

## **Grievance Information**

### **A. Composition and Responsibility**

The Grievance Committee shall be composed of persons named by the President of USTA Florida. It shall be responsible for enforcing the Constitution, By-Laws, all the rules and regulations of the Section, and the standards of conduct, fair play and good sportsmanship.

### **B. Filing a Grievance**

Whenever a written complaint is filed with the Grievance Committee Chair charging that any person has violated the Constitution or any of the By-Laws, rules and regulations of the Section, or the standards of conduct, fair play and good sportsmanship, the Chair shall have the power to fine such person in such amount, not in excess of \$1,000, and/or to suspend such person for such period, as the Chair, in its absolute discretion, deems appropriate.

Prior to taking such action, the Chair shall not be required to hold any hearing, and such action may be taken on the basis of such investigation, as the Chair, in its absolute discretion, deems appropriate. In the absence of the Chair (or pursuant to the Chair's request), the Vice Chair of the Grievance Committee shall have the same power to fine and/or suspend as granted to the Chair herein. The Chair or the Vice Chair, as the case may be, shall promptly notify in writing the person so charged of the decision.

### **C. Appeals Process**

Within thirty days after receipt of a written notice of a decision by the Chair or Vice Chair of the Grievance Committee, the person penalized may appeal the decision by addressing and delivering a written request to the Chair (c/o the USTA Florida Office) for a hearing before the Grievance Committee. Upon receipt of such a request, the Chair of the Grievance Committee shall promptly fix a time and place for a hearing and shall give the person penalized not less than eight days prior written notice. At any such hearing, the person penalized shall have the right to appear personally, with not more than one representative or attorney, to present testimony and other evidence and cross-examine witnesses. The hearing may also take place as a phone-in conference call when distance dictates such action. The Grievance Committee shall have the power to affirm, modify or reject the prior decision and to impose any additional penalties as it may deem appropriate, including a fine not in excess of \$1,000. The Grievance Committee shall promptly notify the person penalized of its decision and shall prepare written findings of fact in support of its decision. Any penalties that may be imposed by the Chair of the Grievance Committee will be enforced during the Appeals Process.

### **D. Hearings Before the Grievance Committee**

Instead of acting upon a written complaint in accordance with the provisions of subsection (B) above, the Chair may elect to hold a hearing before the Grievance Committee and have the Grievance Committee render a decision, in which event a hearing shall be held in accordance with the provisions of subsection (C) above and the Grievance Committee shall have the power to impose such penalties as it may deem appropriate, including a fine not in excess of \$1,000. Any appeal from a decision of the Grievance Committee shall be made to the Executive Committee as provided in subsection (E) below.

### **E. Appeals to the Executive Committee**

Within thirty days after a receipt of a written notice of a decision of the Grievance Committee, the person penalized may appeal the decision by addressing and delivering a written request to the President of the Section (c/o the USTA Florida Office) for a review by the Executive Committee. The Executive Committee shall thereupon promptly review the findings of fact and the decision of the Grievance Committee. The Executive Committee shall not be required to hold any hearing, and its decision may be based entirely on the findings of fact of the Grievance Committee. However, the Executive Committee may hear such further testimony and receive such further evidence, as it, in its absolute discretion, deems appropriate. Promptly following its review, the Executive Committee shall have the power to affirm, modify or reject the decision of the Grievance Committee, but may not impose any harsher penalties. The decision of the Executive Committee shall be final and binding.

### **F. Reinstatement**

Any person who has been suspended or expelled pursuant to these rules may be reinstated at any time by the Executive Committee on evidence satisfactory to it that reinstatement is merited. Prior to taking any such action, the Executive Committee will obtain the recommendations of the Grievance Committee.

### **G. USTA Florida Legal Counsel**

The President shall, with the consent of the Executive Committee, appoint a Legal Counsel, who shall, when called upon by the President and the Executive Committee, advise or represent the Section on legal matters. The Legal Counsel shall be a member in good standing of the Florida Bar and shall serve without compensation except by special authorization of the Executive Committee.

### **H. Reciprocity**

It is the policy of this Section to grant reciprocity for any disciplinary action against a player imposed as a result of the grievance procedures of the USTA or any of its Sections. Upon receipt of notice by the Executive Director that a disciplinary action has become final (all appeals have been concluded or the time for appeal has run), the disciplinary action shall apply within this Section as if it had been imposed by the grievance procedures of this Section.

For further information regarding the Point Penalty System, refer to the 2009 Friend at Court.

#### Grievance Committee

Bruce Boiko, Chair

Nancy Horowitz, Vice Chair

Sandi Pardon

Tom Flint

Doug Booth, Staff Liaison