



**USTA CARIBBEAN SECTION
RULES OF THE GRIEVANCE APPEALS COMMITTEE**

Rule 1.00. Scope.

These rules govern the organization, jurisdiction and procedure of appeals filed before the Caribbean Section USTA League Grievance Appeals Committee (Grievance Appeals Committee), pursuant with the 2010 USTA League Regulations.

Rule 2.00. The Committee.

2.01. The Grievance Appeals Committee shall consist of no less than three regular members, including its Chair, and of no less than two additional alternate members to substitute any regular member that for due cause cannot participate in the consideration of an appeal.

2.02. The Chair and the regular and alternate members of the Grievance Appeals Committee shall be designated for a two year term by the President of the USTA Caribbean Section(Caribbean Section), with the approval of the Section League Coordinator and of the Board of Directors of the Caribbean Section.

2.03. No regular or alternate member of the Grievance Appeals Committee may serve simultaneously as a member of a District or the Caribbean Section League Grievances Committees (Grievance Committee). They may not participate in the consideration of an appeal of a Grievance Committee decision in which the regular or alternate member of the Grievance Appeals Committee participated as a member of the Grievance Committee or as a witness before the latter committee.

Rule 3.00. Who may file an appeal.

3.01. The following persons may appeal a decision rendered by the Grievance Committee:

a. Any captain of a USTA League Team or of a player affected by the decision rendered by the Grievance Committee.

b. As an extraordinary exception to the above, any USTA League player not belonging to any of the teams involved in a match or controversy adjudicated by the Grievance Committee, that meets the following requirements:

1. When the player was penalized directly and specifically by the Grievance Committee for inappropriate or unsportsmanlike conduct or for infringing the Caribbean Section USTA League Program Regulations (*Reglamento para Capitanes y Jugadores de la Liga USTA*), and

2. The player was present during the USTA League Match as an observer or spectator.

Rule 4. Filing the appeal.

4.01. Except as provided in Rule 9, the appeal shall be timely filed in writing by regular or electronic mail, fax or personally, within the time determined by the Grievance Committee in its decision,.

4.02. The appeal shall be filed with the Section League Coordinator, or designee, at the Caribbean Section Office's U.S. mail, physical or electronic address, or by fax.

4.03. The time to file the appeal is jurisdictional and shall not be extended by the Grievance Appeals Committee, except for catastrophic events.

Any appeal filed after the expiration of the time established by the Grievance Committee, shall be dismissed without considering the merits of the appeal.

4.04. Upon receipt of the written appeal, the Section League Coordinator, or designee, shall immediately send a copy to the party(ies) against whom the appeal was filed, the Chairs of the Grievance Appeals Committee and the Grievance Committee.

Rule 5. Contents of the appeal.

5.01. Appellant shall use the appeals form included in the USTA Website.

5.02. The appeal shall include the following information:

a. Name, signature, home, work and cellular phone number of the appellant.

b. Appellant's physical, postal and electronic addresses, and fax number, were appellant may be notified of respondent's written answer to the appeal, any additional document and the Grievance Appeals Committee's decision. Any notification made to any of the addresses provided by the appellant shall be considered sufficient and valid.

c. The name of the captains of the teams involved in the grievance and if known by appellant, their physical, postal or electronic addresses and their fax, residential, work or cellular numbers.

d. A statement of the relevant facts and arguments supporting appellant positions.

e. All the reasons that allegedly justify overturning or modifying the Grievance Committee decision.

Rule 6. Contents of the response to the appeal.

6.01. After being notified of the appeal, any appellee may file a response within five working days of the notification of the appeal. The response shall include the following information:

a. Name, signature and residential, work, cellular and fax phone numbers of the respondent team captain.

b. Respondent team captain's physical, postal and electronic addresses, were respondent may be notified of any additional document and the Grievance Appeals Committee decision. Any notification made to any of the addresses provided by respondent, shall be considered sufficient and valid.

c. A statement of the relevant facts and arguments supporting appellant positions with regard to the appeal.

Rule 7. Grievance Appeal Committee Actions.

7.01. Upon receipt of a timely filed appeal, the Grievance Appeals Committee shall expedite its consideration.

7.02. Except for what is provided in the following section, the Grievance Appeals Committee will not hold any

hearing. In its absolute discretion, it may hear such further evidence as it deems appropriate.

7.03. Pursuant to Section 2.03B(2) of the 2010 USTA League Rules, if the Grievance Committee did not hold a hearing and none of the parties involved in the complaint so requests it in writing, the Grievance Appeals Committee shall not hold a hearing.

7.04. The Grievance Appeals Committee's decision may be based entirely on the findings of fact by the Grievance Committee whose decision is being appealed and on the facts and arguments submitted in writing by the parties. The requirement that a notice or other document be in writing is satisfied if it is sent by mail, fax, e-mail or equivalent communication.

7.05. If one or more members of the Grievance Appeals Committee cannot be present at a hearing, such members may, at the discretion of the Chair, participate by means of a telephone conference call.

7.06. If any witness cannot be present at a hearing set to present evidence, such witness may, at the discretion of the Chair, be permitted to do so by means of a telephone conference call.

7.07. After all the parties have filed their respective positions, the Grievance Appeals Committee will promptly adjudicate the appeal and render its decision.

7.08. Except for the aspects left in this regulations to the discretion of the Chair, all other matters and the adjudication of appeals shall be by majority vote of the three Grievance Appeals Committee members that participate. The decision on the appeal shall be in writing and shall set forth its basis.

7.09. The decision may affirm, modify, or reject the decision of the Grievance Committee. Nevertheless, if the Grievance Committee has imposed a penalty, the Grievance Appeals Committee may not impose a harsher penalty.

7.10. The decision of the Grievance Appeals Committee shall be final and binding.

7.11. Any individual or team suspended by the Grievance Appeals Committee for a period of 12 months or more, may appeal that decision to the National League Grievance Appeal Committee, within the deadline established by the Appeal Committee.

7.12. The district or sectional administration of the USTA League Program may not appeal the decision of the Grievance Appeal Committee.

Rule 8. Notification and filing of decisions.

8.01. After the Grievance Appeals Committee issues its decision on an appeal, the Section League Coordinator or designee shall promptly notify a copy of the decision to all parties, the Chair of the Grievance Committee and to the Executive Director of the Caribbean Section, and certify in the original file of the appeal and in the record kept for that purpose, how and when the parties were notified of the decision.

8.02. The Section League Coordinator, or designee, shall include the decision in the annual permanent record that will be kept of all the documents and decisions rendered by the Grievance Appeals Committee.

Rule 9. Appeals during Sectional Championships.

9.01. During Sectional Championships, all appeals shall be filed in writing and delivered at the competition site to the Sectional Championship Director, Sectional League Coordinator or designee, within the time established by the Grievance Committee in its decision.

9.02. After filing the appeal, the Sectional Championship Director, Sectional League Coordinator or designee, shall immediately and personally notify a copy of the appeal, to the opposing team's captains. If the captain is not present, the Sectional Championship Director, Sectional League Coordinator or designee, shall notify the appeal to any address included in the records of the USTA Caribbean Section.

9.03. Notified, appellees shall have one hour to file their response to the Sectional Championship Director, the Sectional League Coordinator or designee.

9.04. The Grievance Appeals Committee will promptly consider the appeal and any responses, according to the procedure adopted in Rule 7 that is not inconsistent to the need to promptly adjudicate the appeal.

9.05. After the Grievance Appeals Committee issues its decision on an appeal, the Sectional Championship Director, the Section League Coordinator or designee shall promptly notify personally or, if possible, at the addresses provided by the parties, a copy of the decision to all interested parties, the Chair of the Grievance Committee, to the Executive Director of the Caribbean Section, and will certify in the original file of the appeal and in the record kept for that purpose, how and when the parties were notified of the decision.

Rule 10. Play during Grievance Appeal Procedures.

10.01. If the decision of the Grievance Committee appealed, upheld the grievance filed, the individual is subject to all sanctions imposed by said committee, during the appeal process.

10.02. If the decision of the Grievance Committee was denied by the Grievance Committee and appealed by the filer, the individual may participate during his/her appeal process, but if the decision is upheld by the Grievance Appeals Committee, all matches played during that time may be defaulted.

As approved and proposed by the CTA Grievance Appeals Committee and approved by the Board of Directors of the USTA Caribbean Section March 3, 2010.