associate
- (b) Member
- (c) Branch
- (d) Leader
- (e) Official
- (f) Participant
- (g) Spectator

#### **1.3 Exclusions: -**

- (a) Employment and quasi employment contractual disputes involving personnel at Club, Branch or national level (which are dealt with before the Employment Appeals Tribunal or the Courts)
- (b) Decisions of an Official made during a fixture which is final and binding .
- (c) Complaints relating to Board Members of Tennis Ireland (which shall be referred to the Chairman of the Board)
- (d) Allegations of child abuse (which shall be referred to statutory authorities and be dealt with as per process under Tennis Ireland Guidelines for Safeguarding Children, as amended from time to time.
- (e) Criminal matters which shall be referred to the statutory authorities.
- (f) Anti-doping matters which shall be dealt with in accordance with the Irish Anti Doping Rules.

## 2. OFFENCES

- (a) Any breach of the Regulations

The following specific offences may occur before, during or after an Event:

- (b) Aggressive or threatening behaviour towards an Associate (mental or physical)
- (c) Aggressive or threatening behaviour towards an Official (mental or physical)
- (d) Verbal Assault
- (e) Physical Assault
- (f) Bullying
- (g) Ineligibility
- (h) Racial harassment
- (i) Sexual harassment
- (j) Discrimination
- (k) Forgery or falsification
- (l) Corruption
- (m) Theft
- (n) Alcohol or substance abuse
- (o) Misconduct likely to bring the sport of Tennis or Tennis Ireland into disrepute
- (p) Criminal investigation of a crime of a grave nature
- (q) Criminal conviction – which is likely to bring the Club, Province or Tennis Ireland into disrepute.
- (r) Mischievous or vexatious complaints



### 3. SANCTIONS

#### 3.1 Immediate Sanctions - Official

In addition to any immediate sanctions available under the *Regulations for the Conduct of Official Tournaments* an Official has the power to issue the following Immediate Sanctions to a Participant at an Event for any incident which occurs on or off court: -

- (a) Suspension from the Event
- (b) Expulsion\* from the Event

**\* Expulsion from an Event at a certain level shall automatically prevent the Participant from participating in the next two Events at that level in which the Participant is due to participate**

#### 3.2 Immediate Sanctions – Leader

A Leader has the power to issue the following Immediate Sanctions to a Participant under his or her care at an Event for any incident which occurs on or off court: -

- (a) Suspension from the Event
- (b) Expulsion\* from the Event

\* Expulsion from an Event at a certain level shall automatically prevent the Participant from participating in the next two Events at that level in which the Participant is due to participate

#### 3.3 Interlocutory Sanctions

3.3.1 Where a Participant or Individual Associate is under criminal investigation for a criminal offence, which if proven, is likely to bring a Member, Branch or Tennis Ireland into disrepute, then only the Tennis Ireland Hearings Committee shall be empowered to suspend a Participant or Individual Associate from membership and/or from future participation in a Member, Branch or Tennis Ireland Event and/or from attending a Member, Branch or Tennis Ireland building pending the outcome of a criminal investigation but without necessarily convening an oral hearing on the matter.

3.3.2 A Hearings Committee shall be empowered to impose a suspension on a Participant, an Individual Associate, Member of Branch pending the determination of a Complaint, Objection or Disciplinary Action where the gravity of the allegation made shall warrant an immediate suspension.

#### 3.4 Non Immediate Sanctions

3.4.1 The Hearings Committee has sole jurisdiction to impose a Non Immediate Sanction save where a fast track committee is convened under Clause 1.5 of the Procedures.

3.4.2 Non Immediate Sanctions may only be imposed by a Hearings Committee following a decision either on foot of a consideration of all of the documents relating to the Complaint, Objection or Disciplinary Action or on foot of an oral hearing

3.4.3 Any suspension or removal from membership must be notified to the CEO of Tennis Ireland.

3.4.4 The following **Non Immediate Sanctions** may be imposed by a Hearings Committee and may be upheld, quashed or varied by an Appeals Committee:

- (a) Written warning
- (b) Reprimand

- (c) Suspension from participation in; -
  - a. Event(s) for any period
  - b. Team/squad for any period
  - c. The game of Tennis for any period
- (d) Suspension from being an Individual Associate, Member or Branch
- (e) Expulsion from being an Individual Associate, Member or Branch
- (f) Fine
- (g) Other sanction as deemed appropriate

#### **4. MITIGATING AND AGGRAVATING FACTORS**

- 4.1 The COD Bodies shall take into account mitigating and aggravating factors once a decision on culpability is reached but prior to the imposition of a sanction.
- 4.2 The COD Bodies shall take into account the following factors: -
  - (a) Age
  - (b) Cooperation
  - (c) Prior warnings
  - (d) Prior record
  - (e) Remorse
  - (f) Gravity of offence
  - (g) Effect on other party (if any)
  - (h) Effect of sanction on Respondent
  - (i) Any other factor deemed relevant

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## PART 2 – THE COMPLAINTS AND DISCIPLINARY PROCEDURES (“the Procedures”)

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### INTRODUCTION

A Complainant is any member of the public, Participant, Individual Associate, Member, Branch or Tennis Ireland who may bring a Complaint against another Associate, Member, Branch or Tennis Ireland.

An Objector is any Participant who may bring an Objection to the outcome of a fixture solely on the grounds of eligibility against another Participant.

A Disciplinary Officer is the person who may issue Disciplinary Action against a Participant, Individual Associate, Member or Branch.

A Respondent is the person or party that is the subject matter of the Complaint, Objection or Disciplinary Action.

The Procedures set out below is intended to provide a step by step guideline as to how a Complaint, Objection or Disciplinary Action should be commenced, administered, conducted, decided and appealed.

Complaints, Objections or Disciplinary Action relating to incidents at a certain level (Member, Branch or national level) should be dealt with by the Hearings Committee at that level.

The primary function of the Hearing Committee (at the relevant level) is to decide Complaints, Objections and Disciplinary Action . They attempt to do so in a fair and swift manner.

In so far as there may be minor technical breaches of Procedures, Complainants, Objectors and Disciplinary Officers recognise that laymen, who are volunteers may on occasion administer justice somewhat robustly and where such breaches do not constitute a fundamental breach of natural justice then there will be no cause for dismissal on appeal .

If either party is dissatisfied with the final outcome, then they have a right to one appeal .

If either party is still dissatisfied then a challenge on the grounds of illegality of the decision made or the procedures used may against any of the COD Bodies' decisions may be brought before JSI Arbitration.

## **1. GENERAL**

### **1.1. PROOF**

The COD Bodies shall make decisions based on the 'balance of probabilities' meaning that the incident was more likely than not to have occurred.

### **1.2 CONFIDENTIALITY**

Members of the COD Bodies and Disciplinary Officers shall keep all information disclosed to them confidential and no disclosure of any detail shall be made to any third party unless in the administration of their function.

### **1.3 MINORS**

Any Participant or Individual Associate under the age of 18 shall be accompanied by their guardian or parent at any hearing.

Any Participant or Individual Associate under the age of 18 who is a Complainant, Objector or Respondent is obliged to attend any hearing.

The COD Bodies shall ensure a Children's Officer is present at hearings where either party is a minor.

### **1.4 EXEMPTION FROM LIABILITY**

Members of COD Bodies may not be held personally liable under these rules or in any Court for any acts or omissions in their role as members of the COD Bodies. Complaints against any member of the COD Bodies sitting as members of COD bodies will be entertained.

### **1.5 FAST TRACK HEARINGS**

In exceptional and urgent circumstances, where it is not possible to convene a hearing before the relevant COD Bodies, then either party may apply to the CEO of Tennis Ireland who shall arrange an expedited hearing and who shall have discretion to decide on the appropriate members and quorum for the expedited hearing.

### **1.6. COSTS/EXPENSES**

Any costs or expenses incurred by a Participant, Individual Associate, Member, Branch or Tennis Ireland (or any of their witnesses, if relevant) in relation to any matter under the Rules and Procedures will be the sole responsibility of that party. The COD Bodies shall have no authority to make any award for costs.

There is an administrative cost for each Complaint, Objection and Appeal. There shall be no administrative fee for initiating a Disciplinary Action. Accordingly parties who file a Complaint, Objection or Appeal will be subjected to an administration fee as set out below. Where a Complaint, Objection or Appeal is upheld, the administration fee will be reimbursed.

### **1.7 NOTIFICATION TO TENNIS IRELAND**

Tennis Ireland must be notified if an Individual Associate is suspended, stepped down from a position or expelled.

### **1.8 DEFECTS**

No procedure or decision of the COD Bodies shall be quashed or held invalid by reason of any defect, irregularity, omission or technicality of a nature which does not amount to a fundamental breach of natural justice.

### **1.9 MEDIATION**

Tennis Ireland recognises Mediation as a method of dispute resolution however no formal Mediation procedure currently exists within the context of the Rules and Procedures. Tennis Ireland reserves the right to introduce a formal Mediation procedure in the future. If Mediation is introduced the time constraints as specified in the Rules and Procedures for initiating and completing the Complaints & Disciplinary process will be suspended pending completion of the Mediation.

While Tennis Ireland is supportive in the informal resolution of complaints at Member or Branch level, Tennis Ireland does not take any responsibility for the outcome of such informal procedures.

## **2. COMPLAINTS AND DISCIPLINARY BODIES (Member club, Provincial and Tennis Ireland)**

2.1 The following shall be responsible for imposing disciplinary sanctions: -

- (a) Leader
- (b) Official
- (c) Hearings Committee
- (d) A Hearings Committee sitting as an appellate committee
- (e) Tennis Ireland Appeals Committee

### **2.2 LEADER**

2.2.1 Immediate Sanctions may only be imposed by Leaders in the context of supervising Participants or Individual Associates under their control at an Event.

2.2.2 A Leader shall specify the nature of the misconduct and the rule breached before imposing an Immediate Sanction.

2.2.3 A Leader shall, where a Participant or Individual Associate is under 18, notify the parents of the Participant or Individual Associate of the Immediate Sanction where such Immediate Sanction involves expulsion from an Event.

2.2.4 A Leader shall prepare a report for the relevant Hearings Committee within three days of the incident or as soon as possible thereafter only if (i) an Immediate Sanction has been imposed and (ii) where a Leader deems it necessary that further Disciplinary Action is required (without commenting on what that further sanction should be).

2.2.5 The report prepared by a Leader shall contain (a) details of the nature of the misconduct (b) the rule breached (c) Immediate Sanction imposed and (d) time, date and venue of the incident.

2.2.6 A Participant or Individual Associate may appeal the imposition of an Immediate Sanction which involves expulsion from an Event to the relevant Hearings Committee, such appeal to be heard as expeditiously as possible.

### **2.3 OFFICIAL**

2.3.1 Immediate Sanctions may be imposed by an Official to any Participant, Individual Associate(s), or Spectator at an Event without prejudice to an Official's rights to impose disciplinary sanction as set out in the Regulations for the Conduct of Official Tournaments.

2.3.2 An Official shall specify the nature of the misconduct and the rule breached prior to imposing an Immediate Sanction.

2.3.3 A Official shall prepare a report for the relevant Hearings Committee within three days of the incident or as soon as possible thereafter only if (i) an Immediate Sanction has been imposed and (ii) where a Official deems it necessary that further Disciplinary Action is required. (without commenting on what that further sanction should be).

2.3.4 The report prepared by a Official shall contain (a) details of the nature of the misconduct (b) the rule breached (c) Immediate Sanction imposed and (d) time, date and venue of the incident.

2.3.5 A Respondent may appeal the imposition of an Immediate Sanction which involves expulsion from an Event to the relevant Hearings Committee, such appeal to be heard as expeditiously as possible.

## **2.4 HEARINGS COMMITTEE**

- 2.4.1 The Hearings Committee shall consist of a panel of five Individual Associates members over the age of 18 who shall be appointed in accordance with the Memorandum and Articles of Tennis Ireland.
- 2.4.2 A Children's Officer may not sit on the Hearings Committee.
- 2.4.3 A quorum of three persons shall be sufficient to convene a hearing of the Hearings Committee.
- 2.4.4 The Hearings Committee shall be empowered to delegate any particular function to one member of the Hearings Committee, save and except for any decision of sanction.
- 2.4.5 On appointment, the Hearings Committee shall appoint a chairperson to chair any meetings or hearings.
- 2.4.6 No person appointed to the Hearings Committee shall stand for more than four years.
- 2.4.7 Any member of the Hearings Committee shall decline to participate in the consideration of a Complaint, Objection or Disciplinary Action where he has an interest in the outcome of the proceedings.
- 2.4.8 The Hearings Committee shall act on a simple majority vote.
- 2.4.9 The Hearings Committee shall have jurisdiction to impose any sanctions as set out in sections 3.3 and 3.4 of the Rules.

## **2.5 TENNIS IRELAND HEARINGS COMMITTEE ("TIHC")**

- 2.5.1 TIHC shall act in the committee of first instance for First Instance Matters.
- 2.5.2 TIHC shall act as an appellate body to decisions of the Member or Branch Hearings Committee decisions.
- 2.5.3 TIHC shall hear Complaints, Objections and Disciplinary Actions in the First Instance where an application has been made by any party to the CEO of Tennis Ireland for an expedited hearing and where consent is given by the CEO.
- 2.5.4 TIHC shall be bound by clause 2.4 above.
- 2.5.5 An appeal against a decision of TIHC shall be appealed to the Tennis Ireland Appeals Committee.

## **3. COMMENCEMENT**

### **3.1 Complaint**

A Complaints is commenced when any member of the public, Participant, Individual Associate, Member, Branch or Tennis Ireland makes a Complaint against another Participant or Unit .

3.1.1 For a Complaint to be valid, the Complaint shall : -

- (a) Be made within 14 days of the date of the alleged incident (save where exceptional circumstances are proven to the satisfaction of the relevant Hearings Committee).
- (b) Be in writing completed on the Complaint Form\*
- (c) Refer specifically to an incident(s)
- (d) Specify the Rule allegedly broken

- (e) Be accompanied by an appropriate fee made payable to Tennis Ireland. The fee in respect of Complaint at Member Level shall be €30.00 at Branch Level €50.00 and a National level, €75.00.

### **3.2 Disciplinary Action**

Disciplinary Action may be commenced in the following ways: -

- 3.2.1 By a Leader who imposes any "Immediate Sanction" against a Participant or Individual Associate.
- 3.2.2 By an Official who imposes any "Immediate Sanction" against a Participant or Individual Associate.
- 3.2.3 On receipt of a report from a Leader or Official to a Hearings Committee.
- 3.2.4 By the Chair of the Hearings Committee on becoming aware of any alleged breach of the Regulations or any act of misconduct.

### **3.3 Objection**

An Objection is commenced when a Participant notifies the on course Hearings committee at an Event of an Objection to the result of a fixture on the grounds of eligibility.

- 3.3.1 For an Objection to be valid, the Objection shall be: -
  - (a) In writing completed on the Objection Form\*
  - (b) Made within 30 minutes of the completion of the fixture being objected to
  - (c) Refer to the Fixture, the time of completion and the grounds for objection
  - (d) Be accompanied by a fee. The fee in respect of an Objection at Member Level shall be €10.00, at Branch Level €20.00 and a National level, €50.00

## **4. INFORMAL COMPLAINTS PROCEDURE**

- 4.1 On receipt of a Complaint, (but not an Objection or Disciplinary matter) by the Member, Branch or Tennis Ireland, the Hearings Committee shall delegate to an appropriate person the function of approaching the parties to ascertain the parties' agreement to deal with the Complaint under the informal procedure set out below. The delegated person shall not be a member of the Hearings Committee
- 4.2 In determining appropriateness in referring a Complaint to the Informal Complaints Procedure the delegated person as specified above shall approach the Complainant to confirm if the Complainant is agreeable for the Complaint being dealt with in such a manner.
- 4.3 The delegated person shall appoint another an informal neutral third party, who does not sit on the Hearings Committee or act as Disciplinary Officer to act as a facilitator in resolving the Complaint informally.
- 4.4 The informal neutral third party may contact or meet the parties and generally go between the parties in an attempt to resolve the Complaint
- 4.5 In the event that either of the parties to the Complaint are not agreeable to referring the Complaint to the Informal Complaint Procedure then the matter shall be heard before the Hearings Committee.
- 4.6 If either party is dissatisfied with the outcome of the Informal Complaints Procedure then they may proceed to a formal hearing before the Hearings Committee.

## **5. PRE HEARING**

### **5.1 Complaint**

- 5.1.1 In the case of a formal Complaint, the Complainant shall deliver a written Complaint to the Hearings Committee within the prescribed time limit.
- 5.1.2 The Complainant shall also serve the Respondent electronically or by hard copy at his residential address.
- 5.1.3 Within 14 days of receipt of the Complaint, the Hearings Committee shall write to the Complainant and Respondent advising the parties of its appointment, the nature of the Complaint, clarification of any facts and copies of documentation, inviting the parties to make any further comment or adduce any further documentation and to seeking any further details as the Committee may deem necessary.
- 5.1.4 The Committee shall have discretion to extend the 14 day deadline where they deem it appropriate.

### **5.2 Disciplinary Action**

- 5.2.1 In the case of Disciplinary Action the Disciplinary Officer shall advise the Respondent electronically or by hard copy at his residential address of the conduct alleged to have been committed, the date of incident, the rule allegedly breached and requesting a formal response to the allegation.
- 5.2.2 On receipt of a Disciplinary Report from a Leader or Official or Chair, the Disciplinary Officer shall submit the Report to the Respondent and the Hearings Committee.

## **6. HEARING**

- 6.1 An Objection hearing shall be heard immediately after the Hearings Committee receive the Objection. The Hearings Committee may proceed in the absence of the Affected Party where the Affected Party has not presented himself / themselves after reasonable efforts have been made by the Hearings Committee to announce the hearing of the Objection. The decision of the Hearings Committee shall not be reserved and will be delivered promptly and orally.
- 6.2 Within 14 days of receipt of the written Complaint or Disciplinary Report, the Committee shall write to the parties advising the parties of its appointment, the nature of the Complaint or Disciplinary Action, seeking clarification of any facts and copies of documentation, inviting the parties to make any further comment or adduce any further documentation and to seeking any further details as the Hearings Committee may deem necessary. The Committee shall have discretion to extend the deadline where they deem it appropriate.
- 6.3 The Committee shall decide either to convene an oral hearing or to decide the matter on a "documents only" basis. In considering the above the Hearings Committee shall have regard to the gravity of the Complaint or Disciplinary Action.
- 6.4 In the case of a Complaint the Complainant shall present his/her complaint and call such witnesses and make such submissions and the Respondent shall respond in like manner.
- 6.5 In the case of a Disciplinary Action the Disciplinary Officer appointed by the County, Provincial or National executive shall present the alleged misconduct against the Respondent and call such witnesses and make such submission and the Respondent shall respond in like manner.
- 6.6 In the case of an Objection the objector(s) shall present their objection and call such witnesses and make such submissions and the affected party to any such fixture result shall respond in like manner.



- 6.7 If the Committee convene an oral hearing it shall notify the parties of:
- (i) The specific Complaint/ alleged Misconduct
  - (ii) The relevant rule and offence alleged
  - (iii) The parties to the Complaint/alleged misconduct
  - (iv) The time, date and venue of the hearing
  - (v) The procedures involved
  - (vi) The possible sanctions
  - (vii) The rights of the parties
  - (viii) Any other procedural requirements
- 6.8 The Committee, in its discretion, may invite other persons (including but not limited to witnesses, officials or experts) to provide evidence or assistance to the Committee in any form.
- 6.9 The parties are entitled at an oral hearing to: -
- (i) Be accompanied at the oral hearing if one is convened, by one Individual Associate of Tennis Ireland.
  - (ii) Call witnesses. Such witnesses may only be present to give their evidence and which witnesses may questioned by the Committee.
  - (iii) Make submissions in writing or otherwise.
- 6.10 The Committee shall conduct the hearing in any matter that it deems necessary so long as they adhere to natural justice. The Committee shall not be bound by formal rules of Court.
- 6.11 The procedures adopted by the Committee may include the following elements: -
- (i) The Chair circulates all documents received by either party in advance of the hearing
  - (ii) The Chair introduces the committee and the parties introduce themselves and their capacity
  - (iii) The Chair explains the procedures and format for the hearing.
  - (iv) The parties are invited to present evidence and call witnesses.
  - (v) The other party is invited to cross examine any witness called<sup>d</sup>
  - (vi) The Committee is invited to ask questions of the parties and their representatives
  - (vii) The parties are then invited to present any submissions.
  - (viii) The Committee retires to review the evidence and submissions
- 6.12 In the event that a request for information or clarification from the Committee is not complied with by any party the Committee will be entitled to draw inferences and impose any sanction deemed appropriate.
- 6.13 In the event of the non-attendance, without reasonable cause (considered by the Committee to be justifiable reason for non-attendance), of a Complainant or Disciplinary Officer at a hearing, the Complaint or Disciplinary Action against the Respondent shall be taken no further. In the event of non-attendance, without reasonable cause, of a Respondent at a hearing, the Committee will be entitled to base its decision on the information and evidence it has received.
- 6.14 The Committee may adjourn or rearrange the hearing at its discretion. An adjourned or rearranged hearing shall take place as soon as is practicable, and the suspension , if already imposed, shall be automatically extended until the rearranged hearing takes place.
- 6.15 The Committee will determine whether or not the Complaint/ Disciplinary allegation is substantiated. If a Complaint/ Disciplinary allegation is substantiated, the Committee (in its discretion will determine whether any sanctions as set out in clause 3.3. and 3.4 of the Rules shall be imposed.

- 6.16 The decision of the Committee shall be made and notified to the parties orally if possible and in any event in writing within 3 days of the decision, unless the Committee deem an extension of time necessary.
- 6.17 The written decision shall be in a format as set out in the appendices. The decision shall include reference to the parties right to appeal the decision within 7 days of the date of the decision.
- 6.18 The Committee shall be entitled to notify all parties by email giving not less than 48 hours of a hearing unless the parties agree to a shorter period.
- 6.19 Pending the appeal the original sanction imposed by the Committee shall stand.

**7. COMPLAINT TAKEN BY OR AGAINST THE MEMBER COMMITTEE (OR BY MEMBER OF THE COMMITTEE AGAINST A MEMBER OF THE CLUB).**

- 7.1 An Individual Associate or Participant may bring a Complaint against a member of a Committee or vice versa.
- 7.2 Where the Complaint is made against a Committee Member, the Hearings Committee must be appointed without inclusion of that member of the Committee .
- 7.3 Where a Complaint is made by a Member Committee against or visa versa, then jurisdiction should be declined by the Member to determine the Complaint and a reference should be made to TIHC to hear the matter in the First Instance.

**8. APPEALS**

- 8.1 An appeal of a decision of the Member Hearings Committee may be appealed to the Branch Hearings Committee which sits in its capacity as an Appeals Committee.
- 8.2 An appeal of a decision of the Branch Hearings Committee may be appealed to TIHC which sits in its capacity as an Appeals Committee.
- 8.3 An appeal of a decision of TIHC shall be appealed to the Tennis Ireland Appeals Committee .
- 8.4 The appeal shall be a fresh hearing as if the first hearing before the original Hearings Committee did not take place.
- 8.5 The appellant shall deliver a written and signed notification to appeal to the relevant Appeals Committee within 5 days of receipt of the Hearings Committee written decision specifying
  - (a) the date of decision being appealed
  - (b) the aspects of the decision being appealed
  - (c) the grounds of appeal
  - (d) copy of relevant documentation
  - (e) an Appeal fee of €500.00 (which shall be refunded in the event of a successful appeal)
- 8.6 A copy of the notice of appeal shall be sent by email to the CEO of Tennis Ireland and the relevant Hearings Committee and Complainant/Respondent.
- 8.7 No appeal shall be accepted from any person who is not a Participant, Individual Member, Branch or Associate.
- 8.8 No appeal shall be accepted from a third party which is not a party to the original hearing even where that decision affects the third party.

8.9 The procedures as set out in Clause 6 shall apply to Appeal hearings.

**9. JSI ARBITRATION**

9.1 In the event of any challenge as to the legality of any decision made or any procedure used by any of the COD Bodies in respect of any Complaint, Disciplinary Action or Objection then any party to such a decision may challenge that decision in JSI arbitration, but not as an appeal. A Notice to arbitrate under JSI Arbitration full procedure must be made within 7 days of the date of the last decision by the COD Bodies.

9.2 No Unit shall refer a dispute to JSI Arbitration until all available avenues of resolution or appeal under the Rules have been exhausted.

9.3 In the event of any dispute or difference between any Participant or Unit with any other Participant or Unit not related to decisions of COD Bodies then, such dispute must be referred to JSI arbitration for final determination.

9.4 JSI arbitration shall be conducted in accordance with the JSI arbitration procedural rules in existence at the time.

9.5 The decision of the JSI arbitrator (s) shall be final and binding. There shall be no right of appeal.

9.6 No Participant or Unit may issue Court proceedings relating to such dispute in any Court in any jurisdiction.

9.7 JSI Arbitration shall be conducted in accordance with the JSI Arbitration rules and procedures and in accordance with the Arbitration Acts 2010 or any statutory modification or re-enactment thereof.

9.8 The CEO of Tennis Ireland shall be a Notice Party to any Notice to arbitrate.

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