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# Developments Following the Announcement of the Independent Review in 2016

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This Record of Evidence and Analysis has not been updated for the purposes of preparing the Final Report. In the event of any conflict, the Final Report reflects the most contemporaneous record and therefore prevails over this chapter.

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Independent  
Review  
of Integrity  
in Tennis

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**Chapter 12**

1. The Independent Review Panel (the “Panel”) describes below the announcement of this Independent Review of Integrity in Tennis (the “Review”), the United Kingdom Digital, Culture, Media and Sport Select Committee hearing, and the steps subsequently taken or proposed by the International Governing Bodies of tennis. This Chapter is purely factual. In making its recommendations for the future in Chapter 14, the Panel takes into account and addresses the sufficiency of those International Governing Body steps already taken or proposed.

**Q 12.1** Are any aspects of the announcement of this Independent Review of Tennis inaccurately described below, and if so which, and why?

**Q 12.2** Are any aspects of the Digital, Culture, Media and Sport Select Committee hearing inaccurately described below, and if so which, and why?

**Q 12.3** Are any aspects of the steps subsequently taken or proposed by International Governing Bodies, inaccurately described below, and if so which, and why?

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**A THE CULTURE, MEDIA AND SPORT SELECT COMMITTEE**

2. On 24 February 2016, following the media coverage up to that point and the announcement of the review of integrity in tennis, the UK House of Commons, Media and Sport Select Committee heard witnesses give oral evidence on “*Match Fixing in Tennis*” at the Houses of Parliament in London<sup>1</sup>.
3. The members of the Committee present were Jesse Norman (Chair), Andrew Bingham, Damian Collins, Julie Elliott, Nigel Huddleston, Ian C Lucas and John Nicolson.
4. The witnesses heard were:
  - 4.1 Nigel Willerton, Director of Integrity, Tennis Integrity Unit, who answered questions 1 to 117.
  - 4.2 Chris Kermode, Executive Chairman and President of the Association of Tennis Professionals, and Mark Young, Vice President and Chief Legal and Media Officer of the Association of Tennis Professionals, who answered questions 118 to 188.
5. The below is a summary of the evidence given to the Committee:

**(1) NIGEL WILLERTON'S EVIDENCE TO THE COMMITTEE**

6. Nigel Willerton gave evidence in relation to the high proportion of suspicious betting patterns reported by ESSA that related to tennis<sup>2</sup>. He explained that a suspicious betting pattern alert was evidence of suspicious betting, but was not necessarily evidence that the match had been fixed by one of the players involved in it. It was rather an indicator that something might be amiss, which upon examination might in fact have been caused by injury or other circumstance at the event. He explained that different betting operators reported different levels of activity. He accepted that the number of ESSA suspicious betting patterns relating to tennis was vastly disproportionate. He also accepted that there was more suspicious betting in relation to tennis than in relation to other sports. He stated that in his view the number of alerts had increased because online betting operators had relatively recently started to make markets on lower level Futures events.
7. He gave evidence in relation to the BuzzFeed / BBC assertion that in 2008, at the time when the TIU was being set up, the sport had been warned about 16 players, half of whom had played at the recent Australian Open<sup>3</sup>. He stated that he did not know the 16 names, and had not been at the TIU at the outset. He explained that the head of the TIU at the outset, Jeff Rees, would have reviewed the material provided to the TIU, and if there had been a possibility of using it to conduct an investigation, he would have done so. He stated that the material had been kept for intelligence, but no new investigations had taken place, and he did not know of any warnings. He stated that he had not gone back to look at the material. Nigel Willerton subsequently provided a written submission to the Committee<sup>4</sup>, in which he stated that he had not been able to find any evidence of a “*list*” of 16 players at the TIU. He also invited Buzzfeed and the BBC to provide any evidence they had regarding the purported list.
8. In relation to the TIU’s approach on receiving an alert<sup>5</sup>, he stated that all such alerts were investigated, and that the TIU relied on tournament officials to identify whether a player had used best efforts.

<sup>1</sup> House of Commons Culture Media and Sport Committee, Oral Evidence: Match Fixing in Tennis, HC 862, Wednesday 24 February 2016. The full record of the evidence is on the IRIIT website at <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/culture-media-and-sport-committee/match-fixing-in-tennis/oral/29768.html> [accessed 9 April 2018]. The hearing was reported in the press: see for example <http://www.telegraph.co.uk/sport/tennis/12172242/Tennis-Integrity-Unit-decried-as-a-fig-leaf-at-DCMS-hearing.html> [accessed 9 April 2018].

<sup>2</sup> Questions 1 to 12.

<sup>3</sup> Questions 13 to 25.

<sup>4</sup> Written evidence submitted by the Tennis Integrity Unit in relation to the “Culture, Media and Sport Committee – Tennis match fixing investigation”. The written submission is on the IRIIT website at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/culture-media-and-sport-committee/inquiries/parliament-2015/inquiry/publications/> [accessed 9 April 2018].

<sup>5</sup> Questions 26 to 28.

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9. As to the Vassallo Arguello v Davydenko match<sup>6</sup>, Nigel Willerton explained that the match was a “great” example of where there was a suspicious betting pattern that demonstrated that the bettors knew something, but where there was no available evidence of improper conduct by either player. There was no available evidence of any link between the players and the bettors, and it was not therefore possible to convict a player of match-fixing. He explained that the texts found on Vassallo Arguello’s phone did not relate to the match against Davydenko. He rejected the possibility of a “Scottish verdict” of “not proven” between guilt and innocence, and stated that people are innocent until proven guilty and they cannot be proven guilty on the basis of a betting alert alone.
10. As to the level of corruption in tennis<sup>7</sup>, he stated that the 246 alerts in 2015 had arisen from about 120,000 matches, which was a very small percentage. He explained that in 2012 there were 14 alerts, in 2013, 46, and in 2014, 91<sup>8</sup>. He explained that the problems were mainly at the Lowest Level<sup>9</sup>, which were the hardest to monitor and which contributed about 96,000 matches, and at the Challengers level, which combined with the ATP Tour, contributed about 14,000 matches<sup>10</sup>. He stated that there had been suspicious activity at qualifiers as well as at main draw matches. He explained that the TIU could not monitor all these matches and had to rely on tennis officials.
11. He gave evidence in relation to approaches to players<sup>11</sup>. He stated that he was awaiting the details of the approach to a member of Novak Djokovic’s entourage in 2007 reported in the media, and explained the obligation to report approaches, and that if a player was scared they should go to the local police force. He accepted that in some parts of the world players might find it harder to secure police protection than in others. He stated that the TIU had however had no notifications of threats of violence in the last twelve months<sup>12</sup>. In the TIU’s subsequent written submission, Nigel Willerton stated that the TIU had since spoken with Novak Djokovic’s team, and that it had been confirmed that the approach was at a tournament in London in 2006 to a coach of Mr Djokovic. The approach was not reported at the time as the coach had not understood he was required to do so<sup>13</sup>.
12. In relation to whether there were some venues that were more vulnerable than others<sup>14</sup>, he stated that there were some countries that gave rise to more alerts than others. He stated that there had been very few alerts at Grand Slams, (2013: one; 2014: one; 2015: possibly three), none of which had been at Wimbledon. He stated that it was at the Challenger and the Futures level where they were seeing a lot of alerts, which was more worrying for tennis and which he hoped the Review would address. He identified the countries in which there were events giving rise to a lot of alerts as including Argentina, Chile and Russia, and ascribed the difference as due to cultural differences.

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<sup>6</sup> Questions 29 to 34.

<sup>7</sup> Question 35.

<sup>8</sup> Question 92.

<sup>9</sup> The “Lowest Level” is made up of ITF men’s \$15k and \$25k Pro Circuit events (Futures) and women’s \$15k and \$25k Pro Circuit events.

<sup>10</sup> Questions 63 to 70.

<sup>11</sup> Questions 36 to 47.

<sup>12</sup> Questions 56 and 57.

<sup>13</sup> Written evidence submitted by the Tennis Integrity Unit Re: Culture, Media and Sport Committee – Tennis match fixing investigation, at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/culture-media-and-sport-committee/inquiries/parliament-2015/inquiry/publications/> [accessed 9 April 2018].

<sup>14</sup> Questions 48 to 55.

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13. As to the TIU's investigatory methods other than based on the receipt of alerts<sup>15</sup>, Nigel Willerton stated that the most productive work was done on the basis of information received from within the tennis family, particularly players, and that was why the TIU had a strict confidentiality policy. He stated that players were however obliged to assist investigations. He explained that the TIU worked together with law enforcement agencies, and with betting operators with which the TIU had memoranda of understanding, the number of which he suggested contributed to the high number of alerts reported.
14. He gave evidence in relation to cooperation with betting operators<sup>16</sup>. He stated that there were large betting operators that did not fully cooperate with the TIU, and identified Pinnacle as a betting operator that did not at that time share data with the TIU. In the TIU's subsequent written submission, Nigel Willerton clarified that Pinnacle's position is based on considerations relating to its Privacy Policy<sup>17</sup>, and that Pinnacle's position is that it is open to working with the TIU subject to those considerations.
15. In relation to the TIU's resources<sup>18</sup>, he stated that its budget was presently \$2 million, but set to rise, and that at that point its staff was six, made up of himself, three investigators (all ex police officers with anti-corruption rather than tennis experience<sup>19</sup>), an information manager and administrative support. He stated that he had secured funding for an additional investigator and an additional analyst/researcher. The latter would be able to undertake data evaluation and statistical analysis, but the TIU primarily relied on the betting operators to provide that<sup>20</sup>. He considered that the TIU had adequate resources at the present time, shared between the International Governing Bodies. In answer to the question what the TIU's budget would be in the next three or four years' time if the rate of expansion in alerts continued, he said that he thought it would be doubled<sup>21</sup>. In answer to the question whether it was disproportionate that the ITF should earn \$14 million a year from Sportradar, but the TIU should only receive \$2 million, only \$200,000 of which came from the ITF, he stated that he had no input on the structure for the funding of the TIU and that the question was best addressed to the International Governing Bodies. He latterly clarified in the TIU's written submission to the Committee that the ITF was only to receive \$5.6 million in 2016 from the Sportradar contract and that 80% of this was to be distributed to national federations<sup>22</sup>.
16. He gave evidence in relation to the fact that the action against Chair umpires Parfenov and Pitner had not been published<sup>23</sup>. He stated that there had been no attempt to hide anything. Following the TIU's investigation he had received advice that he could pass the information to the ITF<sup>24</sup>, and the umpires had been dealt with under the Code of Conduct for Officials because it was more efficient, but that under that Code at the time such action did not fall to be published, whereas from 1 January 2016, equivalent action would be.

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<sup>15</sup> Questions 58 to 62.

<sup>16</sup> Questions 71 to 76.

<sup>17</sup> Written evidence submitted by the Tennis Integrity Unit Re: Culture, Media and Sport Committee – Tennis match fixing investigation, at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/culture-media-and-sport-committee/inquiries/parliament-2015/inquiry/publications/> [accessed 9 April 2018].

<sup>18</sup> Questions 77 to 83.

<sup>19</sup> Questions 90 to 91.

<sup>20</sup> Questions 113 to 114.

<sup>21</sup> Questions 93 and 115.

<sup>22</sup> Written evidence submitted by the Tennis Integrity Unit Re: Culture, Media and Sport Committee – Tennis match fixing investigation, at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/culture-media-and-sport-committee/inquiries/parliament-2015/inquiry/publications/> [accessed 9 April 2018].

<sup>23</sup> Questions 84 to 89.

<sup>24</sup> Questions 94 to 95.

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17. In answer to questions in relation to transparency<sup>25</sup>, Nigel Willerton gave evidence that he considered that nothing could be published until a person had been found guilty and disciplined, because it would be disproportionate to do otherwise. It would affect players' sponsors and players' livelihood to publish earlier, which would be inappropriate if there was nothing found at the end of the process. He stated that for his part it was important to maintain confidentiality, but that he would engage with the Panel to see if there were steps that could be taken to be more transparent within the confines of doing that, and that he was committed to greater transparency<sup>26</sup>. When players were disciplined, that fact had to be published.
18. In relation to independence<sup>27</sup>, Nigel Willerton gave evidence that he considered that he had total independence of action in conducting investigations. He stated that the final step in deciding whether to commence disciplinary proceedings lay with the PTIOs. He stated that in his view, there should be more independence. He stated that his job was to catch cheats, and that he had free rein to do that and the sport could and would not prevent him from doing so for the sake of protecting its reputation<sup>28</sup>.

**(2) CHRIS KERMODE'S AND MARK YOUNG'S EVIDENCE TO THE COMMITTEE**

19. Chris Kermode gave evidence that he came into office at the ATP in 2014, that integrity was hugely important to the sport, that the ATP was committed to transparency, and that the ATP would act positively on the recommendations of the Panel even if unpalatable<sup>29</sup>.
20. In relation to resources<sup>30</sup>, he explained that the ATP contributed 20% of the TIU's funding, which was about \$400,000. He accepted that this was a small amount of the ATP's turnover. Both Mark Young and Chris Kermode confirmed the TIU was currently provided with any funding that it requested<sup>31</sup>. Chris Kermode confirmed that the sport would spend whatever the Panel recommended on resources for the TIU<sup>32</sup>. Chris Kermode stated that the question of how much of the money coming from Sportradar to the ITF should be reinvested into integrity was a question that the Panel would examine<sup>33</sup>.
21. Chris Kermode gave evidence that the ATP was committed to treating the publication of disciplinary action against players and officials in the same way<sup>34</sup>.

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**25** Questions 96 to 106.

**26** Question 112.

**27** Questions 107 to 111.

**28** Questions 116 to 118.

**29** Questions 119 to 122 and 128.

**30** Questions 123 to 131.

**31** Questions 138 and 141.

**32** Questions 145 and 146.

**33** Questions 148 to 146.

**34** Questions 132 to 133.

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22. Mark Young gave evidence in relation to the BuzzFeed / BBC assertion that in 2008, at the time when the TIU was being set up, the sport had been warned about 16 players, half of whom had played at the recent Australian Open<sup>35</sup>. He stated that he did not know the 16 names, and that the ATP had no role in monitoring such things, which was in the hands of the independent TIU. Both Mark Young and Chris Kermode confirmed that the ATP would not be told whom the TIU was looking at, and would not tell the TIU whom to look at. In answer to the question whether previous cases should be reopened, Chris Kermode stated that the ATP was willing to do that, and to fund the TIU to do that, if there was evidence to support doing so, irrespective of the seniority of the players involved<sup>36</sup>. He also stated that he did not believe that what had happened in the past would affect whistleblowers coming forward<sup>37</sup>, or that there was a culture of people not coming forward because they thought nothing would be done<sup>38</sup>.
23. In relation to independence<sup>39</sup>, Chris Kermode gave evidence that the TIU was set up to be independent and was kept as independent as possible, although the International Governing Bodies did fund it. Mark Young gave evidence that there was a spectrum of independence, and whether the current level was appropriate would be examined by the Panel. Chris Kermode gave evidence that the TIU acted independently and that tennis had not suppressed information.
24. As to the level of the problem, Chris Kermode gave evidence that the level of match alerts suggested a problem at 0.2% of matches<sup>40</sup>. Those alerts were only alerts and not evidence of cheating, and the increase in betting would result in an increased number of alerts<sup>41</sup>. As to the reaction to it, it was for the Panel to assess whether the TIU was doing a good enough job<sup>42</sup>. Mark Young gave evidence<sup>43</sup> that alerts only reflect suspicious betting, and not necessarily corruption. He explained that the fact that ESSA reported more suspicious betting patterns from tennis than from other sports meant only that more had been reported to ESSA members, and the suspicious betting on other sports might take place with different betting operators. He reiterated that the alerts reflected a low percentage of the total matches, but that tennis had zero tolerance. Chris Kermode stated that he did not believe that the problem was rife<sup>44</sup>.
25. On sponsorship by betting operators, Chris Kermode gave evidence that the ATP did not have a betting sponsor, but that currently the ITF and Tennis Australia did<sup>45</sup>. He confirmed that tennis events and bodies could be sponsored while players could not be, because that would be a step too far<sup>46</sup>. As to the fear that other sponsors might withdraw, International Governing Bodies were not complacent, there had not been wrongdoing by them, and they were seeking to do things better<sup>47</sup>.

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**35** Questions 134 to 141.

**36** Questions 153 to 154 and 158 to 161.

**37** Question 155.

**38** Question 157.

**39** Questions 140 and 142 to 144.

**40** Question 144.

**41** Question 147.

**42** Question 144.

**43** Questions 179 to 182.

**44** Question 183.

**45** Questions 148 to 152.

**46** Questions 162 to 164.

**47** Question 165.

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26. Chris Kermode gave evidence that it was necessary to maintain confidentiality in individual cases, but that a better job needed to be done in explaining how the process worked<sup>48</sup>.
27. Both Chris Kermode and Mark Young gave evidence of the commitment of the sport to addressing corruption by players<sup>49</sup>. The International Governing Bodies had not suppressed evidence, was on the front foot by establishing the Review, and had been at the forefront of fighting corruption since the early 2000s, being the third sport to establish an anti-corruption unit. The sport had done everything it could, and now had to deal with the advent of increased online betting. The Review had been established to find how the sport could better deal with that.
28. On education, Chris Kermode gave evidence of the steps taken by the ATP to provide players with the necessary information<sup>50</sup>. In relation to the protection of players, particularly in countries where they might be more vulnerable, he gave evidence of the pastoral care provided by the ATP, and Mark Young gave evidence that the TIU would act when it could and that there had never been an occasion when a player had suffered physical harm as a result of corruption<sup>51</sup>.

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**48** Question 156.

**49** Questions 166 to 169.

**50** Questions 170 to 171.

**51** Questions 172 to 178.



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**B SUBSEQUENT STEPS TAKEN BY TENNIS BODIES**

29. A number of steps directly or indirectly relevant to the protection of integrity have been taken by tennis bodies since the announcement of the Review. Some of these were already in contemplation before the announcement of the Independent Review, and some have arisen since and in the light of the course of interviews with witnesses conducted by the Panel.

**(1) AMENDMENT OF THE CODE OF CONDUCT FOR OFFICIALS TO ALLOW PUBLICATION OF NAMES FROM 1 JANUARY 2016**

30. The position regarding the publication of sanctions under the Officials Code of Conduct is set out in full detail in Chapter 10 Part 5. In 2015, the ITF decided to change the rules to allow for the publication of the names of officials dealt with under the Code of Conduct for Officials<sup>52</sup> from 1 January 2016, whereas previously that had not been possible. From 1 January 2016, decisions taken by the Disciplinary or Appeal Panel under the Code of Conduct for Officials could be communicated to such tennis organisations as are deemed necessary, and those organisations could publish a summary of the decision<sup>53</sup>.

31. Since the beginning of 2016, the ITF has published a list of officials sanctioned under the Code of Conduct for Officials<sup>54</sup>. To the extent that the names of officials sanctioned under the Code of Conduct for Officials prior to 1 January 2016 have been published, it is only where their names have already been published in the media<sup>55</sup>.

32. In 2015 the ITF dealt with two umpires in respect of breaches of integrity under the Code of Conduct for Officials as opposed to under the TACP, but their names were not published at the time because that was not possible under the then Code of Conduct for Officials<sup>56</sup>. The change in the rules meant that from 1 January 2016 the names of any other officials so dealt with could be published, and that occurred during 2016<sup>57</sup>. The names of the two umpires dealt with under the Code of Conduct for Officials in 2015 were not published at the beginning of 2016, but only after the media named them in February 2016<sup>58</sup>.

**(2) ITF DECISION TO DEAL WITH ALL BREACHES OF INTEGRITY BY OFFICIALS UNDER THE TACP AND NOT THE CODE OF CONDUCT FROM 1 JANUARY 2017**

33. The position regarding the prosecution of officials under the TACP is set out in full detail in Chapter 10 Part 5. The ITF decided that from 1 January 2017, all breaches of integrity by officials should only be dealt with under the TACP and not under the Code of Conduct for Officials.

34. The current position therefore is that all breaches of integrity by officials will be dealt with under the TACP, and successful

<sup>52</sup> The ITF Code of Conduct for Officials is at <http://www.itftennis.com/officiating/officials/code-of-conduct.aspx> [accessed 9 April 2018].

<sup>53</sup> Under the Code of Conduct for Officials 2016, clause B11, "any decision of the Disciplinary Panel and/or the Appeal Panel pursuant to this Code of Conduct for Officials may be communicated to those member National Associations and/or other tennis organisations as is deemed necessary by the Disciplinary Panel and/or the Appeal Panel, acting reasonably. In the event of a finding that this Code of Conduct has been violated, the relevant organisation may publish a summary of the decision of the Disciplinary Panel and/or the Appeal Panel, the findings and evidence".

<sup>54</sup> The list of sanctioned officials (which is updated regularly) is at <http://www.itftennis.com/media/237401/237401.pdf> [accessed 9 April 2018].

<sup>55</sup> Chapter 10 Part 5.

<sup>56</sup> Chapter 10 Part 5. The ITF chose earlier in 2015 to proceed against two umpires in respect of breaches of integrity under the Code of Conduct (under which publication was then not possible) as opposed to under the TACP (under which publication was required). That choice was criticised in the Guardian (9-12 February 2016, "Tennis umpires secretly banned" and related stories) as being designed to keep secret the actions of the umpires so as to prevent criticism of the ITF's sale of live data. The validity of the criticism in those articles is dealt with in Chapter 10 Part 5. As there set out, the ITF's evidence is that the choice was made because proceeding under the Code of Conduct was faster, simpler and less expensive than proceeding under the TACP, and was not motivated by keeping secret the umpire's actions. As also there set out, the fact that the ITF chose in 2015 before the 2016 media coverage to change the rules so as to make publication possible means that the rule change was not a reaction to the media coverage. The rule change also makes it less likely that the ITF's choice in 2015 to proceed against the two umpires under the Code of Conduct as opposed to under the TACP was based on a desire to keep secret their actions, because if that had been the case, it is unlikely that the rule allowing such secrecy would subsequently have been changed.

<sup>57</sup> Chapter 10 Part 5.

<sup>58</sup> Chapter 10 Part 5. As there set out, the ITF's evidence is that it did not on 1 January 2016 publish the names of the two umpires dealt with prior to that date under the Code of Conduct as opposed to the TACP, because the ITF considered that the rule change only allowed publication of subsequent disciplinary convictions, and could not be applied retrospectively; this decision was based on legal advice provided to the ITF. See Statement of Soeren Friemel (ITF) [paragraph 70]. As also there set out after the Guardian in 2016 named the two umpires, the ITF itself published their names and was characterised in the media as doing so in reliance on the rule change. It however appears to the Panel to be correct that the rule could not be retrospectively applied, and so the ITF was justified in not publishing before the umpires were named by the Guardian, and that the ITF's press release did not actually state that it was publishing the already identified names in reliance on the rule change.

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disciplinary convictions will be published. This replaces the approach in 2015 where two officials were dealt with under the Code of Conduct for Officials without publication, and the approach in 2016 where four officials were dealt with under the Code of Conduct for Officials with publication<sup>59</sup>.

**(3) ITF EMPLOYING SPORTRADAR INTEGRITY SERVICES**

35. On 2 March 2018 the ITF announced that it had entered into an arrangement with Sportradar to use its Fraud Detection System to monitor betting patterns across more than 50,000 ITF Pro Circuit tennis matches. Whilst the Panel has not been provided with any documents in relation to this arrangement, the ITF informed the Panel that the output of the work undertaken by Sportradar will be provided to the TIU, which will be responsible for its investigation as it sees fit.

**(4) PUBLICATION OF QUARTERLY STATEMENTS AND ANNUAL REVIEWS BY THE TIU**

36. Following the announcement of the Review, the TIU decided to publish quarterly statements in relation to its work<sup>60</sup>. The first quarterly statement was published on 22 April 2016, relating to the period January to March 2016. They have been published quarterly thereafter.
37. The quarterly statements set out developments over the period (for example, staff hires), information on ongoing cases, and the alerts received by the TIU broken down by level of professional tennis.
38. In addition to the quarterly statements, the TIU has also begun to publish annual reviews. The first of these was published on 11 January 2017 (in relation to 2016). The 2017 review was published on 5 January 2018. The annual reviews cover similar topics to the quarterly statements, but provide a more comprehensive summary of the structure, work, prosecutions, and workload of the TIU through the year<sup>61</sup>.

**(4) AMENDMENT OF THE TACP WITH EFFECT FROM 1 JANUARY 2017**

39. The full position regarding all amendments that have been made to the TACP since the first year it was effective (2009) are set out in Chapter 10. This includes changes made after the announcement of the Review.

<sup>59</sup> Chapter 10 Part 5, Section A.

<sup>60</sup> Each of the quarterly statements published by the TIU to date is available at <http://www.tennisintegrityunit.com/media-releases> [accessed 9 April 2018].

<sup>61</sup> TIU annual reviews are available to download at <http://www.tennisintegrityunit.com/media-releases> [accessed 9 April 2018].

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**Amendment in relation to interim suspensions**

40. The TACP was amended with effect from 1 January 2017 in order to make it easier to apply for interim suspensions. Whereas up until the end of 2016, an interim suspension could only be applied once the substantive matter had been referred to an Anti-Corruption Hearing Officer (“AHO”), that requirement was removed with effect from January 2017, so that a PTIO could apply to an AHO for an interim suspension as soon as the test for so applying was met<sup>62</sup>.

**Amendment in relation to publication of AHO decisions**

41. The TACP was amended so as to give the AHO power to order that there should not be publication of a disciplinary conviction. This was in order to ensure that if there were a minor case, where for example only a warning would be appropriate and publication would have a disproportionately adverse effect on the respondent, the AHO could on his or her application, tailor the full consequences of the conviction to fit the circumstances<sup>63</sup>.

**Clarificatory amendments**

42. The TACP was amended so as to make clear that the definition of “Player” covered anyone who played in any “Event”<sup>64</sup>. The TACP was also amended so as to make clear that ATP, WTA and ITF staff are included in the definition of Tournament Support Personnel<sup>65</sup>.

**(5) AMENDMENT OF THE TACP WITH EFFECT FROM 1 JANUARY 2018**

**Corruption Offences**

43. Prior to 2018, it was an offence for a Covered Person to conduct a personal appearance for a tennis betting company. The TACP was amended with effect from 1 January 2018, widening this offence so that a Covered Person may not conduct a personal appearance for a tennis betting company or any other company or entity directly affiliated with a tennis betting company<sup>66</sup>.
44. A further offence has been added to the TACP 2018 so that no Covered Person<sup>67</sup> shall, directly or indirectly, solicit or facilitate any other person to contrive or attempt to contrive the outcome or any other aspect of any Event<sup>68</sup>.

**Investigations**

45. The 2018 TACP has modernised the list of material to which the TIU has an explicit right to access if it believes that a Covered Person may have committed an offence. This now includes things like laptops/tablets, social media access and WhatsApp messages<sup>69</sup>.
46. Under the 2017 TACP, information requested by the TIU in an investigation had to be provided within seven business days of the request. The Covered Person must now provide the information immediately when it is practical to do so.

<sup>62</sup> TACP G (1)(e) provides from 2017, “The PTIO may make an application to the AHO for a provisional suspension of the Covered Person if the PTIO determines that: (i) there is a substantial likelihood that the Covered Person has committed a Corruption Offense punishable by permanent ineligibility; (ii) in the absence of a provisional suspension, the integrity of tennis would be seriously undermined; and (iii) the harm resulting from the absence of a provisional suspension outweighs the hardship of the provisional suspension on the Covered Person”. Previously the words “When a matter has been referred to the AHO pursuant to Section F.2.e...” preceded the words above.

<sup>63</sup> TACP G (4)(d) provides from 2017 “Subject only to the rights of appeal under Section I of this Program, the AHO’s Decision shall be the full, final and complete disposition of the matter and will be binding on all parties. If the AHO determines that a Corruption Offense has been committed, the TIB will publicly report the Decision, unless otherwise directed by an AHO”. Previously the very last phrase was not in the rules.

<sup>64</sup> TACP 2017, Section B 17 and 10.

<sup>65</sup> TACP 2017, Section B 25.

<sup>66</sup> TACP 2018, Section D 1(b).

<sup>67</sup> Any Player, Related Person, or Tournament Support Personnel.

<sup>68</sup> TACP 2018, Section D 1(k).

<sup>69</sup> TACP 2018, Section F 2(c).

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**Provisional Suspension**

47. In addition to the circumstances in which a provisional suspension may be imposed, the PTIO may make an application to the AHO for a provisional suspension if a Covered Person has<sup>70</sup>:
- 47.1 failed to comply with a Demand; or
  - 47.2 delayed or obstructed, without reasonable justification, compliance with a Demand or purported to comply with a Demand through the provision of any object or information that has been tampered with, damaged, disabled or otherwise altered from its original state.

**Breach of sanctions**

48. If a Covered Person breaches the terms of any sanction applied by an AHO under this Program or a sanction applied or upheld by CAS, the case shall be referred back to the AHO who imposed the original sanction, who may, at their discretion, impose an additional sanction.

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<sup>70</sup> TACP 2018, Section F 3(a)(i).

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**C SUBSEQUENT STEPS PROPOSED BY TENNIS BODIES**

49. A number of steps directly or indirectly relevant to the protection of integrity are now proposed by the International Governing Bodies but are yet to be implemented as at the date of the Interim Report. Again, some of these were already in contemplation before the announcement of the Review, and some have arisen since and in the light of the course of interviews with witnesses conducted by the Panel.

**(1) PROPOSALS FOR A REVISED TIU ALSO COVERING ANTI-DOPING AND WIDER INTEGRITY ISSUES**

50. Following the announcement of the Review, and in the light of the course of interviews with witnesses conducted by the Panel, the International Governing Bodies have themselves considered what changes should be made. They have together proposed a revised structure and role for the TIU, which would extend the remit of the revised body to cover anti-doping and wider integrity issues, as well as the issues already covered by the TACP. The proposals are contained in a document entitled *"Tennis Integrity Review – Principles of Proposals"*, which the International Governing Bodies have submitted to the Panel. In addition, some of the individual International Governing Bodies have themselves made suggestions in this context<sup>71</sup>, as has the TIU itself<sup>72</sup>. Some of the proposals made by the International Governing Bodies bear a resemblance to aspects of the new Athletics Integrity Unit (*"AIU"*) (discussed in Chapter 5, Section A) established by the IAAF in 2017<sup>73</sup>, which the Panel has also examined and taken into account.

**Ambit of integrity for the purposes of the proposals**

51. The International Governing Bodies have approached their consideration of the structure and role of a revised TIU on the basis of a wide definition of integrity that includes, in addition to the matters currently dealt with in the TACP, anti-doping, and *"other integrity-related regulations that are operated by all the Governing Bodies"*<sup>74</sup>. They are therefore proposing a body that covers wider integrity issues than the issues that fall within the immediate ambit of this Review<sup>75</sup>.

<sup>71</sup> Each of the International Governing Bodies has provided official submissions; the ATP's "Submission of ATP Tour Inc"; the WTA's "Submission to Independent Review"; the ITF's "Submission to Independent Review Panel on behalf of ITF" and "Submission to Independent Review Panel on behalf of ITF – Player Pathway Reviews"; Tennis Australia's "Submission to the Independent Review Panel"; the FFT's "Inquiry by the Independent Review Panel – Official Position of the FFT"; the AELTC's "Independent Review Panel Submission"; and the USTA's "USTA Position Statement". Some of these address this issue.

<sup>72</sup> In addition to suggestions made in interviews, the TIU has provided a chart of a proposed structure for the TIU: see paragraph 62 below. - Appendix: Key Documents

<sup>73</sup> The AIU is governed by "IAAF Athletics Integrity Unit Rules" and "IAAF Athletics Integrity Unit Reporting, Investigation and Prosecution Rules", each of which are available at <https://www.iaaf.org/about-iaaf/documents/rules-regulations> [accessed 9 April 2018].

<sup>74</sup> Principles of Proposals document, paragraph 2: "The Governing Bodies' aim is to protect fully the integrity of tennis. The TIU, as administrator and enforcer of the Tennis Anti-Corruption Program ("TACP"), plays an important role in this. However, the Governing Bodies have taken a broader view of sporting integrity than simply match-fixing and betting-related corruption. That view (whereby integrity means 'playing by the rules', good sportsmanship, and providing a safe, fair and inclusive environment for all involved) incorporates the Tennis Anti-Doping Programme and other integrity-related regulations that are operated by all the Governing Bodies (whether jointly or separately), with common (or similar) rules that apply across the sport, regardless of level of competition or event".

<sup>75</sup> The AIU similarly has responsibility not only for integrity in the sense of the integrity of the competition dealt with in this Independent Review, but also for anti-doping and the various other matters covered by the "Integrity Standards" contained in the "IAAF Integrity Code of Conduct", available at <https://www.iaaf.org/about-iaaf/documents/rules-regulations> [accessed 9 April 2018]. Those standards are: "a. honesty... b. fulfil duties... c. clean athletics...", which includes the obligation to abide by the IAAF's anti-doping rules "d. maintain integrity of competition ...", which includes the obligation to abide by the IAAF's manipulation of sports competition rules "e. disclose interests... f. minimal gifts and benefits... g. protect assets... h. proper conduct... i. equality... j. dignity... k. maintain confidentiality... l. fair elections... m. fair bidding... n. neutrality... o. reporting... p. complying with rules... q. protect reputation...".

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**Proposals for the internal structure and responsibilities of a revised TIU**

52. The International Governing Bodies consider that the effectiveness of the sport's protection of this wider definition of integrity would be maximised by amalgamating responsibility for "[1] match-fixing and betting-related corruption, [2] anti-doping and [3] certain major offences under the Code of Conduct" in one body, which would have four "integrity services"<sup>76</sup>: one in respect of each of those three areas, and one providing "common services (including investigation)"<sup>77</sup>. The International Governing Bodies chose not to adopt the alternative of "maintain[ing] integrity strands as separate organisations"<sup>78</sup>.
- 52.1 The role of the "match-fixing and betting-related corruption" service would mirror the role of the current TIU, as adapted following the recommendations of this Independent Review.
- 52.2 The role of the "anti-doping service" is already well developed within the ITF and is broadly defined by the WADA Code.
- 52.3 The role of the third substantive service would involve responsibility for "major offences under the Code of Conduct" and "other integrity-related regulations", again in the light of the recommendations of this Independent Review<sup>79</sup>. The International Governing Bodies do not identify which major offenses and other integrity-related regulations, although plainly the application of the best efforts rule would fall into this category. The International Governing Bodies support such wider integrity related matters being brought under the control of the revised TIU as the Panel considers appropriate.
- 52.4 The role of the fourth, administrative, service would be to carry out functions common to all three substantive integrity strands.

<sup>76</sup> The AIU has staff divided into five departments: (a) Education; (b) Anti-Doping Testing and TUEs; (c) Investigations; (d) Case Management; and (e) Compliance. See "IAAF Athletics Integrity Unit Rules" paragraph 15, available at <https://www.iaaf.org/about-iaaf/documents/rules-regulations> [accessed 9 April 2018].

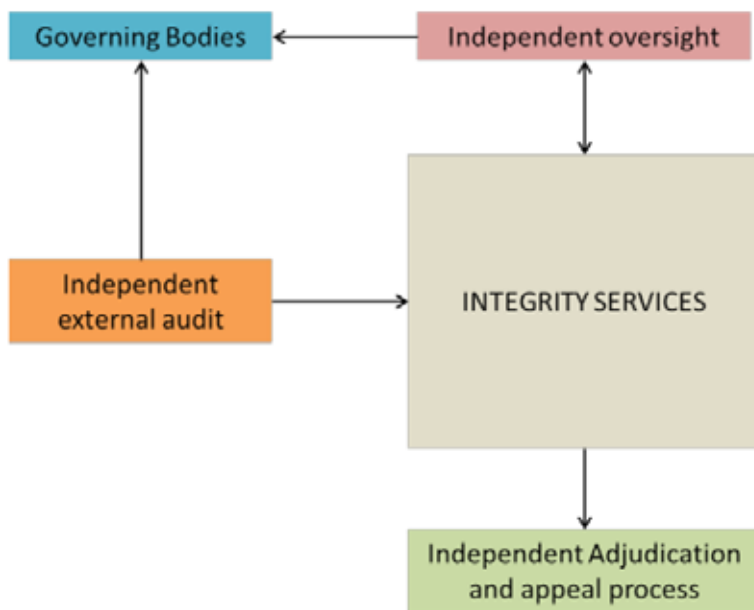
<sup>77</sup> Principles of Proposals document, paragraph 3: "Effective protection of tennis against current and future threats to integrity requires people with appropriate skills and adequate resources. It is the preference of the Governing Bodies to maximise that effectiveness by amalgamating key integrity strands (and in particular, those that are believed to be inter-related) into a single organisation, such that each strand benefits from the knowledge and resources of the other(s). The key strands that the Governing Bodies believe should be amalgamated into a new integrity organisation are match-fixing and betting-related corruption, anti-doping and certain major offences under the Code of Conduct... An amalgamated integrity organisation would also benefit from sharing common services, and so avoiding the duplication of those resources that would occur if the integrity strands were to remain separated, in addition to the benefit arising from the harmonisation of those common services. For example, the existing TIU investigative capability could be utilised across other integrity functions". See further the Conclusions of the Proposals document in paragraph 5: "This paper sets out the principles by which the Governing Bodies could restructure tennis integrity services in order to adequately address the current and future threats to integrity in tennis. The Governing Bodies have identified an opportunity to enhance the effectiveness of integrity protection by amalgamating inter-related elements of integrity, and by adopting the principles of good governance to ensure its credibility with stakeholders". The AELTC for its part contemplates a number of further departments, all of which may in fact fall within the concept of "common services": in its Independent Review Panel Submission, at paragraph 4.2, contemplates "The organisation should comprise of several departments including; investigation, prosecution, education, communication and central services. In addition, it may benefit from extending its expertise, to include within the organisation an individual with a tennis background and an individual with betting industry experience (in particular, someone who can dedicate time to developing relationships with betting operators at the highest level). We also believe that the new organisation should include anti-doping as well as anti-corruption". The FFT for its part stressed the benefits of such amalgamation, while emphasising the need for it to be transparent and independent: see its "Inquiry by the Independent Review Panel – Official Position of the FFT", section III (b) (iii).

<sup>78</sup> Principles of Proposals document, appendix, page 5.

<sup>79</sup> Principles of Proposals document, paragraph 1: "These principles, which have been recommended to, and agreed by, the Governing Bodies are being provided to the IRP for consideration as part of its review".

**Proposals for the governance of a revised TIU**

53. The International Governing Bodies propose a governance structure for the revised TIU designed “to provide stakeholders with confidence that it is protected from improper influence by the sport-political leadership of tennis”, and to ensure that it is “independent of the leadership of the Governing Bodies”<sup>80</sup>. In order to achieve this, four structural elements are proposed: oversight and leadership, external audit, prosecution of and determination of disciplinary proceedings, and the employment and location of the staff of the revised TIU. The proposals include the following figure summarising these elements:



**Figure 2. Governance structure of a tennis integrity organisation.**

**Oversight and leadership body to replace the TIB**

54. First, placed above the four integrity services would be an “independent oversight [and leadership] body”<sup>81</sup>. The International Governing Bodies consider that the effective operation and the independence of this oversight and leadership body would be achieved by a structure that involved<sup>82</sup>:

54.1 The body having “supervisory responsibility for the integrity services”<sup>83</sup>. This means it would have ultimate control over the revised TIU, making final decisions on the way in which it was run. As the proposals put it “this body would have the authority to set organisational policy and oversee operations”.

<sup>80</sup> Principles of Proposals document, paragraphs 4. and 4.1: “An integrity organisation must provide stakeholders with confidence that it is protected from improper influence by the sport-political leadership of tennis. The Governing Bodies believe that adherence to the principles of good governance is necessary to demonstrate that the organisation is not acting to protect their own self-interest (whether commercial or reputational) ... An integrity organisation that is demonstrably free of undue influence from the political arm of the sport necessarily requires the internal staffing and the appropriate governance structure to be independent of the leadership of the Governing Bodies”.

<sup>81</sup> Principles of Proposals document, paragraphs 4.1 and 4.2.

<sup>82</sup> The AIU similarly has a Board, appointed by the IAAF Congress. The AIU Board is made up of three “independent” members, a non-voting IAAF Council member, and the non-voting AIU Head. The Board going forward will be appointed by Congress on the recommendation of an Integrity Unit Board Appointments Panel made up of the current chair of the AIU Board, a person appointed by the IAAF Council who is “independent”, and a Council Member. Each member of the Board is an “IAAF Official” subject to an IAAF Integrity Check by the IAAF Vetting Panel. The AIU Board has delegated authority from the IAAF to administer IAAF rules on the IAAF’s behalf. It approves and reviews strategy, and supervises and monitors the actions of the AIU and of its Head, whom it appoints, in the same way as a corporate board. See “IAAF Athletics Integrity Unit Rules” paragraphs 7, 8 and 10.

<sup>83</sup> Principles of Proposals document, paragraph 4.2.

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- 54.2 The body “*maintaining independence from the political leadership of tennis*”<sup>84</sup>, through the nature of its membership. The International Governing Bodies recognised that current “*TIB members may be perceived as not being independent because they all come from one of the governing bodies*”<sup>85</sup>.
- 54.3 The body including the “*leader*” of the revised TIU<sup>86</sup>. In other words, the chief executive of the revised TIU would be on the body<sup>87</sup>. It is to be inferred the leader would be drawn from the independent members.
- 54.4 The body including representatives from “*key stakeholders*”<sup>88</sup>, “*who can provide tennis knowledge*”<sup>89</sup>. These would include one or more “*current serving or former board member, committee member or employee of any Governing Body*”<sup>90</sup>. It is to be inferred that the concept of key stakeholders extends beyond such representatives of the International Governing Bodies.
- 54.5 “*A majority of the members of [the body being] fully independent*”<sup>91</sup>.
- 54.6 Full independence meaning “*persons who have no role or interest in the Governing Bodies and/or the result of an investigation or hearing or any perception of such interest*”. The proposals further specify that “*such persons should not be a current serving board or committee member or employee of any Governing Body, unless a period of at least three years has elapsed since they last held that position*”<sup>92</sup>.
- 54.7 A reporting function from the body to the International Governing Bodies (as set out in the figure). While the precise nature of that function remains to be defined, it is to be inferred that it does not involve the International Governing Bodies having any control over the body. That said, the proposals accept that the revised TIU would inevitably be funded by the International Governing Bodies<sup>93</sup>.

<sup>84</sup> Principles of Proposals document, paragraph 4.2.

<sup>85</sup> Principles of Proposals document, appendix, page 5.

<sup>86</sup> Principles of Proposals document, paragraph 4.2: “Within an independent integrity structure, an individual who can act as its ‘leader’, speak on its behalf, and take on the role of its high-level external representative is required. The Governing Bodies strongly believe that this leadership role should be assumed by a member of the independent oversight body, on the grounds that this body would have the authority to set organisational policy and oversee operations, have an ‘outward-facing’ component to its role, and would be independent of the executive”.

<sup>87</sup> In this context, the AELTC for its part considers that there should be both an independent chair and an independent chief executive: in its Independent Review Panel Submission, at paragraph 4.1, it contemplates “...an independent organisation (presently called the TIU), housed separately from the ITF with a Board of Directors led by an independent Chair and with a Chief Executive or Managing Director”.

<sup>88</sup> Principles of Proposals document, paragraph 4.2: “For the purposes of enhancing democracy, the Governing Bodies also believe that key stakeholders should be included among the membership of the independent oversight body”.

<sup>89</sup> Principles of Proposals document, paragraph 4.1.

<sup>90</sup> Principles of Proposals document, paragraph 4.1.

<sup>91</sup> Principles of Proposals document, paragraph 4.1.

<sup>92</sup> Principles of Proposals document, paragraph 4.1.

<sup>93</sup> Principles of Proposals document, appendix, page 6.



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55. The structure above therefore contemplates significant membership, albeit minority membership, of individuals who it is accepted are not fully independent of the International Governing Bodies or other stakeholders in the sport. In recognition of this, the proposals offer an alternative: “A more stringent (but nonetheless acceptable) alternative would be one in which all voting members of [the body] are fully independent, with observers who have tennis knowledge, but are not permitted to vote or otherwise influence any decisions”<sup>94</sup>. In other words, the non-independent members would still be on the body but would not be able to vote. Although they could not under the proposal “otherwise influence any decisions”, they would still be able to “provide tennis knowledge”. The International Governing Bodies chose not to adopt a third option of “all members of the group [being] fully independent”<sup>95</sup>.

**A new external audit function**

56. Second, in parallel with the four integrity services and the oversight and leadership body there would be “independent external audit function” that would review the actions of the revised TIU to ensure that it followed its own rules<sup>96</sup>. The details of how and when that function would be exercised remain to be set<sup>97</sup>.

**Adaptation of the disciplinary process**

57. Third, there would be “an independent adjudication and appeal process”<sup>98</sup>. The International Governing Bodies consider that the effective operation and the independence of this function would be achieved by a structure that involved:

- 57.1 A “robust process for determining whether an athlete or other covered person should be charged with a breach of the relevant rules”<sup>99</sup>. The International Governing Bodies recognised that current “PTIOs may be perceived as not being independent because they all come from one of the governing bodies”<sup>100</sup>. It is proposed that the function of “determining whether a covered person has a case to answer” (in other words, deciding whether to bring disciplinary proceedings) would be exercised either by the oversight and leadership body, or by a separate body with similar characteristics (in other words, a body with significant membership, albeit minority membership, of individuals who it is accepted are not fully independent of the International Governing Bodies or other stakeholders in the sport, who can “provide tennis knowledge”<sup>101</sup>, but with a majority of independent members)<sup>102</sup>. Again, the alternative is offered of non-independent members of the body making the decision whether to bring proceedings not being able to vote, but still providing such knowledge. The International Governing Bodies chose not to adopt a third option of “all members of the group [being] fully independent”<sup>103</sup>.

<sup>94</sup> Principles of Proposals document, paragraph 4.1.

<sup>95</sup> Principles of Proposals document, appendix, page 5. The AELTC may for its part consider that the revised TIU should be fully independent: in its Independent Review Panel Submission, at paragraph 4.1, it contemplates “...an independent organisation (presently called the TIU), housed separately from the ITF with a Board of Directors led by an independent Chair and with a Chief Executive or Managing Director”. The FFT stressed the need for care to be taken “not to create a super-centralized and bloated structure” and “to maintain a high level of independence for the new body, while ensuring that it has sufficient expertise in the area of tennis to ensure that it will not take any decisions that may be considered incoherent or anachronistic”: “Inquiry by the Independent Review Panel – Official Position of the FFT”, section III(b)(iii).

<sup>96</sup> Principles of Proposals document, paragraph 4.3: “Aspiration to independent oversight demonstrates the Governing Bodies’ commitment to delegating that authority to an external body. This commitment brings risks, such as a loss of control in the event that the integrity organisation fails to follow its own rules. To mitigate that risk, the Governing Bodies believe that the work of the integrity organisation should be subject to independent audit, which would provide the accountability necessary for the integrity organisation, while maintaining its independence”.

<sup>97</sup> The actions of the AIU and of its Head are subject to external audit by an auditor appointed by and reporting to the IAAF Congress. See “IAAF Athletics Integrity Unit Rules” paragraph 16.

<sup>98</sup> Principles of Proposals document, paragraphs 4.1 and 4.4.

<sup>99</sup> Principles of Proposals document, paragraph 4.4.

<sup>100</sup> Principles of Proposals document, appendix, page 5.

<sup>101</sup> Principles of Proposals document, paragraph 4.1.

<sup>102</sup> Under the AIU system, there is an “Integrity Review Panel” appointed by the AIU Board. The Integrity Review Panel consists of up to six members with experience of integrity in sport, and decides whether the IAAF should prosecute or appeal an alleged breach of non-doping integrity rules in addition to giving the AIU Head guidance. See “IAAF Athletics Integrity Unit Rules” paragraph 14.

<sup>103</sup> Principles of Proposals document, appendix, page 5.

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- 57.2 The disciplinary prosecutorial function being carried out by the relevant integrity services within the revised TIU, with external lawyers if appropriate. This would involve both the relevant substantive service, and the administrative service responsible for “*common services*”, in that the necessary skills are common to disciplinary prosecution of each type of breach of the rules. It is left to be determined whether there would be any internal lawyer within the revised TIU.
- 57.3 The first instance tribunal being a single hearing officer<sup>104</sup>. The International Governing Bodies consider that for cases brought under the TACP, the current system of one of three AHOs chosen by the TIB (made up of the International Governing Bodies) being appointed satisfies the requirements of independence<sup>105</sup>. That would envisage therefore the same process being carried over into the new structure, with the added detail that “*AHOs to be selected on a rotational basis from a pool*”<sup>106</sup>. The proposals offer two alternatives: first “*a three-member panel (whether mandatory or with the agreement of the parties)*”<sup>107</sup>. This therefore raises the possibility of either a three-member panel, the members of which are defined by the oversight and leadership body of the revised TIU, or a three-member panel where one is appointed by each of the respondent and the revised TIU, and the third is agreed between them. It also leaves open whether the members (or some of them such as the chair) would come from a closed list set by the oversight and leadership body, or from an open list<sup>108</sup>. The second alternative is that there would be a “*default position of one person, but can be three with the agreement of the parties*”<sup>109</sup>. Of the three alternatives, the proposals favour the first option of a single AHO, and if not that, then the third option<sup>110</sup>. It is worth noting here that the current approach in doping cases under the TADP is a three-member tribunal panel at first instance, with the independent appointed Chairman picking three people from the ITF’s “*Independent Panel*” to form the three-person tribunal. The Chairman of the tribunal is always legally qualified, and is supported by two other suitably qualified members<sup>111</sup>.
- 57.4 An appeal to the Court of Arbitration for Sport<sup>112</sup>, as at present under both the TACP and the TADP<sup>113</sup>.

<sup>104</sup> Principles of Proposals document, paragraph 4.4.

<sup>105</sup> Principles of Proposals document, paragraph 4.4: “With regard to hearing cases brought under the TACP, the current process (whereby an independent Anti-Corruption Hearing Officer sits alone) is regarded as sufficient to meet independence requirements...”.

<sup>106</sup> Principles of Proposals document, appendix, page 6.

<sup>107</sup> Principles of Proposals document, paragraph 4.4 and appendix page 6.

<sup>108</sup> Under the IAAF “Disciplinary Tribunal Rules” there is a list of potential Disciplinary Tribunal Members appointed by the Congress, which also appoints a Chair. The Chair appoints either one or three members of the list onto a particular panel.

<sup>109</sup> Principles of Proposals document, appendix, page 6.

<sup>110</sup> Principles of Proposals document, appendix, page 6.

<sup>111</sup> Tennis Anti-Doping Program, Section 8.1.2.

<sup>112</sup> Under the IAAF “Disciplinary Tribunal Rules” there is an appeal to CAS against every substantive disciplinary decision.

<sup>113</sup> Principles of Proposals document, paragraph 4.4: “The Governing Bodies advocate maintaining an independent adjudication process, which preserves the right of appeal...”, and appendix page 6, which recommends retaining the existing CAS appeal process, stating that “here is no issue as to independence, as CAS is an organisation that is not funded or administered by any Governing Body”.

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**Employment of staff and location of the revised TIU**

58. Fourth, the staff of the revised TIU could be employed by, and physically located within the premises of, any of the International Governing Bodies, because *“the implementation of appropriate governance measures to prevent a tennis integrity organisation from being subject to undue influence by the political arm of the sport is believed to be sufficient to render the decision as to the location and employer of integrity services moot”*<sup>114</sup>. The proposals made clear that if the revised TIU were so located, it would be *“subject to the implementation of appropriate security measures, such as dedicated areas in buildings with their own access codes and separate document storage locations)”*. While the International Governing Bodies chose not to adopt the second option<sup>115</sup> of the revised TIU being *“established as a separate legal entity... [and] accommodated separately”*<sup>116</sup>, the proposals did however state *“Locating an integrity organisation remotely from any of the Governing Bodies and/or establishing it as a legal entity is recognised as a valid, albeit not essential, alternative”*<sup>117</sup>.
59. While the *“Tennis Integrity Review – Principles of Proposals”* document did not address the possibility of regional TIU offices, the FFT stated that it was *“in favour of making any structural changes - including in particular the creation of regional TIU offices - that would facilitate the transmission of information and enhance the effectiveness of integrity-related initiatives taken at an international level by strengthening the links between training / education, monitoring and investigation at a national level”*<sup>118</sup>. The AELTC regarded regional offices, at least of some type, as *“an interesting idea worthy of further exploration”*<sup>119</sup>.

**Transparency, interests of the sport, prevention of concentration of power**

60. In addition to those four structural elements, it is proposed<sup>120</sup> that procedures be put in place to ensure that the revised TIU:
- 60.1 *“Is sufficiently transparent to disclose its inner workings and the accountability of decisions, such that any basis on which tennis could be accused of failing in its duty to act on information in its possession is removed”*<sup>121</sup>;
- 60.2 *“Makes decisions that are for the good of the sport as a whole”*;
- 60.3 *“Implements checks and balances that prevent power being concentrated in a single person or small number of people”*.

<sup>114</sup> Principles of Proposals document, paragraph 4.5 and appendix page 6.

<sup>115</sup> The AIU is in premises separate from the IAAF, but it does not have separate legal personality and its staff are IAAF employees. See *“IAAF Athletics Integrity Unit Rules”* paragraph 15.

<sup>116</sup> Principles of Proposals document, appendix page 6.

<sup>117</sup> Principles of Proposals document, paragraph 4.5. In this context, the AELTC for its part considers that the revised TIU should be separately located: Independent Review Panel Submission, at paragraph 4.1, contemplates *“...an independent organisation (presently called the TIU), housed separately from the ITF with a Board of Directors led by an independent Chair and with a Chief Executive or Managing Director”*.

<sup>118</sup> FFT’s *“Inquiry by the Independent Review Panel – Official Position of the FFT”*, section III(b)(ii).

<sup>119</sup> AELTC’s Independent Review Panel Submission, paragraph 4.5: *“It has been suggested that it would be beneficial to regionalise a degree of the responsibility in this field for example by having an integrity officer/office within each Regional Association or even National Federation. We believe this is an interesting idea worthy of further exploration”*.

<sup>120</sup> Principles of Proposals document, paragraph 4.1.

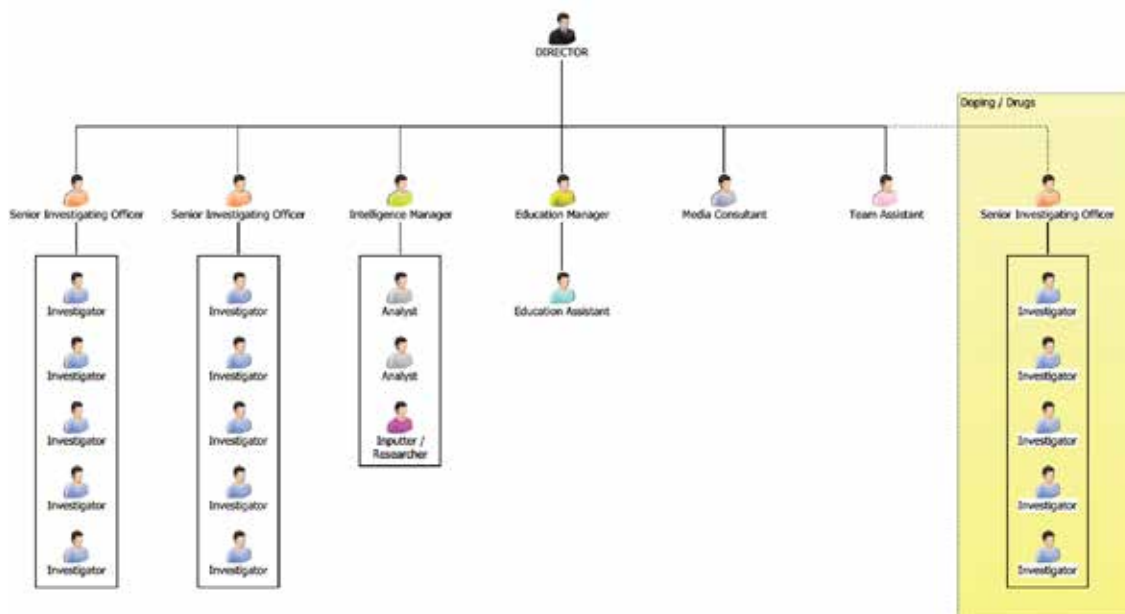
<sup>121</sup> The FFT stressed the need for care to be taken *“to strike a balance, with communication that is both transparent and respectful of individuals”*: see its *“Inquiry by the Independent Review Panel – Official Position of the FFT”*, section III(b)(iii).

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61. The FFT also identified the need for the involvement of national federations in the new structure<sup>122</sup>. It contemplated that it would be desirable for national federations to have a representative or representatives with responsibility for integrity at national level, who would both engage with the revised TIU and also in particular with players, providing training and advice and encouraging reporting (including through technological means)<sup>123</sup>. The AELTC also regarded national federation integrity officers as worthy of further exploration<sup>124</sup>. Beyond that, the FFT identified the need for the sharing of information with national federations including in order to ensure applicability of sanctions at national level<sup>125</sup>, and for steps to be taken at national level to monitor coaches and others accompanying players<sup>126</sup>.

**Proposals by the TIU itself as to appropriate structure and staffing**

62. Following the Panel’s interviews of the TIU, the TIU in April 2017 identified structural and staffing changes that that it considered would help to address the problem faced. The TIU produced the chart below “providing details of staffing for the TIU to deal with the current and anticipated work load looking forward” and including “an extra branch to deal with doping in the event those investigations come under the same umbrella”. The chart anticipated there being two Senior Investigating Officers, responsible for five Investigators each, taking the investigatory staff in relation to integrity excluding anti-doping matters up to twelve in addition to the Director. There would be a head of intelligence with three analytical staff, one of whom the TIU also suggested should have a background in the betting industry. The chart also anticipated a head of education with one staff member, a media consultant, and a team assistant. Including the Director, therefore, there would be 21 staff members dealing with integrity excluding anti-doping matters. On the anti-doping side, the chart proposed a separate Senior Investigating Officer for anti-doping matters, with five investigators. It may however be that the TIU contemplated that at least some of the non-investigatory staff would also have a role in relation to anti-doping.



<sup>122</sup> The FFT stressed the need for care to be taken in the structure adopted for the revised TIU “to respect the national federations, which must retain a role in order to feel involved in this movement”: “Inquiry by the Independent Review Panel – Official Position of the FFT”, section III(b)(iii).

<sup>123</sup> FFT’s “Inquiry by the Independent Review Panel – Official Position of the FFT”, section III(a)(iii) and section III(b)(ii).

<sup>124</sup> AELTC’s Independent Review Panel Submission, paragraph 4.5: “It has been suggested that it would be beneficial to regionalise a degree of the responsibility in this field for example by having an integrity officer/office within each Regional Association or even National Federation. We believe this is an interesting idea worthy of further exploration”.

<sup>125</sup> FFT’s “Inquiry by the Independent Review Panel – Official Position of the FFT”, section III (a)(i) and section III(b)(i).

<sup>126</sup> FFT’s “Inquiry by the Independent Review Panel – Official Position of the FFT”, section III (a)(ii).

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**Significance of the revised TIU proposals for the Independent Review**

63. These proposals in relation to a revised TIU, and the progress of agreement in relation to the details in relation to them, are obviously of great significance for the Independent Review of Integrity in Tennis.
64. First, they reveal recognition of the need and support for change to the structure of the TIU and the current system for initiating, prosecuting and deciding disciplinary proceedings.
65. Second, they contemplate and form a basis for recommendations as to the combination of functions in the interests of tennis, including functions that otherwise fall outside the ambit of this Review.
66. Third, they form a starting point for the recommendations of the Panel in this context.

**(2) PROPOSALS FOR A REVISED PLAYER PATHWAY**

67. The ITF has for some time, and since in particular its publication of the Pro-Circuit Review<sup>127</sup> in December 2014<sup>128</sup>, been considering extensive changes to the Player Pathway<sup>129</sup>. Those changes address how best to attract emerging talent to the sport, how to develop that talent, and how to retain the best players and to deliver them effectively through the Pro-Circuit to Tour Level, in a manner that provides opportunities fairly in all member nations, that “*grows the game*” and that is financially achievable<sup>130</sup>. In so doing, the ITF has to deal with the substantial increases in the number of Pro Circuit events and in the number of players taking part in them, at least in some parts of the world, and how those increases have, in the form that they have taken, diminished the effectiveness of the Player Pathway<sup>131</sup>. It also has to address how the prize money available at individual events had not before 2016<sup>132</sup> grown for some considerable time, although player costs have<sup>133</sup>.
68. The ITF has submitted two documents to the Panel: in December 2016 a “*Submission to Independent Review Panel on behalf of ITF*” and in March 2017 a “*Submission to Independent Review Panel on behalf of ITF – Player Pathway Reviews*”.
69. The other International Governing Bodies share the view that extensive changes to the Player Pathway are necessary<sup>134</sup>. There has been consultation between the ITF and the ATP and the WTA on the question<sup>135</sup>. The ATP<sup>136</sup> however differs from the ITF on the way forward, as do at least some of the Grand Slams<sup>137</sup>. The WTA is still reviewing the position<sup>138</sup>.

<sup>127</sup> The key findings of the ITF Pro-Circuit Review can be found at <http://www.itftennis.com/procircuit/about-pro-circuit/player-pathway.aspx> [accessed 9 April 2018], as described in Chapter 2.

<sup>128</sup> Now followed up by its Player Pathway Review, as described in Chapter 2 (also see here: <http://www.itftennis.com/juniors/organisation/player-pathway.aspx> [accessed 9 April 2018].)

<sup>129</sup> The existing Player Pathway is described in Chapter 2.

<sup>130</sup> See the ITF's March 2017 “Player Pathway Reviews” submission, paragraph 4.

<sup>131</sup> ITF's December 2016 “Submission to Independent Review Panel on behalf of ITF” document, paragraph 4: “There are too many ‘professional’ players... and events. It is important that any change to the number of players and events does not compromise the long-term sustainability of tennis and its global reach...”; and the ITF's March 2017 “Player Pathway Reviews” submission, paragraph 2: “The Reviews... identified several issues... [including] increasing numbers of professional players (13,736) in 2013” and paragraph 3: “The Reviews, which included working groups with representatives from 24 ITF nations and both the ATP and WTA Tours, set out a number of recommendations to address these issues. These include: the reduction of the number of players competing at the highest level through the introduction of a ‘truly professional player group’”.

<sup>132</sup> ITF's December 2016 “Submission to Independent Review Panel on behalf of ITF” document, paragraph 3: “In 2016, prize money at each \$15k Pro Circuit event increased by \$10,000 and, in 2017, prize money at every \$10k event will increase by \$5,000”;

<sup>133</sup> ITF's March 2017 “Player Pathway Reviews” submission, paragraph 2: “The Reviews... identified several issues... [including]... the cost of participation for professional players with break-even points on the annual earnings list of 336 (men) and 253 (women before coaching costs were accounted for”.

<sup>134</sup> Each of the International Governing Bodies has provided official submissions; the ATP's “Submission of ATP Tour Inc”; the WTA's “Submission to Independent Review”; the ITF's “Submission to Independent Review Panel on behalf of ITF” and “Submission to Independent Review Panel on behalf of ITF – Player Pathway Reviews”; Tennis Australia's “Submission to the Independent Review Panel”; the FFT's “Inquiry by the Independent Review Panel – Official Position of the FFT”; the AELTC's “Independent Review Panel Submission”; and the USTA's “USTA Position Statement”. Some of these address this issue.

<sup>135</sup> ITF's March 2017 “Player Pathway Reviews” submission, paragraph 2.

<sup>136</sup> ATP's “Submission of ATP Tour Inc”, analysed below.

<sup>137</sup> See for example the AELTC's “Independent Review Panel Submission”, analysed below.

<sup>138</sup> WTA “Submission to Independent Review”, paragraph 11 “Currently, the WTA is in the midst of another circuit structure review and embarking upon a complete re-draft of its rules. The circuit structure concepts being explored would result in higher player earnings, greater ranking mobility for players, and better alignment with the ITF Pro Circuit to create a clear path for rising players, and would further optimize player fitness and health for competition. In the discussions to date, the WTA stakeholders agree that the WTA must continue to evolve in order to remain the global leader in women's professional sport”.

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**Identifying the part of the sport to be regarded as professional**

70. There is consensus that the starting point is the identification in broad terms of the part of the sport to be regarded as professional, and the part to be regarded as developmental.
71. There are a number of factors relevant to the identification of the dividing line:
- 71.1 One factor is the identification of the approximate ranking, above which a player should be regarded as a professional player, and below which a player should be regarded as a developmental. This itself may involve taking into account the identification of the ranking level at which players are at least coming close to breaking even, the ranking level at which players are playing competitive tennis full time and not also engaging in other work, the ranking level at which it is desirable from the point of view of player development to regard players as professional, and the ranking levels down to which the various levels of events offer sufficient consistent “jobs”.
- 71.2 A second factor is to identify which levels of events have or could have the characteristics of professional tennis, in terms of prize money, hospitality, officiating, facilities and organisation.
- 71.3 A third factor is to identify the broad number of players by broad reference to ranking who should be regarded as professional in the interests of development of the sport, and then to ensure that there are enough events of an adequate standard to provide sufficient consistent jobs to that broad number of players, which events will then be classified as professional<sup>139</sup>.
72. There is consensus that from any point of view, the appropriate level for characterisation as professional is neither:
- 72.1 The 14,000 or so “*professional players*”<sup>140</sup> with iPin numbers currently playing at some level in the totality of all International Governing Body events (including in particular the Lowest Level events) less than half of whom have ever won a single dollar in prize money; nor
- 72.2 The few thousand men and women who have secured at least one ranking point from either the ATP or the WTA<sup>141</sup> (mostly again at the Lowest Level events).

<sup>139</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 3, which identifies the recommendations of the Reviews of the Professional and Junior Circuits that there be “a truly professional player group”, a transitional group of those “transitioning into and out of the new ‘truly professional player group’” and “the introduction of a set, and appropriate number of, job opportunities for players at all levels of the game”.

<sup>140</sup> As defined by the ITF Pro Circuit Review – see Chapter 2

<sup>141</sup> As at March 2018, 1,967 men’s singles have an ATP ranking and 1,663 men’s doubles players have an ATP ranking; 1,213 women’s singles have a WTA ranking and 1,311 women’s doubles players have a WTA ranking.

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73. There is also consensus, for that matter, that the appropriate level for characterisation as professional is neither:
- 73.1 The approximately 150 or so players consistently catered for by the main draws of events on the ATP and WTA tours at their various levels<sup>142</sup>; nor
- 73.2 The approximately 250 or so players catered for by the main and qualification draws of the Grand Slams<sup>143</sup>.
74. Although there is consensus that the identification of the dividing line between professional and developmental tennis is the starting point, and that the levels set out above are not appropriate places to draw the line, there are different views amongst those in tennis as to exactly where and how that line should be drawn, and therefore as to which events should be categorised as professional and which as developmental.
75. At one end of the spectrum, there is a view held by the ATP<sup>144</sup> and the AELTC<sup>145</sup> that the appropriate approach is to focus on categorising events, and that the lowest level events that should be categorised as professional are ATP Challenger events<sup>146</sup> and the equivalent WTA events<sup>147</sup> and events on the ITF Women's Pro-Circuit<sup>148</sup>:
- 75.1 This has been arrived at in part by an assessment that only players playing at least at these events are breaking even, taking into account that players play across the line between such events and the lower ITF events<sup>149</sup>. For example, it is suggested by the AELTC<sup>150</sup> that even men ranked at around 250 may be playing more ITF events than Challengers and only just earning a significant amount of money (and perhaps coming close to breaking even), and those ranked at around 500 may be playing only a handful of Challengers and are not earning a significant amount of money (and probably not enough to cover costs). The suggestion, therefore, is that events below the ATP Challengers, and the WTA and ITF Women's equivalents should not be described as professional, because a player needs to be playing at least a substantial number of Challengers or WTA and ITF Women's equivalents to be breaking even.
- 75.2 It has also been arrived at in part by an assessment that only the ATP Challengers and the WTA and ITF Women's equivalents have or could have the characteristics of professional tennis, in terms of prize money, hospitality, officiating, facilities and organisation<sup>151</sup>.

<sup>142</sup> See Chapter 2.

<sup>143</sup> See Chapter 2.

<sup>144</sup> The ATP states in its "Submission of ATP Tour Inc", section III "Most corruption in tennis emanates from ITF Pro Circuit events. The notion that men's professional tennis includes those ITF events (and the related corruption) has tainted the reputational integrity of the true professional levels of men's tennis competition, which are organized and operated by ATP and the Grand Slam Committee. ATP therefore believes it should take measures (including those described in section IV below) to redefine men's professional tennis as including only ATP Challenger, ATP World Tour Circuit and Grand Slam events". The ATP goes on in section IV to state that "ATP is considering whether the ranking system for men's professional tennis should be revised so that (i) a professional player's career begins with the ATP Challenger circuit and then moves up to the ATP World Tour circuit based on ability, (ii) the ITF circuit would be a developmental circuit, and would only be used to qualify players for their first appearance on the professional stage at an ATP Challenger event and (iii) few, if any rankings points would be awarded to players competing at the ITF level of events. In order for ATP to implement these changes, complementary rule changes would need to be adopted and implemented by the other Governing Bodies".

<sup>145</sup> The AELTC states in its "Independent Review Panel Submission", at paragraph 31: "We believe that an updated definition of a professional tennis player is necessary, one which means the player has reached a high standard and earned sums of money in keeping with being called professional. In Wimbledon's view this cut-off point is the ATP Challenger (and WTA equivalent) level of tennis. Tournaments currently awarding prize money of \$50k or more should be considered professional tennis with anything below this considered non-professional".

<sup>146</sup> The entry level of which are the Challenger 80s offering \$50k or \$40k+H in 2016. See Chapter 2.

<sup>147</sup> The WTA only offers a handful of 125k events at this level. See Chapter 2.

<sup>148</sup> The entry level of which are \$50k events in 2016. See Chapter 2.

<sup>149</sup> The two lower ITF levels offered to both men and women are \$25k events and \$15k (before 2017, \$10k) events. See Chapter 2.

<sup>150</sup> See the AELTC's "Independent Review Panel Submission", paragraph 2.1, where it is stated that in 2016, men ranked 240 to 250 were playing more ITF events than Challengers and earning on average 214 ranking points and \$60k in prize money, and men ranked 490 to 500 were playing many more ITF events than Challengers and winning on average 75 ranking points and \$18,000 in prize money.

<sup>151</sup> The ATP states in its "Submission of ATP Tour Inc", section III "The greatest potential for corruption in tennis exists at the lowest levels of organized tennis, principally in the ITF Pro Circuit. Among the reasons lower level tennis events are more susceptible to corruption are: (i) events are operated and managed by small promoters or local tennis federations, (ii) umpires at events are trained by the promoters, tennis federations or clubs, (iii) there is little visibility of scoring data during matches (e.g., little or no use of scoreboards), (iv) chair umpires use unsophisticated Betradar cell phone scoring technology (or none at all) during matches, (v) the relatively low cost of each event has prompted some promoters to hold events at the same location for several consecutive weeks, increasing the likelihood of lower ranked players being approached and becoming involved in corruption and (vi) amateur competitors with little chance of becoming professional tennis players are willing to risk lifetime bans and other severe sanctions in exchange for payouts which exceed the relatively low prize money awarded at Pro Circuit level events. There also are differences in tournament management between ATP events and ITF events. An ATP Supervisor attends each of its events as the Rules Official, who manages the event and monitors the performance of the Chair Umpires. The Supervisor has full access to ATP computer systems with advanced algorithms that analyze tennis competition data real time and monitor the performance of each chair umpire on a global basis. In contrast, ITF uses local supervisors sourced through the individual federations with no known monitoring tools. ATP events also utilize chair umpires trained and certified as International Officials by the ITF/ATP/WTA training programs. In contrast, ITF events use local 'white' badge chair umpires, who are certified by ITF and trained by the local tennis federations using materials provided by ITF".

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76. At the other end of the spectrum, the dividing line drawn by the ITF<sup>152</sup> is based on the premise that from the point of view of tennis development it would be appropriate to regard “no more than 750” players of each gender as professional:
- 76.1 This is clearly substantially more players than currently come close to breaking even, as all the additional players currently have costs that exceed earnings, and is based rather on creating a sufficiently broad pyramid base of the professional sport to provide an adequate opportunity for players from around the world to move up into<sup>153</sup>.
- 76.2 Having identified the appropriate number of players that it is desirable to characterise as professional as 750, and the number of players already provided with a sufficient number of consistent jobs by the ATP and WTA tours, the Challengers and their WTA and ITF Women’s Pro Circuit equivalents, the further number of events necessary to offer the remaining players a sufficient number of consistent jobs has then to be identified, and those events classified as professional.
- 76.3 The ITF considers that sufficient jobs can be provided in the men’s game by classifying all current ITF Pro Circuit \$15k (before 2017, \$10k) men’s events as “transitional” and therefore non-professional, and all current ITF Pro Circuit \$25k men’s events as professional<sup>154</sup>. The ranking of 750 is said to be the broad ranking down to which the ITF Pro Circuit \$25k men’s events are consistently offering jobs, although of course again, players are playing across the line between \$25k and \$15k events, and again what amounts to consistently is open to interpretation. The ITF identifies that although such a split would provide an excess of jobs for those actually in the top 750, that excess would be taken up by those seeking to move up from the transitional tour by playing in those events<sup>155</sup>: indeed, it appears that some further events may need to be added to the professional level to cater for this.
- 76.4 The ITF considers that a matching approach should be applied to the women’s game. Thus, ITF Pro Circuit \$15k women’s events will be classified as “transitional” and therefore non-professional, and all current ITF Pro Circuit \$25k, \$60k (before 2017 \$50k), \$80k (before 2017, \$75k) and \$100k women’s events as professional<sup>156</sup>. That would produce too few jobs for those actually in the top 750, and too few for those seeking to move up from the transitional tour by playing in those events, but this would similarly be addressed by adding further events to the professional level<sup>157</sup>:

<sup>152</sup> See the ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 6: “The ITF’s modelling work indicates that a truly professional group of players, numbering no more than 750 men and 750 women will ensure a structure that is fit for purpose”. See also the ITF’s December 2016 “Submission to Independent Review Panel”, paragraph 4: “A reformed structure, which caters for around 1,000 men and 1,000 women, and creates a set and appropriate number of job opportunities for those players, is required. Below this, an interim tour that provides opportunities for players from all backgrounds to transition to the professional tour is required. Work to model the size of a future professional player community will be completed by the ITF in March 2017.”

<sup>153</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 6: “Any fewer will risk compromising the long term sustainability of tennis as a global sport by reducing the number of nations hosting professional events and penalising players from large numbers of tennis playing nations”.

<sup>154</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 7: “In the men’s game, the number of 750 players can be achieved by repositioning all existing Level I events (\$15k) as Transition Tour events”.

<sup>155</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 7: “This leaves an excess supply, equivalent to 31 events, of playing opportunities for players ranked 1-750. However, an additional supply of up to 71 events is required to provide playing opportunities for players (circa 150) feeding up from the Transition Tour. This is achievable through retaining existing Level I events in regions where a shortfall is identified”.

<sup>156</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 10: “A similar approach would be adopted in the women’s game, as the ITF believes strongly that the same structure should be in place for both men and women”.

<sup>157</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 10: “A Transition Tour comprised of Level I events only provides a deficit supply of playing opportunities for female professional players ranked 1-750, equivalent to 13 events, and while 57 additional events are required to provide for players feeding up from the Transition Tour, this can be achieved in the same way as described in [7] above”.



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77. The ITF Board in March 2017 approved these proposals<sup>158</sup>.
78. Between the two ends of the spectrum, there is room for a variety of possibilities, such as that the appropriate line (broadly drawing a balance between where players break even and the need for a broader pyramid base) is perhaps nearer 500 players, and that if necessary only some of the \$25k events should be classified as professional, to provide a sufficient number of consistent jobs to that number of players.

**Responsibility for levels and movement between them**

79. There is also consensus that there must be identification of which bodies take responsibility for the different levels, and agreement between them of a system for movement between those levels. Again, however, there are different views amongst those in tennis as to this.
80. At one end of the spectrum, the system for movement between the professional level (Challengers and their WTA equivalents and above) and the developmental level (below Challengers and their WTA equivalents) could remain based on the current ATP and WTA ranking points systems:
- 80.1 So while the ATP Challenger events and the equivalent events on the ITF Women's Pro-Circuit would be the lowest levels of professional tennis, essentially developmental players usually playing at the developmental ITF Pro Circuit \$25k and \$15k events would be able to secure sufficient ATP or WTA points at those events to on occasion play professional tennis and so gain the opportunity of ultimately securing enough points to remain at the professional level<sup>159</sup>.
- 80.2 This view, however, is not necessarily averse to the possibility that the delivery of developmental players to the professional level might by some other ITF system, such as an ITF ranking system described below<sup>160</sup>.
- 80.3 It is, however, envisaged that the number of ITF events providing either type of such ranking points should be significantly reduced<sup>161</sup>, and those events should perhaps be split into different levels. It is also possible that the WTA might itself provide more tournaments<sup>162</sup> at the level equivalent to the ATP Challengers, in place of or in addition to the ITF<sup>163</sup>.
81. At the other end of the spectrum, the ITF's proposal is that there would, in addition to the ATP and WTA ranking points systems, be a separate and new ITF ranking system based on points earned on its new developmental "*Transition Tour*", which would work in conjunction with the ATP and WTA ranking points systems<sup>164</sup>:

<sup>158</sup> ITF's March 2017 "Player Pathway Reviews" submission, paragraph 16: "The following key principles in relation to the player pathway were approved by the ITF Board in March 2017: Creation of a Transition Tour (with the recommendation that it is comprised of ITF Level I tournaments); Level II tournaments to remain as part of the professional tour, subject to a reduction in number (the precise number to be determined); A fixed number of professional players (with the recommendation of 750 men and 750 women)".

<sup>159</sup> This view is (broadly) taken by for example the AELTC: see its "Independent Review Panel Submission" paragraph 3.2.

<sup>160</sup> In its "Independent Review Panel Submission" paragraph 3.2 the AELTC says only that "a pathway between the lower and higher levels of tennis needs to be created, with a player winning a reasonable number of matches before being able to climb into the higher level".

<sup>161</sup> This view is (broadly) taken by for example the AELTC: see its "Independent Review Panel Submission" paragraph 3.2: "We do not believe the sport needs more than 100,000 matches at ITF Pro-Circuit level with ATP/WTA ranking points to provide this pathway".

<sup>162</sup> The WTA currently provides only a small number of 125k events: see Chapter 2.

<sup>163</sup> The WTA, in its "Submission to Independent Review Panel" paragraph 11, states that it is in the midst of a circuit review to produce events better aligned with the ITF Pro Circuit.

<sup>164</sup> ITF's March 2017 "Player Pathway Reviews" submission, paragraphs 8 and 9.

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- 81.1 So far as men are concerned, it is suggested by the ITF that the top 750 players now to be classified as “*professional*”, would no longer be permitted to play on the Transition Tour once they achieved that ranking on the ATP ranking points system<sup>165</sup>.
- 81.2 Their access to the reclassified professional ITF Pro Circuit \$25k events, and to ATP Challengers, would be based in descending order upon ATP ranking, “*ITF Entry Points on the Transition Tour (new)*”, national ranking, and random draw<sup>166</sup>.
- 81.3 There would, furthermore, be up to five qualifying or main draw places at the reclassified professional ITF Pro Circuit \$25k events, which would be solely reserved for players on the basis of their ITF Entry Points on the Transition Tour, in order to allow talented players to transition rapidly<sup>167</sup>.
- 81.4 Men ranked below 750 on the ATP ranking points system could play not only on the Transition Tour, but also at the new professional level if they qualified to do so under the system of descending qualification bases set out above<sup>168</sup>.
- 81.5 Access to the events on the new Transition Tour would be on the same descending qualification bases set out above. Thus, the ATP ranking would still be the first basis for qualification, but once that basis had been exhausted, access would be based on ITF Entry Points on the Transition Tour, then national ranking, then random draw<sup>169</sup>.
- 81.6 Again, there would be a number of qualifying or main draw places at the new Transition Tour level, this time reserved for the top 50 Juniors, in order to allow talented players to transition rapidly<sup>170</sup>.
- 81.7 The same approach would again apply to women<sup>171</sup>. The top 750 by WTA ranking would not be able to play on the Transition Tour. Their access to the new professional level made up of the ITF Pro Circuit \$25k women’s events and the ITF Pro Circuit \$60k, \$80k and \$100k women’s events equivalent to the ATP Challengers, would be on the descending qualificatory bases set out above, starting with their WTA ranking. There would be the same number of reserved places at ITF Pro Circuit \$25k women’s events, and this might be extended to \$60k women’s events. The same descending qualificatory bases would apply to women’s access to Transition Tour Events, and the same number of places reserved for juniors.
82. Between the two ends of the spectrum, there is room for a variety of views, such as that the delivery of developmental players might be based on something other than a ranking system, such as winning a particular number of events at the developmental level, with the same applying to movement between the ITF lower professional level to the ATP Challengers and the equivalent ITF Women’s Pro Circuit events.
83. On any basis, whatever system is set for the delivery of players from one level to another, it must equally provide for sufficient players to be move down to free up space for those coming up.

<sup>165</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 8.

<sup>166</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 8.

<sup>167</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 8.

<sup>168</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraphs 8 and 9.

<sup>169</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 9.

<sup>170</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 9.

<sup>171</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraphs 11 and 12.

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**Play up and play down rules and restrictions on juniors**

84. It is envisaged by the ITF<sup>172</sup> that “play up” and “play down”<sup>173</sup> rules would be put in place to limit the number of players with Tour rankings playing down into the Transition Tour and to limit the number of Juniors playing up into the Transition Tour, or players below a specified ranking playing in the level above that designed for them, in order to ensure that there is sufficient space at each level for those for whom it is designed.

**Scheduling and size of draws**

85. It is envisaged by the ITF<sup>174</sup> that all events organised by it, whether at the professional level \$25k level or on the Transition Tour, would take place entirely within the week<sup>175</sup>, Monday to Sunday, so that there would be no overlap between the later stages of a tournament in week one and the qualifiers of a tournament in week two.
86. In part because of that, and in part to control the number of players playing at each level, main draws at such ITF organised events would each be limited to 32 and qualification draws limited to 24<sup>176</sup>.

**Prize money, hospitality, officiating, facilities and organisation**

87. It is envisaged by the ITF<sup>177</sup> that a standard would be set for an event that was to be classified as professional. Broadly this would be designed to bring the current Lowest Level up to the same standard as the current Mid-Level<sup>178</sup> events, though it may well be that some of the latter group of events would also need to improve. Although not set out in the March 2017 “Player Pathway Reviews” submission, the ITF is currently discussing:
- 87.1 Raising the prize money at ITF lower professional level events from \$25,000 to a greater sum.
- 87.2 Requiring all events to provide hospitality.
- 87.3 Raising the level of qualification of the officials at all events to require a gold badge supervisor, and a specified minimum number of gold, silver or bronze badge chair umpires.
- 87.4 Requiring all events to have an official whose role would be to spot courtsiders, check on the actions of chair umpires, and any others engaging in inappropriate behaviour.
- 87.5 Requiring all events to have a secure perimeter and control over who came into the event.

<sup>172</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 14.

<sup>173</sup> See Chapter 2 for further discussion of the current access to tournaments as determined by player ranking.

<sup>174</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 13: “This will ensure no overlap in events from week to week and ensure there is no requirement or pressure on players to depart a tournament early in order to sign-in at the following week’s tournament”.

<sup>175</sup> Sometimes described colloquially as “a week is a week is a week”.

<sup>176</sup> ITF’s March 2017 “Player Pathway Reviews” submission, paragraph 13.

<sup>177</sup> ITF’s “Submission to Independent Review Panel”, paragraph 5: “Appropriate integrity measures must be introduced at all tennis events (and for all players) that are at risk of corruption. In January 2017, the ITF will begin to introduce integrity protection measures at Pro Circuit events. The increased integrity protection measures will be funded from the ITF data rights agreement with Sportradar. Without access to the necessary funding to support such measures, lower-level tennis events are at risk of becoming too expensive to organise, putting at risk the sustainability of the sport”. See also ITF’s “Player Pathway Reviews” submission, paragraph 15 “With or without a data rights agreement, additional integrity measures would need to be put in place to mitigate” the threat of “unauthorised data collection (and unregulated betting markets)” increasing.

<sup>178</sup> The “Mid-Level” is made up of ATP Challenger and ITF women’s Pro Circuit \$60k-\$100k and WTA 125k events.

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87.6 Requiring all events to operate an accreditation system implementing the no credentials list.

87.7 Requiring all events to have separate player areas to which access would be strictly limited.

87.8 Requiring all matches to be video recorded with a time line, and to have an electronic scoreboard in shot<sup>179</sup>.

**Significance of the Player Pathway proposals for the Review**

88. These proposals in relation to the Player Pathway, and the progress of agreement in relation to the details in relation to them, are obviously of great significance for the Independent Review of Integrity in Tennis.
89. First, the proposals would change the environment against which the problem of breaches of integrity falls to be assessed. In particular they would alter the player incentive structure<sup>180</sup>, which presently has the unintended consequences, described in Chapter 4<sup>181</sup>, that contribute significantly to the present particular susceptibility of tennis to match fixing and other breaches of integrity. Furthermore, the fact that significant such changes are proposed provides a clear mechanism by which additional measures considered by the Panel to be likely to assist in the prior prevention of breaches of integrity, may be implemented.
90. Second, the proposals would raise the standard of facilities and organisation at events, the current inadequacy of which also contributes significantly to the susceptibility of tennis to match fixing and other breaches of integrity. Again, this provides a mechanism for the implementation of any further recommendations in the context.
91. Third, the proposed delineation between professional tennis and developmental or transitional tennis provides a potential basis for the delineation between on the one hand tennis events, the live data to which should remain to be sold and tennis events, the live data to which should not be sold. Also, as described in Chapter 4, the particular susceptibility of tennis to match fixing and other breaches of integrity in part arises out of the sale of live data to the very many matches at the lower levels, where due to the unintended consequences of the player incentive structure, players are the most susceptible to such breaches, and the structures for preventing and detecting such breaches are the least effective. A reduction in the number of matches to which live data can be sold, in particular at the Lowest Level would significantly reduce the opportunities to bet in play and therefore the opportunities to fix.
92. In the view<sup>182</sup> of some of those that consider that the lowest levels of events that should be categorised as professional are ATP Challenger events and the equivalent events on the ITF Women's Pro-Circuit, the sale of live data should stop where the professional sport stops, and should not extend at all to live data from the Lowest Level events. They point<sup>183</sup> to the sale of live data at those events as being the primary cause of the large increase in the number of suspicious betting patterns reported since 2012, and of a significant expansion in low level corruption at such events, in the form of players betting small amounts which may not even give rise to such reports. They also point to the sheer size of the task facing the TIU in dealing with threats to integrity at such a large number of events all around the world<sup>184</sup>, and suggest that the TIU should have no responsibility outside the professional sport<sup>185</sup>.

<sup>179</sup> See, for example, statement of Kris Dent (IRP)

<sup>180</sup> An outline of the incentive structure of tennis can be found in Chapter 2. Additionally, an analysis of the player pathway and the effect this has on tennis integrity can be found in Chapter 4.

<sup>181</sup> Chapter 4, Section A.

<sup>182</sup> This view is (broadly) taken by for example the AELTC: see its "Independent Review Panel Submission" paragraphs 3.4 to 3.6: "the level below professional tennis should not facilitate any form of gambling. No official data feed or official stream should be available to discourage mainstream bookmakers from making a market. We accept there will need to be action taken to prevent widespread courtsiding although given crowds would be small this should not be at all difficult... If the only area of focus or consideration were suspicious betting alerts there would be an argument to draw the line between professional and non-professional tennis higher i.e. above Challenger (and WTA equivalent) level. However, looking at this from a tennis perspective, those competing at Challenger level are playing at a good standard for reasonable prize money and should be considered professional... Failure to have a sensible and realistic definition of professional tennis would, in our view, mean an almost impossible sport to police. Even with increased levels of investment into anti-corruption there will still be enormous temptation for individual players most of whom will have little prospect of becoming professional players. This will result in the reputation of tennis being further damaged by more betting and potentially more players being corrupted".

<sup>183</sup> AELTC "Independent Review Panel Submission", paragraphs 2.3 to 2.4: "In 2012 the ITF took the decision to licence data rights at ITF Pro-Circuit events and permit betting at this level. Whilst financially advantageous for the ITF, this decision is causing significant problems to the integrity of the sport... There is clear evidence showing that the increase in the number of suspicious betting alerts is directly linked to the availability of online betting at ITF Pro-Circuit events. This problem has been exacerbated by the recent renewal and expansion of the agreement between the ITF and Sportradar".

<sup>184</sup> AELTC's "Independent Review Panel Submission", paragraph 2.6: "The structure of tennis in its current form, coupled with the facilitation of betting on ITF Pro-Circuit tournaments presents the TIU with the enormous task of policing the integrity of over 100,000 matches at ITF Pro-Circuit events alone, plus Challenger, Tour and Grand Slam matches".

<sup>185</sup> AELTC's "Independent Review Panel Submission", paragraph 3.3: "We would also expect that in this revised structure, the TIU's work would apply to professional tennis only and that for the non-professional pathway events a different regime would apply".

**Chapter 12**

93. Those that take this view however recognise that, presumably in the light of the loss of revenue from data sales and the developmental role played, the professional sport may need to provide some funding for the developmental sport<sup>186</sup>.
94. The ITF for its part, envisages continuing to sell live data for both its proposed lower professional level, and the developmental or transitional level<sup>187</sup>. That is not least because that sale provides the funding for those levels (including security measures at them)<sup>188</sup> and because the ITF has contractual obligations to Sportradar through until 2021, but also because it takes the view that absent sale of the live data, betting markets would be created (through courtsiders or scraping of data) on both the IRF lower professional level, and on the developmental level<sup>189</sup>. The ITF is firmly of the view that the TIU must continue to have a role at all levels, including the ITF lower professional level and developmental level, and even the junior level<sup>190</sup>.
95. It is possible that if the funding gap and those contractual obligations could be satisfied or otherwise discharged, the ITF might be persuaded of the desirability of ceasing to sell live data to events outside the professional sport, at least if the dividing line between that and the developmental sport falls as the ITF envisages at the 750 ranking level, and so broadly encompasses the ITF \$25k events but not \$15k events.
96. An alternative midway in the spectrum might be that live data should not be sold to events outside the professional sport, wherever the dividing line between that and the developmental sport falls. That would not necessarily mean, however, that the TIU should have no role outside the professional sport.
97. The Panel addresses this in Chapter 14.

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<sup>186</sup> AELTC's "Independent Review Panel Submission", paragraph 3.3: "We accept that the professional game may need to provide some financial support to the non-professional". See also paragraph 5.3 "As stated earlier in this document, we believe that the ITF's licensing of data rights at Pro-Circuit events and the permitting of betting at this level is causing significant problems with the integrity of the sport. It has been suggested that the money that is made by the ITF from this licence agreement could be replaced with solidarity payments from other governing bodies within the sport. This is something that should be explored further".

<sup>187</sup> ITF's "Player Pathway Reviews" submission, paragraph 15 which repeats paragraph 6 of the ITF's December 2016 "Submission to Independent Review Panel": "In addition to being an important revenue stream, a centralised data rights agreement contributes to the protection of integrity by mitigating the threat of courtsiders, and deterring the collection of unauthorised data and the creation of any unregulated betting market (both of which we are reliably informed pre-existed any ITF data rights agreement). Even with a data rights agreement in place, courtsiders continue to attempt to gain access to Pro Circuit events, and so without that agreement there is a significant risk that unauthorised data collection (and unregulated betting markets) will increase significantly. With or without a data rights agreement, additional integrity protection measures would need to be put in place to mitigate this threat. Therefore, data rights agreements should be permissible for all tennis events, including an ITF Transition Tour, subject to appropriate measures of integrity control being in place at those events".

<sup>188</sup> ITF's "Submission to Independent Review Panel", paragraphs 3, 5 and 6, set out above.

<sup>189</sup> ITF's "Submission to Independent Review Panel", paragraph 6, set out above.

<sup>190</sup> ITF's "Submission to Independent Review Panel", paragraph 7, "The protection of integrity of all players, events and stakeholders that are susceptible to corruption must be the responsibility of an independent integrity organisation with an appropriate governance structure. For players, starting such protection only once they reach professional status is too late, and would leave them more accessible to corruptors at an earlier stage in their careers, making tennis an impossible sport to police. A coherent tennis-wide protection strategy is required, which must reach down to junior players and events".