



HTSC

Disputes and Disciplinary Policy & Procedures

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1.0 DEFINITIONS

In this Disputes and Disciplinary Policy, the following words have the following meanings:

Misconduct means any conduct by an athlete, visitor, coach, official, member, associate member, life member, member club or district association that reflects unfavourably on the game or HTSC, both on and off the court (Appendix 1).

Judicial Panel means the three member Judicial Panel that is appointed by the HTSC Executive Committee.

Chairperson means the Chair of the Tennis Committee or Squash Committee. This will be the code chairperson.

President means the standing Club President or in the situation where the President may have a conflict of interest, may be a representative as appointed by the President.

2.0 JUDICIAL PANEL

The HTSC Executive Committee shall establish a Judicial Panel of three members. Selection of panel members shall be on the basis of relevant experience and / or professional expertise in relation to the incident to be considered. One of the members shall be appointed as the Chairperson of the panel by the HTSC Executive Committee

These three members will be a split of Tennis Committee & Squash Committee members, who will be appointed by the elected Committee members & Executive Officers

Any proposed member of the Judicial Panel who has an interest in any matter to be considered by the panel must declare that interest prior to any appointment and be precluded from any participation in any disciplinary process. The Chairman shall appoint a replacement.

3.0 JURISDICTION

The Judicial Panel shall have jurisdiction to hear any matter referred to it by the HTSC Executive Committee.

4.0 PROCEDURES

4.1 *Complaints procedure and notice*

4.1.1 Following an alleged Code of Conduct breach, the initiator must provide a written statement to the HTSC President within 90 working days of the alleged incident. The report must contain the name of the accused and an independent witness. If the complaint is delayed after that it will be dismissed.

Upon receipt of a complaint, the President shall have the authority to:

- a) Reprimand athletes, coaches, officials, members, associate members, life members, clubs or District Associations for the first offence or, what in the opinion of the President, constitutes a minor demeanour.
- b) Appoint a person to make enquiries about the alleged misconduct as deemed appropriate.
- c) Refer the matter to a Judicial Panel for hearing in accordance with clauses 4.2 to 4.7.
- d) Dismiss the complaint.

4.1.2 The President shall notify the HTSC Executive Committee of the complaint and the procedure if it is required to be heard by the Judicial Panel.

4.1.3 Where the President has dismissed the complaint in accordance with clause 4.1.1 (d), he / she shall give written notice to the complainant stating the reasons for dismissal.

4.2 *Investigation*

4.2.1 For the purposes of Clause 4.1.1 (b) the President shall specify such time as he or she thinks reasonable for the conduct of such investigation and shall require the investigator at the conclusion of such time to provide a written report to the President as to the information obtained.

4.2.2 Where the President has appointed a person to investigate the alleged misconduct in accordance with Clause 4.1.1 (b) upon the reporting back of the investigator the President shall then have the authority to take such action as he or she considers appropriate as specified in Clause 4.1.1 (a), (c) or (d) hereof.

4.3 *Procedure of Notice for Judicial Panel*

4.3.1 Subject to Clause 4.1.1 (a) the President shall, as soon as practicable, determine a time, date and place for hearing of the allegation, by the Judicial Panel

4.3.2 The President shall advise the person, club or association against whom the allegation is made of the following:

- The nature and particulars of the allegation;
- The date, time and place of the hearing;
- Who the members of the Judicial Panel will be for that hearing;
- The requirement for the person, or where the allegation is against a club or association, a person who is authorised to represent that club or association, to appear in person at the hearing, or to present a written submission;
- The right to be represented at the hearing;
- The right to bring witnesses and / or support persons to the hearing.

The President shall advise the complainant of the following:

- The nature and particulars of the allegation;
- The date, time and place of the hearing;
- Who the members of the Judicial Panel will be for that hearing;
- The requirement for the person, or where the allegation is against a club or association, a person who is authorised to represent that club or association, to appear in person at the hearing, or to present a written submission;
- The right to be represented at the hearing;
- The right to bring witnesses and / or support persons to the hearing.

4.4 Procedure of Hearing

The procedure prescribed should be directed at ensuring that the hearing will be fair:

4.4.1 The procedures to be followed at the hearing should be explained clearly by the Chairperson of the Judicial Panel to all present.

4.4.2 The Chairperson of the panel shall read the complainant's statement.

4.4.3 Evidence / submissions shall be heard in the following order:

- Evidence from witnesses (if any) in support of the complaint
- Evidence from the person, or representative of the club or association, against whom the allegation was made
- Evidence from his/her witnesses (if any)
- Submissions on his/her behalf (if any)
- Submissions on behalf of the complainant (if any)

4.4.5 Those giving evidence shall be subject to questioning from any member of the Judicial Panel

4.4.6 At the conclusion of the evidence and submission, all persons present, other than the Judicial Panel, shall leave the room while the Judicial Panel deliberates on its decision.

4.5 Evidence admissible at hearing

The Judicial Panel may receive hearsay evidence (there may be occasions when it is sufficiently reliable and important that it should be listened to) and the Judicial Panel may give such weight to that evidence, as it considers appropriate.

4.6 Notification of Decision

In all cases, the person against whom the allegation is made must be told without delay the decision of the Judicial Panel, which conducted the hearing. The decision initially may be given orally and brief reasons for reaching it should be given and this decision should be communicated in writing as soon as practicable.

4.7 Penalties

The range of disciplinary offences is considerable and therefore guideline penalties are not generally appropriate. It should be clearly understood that the Judicial Panel deal severely with proven cases of:

- Abuse of tournament officials
- Physical violence or threatening behaviour
- Conduct which may constitute a criminal offence
- Contravention of the HTSC Member Protection Policy and Code of Conduct

Misconduct falling into these categories is likely to result in lengthy suspension and/or financial penalty. In particular, the seriousness of a drug or doping infraction is reflected in the mandatory penalties contained in the HTSC Drug Policy for the use of banned substances.

4.7.1 If a complaint is proven to its satisfaction and without reasonable excuse, the Disciplinary Panel shall have the power to impose on the individual, club or association concerned one or more of the following penalties:

Athletes

- Removal from a team or squad, and immediately return to NZ if applicable
- Non availability for selection to a team or squad for a specified period
- Suspension from participation in any event or programme undertaken by the HTSC or any of its members for a finite period
- A total ban from the game for a period
- A financial penalty
- Financial recompense for any damage caused to property
- Payments of expenses incurred by the convening of the Judicial Panel, including all witness expenses
- Other reasonable penalty as deemed appropriate

Coaches and Officials

- Suspension from office for a period
- Removal from office
- Termination or suspension of appointment (i.e. manager or coach)
- A financial penalty
- Financial recompense for any damage caused to property
- Payments of expenses incurred by the convening of the Judicial Panel, including all witness expenses
- Other reasonable penalty as deemed appropriate

Members, Associate Members, Life Members, Clubs, Districts

- Suspension or expulsion from membership of the association for such period as determined
- A financial penalty
- Financial recompense for any damage caused to property
- Payments of expenses incurred by the convening of the Judicial Panel, including all witness expenses
- Other reasonable penalty as deemed appropriate

4.7.2 Prior to imposing any penalty the Judicial Panel may invite the offending participant to make any comment on any penalty proposed.

4.7.3 The offending participant shall receive written notification of any penalty imposed within 14 days of the determination.

4.8 Appeals

Except in cases of breaches of the HTSC Drug policy where the decision of the Judicial Panel shall be final, there shall be a right of appeal against decisions of the Judicial Panel.

This appeal shall be made within 14 days of the Judicial Panel having given written notification of its decision pursuant to Clause 4.4, and shall be accompanied by a fee of \$500 (Inc. GST). In the event that the Appeals Committee overturns the whole of the Judicial Panel's decision, this fee shall be repaid to the appellant.

The HTSC Executive Committee shall appoint the Appeals Committee of three persons. No person will have been a member of the Judicial Panel whose decision is the subject of the appeal.

The procedures for hearing a formal appeal shall be as for the hearing of a complaint.

The decision of the Appeals Committee shall be final.

Pending the decision of the Appeals Committee all penalties imposed will be operative.

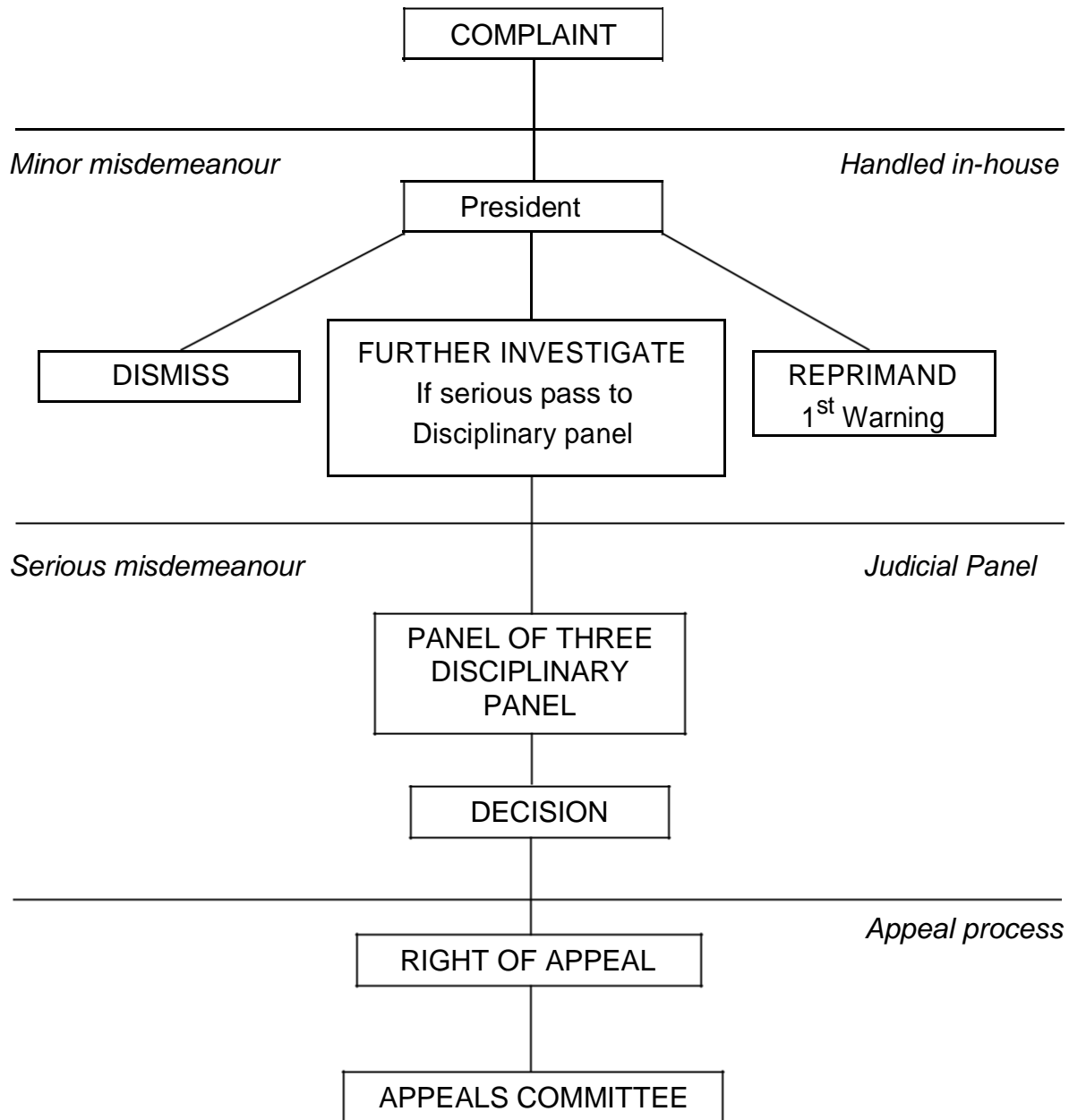
5.0 NOTICE

5.1.1 Any notice to be given by the President or the Judicial Panel must be in writing and may be given to the person, club or association required to be notified:

- Personally
- By post to the last known address of the person, club or association; or
- Sent by facsimile to the last known facsimile number of such person, club or association
- Sent by email to the last known email address of such person, club or association

MISCONDUCT AND DISCIPLINARY PROCEDURE

These procedures aim to ensure that all allegations of misconduct are taken seriously and are dealt with in a timely and appropriate manner.



Appendix 1: Examples of Misconduct

The following are general examples of misconduct. This may include, but is not limited to:

- Bringing the game into disrepute
- Theft
- Assault
- Verbal abuse
- Bad language
- Abuse of equipment
 - Throwing a racket
 - Breaking a racket
 - Abusive use of equipment other than within the intentions of the game
- Drinking under age
- Discourtesy as a guest of a billet
- Ill-mannered behaviour
- Inappropriate dress
- Entering and then failing to appear at a tournament
- Breach of player agreements
- Failure to give one's best
- Failure to follow the reasonable instructions of a manager, coach or official
- Contravenes HTSC's Member Protection Policy of Code of Conduct