

These United States Tennis Association Northern California ("USTA NorCal") Grievance & Appeal Procedures of the Sportsmanship Committee, (the "Procedures") amend and restate all prior policies, rules, and practices on the same subjects described herein, including, but not limited to all prior Board of Directors ("Board") resolutions. These Procedures are not intended to, and shall not be interpreted to, conflict with any laws applicable to USTA NorCal or the USTA NorCal Bylaws or Articles of Incorporation, or the regulations, bylaws or articles of incorporation of the USTA ("Governing Documents"). To the extent at any time any of these Procedures conflict with any law or provision of the Governing Documents, the law and/or Governing Documents control and shall be followed.

A. Sportsmanship Committee. USTA Regulation V.B. provides that any official, volunteer, player, or person associated with a player (including, but not limited to, a parent or coach) who observes a violation of USTA regulations, standards of conduct, fair play, or good sportsmanship may file a written grievance according to the grievance procedures of the Sectional Association. These Procedures shall govern the process by which the USTA NorCal Sportsmanship Committee ("Committee") will handle grievances and appeals related to sportsmanship that are filed with USTA NorCal.

B. Chair. The Chair or the Chair's designee presides at all Committee meetings and hearings.

1. The Chair shall determine whether the Committee has jurisdiction;
2. The Chair may assign to a panel of any three Committee members the power to investigate and render an Initial Decision on a grievance or an appeal of a suspension under the USTA Suspension Point System (see **Section G.**); and
3. The Chair may elect to hold a hearing before the Committee in lieu of appointing a panel to render an Initial Decision (see **Section G.8.**).

C. Jurisdiction.

- 1. Authorized Jurisdiction.** The Committee has the authority to investigate and decide matters that fall into the following categories:
- a. Grievances filed against USTA Individual Members based on conduct arising from or related to participation in tournaments sanctioned by USTA NorCal;
 - b. Grievances filed against USTA Individual Members based on conduct arising from or related to participation in Junior Circuit Events sanctioned by USTA NorCal;
 - c. Grievances filed against USTA Individual Members based on conduct arising from or related to participation in any other USTA NorCal event, whether sanctioned or non-sanctioned, except as excluded in **Section C.2.**;
 - d. Appeals from suspensions imposed under the USTA Suspension Point System, but only when all suspension points were assessed at tournaments sanctioned by USTA NorCal;
 - e. Any other matter within the Committee's jurisdiction as expressly set forth in USTA regulations; and
 - f. Matters referred to it by the USTA NorCal Board of Directors.

Comment C-1: USTA Individual Membership. Grievances may only be filed against a USTA Individual Member under these Procedures; however, the actions of any person associated with a USTA Individual Member, such as a parent, coach, or other family member, may be the basis of a grievance against a USTA Individual Member. Non-USTA NorCal residents who are USTA Individual Members may be the subject of a grievance filed under these Procedures.

Comment C-2: USTA Suspension Point System Appeal Jurisdiction. If any of the suspension points that result in a suspension were assessed at a tournament sanctioned by a USTA national committee or another USTA Sectional Association, or at an ITF tournament, any appeal must be filed with the USTA Grievance Committee in accordance with **USTA Regulation IV.F.14.**

Only those suspensions that result from suspension points assessed entirely at USTA NorCal sanctioned tournaments may be filed with the USTA NorCal Sportsmanship Committee.

2. Matters Outside of Committee Jurisdiction. The Committee does not have the authority to investigate or decide the following:

- a. Appeal of Suspension Points Before Suspension.** A player may not appeal suspension point assessed under the USTA Suspension Point System unless and until such time as the player has accumulated enough suspension points to be suspended.
- b. USTA Adult League Grievances.** The Committee does not have jurisdiction over any grievances or appeals related to the USTA Adult League, including an appeal related to participation in sanctioned tournaments or other NorCal events.
- c. USTA Junior Team Tennis.** The Committee does not have jurisdiction over grievances and appeals related to USTA Junior Team Tennis, including an appeal related to participation in sanctioned tournaments or other NorCal events.
- d. Grievances Against Officials.** Any grievance against a USTA Certified Official, Tournament Director serving in the dual role of Referee, or Court Monitor, will be automatically referred to the Officials Committee for resolution in a manner consistent with these Procedures.
- e. Grievances Against Tournament Organizers Regarding Violations of USTA Regulations.** Grievances alleging violations of a USTA or USTA NorCal Tournament Regulation, the USTA NorCal Tournament Sanction Regulations, or any requirement of the USTA NorCal Sanction Agreement, will be automatically referred to the Sanction & Schedule Committee for adjudication pursuant to the USTA NorCal Tournament Sanction Regulations.

D. Timeline. The Committee will make best efforts issue an Initial Decision, Committee Decision, or Special Committee Decision within 30 days of receipt of:

- Receipt of the respondent's response to a grievance; or
 - Receipt of a timely-filed appeal,
- pursuant to these Procedures. The Chair may, in their discretion, shorten or lengthen this timeline based on the nature and complexity of the matter, the availability of relevant parties, or other pertinent circumstances.

E. Filing a Grievance.

- 1. Filing Deadline & Method of Delivery.** A grievance must be in writing and filed on the official form designated by the Committee within fifteen (15) days following the date on which the alleged grievance occurred. The person filing the grievance shall be known as the "Grievant." The official form will include the option for the Grievant to request their contact information be withheld from the person against whom the grievance has been filed ("Respondent") and all witnesses of Respondent, which request will be honored. Absent good cause shown, as determined in the sole discretion of the Chair, grievances not filed by the fifteen (15) day deadline are barred. Failure to provide complete supporting information pursuant to **Section E.3.** does not constitute grounds for extending the filing deadline.

Comment E-1: Grievance Form. Below is a link to the USTA NorCal form for filing a grievance, which will include a request for the name, date and location of the event at which the incident occurred, the name of the event director, and, if applicable, the Tournament Referee:

https://ustanorcal.formstack.com/forms/grievance_form

- 2. Filing Fee.** A filing fee in the amount of twenty-five dollars (\$25.00) must be submitted concurrently with the filing of the grievance. No grievance shall be deemed filed until the required filing fee has been received in full by USTA NorCal. Such fee will only be refunded if the grievance is upheld in whole or in part.
- 3. Supporting Information Submitted by Grievant.** It is the sole responsibility of Grievant to submit, at the time of filing, sufficient information to enable the Committee to investigate the matter and render a decision. The supporting information must be included with the grievance and may include, but is not limited to, the following:
 - A written statement describing the alleged incident(s), including the date, time, location and persons involved. Preferably the statement should be sworn and notarized (i.e. executed under oath before a notary public pursuant to a jurat).

- The full name, email address and telephone number of each witness. Preferably each witness should provide a statement attesting to the fact observed that has been sworn and notarized (i.e. executed under oath before a notary public pursuant to a jurat). A witness may request to have their contact information withheld from the Respondent and the witnesses of the Respondent and Grievant, which request shall be honored.
- Unedited video footage, if available, clearly identifying the parties and conduct at issue. If consent to record was required by law or venue policy, a copy of the written consent or a detailed explanation of any verbal consent obtained must be included.
- Any relevant photographs, documents, or communications (e.g., emails or text messages) that support the grievance.

The Grievant shall not include a statement from any Tournament Referee. Any such statements, where applicable, will be independently requested and obtained by the Committee pursuant to **Section G.2.a**. Failure to provide sufficient supporting information may result in the grievance being dismissed without further action.

Comment E-2: USTA NorCal Position on Videotaping. Below is NorCal's position on videotaping, which in some circumstances may require consent to videotape.

- **Events Held at Public Facilities.** Videotaping and photography for personal, non-commercial purposes, of any portion of a USTA NorCal event that takes place at a public facility, such as a public park or public school, is generally permitted under the law, much like any event in a public place. Other than optional compliance with a request not to videotape or take photos, there are no grounds on which to deny anyone the right to videotape or photograph at a public facility. An organizer leasing a public facility may have terms in the lease that legally designate the facility as private for the duration of the lease.
- **Events Held at Private Facilities.** Private facilities used for events, such as a private club or private school, may have videotaping and/or photography policies of their own pertaining to events within the boundaries of their property.

4. Supporting Information Requested of Respondent. As soon as practicable after a grievance is filed, the USTA staff will send written notice of the grievance, to the Respondent. The Respondent may request to have their contact information withheld from the Grievant and all witnesses of Grievant, which request will be honored. The notice must be sent by certified mail, return receipt requested. The notice may also be sent by email. The written notice also include:

- A complete copy of the filed grievance;
- A deadline of no more than twenty (20) days from the date of the notice for the Respondent to submit a written response which may include, but is not limited to, the supporting information described in **Section E.3**. In the case of any witness statement provided by Respondent, a witness may request, which request shall be honored, to have their contact information withheld from the Grievant and the witnesses of Grievant and Respondent.

5. Confidentiality. All information submitted in connection with a grievance by the Grievant and the Respondent, including the grievance itself, supporting documentation submitted by either party, and any subsequent correspondence, shall not be treated as confidential and will be made available to all parties involved in the proceeding, including the Respondent, the Grievant, the Committee, and any applicable appeal body. Parties to the grievance process should be aware that:

- Any information submitted may be disclosed in full to ensure procedural fairness and the opportunity to respond;
- Submissions, including witness statements and videos, may be reviewed by the Committee and referenced in any Initial, Committee, or Special Committee Decision;
- USTA NorCal is not obligated to redact or withhold identifying information from any document submitted unless required by law or court order, or unless a Grievant, Respondent or witness has requested that their contact information not be disclosed.

This provision applies equally to materials submitted by both the Grievant and the Respondent.

Comment E-3: Confidentiality. Parties are strongly encouraged to refrain from including sensitive personal or confidential information unless it is directly relevant to the grievance.

F. Filing an Appeal of a Suspension Under the USTA Suspension Point System (SPS Appeal).

- 1. Filing Deadline & Method of Delivery.** An appeal of a suspension imposed under the USTA Suspension Point System (SPS Appeal) must be in writing and on the official form designated by the Committee. The appeal must be filed within thirty (30) days following the date on which the notice of suspension was mailed by the National Suspension Point administrator. Absent good cause shown, as determined in the sole discretion of the Chair, appeals not filed by the thirty (30) day deadline are barred. Failure to provide supporting information pursuant to **Section F.4.** does not constitute grounds for extending the filing deadline.

Comment F-1: SPS Appeal Form. Below is a link to the USTA NorCal form for filing an appeal of a suspension under the USTA Suspension Point System:

https://ustanorcal.formstack.com/forms/sportsmanship_appeal

- 2. Automatic Stay of Suspension.** Absent good cause shown as determined by the Chair, upon the date of filing of the appeal, an automatic stay of the suspension will go into effect unless otherwise requested at the time of filing. (See **Section L.**).
- 3. Filing Fee.** A filing fee in the amount of twenty-five dollars (\$25.00) must be submitted concurrently with the filing of the SPS Appeal. No SPS Appeal shall be deemed filed until the required filing fee has been received in full by USTA NorCal. . Such fee will only be refunded if the appeal is upheld and results in the complete reversal of the suspension.
- 4. Supporting Information.** It is the sole responsibility of the party filing the SPS Appeal to submit, at the time of filing, sufficient information to enable the Committee to investigate and render a decision. The supporting information must be included with the SPS Appeal and may include, but is not limited to, the following:
- A written statement of the basis for appealing any suspension points assessed. Preferably this statement should be sworn and notarized (i.e., executed under oath before a notary public pursuant to a jurat).
 - The full name, email address, and telephone number of each witness. Preferably each witness should provide a statement attesting to the facts observed in support of appeal that has been sworn and notarized (i.e., executed under oath before a notary public pursuant to a jurat).
 - Unedited video footage, if available, clearly identifying the parties and conduct at issue. If consent to record was required by law or venue policy, a copy of the written consent or a detailed explanation of any verbal consent obtained must be included. (See **Comment E-2** for information on USTA NorCal's Position on Videotaping.)
 - Any relevant photographs, documents, or communications (e.g., emails or text messages) that support the appeal.
- Failure to submit sufficient supporting information may result in denial of the appeal based on the existing record.

G. Investigation and Initial Decision on a Grievance or Appeal of a Suspension Under the USTA Suspension Point System (SPS Appeal).

- 1. Investigation and Initial Decision.** Unless the Chair has determined a hearing will be held pursuant to **Section G.8.**, the Chair shall, upon receipt of a grievance or an SPS Appeal, appoint any three (3) members of the Committee to serve on a panel ("Sportsmanship Panel"). All members of the Sportsmanship Panel shall be free from any actual or perceived conflict of interest with respect to the matter under review and shall recuse themselves should a conflict arise after the Sportsmanship Panel is appointed. The Sportsmanship Panel is authorized to investigate the grievance or SPS Appeal through such means as it deems appropriate, and shall issue a decision ("Initial Decision") based on the results of that investigation. As part of that investigation, the Sportsmanship Panel will review the written statement(s) provided by the Tournament Referee(s) pursuant to **Section G.2.**
- 2. Statement by Tournament Referee.**
- a. Grievances.** The Referee of a tournament out of which a grievance arises, shall be required to submit a written statement to the Sportsmanship Panel addressing any relevant facts or observations concerning the grievance, including with respect to grievances that have been filed against said Referee. Such written statement must be submitted no later than seven (7) days after the request is made by the Chair, or their designee.

b. SPS Appeals. With respect to an SPS Appeal, the statement filed at the time suspension points were assessed shall serve as such written statement. However, if additional information is requested of the Referee by the Sportsmanship Panel, it shall be provided within seven (7) days after the request is made.

3. Authorized Penalties for Grievances. Unless specifically limited herein, the Sportsmanship Panel, has the discretion to take the disciplinary action that the Sportsmanship Panel deems appropriate. This includes, but is not limited to, issuing verbal or written reprimands; imposing conditions upon the acceptance of entry into any tournament; fining a player in an amount up to \$1,000.00, and suspending a person from participating or attending any USTA tournament or USTA non-sanctioned event for a period determined by the Sportsmanship Panel.

4. Authorized Relief and Penalties for SPS Appeals. The Sportsmanship Panel may consider any extenuating circumstances involved in the accumulation of points counted toward the suspension and may take one or more of the following actions:

- Remove a violation and the associated suspension points from a player's record;
- Modify the assessment of suspension points as a result of a violation, providing such modification is consistent with the table of suspension points set forth in the USTA Regulations;
- Condition the removal of a violation from a player's record upon the player's successful completion of a sportsmanship-related educational requirement.

The Sportsmanship Panel does not have the authority to shorten or lengthen the duration of a suspension imposed under the USTA Suspension Point System. Any suspension Points removed from a player's record as a result of an SPS Appeal, will also be removed from the USTA suspension point database and will not count toward any future suspension.

Comment G-1: Modification of Suspension Points. The following are examples of when the number of suspension points on a player's record may be reduced:

- 8-10 points are assessed for flagrant unsportsmanlike conduct. The point total for flagrant unsportsmanlike conduct can be reduced to as low as 8 points.
- If a player is assessed 8-10 points for "flagrant unsportsmanlike conduct" and the act is determined to fall into the category of "unsportsmanlike conduct" the point total can be reduced to 5 points.
- 5 points are assessed for a no-show default. If it is determined that the default should have been categorized for lateness, the point total can be reduced to 1 point for a default for lateness.

5. Written Initial Decision. Following its investigation and determination, the Sportsmanship Panel will prepare a written Initial Decision in accordance with the requirements set forth in **Section K.1.**

6. No Right to Appeal Dismissal of a Grievance. An Initial Decision that results in the dismissal of a grievance is final and binding.

7. Effective Date of Initial Decision. If no appeal of the Initial Decision pursuant to **Section H.1.** is filed by a person penalized, the Initial Decision is final and binding. The effective date of any penalty imposed shall be as set forth in **Section K.2.a.** Requests to start any suspension early must be made as set forth in **Section K.2.b.**

8. Hearing In Lieu of Initial Decision. In lieu of proceeding with an investigation and Initial Decision under this **Section G.**, the Chair may, in their sole discretion, elect to referee the grievance or SPS Appeal for a hearing before the Committee, to be conducted in accordance with the procedures set forth in **Section I.**

H. Appeal of an Initial Decision; Request for Hearing Before Committee. An appeal of an Initial Decision will result in a hearing before the Committee and shall follow the following procedures:

1. Filing Deadline & Method of Delivery. Within thirty (30) days following the effective date of an Initial Decision, the person penalized may appeal the Initial Decision by submitting a request for a hearing before the Committee. The request must be in writing and on the official form designated by the Committee. Appeals filed after the thirty (30) day deadline shall be deemed untimely and will be barred, absent a showing of good cause, as determined in the sole discretion of the Chair.

Comment H-1: Initial Decision Appeal Form. Below is a link to the USTA NorCal form for filing an appeal of an Initial Decision:

https://ustanorcal.formstack.com/forms/sportsmanship_appeal

- 2. Automatic Stay of Penalty.** Absent good cause shown as determined by the Chair, upon the date of filing of the appeal, an automatic stay of any penalty will go into effect unless otherwise requested at the time of filing. See **Section L**.
- 3. Filing Fee.** A filing fee of fifty dollars (\$50.00) must be submitted concurrently with the appeal of an Initial Decision. The appeal shall not be deemed filed unless and until the required fee is received in full by USTA NorCal. This fee is in addition to any fee paid in connection with a prior grievance or appeal. Such fee will only be refunded if the appeal is upheld.
- 4. Supporting Information.** All records and materials considered in connection with the Initial Decision will be made available to the Committee during its review of the appeal. It is the sole responsibility of the party filing the appeal to submit any additional or supplemental information they wish the Committee to consider. Any new supporting documentation must be submitted concurrently with the appeal. Late submissions may be excluded from consideration at the sole discretion of the Chair.
- 5. Confidentiality.** The applicable confidentiality procedures of **Section E.4.** as it relates to a grievance will be followed.

I. Hearing.

- 1. Matters Before Hearing.** The Committee will hear matters pursuant to a timely appeal of an Initial Decision and matters pursuant to **Section G.8.** and render a decision ("Committee Decision").
- 2. Conflicts of Interest.** The Chairperson and all Committee members shall be free from conflicts of interest with respect to any matter they hear; any member with a conflict will not participate in the hearing.

When the hearing is related to the appeal of an Initial Decision, any member that made the Initial Decision will be recused from the hearing, may not attend the hearing. There will be no communication with respect to the Initial decision between members of the Sportsmanship Panel that made the Initial Decision and the Committee members who will participate in the hearing.
- 3. Time, Place and Manner of Hearing.** Upon receipt of a timely request for hearing or when the Chair has elected to hold a hearing in lieu of an investigation and Initial Decision (**Section G.8.**), the Chair shall set an appropriate time and place for a hearing considering the nature of the case and the penalty imposed. The Chair will give not less than eight (8) days written notice of the hearing date.

The Chair will decide whether the hearing is in person, by telephone or by other electronic means. Requests for in person hearings may be conditioned upon prior payment by the party requesting such hearing of the anticipated reasonable expense of the Committee and interested parties. Committee members may participate in any hearing by telephone or by other electronic means.

The person penalized may appear in person, by telephone, by other electronic means, or by representative and may present testimony and cross-examine other witnesses who appear at the hearing in person or by telephone.

Evidence may be presented by letter or sworn and notarized statement, by testimony, unedited video, or other forms of evidence. With respect to unedited video evidence, if a consent was required to take such video, a copy of the written consent, or description of the verbal consent given. Strict rules of evidence shall not apply.
- 4. Penalties and Relief Authorized.** The Committee shall give such weight as it deems appropriate to the evidence. The Committee may affirm, modify, or reject the Initial Decision, *except that* in the case of an SPS Appeal, the action taken is limited to that described in **Section G.4.** as it relates to a grievance, the Committee may impose any additional penalties that it deems appropriate, including a fine not in excess of \$1,000.00. In an appeal of an Initial Decision, any tie vote by the remaining Committee members participating in the hearing shall constitute an affirmation of the Initial Decision.
- 5. Written Committee Decision.** The Committee will prepare a written Committee Decision as described in **Section K.1.**

6. Right to Appeal.

a. Hearing with No Prior Initial Decision.

- i. Dismissal of a Grievance.** A Committee Decision related to a grievance for which an Initial Decision was not issued pursuant to **Section G.8.** and that dismisses a grievance may not be appealed and is final and binding.
- ii. Imposition of a Penalty.** A Committee Decision related to a grievance or SPS Appeal that imposes any penalty and for which an Initial Decision was not issued pursuant to **Section G.8.** may be appealed as set forth in **Section J.**

b. Penalty of Six-Month Suspension or Longer. A Committee Decision that imposes a penalty of a six-month suspension or longer may be appealed as set forth in **Section J.**

7. Effective Date of Committee Decision. If no appeal of the Committee Decision pursuant to **Section J.1.** is filed, the Committee Decision is final and binding. The effective date of any penalty imposed shall be as set forth in **Section K.2.a.** Requests to start any suspension early must be made as set forth in **Section K.2.b.**

J. Appeal of Committee Decision to Special Committee of the Board.

- 1. Filing Deadline & Method of Delivery.** Within 30 days following the effective date of a Committee Decision, the person penalized or suspended may appeal the Committee Decision to the extent permitted in **Section I.6.** by submitting a request for a hearing before a Special Committee appointed by the President. The request must be in writing and on the form designated by USTA NorCal. Absent good cause shown, appeals not filed within 30 days are barred. If no appeal to the Board is filed, the Committee Decision is final and binding.

Comment J-1: Committee Decision Appeal Form. Below is a link to the USTA NorCal form for filing an appeal of a Committee Decision:

https://ustanorcal.formstack.com/forms/sportsmanship_appeal

- 2. Automatic Stay of Penalty.** Absent good cause shown as determined by the Chair, upon the date of filing of the appeal, an automatic stay of any penalty will go into effect unless otherwise requested at the time of filing. See **Section L.**
- 3. Filing Fee.** The fee for filing an appeal of a Committee Decision is \$50.00, which fee shall accompany the appeal. This represents a fee that is in addition to any fee paid with a previous appeal. Such fee will be refunded if the appeal is upheld.
- 4. Appointment of Special Committee.** The President will appoint a special committee of not less than three Board members, one of whom will be appointed as Chair, to hear an appeal, none of whom may be members of the Committee ("Special Committee"). All Special Committee members shall be free from conflicts of interest with respect to any matter heard and no member may be a member of the Committee.
- 5. Hearing Before Special Committee.** The Special Committee will review the findings of fact and the Committee Decision, including the Initial Decision, if applicable. The Special Committee render its decision based solely on the written record or may, at its discretion, receive further testimony and evidence as it deems appropriate.
- 6. Penalties and Relief Authorized.** Following its review, the Special Committee may affirm, modify, or reject the Committee Decision, but may not impose any harsher penalties and in the case of an SPS Appeal, the action taken is limited to that described in **Section G.4.**
- 7. Written Special Committee Decision.** The Special Committee will prepare a written Special Committee Decision as described in **Section K.1.**
- 8. Right of Appeal.** The decision of the Special Committee is final and binding, subject to the appeals process set forth in **USTA Bylaw 43.**

Comment J-1: USTA Bylaw 43. Appeals of tournament suspensions of six months or longer by a Sectional Association may be appealed to the USTA Grievance Committee provided the person has exhausted all appeals within the Sectional Association. The appeal must be filed within 30 days following the date on which the suspension occurred. The appeal process is governed by **USTA Bylaw 43.** There is no automatic stay of a suspension appealed to the USTA Grievance Committee.

- 9. Effective Date of Special Committee Decision.** The effective date of any penalty imposed shall be as set forth in **Section K.2.a.** Requests to start any suspension early must be made as set forth in **Section K.2.b.**

K. Initial, Committee, and Special Committee Decisions (collectively herein as a "Decision").

1. Decision Requirements. Each Initial Decision (**Section G.5.**), Committee Decision (**Section I.5.**), and Special Committee Decision (**Section J.7.**) will include:

- Findings of fact;
- The decision, including any penalty imposed; and
- The deadline by which the appeal of any penalty must be filed.

In the case of a grievance, the Chair, or the Chair's designee, will deliver the Decision to all parties that are the subject of the grievance and to the person who filed the grievance. In the case of an SPS Appeal, the Chair, or the Chair's designee, shall deliver the Decision to the appellant.

Delivery of the Decision will be by certified mail, return receipt requested, postmarked no later than 15 days after the Initial Decision has been made. The Decision may also be sent by email.

A copy of the Decision will also be delivered to the USTA NorCal Executive Director, and such others as is appropriate.

2. Effective Date of Decision. If no appeal of the Decision is filed pursuant to these Procedures by a person penalized, the Decision is final and binding.

a. Effective Date of Penalty. Any penalty imposed by a Decision is effective 30 days after the date the Initial Decision is mailed, *unless* otherwise stated or the Decision is appealed.

b. Request to Start Suspension Earlier. When a player is suspended as a result of a Decision, the player may request in writing by certified mail, return receipt requested, for the suspension to begin on the date such request was mailed. Such request must be addressed to: Sportsmanship Committee Chair, c/o Executive Director, 1920 North Loop Road, Alameda, CA 94502.

If the request is also sent by email, it must be sent to sportsmanshipcom@norcal.usta.com.

L. Stay of Penalty Upon Appeal.

a. Effect of Stay. When a stay of the penalty is in effect:

- A player who has been suspended will be able to compete while the appeal of the suspension is being adjudicated; and
- A player who has received another penalty does not have to fulfil the terms of the penalty while the appeal of the penalty is being adjudicated.

If the penalty is affirmed or modified, the penalty will begin on the effective date as described in these Procedures.

b. Effect of Request for No Stay of Suspension Under USTA Suspension Point System. If a request is made for there to be no stay of a suspension imposed under the USTA Suspension Point System the player may not compete while the appeal is being adjudicated. If the suspension is affirmed or modified, the suspension will have begun as of the date the SPS Appeal was filed.

c. Effect of Request for No Stay of Penalty Imposed as a Result of a Grievance. If a request is made for there to be no stay of a penalty imposed as a result of a grievance, and penalty is affirmed or modified, the penalty will begin on the effective date as described in these Procedures, unless the decision states otherwise.

Comment L-1: Effect of Stay. The following is provided for informational purposes to help a player determine whether or not a stay should be waived.

Scenario 1. A player who is suspended effective January 1 for 3 months, appeals the suspension and the automatic stay goes into effect: The process for adjudicating the appeal can take 45 or more days, and a longer period if further appeals are made. A player can play during this time. If the suspension is overturned, the player continues to play. If the suspension is affirmed or modified and the player is suspended, the player will not compete for 3 months after effective date of the suspension.

Scenario 2. A player who is suspended effective January 1 for 3 months, appeals the suspension and requests the automatic stay NOT go into effect: The process for adjudicating the appeal can take 45 or more days, and a longer period if further appeals are made. A player may

not play during this time. If the suspension is overturned, the suspension has been reversed, and the player can begin playing on the effective date of the decision. If the suspension is affirmed or modified, the player will serve the month suspension, a portion of which will have been served, based on the length of time it took to adjudicate the suspension.

Appeals of Suspensions under the USTA Suspension Point System to the USTA Grievance Committee: If an appeal of this type of suspension requires filing with the USTA Grievance Committee (see Comment C-2) there is no automatic stay. A stay must be requested, and there is no guarantee that the request will be honored.

Glossary

Appeal: A written request for reconsideration of an Initial or Committee Decision, filed in accordance with these Procedures. See SPS Appeal below for an appeal to a suspension imposed under the USTA Suspension Point System.

Chair: The Chairperson of the Sportsmanship Committee, or their designee, who presides over matters and exercises the authority set forth in these Procedures.

Committee Decision: This is a decision made by the Sportsmanship Committee following the filing an appeal of an Initial Decision. Instead of acting upon a grievance or an appeal of a suspension under the USTA Suspension Point System, the Chair of the Sportsmanship Committee may elect to hold a hearing before the Sportsmanship Committee.

Decisions: Collectively, an Initial Decision, Committee Decision and Special Committee Decision are referred to as a Decision in these Procedures.

Grievance: A written complaint filed against a USTA Individual Member alleging conduct that violates sportsmanship standards, as defined in these Procedures.

Good Cause: A legally sufficient reason, supported by facts or circumstances, that justifies an exception to a procedural requirement under these Procedures, for example, an extension to a filing deadline.

Grievant: This is the person who files a grievance.

Hearing: A proceeding before the Sportsmanship Committee or Special Committee during which parties may present evidence and testimony, either in person or by electronic means, to contest or support a grievance, penalty, or appeal.

Initial Decision: This is a decision made by a 3-person panel of the Sportsmanship Committee Members following the filing of a grievance or an appeal of a suspension under the USTA Suspension Point System.

Jurat: A notarial certificate in which a person swears or affirms that the contents of a written statement are true, signed in the presence of a notary public who administers the oath.

Penalty: Any disciplinary action imposed by the Sportsmanship Panel, Sportsmanship Committee, or Special Committee, including reprimands, fines, conditions on tournament entry, or suspension from participation or attendance at USTA events.

Respondent: This is the person against whom a grievance is filed.

Special Committee: This is a 3-person committee of USTA NorCal Board Members that is appointed by the USTA NorCal President to hear appeals of Committee Decisions.

Special Committee Decision: This is the decision made by the Special Committee following the filing of an appeal of a Committee Decision.

Sportsmanship Committee: This is the USTA NorCal Committee appointed by the USTA NorCal President that has been authorized to make decisions related to appeals and grievances.

Sportsmanship Panel: This is the 3-person panel of the Sportsmanship Committee who make an Initial Decision following the filing of a grievance or an appeal of a suspension under the USTA Suspension Point System.

Stay: A stay is a pause in the imposition of a penalty pending the result of a decision by the Sportsmanship Panel, Sportsmanship Committee, or Special Committee.

Suspension Points: These are points imposed for unsportsmanlike conduct in USTA sanctioned tournaments and ITF tournaments.

USTA Suspension Point System: This is the USTA's system under which players are assessed points for unsportsmanlike behavior in USTA sanctioned tournaments and ITF tournaments. A player who accumulates too many points is suspended.