

Proposed Amendments and Additions to USTA Bylaws

Note: Words underlined are proposed to be added. ~~Deleted text is shown in strikethrough.~~
References are to the 2019 Yearbook, unless otherwise noted.

B1. Proposed by Grievance Committee Helen Smith, Chair

PASSED

Amend **Bylaw 43** (pp. 100 - 102) as follows:

43. *Grievance Committee.*
- a. *Composition.* The Grievance Committee shall be comprised of such the number of members that the President appoints, of which five persons, at least one of whom shall be an at least 20% shall be Elite Athletes.
 - b. *Chairperson.* The Chairperson shall preside at all Committee meetings and hearings. In the absence of the Chairperson or at the request of the Chairperson, the Vice Chairperson shall have the same powers as the Chairperson.
 - i. The Chairperson shall determine whether the Committee has jurisdiction;
 - ii. The Chairperson may investigate and render an Initial Decision;
 - iii. The Chairperson may assign to any Committee member the power to investigate and render an Initial Decision on a grievance or an appeal of a suspension and the Committee member shall have the powers as set forth in **Bylaw 43.ef.**;
 - iv. The Chairperson, upon written request and good cause shown, may stay the imposition of any disciplinary action, penalty or suspension pending outcome of a request for a hearing before the Grievance Committee or an appeal to the Board or Arbitration Panel;
 - v. The Chairperson shall, in the event of a dispute, render the final Decision as to whether an appeal from a Decision of the Grievance Committee is subject to final and binding arbitration or falls under the jurisdiction of the Board.
 - c. *Jurisdiction.* The Grievance Committee shall be responsible for investigating and deciding matters related to the following:
 - i. Unless specifically limited herein, the Constitution and the Bylaws and the standards of conduct, fair play, and good sportsmanship;
 - ii. Grievances arising out of or concerning tournaments as listed on the **USTA Regulation V.B.**;
 - iii. Grievances concerning USTA players participating in international competitions;
 - iv. Appeals from tournament suspensions imposed under the USTA Junior Suspension Point System as set forth in **USTA Regulation IV.F.10.**;
 - v. Appeals of Sectional Association tournament suspensions of six months or longer (two or more current suspensions may be aggregated to meet the jurisdictional requirement);
 - vi. Requests for reinstatement from professional to amateur status as provided in **USTA Regulation XVIII.E.**;
 - vii. Appeals from Decisions denying a request for a waiver of a **USTA Regulation** as provided in **USTA Regulation XX.**;
 - viii. Matters referred to it by the Board;
 - ix. As specifically set forth in **USTA Regulations**, as amended from time to time;
 - d. *Filing a Grievance or an Appeal from of a Suspension.* Any grievance or any appeal ~~from of~~ a suspension ~~appeal shall must~~ be in writing ~~and is to be~~ on the form designated

by the Grievance Committee available at www.usta.com, and sent by first-class, certified, or registered mail to the Grievance Chairperson, c/o USTA Office of the General Counsel, 70 West Red Oak Lane, White Plains, New York 10604, within 30 days following the date on which the alleged grievance or final suspension occurred, except as provided in **Bylaw 43f.43g.ii.**; provided, however, if the alleged grievance is based on a falsification of age or other information, the written grievance ~~shall~~must be mailed within 30 days after the Tournament Chairperson has been advised of such falsification. Absent good cause shown, grievances or appeals from suspensions not mailed within 30 days are barred.

e. *Timeline for a Grievance or Appeal of a Suspension.* The Grievance Committee shall use best efforts to investigate, hear, and issue a Decision within 30 days of receipt of the Grievance, Suspension Appeal, or Appeal from an Initial Decision or Decision. The Chairperson may shorten or lengthen this timeline based on facts and circumstances.

f. *Investigation and Initial Decision on a Grievance or an Appeal from a Suspension.*

i. *Investigation and Initial Decision.* The Chairperson, or the Committee Member assigned by the Chairperson as applicable, may decide any grievance filed or any appeal of a suspension based on such investigation as deemed appropriate (Initial Decision). The Chairperson, or the Committee Members assigned by the Chairperson as applicable, shall be free from conflicts of interest with respect to the matter. The Chairperson or the Committee Member shall use best efforts to investigate, hear, and issue an Initial Decision within 30 days of receipt. The Chairperson, or the Committee Member assigned by the Chairperson, may shorten or lengthen this timeline based on facts and circumstances.

ii. *Relief or penalties authorized.* Unless specifically limited herein, the Chairperson, or the Chairperson's designee, has the discretion to take the disciplinary action deemed 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 player from participating or attending any tournament or international competition.

iii. *Notice of Initial Decision.* The Chairperson, or the Chairperson's designee, shall notify in writing the person who is the subject of the grievance and the person who filed the grievance of the Initial Decision, including but not limited to the Sectional Association in the case of an appeal involving a suspension by a Section.

iv. *Effective date of Initial Decision.* The Initial Decision shall become effective upon the earlier of date of mailing, the date of courier delivery or the date of confirmed electronic mail, unless otherwise stated or unless a stay is granted.

v. *Hearing instead of Initial Decision.* Instead of issuing an Initial Decision acting upon a written grievance or appeal from a Suspension in accordance with **Bylaw 43.ef.i.**, the Chairperson may elect to hold a bring the matter directly to the Grievance Committee for hearing before the Grievance Committee in accordance with the procedure set forth in **Bylaw 43.hi.**

fg. *Suspensions.*

i. *Appeal involving suspension by Sectional Association.* A player who has been suspended by a Sectional Association for a period of six months or longer and who has exhausted all appeals within the Sectional Association's grievance procedures may appeal the suspension to the Grievance Committee; provided, however, if a suspension prohibits play in:

- USTA League play and Sectional Association Tournaments; or
- USTA Junior Team Tennis play and Sectional Association

tournaments; the Chairperson shall undertake review only as the penalty relates to tournaments.

ii. *Appeal of Suspension under USTA Junior Suspension Point System.* A player suspended under the USTA Junior Suspension Point System may appeal to the USTA Grievance Committee in the time frame and in accordance with **USTA Regulation IV.F.10.**

iii. *Relief authorized.* The Chairperson, or ~~in~~ the Chairperson's designee, may consider any extenuating circumstances involved in the accumulation of points counted toward the suspension and may only modify a suspension or the accumulation of points.

~~gh.~~ *Appeal from an Initial Decision of a Grievance or Appeal from a Suspension.* Within 30 days after the effective date of the Initial Decision, the person penalized or suspended, the person who filed the grievance, or the Sectional Association (but only in the case of a suspension by the Sectional Association) may mail to the Grievance Chairperson, c/o USTA Office of General Counsel, 70 West Red Oak Lane, White Plains, New York 10604, a written request for a hearing before the Grievance Committee. Absent good cause shown, requests for a hearing not mailed within 30 days are barred.

~~hi.~~ *Grievance Committee Hearing.*

i. The Committee shall hear matters pursuant to Bylaw 43.e.f.v., or from a timely appeal from an Initial Decision. The Chairperson and all Committee Members shall be free from conflicts of interest with respect to any matter they hear.

ii. Upon receipt of a timely request for hearing, the Chairperson shall set an appropriate time and place for a hearing considering the nature of the case and the penalty imposed. The Chairperson shall give not less than eight ~~(8)~~ days written notice of the hearing date. The Chairperson shall decide whether the hearing is in person or by telephone. Requests for in person hearings, may be conditioned upon prior payment by the party requesting such hearing of the anticipated reasonable expenses of the Committee and interested parties. Committee members may participate in any hearing by telephone. Evidence may be presented by letter, by affidavit, by telephone, or in person. Strict rules of evidence shall not apply. The person penalized may appear in person, by telephone, or by representative and may present testimony and cross-examine other witnesses who appear at the hearing in person or by telephone.

iii. The committee member rendering the Initial Decision appealed shall not attend or participate in the Decision of the Committee. The Committee shall give such weight as it deems appropriate to the evidence. The Committee may affirm, modify, or reject the Initial Decision and may impose any additional penalties that it deems appropriate, including a fine in excess of \$1,000.00. The Committee shall prepare a written Decision that includes findings of fact and ~~transmit issue~~ the Decision to the person penalized, the parties of the grievance or appeal of the suspension, the player's Sectional Association and such others as is appropriate.

~~ij.~~ *Appeal of Grievance Committee Decision.*

i. *Appeals involving participation in USTA competition or USTA program.* When a grievance or appeal of a suspension involves participation in a USTA competition or USTA program, then the Organization Member, Individual Member, Honorary Member, or Sectional Association ~~(subdivision of Sectional Association)~~ aggrieved by the Decision may appeal the decision to the Board. The Sectional Association's right of appeal shall be limited to cases involving the suspension of a member or individual. The written appeal shall be mailed within 30 days after the date that the Decision was mailed. The appeal shall be addressed to the Chief Executive Officer c/o Office of the General Counsel, 70 West Red Oak Lane, White Plains, New York 10604. Absent good cause shown, written appeals not mailed within 30 days are barred. If an appeal is filed, the Decision of the Board shall be final and binding. If no appeal to the Board is filed, the Decision of the Grievance Committee shall be final and binding. Any Decision by the Board involving protected competitions under the Ted Stevens Olympic and Amateur Sports Act is subject to binding arbitration in accordance with Bylaw 62.

ii. *Hearing before Board or ~~special-Special committee~~ Committee.* In lieu of a hearing before the full Board, the President may appoint a ~~special-Special committee~~ Committee of not less than three Board members to hear an appeal. Any member of the Board or Special Committee shall be free from conflicts of interest with respect to any matter they hear. The Board or ~~special-Special committee~~ Committee shall thereupon review the findings of fact and the Decision of the Grievance Committee. The Board or ~~special-Special committee~~ Committee may make its Decision on the basis of the written submissions or may hear further testimony and receive further evidence as it deems appropriate. Following its review, the Board

or ~~special-Special committee-Committee~~ may affirm, modify, or reject the Decision of the Grievance Committee, but may not impose any harsher penalties. The Board or Special Committee shall use best efforts to issue the Decision within 30 days of receipt of the notice of appeal. The Decision of the Board or ~~special-Special committee-Committee~~ shall be final and binding.

iii *Appeals not involving participation in USTA competition or USTA program (e.g., governance or management).* When a grievance does not involve participation in a USTA competition or USTA program, any Sectional Association, Organization Member, Individual Member, or Honorary Member aggrieved by the Decision may appeal the Decision to binding arbitration pursuant to Bylaw 17 and in accordance with the Arbitration Procedures approved by the USTA Board. The written appeal shall be mailed within 30 days after the date that the Decision was mailed. The appeal shall be addressed to the Chief Executive Officer c/o Office of the General Counsel, 70 West Red Oak Lane, White Plains, New York 10604. Absent good cause shown, written appeals not mailed within 30 days are barred. If an appeal is filed, the Decision of the Arbitration Panel shall be final and binding. If no appeal for binding arbitration is filed, the Decision of the Grievance Committee shall be final and binding.

~~jk.~~ *Reinstatement.* Any person who has been suspended pursuant to this Bylaw may be reinstated at any time by the Chairperson or Grievance Committee upon written application and presentation of satisfactory evidence that reinstatement is merited.

~~kl.~~ *Protected Competitions.* The Corporation shall provide fair notice and opportunity for a hearing by the Grievance Committee to any athlete, coach, trainer, manager, administrator, or official before declaring any individual ineligible to participate in protected competitions or trials for protected competitions, such as the Olympic Games, Pan American Games, ParaPan American Games, Paralympic Games, or World University Games in accordance with the rules governing such competitions.

~~lm.~~ *USTA League grievances.* There shall be no right to appeal Decisions of USTA League Grievance Appeal Committees to the Grievance Committee, except as such decisions relate to a Sectional Association suspending a player from tournaments as set forth in **Bylaw 43.fg.i.**

~~mn.~~ *USTA Junior Team Tennis grievances.* There shall be no right to appeal Decisions of the USTA Junior Team Tennis Grievance Appeal Committee to the USTA Grievance Committee, except as such Decisions relate to a Sectional Association suspending a player from tournaments as set forth in **Bylaw 43.fg.i.**

Effective Date: Immediately

Rationale: Over the last four terms, the number of grievances managed by the Grievance Committee has increased. The increase is an unintended consequence of modifying **USTA Regulation IV.F.**, which placed grievances that were managed at the Sectional Association level into the Grievance Committee structure. In order to modify the composition of the Grievance Committee, the USTA must comply with its obligations under the Ted Stevens Olympic and Amateur Sports Act and the United States Olympic Committee (“USOC”), which require the Grievance Committee to have at least 20% Elite Athlete representation. This Call Item is being offered to provide flexibility to the President in expanding or reducing the number of committee members assigned to the Grievance Committee depending on the case load. In addition, during the 2018 USOC Compliance Checklist audit, the USOC auditors identified the opportunity for the USTA to provide clarifying language in **Bylaw 43.**

**B2. Proposed by Grievance Committee
Helen Smith, Chair**

PASSED

Amend **Bylaw 62** (p. 105) as follows:

62. *Arbitration under Sports Act.* The Corporation agrees to submit, upon demand of the United States Olympic Committee, or upon demand of any Member who is protected under the Ted Stevens Olympic and Amateur Sports Act and who has exhausted the administrative remedies of the Corporation, to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving its recognition as a national governing body, as provided for in the Ted Stevens Olympic and Amateur Sports Act or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in the United States Olympic Committee's Constitution and Bylaws.

Effective Date: Immediately

Rationale: During the 2018 USOC Compliance Checklist audit, the USOC auditors identified the opportunity for the USTA to provide clarifying language in **Bylaw 62** relative to the rights of Members who are protected under the Ted Stevens Olympic and Amateur Sports Act. This Call Item reflects the recommendations provided.

B3. Proposed by Constitution and Rules Committee
Allon Lifshitz, Chair

PASSED

Add New **Bylaw 63** (p. xxx) as follows:

63. Athlete Safety.

- a. Jurisdiction and Authority of U.S. Center for SafeSport. If any Member is alleged to have violated the Corporation's Safe Play Policy prohibiting sexual abuse or misconduct (see current edition of the USTA Safe Play Policy at www.usta.com), or if the Corporation receives a report that is required by the USOC to be referred to the U.S. Center for SafeSport ("Center"), the Center shall have exclusive jurisdiction and authority to investigate such allegation or report, to issue any interim suspension, to take any measures pending conclusion of the investigation, to make recommendations of sanctions or disciplinary action as a result of such investigation, and to adjudicate such matter according to the Center's procedures for adjudication; *provided that*, the duty to report to the Center and the Center's jurisdiction to investigate shall not supersede any local, state, or federal reporting requirements or jurisdiction.
- b. Appeal Rights. There shall be no appeal of any decision adjudicated by the Center *except* through arbitration as set forth in the Center's governing documents or the USOC's governing documents.
- c. Investigation or Disciplinary Process. Neither the Corporation nor any Member shall engage in its own investigation or disciplinary process related to any allegation or report that are within the exclusive jurisdiction of the Center. Upon the issuance by the Center of any interim suspension or other measures, or any other suspension or other sanction issued by the Center after conclusion of the adjudicative process, or by agreement with the party subject to suspension or other sanction, the Corporation and its Members shall enforce such suspension or other sanction issued by the Center even if arising from allegations outside of the Corporation's or Member's programs.
- d. Scope of Authority and Jurisdiction. The delegation of authority and jurisdiction to the Center as set forth above, and the restrictions on the Corporation and its Members, shall also include the investigation and issuance of sanctions related to allegations of other violations of the Corporation's Safe Play Policy (e.g., physical misconduct, emotional misconduct, bullying, harassment, and hazing) which involve sexual abuse or misconduct. Furthermore, in the Corporation's discretion, the Corporation may request the Center to accept jurisdiction of matters that do not involve allegations of sexual abuse or misconduct but do involve allegations of physical misconduct, emotional misconduct, bullying, harassment, or hazing.

Effective Date: Immediately

Rationale: This is a policy that was already approved by the USTA Board of Directors. During the 2018 United States Olympic Committee ("USOC") Compliance Checklist audit, the USOC auditors recommended that the USTA codify this policy in its Bylaws, thereby affirming the USTA's position on athlete safety. The recommendations have been incorporated into this Call Item.

C&R Note: Existing **Bylaw 63** will need to be renumbered along with other Bylaws thereafter.

**B4. Proposed by Constitution and Rules Committee
Allon Lifshitz, Chair**

PASSED

Add New **Bylaw 64** (p. xxx) as follows:

64. *Anti-Doping.* The Corporation is committed to ensuring fair and drug free competition. Athletes bear the ultimate responsibility to compete fairly and drug free. Participation in USTA tournaments constitutes consent to be tested for drugs. Use of banned substances and doping methods may result in penalties, including suspension and permanent disqualification. It is the duty of all Members of the Corporation to comply with all anti-doping rules of the ITF, the World Anti-Doping Agency (“WADA”), World Anti-Doping Code (“WADA Code”), the U.S. Anti-Doping Agency (“USADA”), including the USADA Protocol for Olympic and Paralympic Movement Testing (“USADA Protocol”), and all other policies and rules adopted by the ITF, USADA, and the USOC National Anti-Doping Policy. Members agree to submit to drug testing by the ITF and/or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension. If it is determined that a Member may have committed a doping violation, the Member agrees to submit to the Results Management Authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management of the ITF or the Corporation, if applicable or referred by USADA. Members who fail to comply with these requirements face suspension or termination of their membership by the Corporation.

Effective Date: Immediately

Rationale: During the 2018 United States Olympic Committee (“USOC”) Compliance Checklist audit, the USOC auditors pointed out an opportunity for the USTA to provide language in the USTA Bylaws affirming the USOC’s, International Tennis Federation’s, and USTA’s position on anti-doping. The recommendations have been incorporated into this Call Item.