

## **MLTCC Hearings Committee Standing Orders**

### **Introduction**

- 1) This document serves to expand on the specific workings and mechanics of the MLTCC Hearings Committee that are not specifically detailed in either the MLTCC Constitution or Tennis Ireland's document entitled 'Complaint, Objection & Disciplinary Rules and Procedures'. This document should be read in conjunction with these other documents.
- 2) These Standing Orders only relate to Formal Complaints. Formal complaints will be handled by the MLTCC Hearings Committee. As per the MLTCC Constitution clause 10.6 – Informal/verbal complaints are not dealt with by the MLTCC Hearings Committee but are dealt with by the MLTCC Management Committee.
- 3) The MLTCC Hearings Committee is established as a sub-committee as per the MLTCC Constitution (3.5) to handle any complaints or appeals in relation to matters arising from Section 10 General Conduct, Complaints and Discipline as laid out in the MLTCC Constitution.
- 4) The Hearings Committee will adhere to Tennis Ireland's document entitled 'Complaint, Objection & Disciplinary Rules and Procedures'.
- 5) The MLTCC Hearings Committee shall consist of 5 members of MLTCC who shall be appointed by the MLTCC Management Committee.
- 6) The MLTCC Hearings Committee shall elect a Chairperson from within the members.
- 7) The Hearings Committee shall operate independently of the MLTCC Management Committee.

### **General Procedures**

- 8) The MLTCC Hearings Committee shall keep all material relating to specific formal complaints and their handling in a secure location at MLTCC.
- 9) The MLTCC Hearings Committee shall communicate with parties via written means of communication and mail. Where deemed necessary, mail shall be either by recorded delivery or registered mail. Email or text messages shall not be used as a communications means.
- 10) The MLTCC Hearings Committee shall keep all communications and material relating to specific complaints strictly confidential. All such material shall only be accessible, as determined by the MLTCC Hearings Committee, to the relevant parties as deemed necessary to the fair hearing of a complaint.
- 11) An initial formal complaint shall be communicated to the MLTCC Hon. Secretary marked for the attention of the MLTCC Hearings Committee. The Hon Secretary and/or the Management Committee should not review or discuss any formal complaints received but pass directly to a member of the MLTCC Hearings Committee for their attention.
- 12) A formal complaint should be made using the Formal Complaint Form provided by MLTCC. This is available either from the MLTCC web-site or from the office.
- 13) A member of the Hearings Committee who is involved in a formal complaint (as either the complainant or respondent) or who has an interest in the outcome of a formal complaint shall exclude themselves from all proceedings in that specific complaint.
- 14) The MLTCC Hearings Committee shall not become involved with any complaint of a criminal nature but will advise complainant to refer the matter to the appropriate statutory authorities.
- 15) The MLTCC Hearings Committee may decide to handle/merge multiple formal complaints between a complainant and one or more respondents where it is deemed by the MLTCC Hearings Committee to be a similar or the same complaint.

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16) The MLTCC Hearings Committee shall take minutes of meetings and hearings. Such minutes will normally be of a summary nature such as subject discussed, key comments, and any subsequent actions. A verbatim report of what was said and 'who said what' will not be recorded or kept.

### **Hearing Procedures**

17) When hearing a formal complaint the MLTCC Hearings Committee will follow Part 2 – The COMPLAINTS AND DISCIPLINARY PROCEDURES of Tennis Ireland's document entitled 'Complaint, Objection & Disciplinary Rules and Procedures'. The following points are detailed here to help expand/clarify that procedure.

18) A formal complaint shall not be deemed invalid where the complainant has not served a copy of the complaint on the respondent for whatever reason ( as per section Section 5.1.2 of Tennis Ireland's document entitled 'Complaint, Objection & Disciplinary Rules and Procedures'). In all cases the Hearings Committee will also send a copy of any valid complaint to the respondent and will invite the respondent to make a submission in writing in relation to the complaint.

19) The MLTCC Hearings Committee will determine if a formal complaint can be handled in an informal manner as set out in Section 4 Part 2 of Tennis Ireland's document entitled 'Complaint, Objection & Disciplinary Rules and Procedures'.

20) If either the complainant or respondent do not wish to follow the Informal Complaints Procedure then the formal complaint shall be heard before the MLTCC Hearings Committee.

21) The MLTCC Hearings Committee will decide whether to have a full oral hearing or documents-only hearing based on the statements provided by the complainant and respondent.

22) If a formal complaint is upheld, the MLTCC Hearings Committee shall determine and impose a sanction on the Respondent. The MLTCC Hearings Committee shall communicate the sanction to the complainant and the respondent within 7 days of a hearing whether documents-only or oral.

23) The MLTCC Hearings Committee shall have the discretion to extend the 7 day timeline where they deem it necessary.

24) The MLTCC Hearings Committee shall advise the MLTCC Management Committee of all sanctions it issues as the Management Committee may be required to enforce such sanction (e.g. a fine, a suspension or expulsion).

### **Oral Hearings Procedures**

26) Oral hearings will be conducted by the MLTCC Hearings Committee. There will be 3 members of the Committee present at the Hearing one of whom shall be in charge (Chairperson), who will chair the proceedings. All three people must be members of the MLTCC Hearings Committee. During the Hearing all parties must do as the chairperson asks.

27) The Chairperson makes an opening address which will include the following points:

- a. Outlines the purpose of the hearing
- b. Outlines the procedures and perhaps puts a time limit on the hearing
- c. Outlines the formal complaint originally made and, in the case of an appeal, the sanction that has been applied by the disciplinary committee
- d. Outlines the reason for the sanction (in the case of an appeal)
- e. Outlines the grounds for appeal.
- f. Answer any questions that are asked about the hearing process.

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Hearings will not be very formal. The complainant/respondent may, if they like, have someone speak for them but it is not necessary. The complainant/respondent may bring a relative, friend or colleague, as well as a solicitor or other professional, for that purpose. The chairperson will at any time answer any questions the complainant/respondent may have on the procedures.

28) At a hearing the complainant/respondent will be entitled to and will be given the chance to:

- speak
- to have someone speak on their behalf
- give evidence and have witnesses give evidence on their behalf
- cross-examine/question witnesses about what they have said at the hearing
- cross-examine/question any witness about any Report/ Document they have produced in connection with this complaint.

29) At the hearing, the complainant will be asked to speak first. The respondent may cross-examine/question all those giving evidence on behalf of the complainant, including the complainant.

30) When the complainant has finished presenting their evidence, the respondent will then be asked to present their evidence or case and the complainant may cross-examine/question all those giving evidence on behalf of the respondent, including the respondent.

31) The Chairperson gives the complainant and respondent (in that order) an opportunity to make any final submission they may wish to make, advises the complainant and respondent as to when they might expect the Hearings Committee to reach a conclusion and when this conclusion will be notified to the complainant/respondent and possibly the MLTCC Management Committee (normally within 7 days). The Chairperson then closes the hearing.