

BARBADOS TENNIS ASSOCIATION INC

**DISCIPLINARY
AND
DISPUTE RESOLUTION
CODE**

Approved on November 1, 2021

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BARBADOS TENNIS ASSOCIATION INC

DISCIPLINARY AND DISPUTE RESOLUTION CODE

1 – DEFINITIONS AND INTERPRETATION

- 1.1** In this Code:
- 1.1.1 “Association” means Barbados Tennis Association Inc.
 - 1.1.2 “BOA” means The Barbados Olympic Association Inc.
 - 1.1.3 “Code” means this Disciplinary and Dispute Resolution Code.
 - 1.1.4 “Committee” means the Disciplinary and Dispute Resolution Committee established under this Code.
 - 1.1.5 “Council” means the Directors elected by the members of the Association.
 - 1.1.6 “timely decision” means a decision given by the Committee within 30 days of the conclusion of a hearing under this Code;
 - 1.1.7 “timely hearing” means a hearing held within 30 days of the filing of a complaint brought under this Code.

2 – EXCLUSIVE JURISDICTION

- 2.1 All members of the Association shall be subject to this Code and shall submit to the jurisdiction of and be bound by any decision rendered pursuant to the procedures under this Code.
- 2.2 Parties to any hearing under this Code irrevocably waive any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such decision.

3 – DISCIPLINARY AND DISPUTE RESOLUTION COMMITTEE

- 3.1 The Council shall establish a Disciplinary and Dispute Resolution Committee to resolve complaints and disputes in accordance with this Code.
- 3.2 The Committee shall be comprised of:
 - 3.2.1 a Chairman who shall be an Attorney-at-Law;

- 3.2.2 a minimum of two and a maximum of four other individuals;
- 3.3 Members of the Committee need not be members of the Association or involved in Tennis and no member of the Committee shall be a Council member of the Association.
- 3.4 Members of the Committee shall initially serve for a two-year term and shall be eligible for reappointment for a further two terms.

4 - COMPLAINTS

- 4.1 The Committee has jurisdiction to hear and determine the following types of complaints:
 - 4.1.1 A grievance filed by the Council or any member of the Association pertaining to any matter relating to the Association, including but not limited to any alleged violation of or grievance concerning any By-Law, Code, Rules or Regulations of the Association.
 - 4.1.2 Disciplinary proceedings instituted by the Council against any member of the Association for:
 - (a) an alleged breach of any By-Law, Code, Rules or Regulations of the Association;
 - (b) conduct which, in the opinion of the Council, is or may be injurious to the Association, or which brings or may bring the Association into disrepute, or which is unbecoming or prejudicial to the interests of the Association.
 - 4.1.3 A right to compete complaint brought by any athlete, or on behalf of an athlete by any coach, trainer, manager, administrator or official pertaining to any alleged denial of, or alleged threat to deny, an athlete's opportunity to compete in competition to represent Barbados.

5 – HEARINGS

- 5.1 The complainant shall file a written complaint with the Committee setting out in clear and concise language, preferably in numbered paragraphs: the facts giving rise to the complaint and the remedy requested. The complainant shall sign and date the complaint.

- 5.2 The complaint shall be filed within 60 days of the occurrence of the alleged grievance, violation, breach, misconduct; denial or threat to deny.
- 5.3 The Committee may hold hearings in person, by tele-conference, video-conference or other electronic means and may determine whether any hearing or part thereof shall be oral or in writing.
- 5.4 The Committee shall observe the following principles:
 - 5.4.1 a timely hearing before a fair and impartial hearing body;
 - 5.4.2 the right of each party to:
 - (a) be represented by counsel or other representative or a friend;
 - (b) be fairly and timely informed of the nature of the complaint, including notice in writing of the particulars of the complaint, and possible consequences if the charges are proved;
 - (c) a reasonable time between receipt of the notice of complaint and the hearing within which to prepare their case, with due regard to the likelihood of the urgency surrounding a right to compete complaint;
 - (d) present evidence, including the right to call and question witnesses;
 - (e) a timely decision in writing, specifically including the reasons for the decision and any sanction imposed.
- 5.5 The burden of proof shall be on the complainant, which standard shall be on a balance of probabilities. No formal rules as to admissibility of evidence will apply and facts may be established by any reliable means.

6 – DECISIONS

- 6.1 At least three members of the Committee shall sit to determine a matter.
- 6.2 A decision shall be determined by a majority of the Committee which may make such orders and impose such sanctions as it sees fit, including but not limited to:
 - 6.2.1 dismissing the complaint;
 - 6.2.2 a warning;
 - 6.2.3 a reprimand;

- 6.2.4 an order of reimbursement or restitution;
- 6.2.5 a suspension for such period as deemed appropriate;
- 6.2.6 a ban;
- 6.2.7 in the case of a Council member, a recommendation to the members of the Association for removal from office;
- 6.2.8 in the case of disciplinary proceedings brought by the Council under Article 4.1.2, expulsion from membership of the Association;
- 6.2.1 such other order as the Committee sees fit.

7 – APPEALS

- 7.1 Any party to a hearing by the Committee and the Council, if not a party, may appeal a decision of the Committee to the BOA Arbitration Commission.
- 7.2 The BOA Arbitration Commission will announce its decision in a written, reasoned decision, dated and signed by at least the Chair of the Commission, as soon as reasonably practicable and no later than 30 days after the date of the conclusion of the hearing. A copy of the decision shall be given to the parties and to the Council if not a party.
- 7.3 The decision of the BOA Arbitration Commission shall be final and binding on all parties, and no right of appeal shall lie from the decision.

8 – AMENDMENT AND REPEAL

- 8.1 No amendment or repeal of this Code shall be made unless passed by a majority vote at a meeting of members of the Association.

ENACTED by the Members of Barbados Tennis Association Inc. on November 1, 2021.