



**PROCEDURAL RULES
GOVERNING PROCEEDINGS BEFORE AN
INTERNAL ADJUDICATION PANEL
CONVENED UNDER ITF RULES**

Effective 1 January 2019

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1. INTRODUCTION

- 1.1 The ITF Internal Adjudication Panel (the **Panel**) is a standing committee of the Board of Directors (the **Board**) of ITF Limited (t/a the International Tennis Federation) (the **ITF**) that is empowered to:
- 1.1.1 decide any eligibility issues or other matters that may be referred to it for decision under the ITF Rules of Tennis, the ITF Davis Cup Regulations, the ITF Billie Jean King Cup Regulations, the ITF Pro Circuit Regulations, the ITF Wheelchair Tennis Regulations, the ITF Wheelchair Tennis Classification Manual, the ITF Junior Circuit Regulations, the ITF Junior Team Competitions Regulations, the ITF Senior Regulations, the ITF Beach Tennis Rules, the Code of Conduct for Officials, and/or any other rules and regulations of the ITF (together, the **ITF Rules**);
 - 1.1.2 resolve any issue referred to it by the Board about the proper interpretation of the ITF Rules;
 - 1.1.3 hear and determine any allegation of breach of the ITF Rules that is expressly referred to it for decision under the ITF Rules (but not any allegation of breach of the ITF Rules that is referred under the ITF Rules to another body for hearing and determination);
 - 1.1.4 decide whether a suspension of an individual or entity by another tennis organisation that is referred to it by the Board should be recognised by the ITF and extended (with or without modification) to cover activities under the jurisdiction of the ITF; and
 - 1.1.5 hear and determine any other dispute or matter that is expressly referred to it for decision under the ITF Rules or otherwise by the Board.
- 1.2 The Panel is also empowered to hear and determine appeals of decisions made by other persons and/or bodies under the ITF Rules, where the ITF Rules give the Panel jurisdiction over such appeals.
- 1.3 The Panel is also empowered to propose changes to the ITF Rules to the appropriate decision-making entity (either the Board, the ITF Council or the relevant Committee (as applicable)) (the **Approval Body**), and to receive changes to the ITF Rules proposed by others and present them to the Approval Body with the Panel's recommendation for approval or rejection (save that proposals for changes to the Rules of Tennis are the responsibility of the Rules of Tennis Committee, and therefore this paragraph 1.3 shall not apply in respect of the Rules of Tennis).
- 1.4 Any dispute as to the jurisdiction of the Panel to consider a particular matter shall be determined by the Panel itself. Any affected party may appeal that decision to the Independent Tribunal in accordance with paragraph 6, below.
- 1.5 The Panel shall conduct its business in accordance with these Procedural Rules. Upon request by the ITF Internal Adjudication Panel, or on its own initiative, the Board may amend these Procedural Rules at any time, with immediate effect. Where a matter arises that is not

addressed in these Procedural Rules, the Panel will address that matter in such fair, efficient and effective manner as it sees fit.

2. COMPOSITION OF THE PANEL

- 2.1 The Panel shall consist of at least three persons nominated by the Board. Those persons shall between them choose one of them to chair the Panel (the **Chair**). The Board may replace any of them as and when it deems necessary.
- 2.2 Where a member of the Panel is unable for whatever reason to sit in respect of a particular matter, the ITF President may nominate someone else to replace him or her on the Panel for that matter.
- 2.3 Where the Chair considers that the Panel requires additional expertise or resource in a particular matter, he/she may, with the agreement of the ITF President, co-opt an additional member or members onto the Panel for that matter on an *ad hoc* basis, and/or may instruct a person to act as an expert advisor to the Panel for that matter.

3. CONDUCT OF PANEL BUSINESS

- 3.1 The Panel shall meet, in person or by telephone or video conference, as often as required to conduct its business, but no less than quarterly, either at the ITF headquarters or else at another convenient venue chosen by the Chair. Save for appeals considered in accordance with paragraph 6, at least two members of the Panel must be present, whether in person or by telephone or video conference, for the meeting to be quorate. Appeals heard in accordance with paragraph 6 shall require at least three members of the Panel to be present for the meeting to be quorate.
- 3.2 The Panel will make its decisions by unanimous or majority vote. No Panel member may abstain from voting on any matter. If an issue is considered initially by only two members of the Panel, and they cast their votes differently, so that there is no majority decision, then the third member of the Panel shall be consulted and shall have the casting vote.
- 3.3 The Chair may nominate an ITF employee to act as secretary to the Panel. The secretary shall not be a member of the Panel and shall not have a vote. The secretary shall:
 - 3.3.1 circulate notice of each meeting of the Panel and the agenda listing items to be considered at the meeting to each Panel member, with a copy to the ITF President, at least 14 (fourteen) days prior to the meeting (save where exceptional circumstances necessitate a shorter notice period);
 - 3.3.2 keep the minutes of each meeting and circulate the same, once approved, to the Panel members and to the Board; and
 - 3.3.3 produce copies of resolutions passed by the Panel for distribution as requested by the Chair.
- 3.4 The ITF will provide the necessary resources for the Panel to fulfil its mandate. Expenses that members of the Panel incur in the course of Panel business will be reimbursed in accordance with the ITF's standard expenses policy.
- 3.5 The Chair will report to the Board on the business of the Panel as required. The Chair or his/her designee from the other members of the Panel will attend meetings of the Approval Body to

present the Panel's proposed changes to the ITF Rules, as well as any other party's proposed changes to the ITF Rules and the Panel's recommendations with respect thereto.

4. MANDATE AND POWERS OF THE PANEL

4.1 The Panel's mandate in a particular matter referred to it, and the procedure that it follows in hearing and determining that matter, will depend upon the nature and scope of that matter:

Primary decision-maker

4.1.1 Where the Panel is being asked to hear and determine an allegation that a rule or requirement has been breached, and (if so) to determine the appropriate sanction for that breach, the Panel will hear and determine the allegation in accordance with paragraph 5.3, below.

4.1.2 Where the Panel is being asked to make a 'first instance' decision or ruling on any other particular issue or matter (e.g., an eligibility issue), i.e., it is the first time the issue or matter has been decided, the Panel will hear and determine the matter in accordance with paragraph 5.1, below.

4.1.3 Where the Panel is being asked to review a decision or ruling that has been made by another person or body on a particular matter:

Appellate jurisdiction

4.1.3.1 If the matter comes before the Panel by way of appeal (i.e., one of the parties to the matter exercised a right they had under the ITF Rules to appeal the decision to the Panel), then the Panel will hear and determine that appeal in accordance with paragraph 6, below.

Supervisory jurisdiction

4.1.3.2 If there is no right of appeal against the decision or ruling that is being challenged before the Panel, then the Panel will hear and determine the challenge in accordance with paragraph 5.3, below. It will exercise a supervisory jurisdiction only, i.e., it will not decide the challenge based on whether it agrees with the decision on the merits, but instead will only uphold the challenge if the party bringing the challenge satisfies it that:

- (a) the decision is irrational (i.e., it falls outside the range of what a reasonable person might decide), arbitrary or capricious;
- (b) the decision is based on an error of law (i.e., it is contrary to the ITF Rules, properly construed, or to applicable law); or
- (c) the procedure that was followed in reaching the decision was so unfair as to be contrary to natural justice.

4.2 The Panel shall have all such powers as are necessary to enable it to carry out its functions efficiently and effectively, including (without limitation):

4.2.1 (subject to paragraph 5, below) the power to determine the procedures to be followed in determining any particular matter referred to it;

- 4.2.2 the power to obtain legal and/or other professional advice or support in the conduct of its business;
 - 4.2.3 the power to conduct such investigations as it deems necessary;
 - 4.2.4 the power to invite persons to make written and/or oral submissions to the Panel and/or to answer questions of the Panel, whether in relation to proposed changes to the ITF Rules, or as to the proper interpretation of the ITF Rules, or as to any other matter before the Panel;
 - 4.2.5 the power to require persons or entities under the jurisdiction of the ITF to provide any information and/or documents in their possession, custody or control that may be relevant to a matter that the Panel has to decide; and
 - 4.2.6 the power to require persons or entities under the jurisdiction of the ITF to attend an interview and/or to provide a written statement setting forth their knowledge of any facts or circumstances that may be relevant to a matter that the Panel has to decide.
- 4.3 Failure to cooperate with the Panel (including failure without good cause to comply with a requirement of the Panel within the scope of paragraph 4.2.5 or 4.2.6) shall constitute misconduct, for which the ITF may bring proceedings before the Independent Tribunal to sanction the person or entity involved.
- 4.4 The Panel may refer any allegation and/or any information or documents received during the course of its business to any other tennis organisation(s) or non-tennis authority/authorities it considers appropriate. It may stay its own proceedings pending the outcome of proceedings being conducted by any other tennis organisations and/or any relevant authorities.

5. PROCEDURAL REQUIREMENTS

- 5.1 Where an eligibility issue or a request for a decision or ruling on any other particular matter arising under the ITF Rules is referred to the Panel for 'first instance' decision under the ITF Rules (i.e., this is the first time the matter has been considered for decision), or a question as to the proper interpretation of the ITF Rules is referred to the Panel, or the Panel is asked by the Board whether a suspension should be recognised by the ITF, the Panel shall adopt such procedure to determine the matter as it sees fit, provided that:
- 5.1.1 The Panel may direct a party seeking a decision or ruling to submit an application in such form, and containing such information and supporting documentation/evidence, as the Panel sees fit.
 - 5.1.2 The Panel may also invite other persons to support or oppose or otherwise comment on the application, and/or on its proposed ruling on that application, as it deems necessary.
 - 5.1.3 Where an interested party considers that an urgent decision is required in respect of a particular matter, that urgency shall be communicated to the Panel at the earliest opportunity, together with an explanation of the reasons for the urgency. It shall be for the Panel to decide whether the matter will be progressed urgently, and as to whether any interim ruling should be made pending a final ruling in the matter.
 - 5.1.4 The Panel shall ensure that all affected parties are given a fair opportunity to present their respective positions to the Panel prior to making a decision. For the avoidance

of doubt, no one shall have the right to an oral hearing before the Panel. The Chair will decide whether the matter can be decided on the papers alone, or alternatively whether an oral hearing should be convened to hear the evidence and/or the submissions of interested parties.

- 5.2 Where a party exercises a right given to them under the ITF Rules to appeal a decision made under the ITF Rules to the Panel, the Panel shall follow the procedure set out in paragraph 6 to hear and determine the appeal.
- 5.3 Where an allegation of breach of the ITF Rules or a challenge (other than by way of appeal) to a decision made under the ITF Rules is referred to the Panel for hearing and determination, the Panel shall adopt such procedure to determine the matter as it sees fit, provided that (unless otherwise provided in the relevant ITF Rules):
- 5.3.1 All hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives and witnesses, save that the ITF may publish the decision and/or written reasons on the ITF's website and/or otherwise as it sees fit.
- 5.3.2 The burden shall be on the party making an allegation to prove the allegation on the balance of probabilities.
- 5.3.3 Facts may be established by any reliable means. It shall be for the Panel to decide what weight to put on evidence that is put before it.
- 5.3.4 Each party shall be given due notice of the case that is made against him and a fair opportunity to address that case, including an opportunity to present evidence and to challenge any evidence that is offered against him.
- 5.3.5 The non-attendance of any party at a hearing of which due notice was given will not prevent the Panel from proceeding with the hearing in that party's absence, whether or not written submissions have been made by or on behalf of that party.
- 5.3.6 Where a breach of the ITF Rules is admitted or found to have been committed, the Panel may impose sanctions in accordance with any specific sanctioning provisions set out in the relevant ITF Rules. If no sanctions are specified in the relevant ITF Rules, the Panel may impose the sanction for such breach that it considers just and proportionate in all of the circumstances of the case. Such sanction (which may in the Panel's discretion be suspended in whole or in part for a specified period, and vacated at the end of such period if there have been no further breaches in the interim) may include:
- 5.3.6.1 a caution, reprimand and/or warning as to future conduct;
- 5.3.6.2 a fine payable by a specified date;
- 5.3.6.3 a compensation payment;
- 5.3.6.4 disqualification/expulsion from competitions and/or events, with all resulting consequences;
- 5.3.6.5 a specified period of ineligibility from participating in any aspect of tennis and/or in any activities controlled and/or sanctioned by the ITF; and/or

5.3.6.6 such other sanction(s) as the Panel deems appropriate.

5.4 In all proceedings before the Panel:

5.4.1 All proceedings will be conducted in English. Any party wishing to rely on materials written in a language other than English must produce certified English translations of such materials at his/its own cost. Any party wishing to speak in a language other than English must pay for independent simultaneous translation.

5.4.2 English law shall govern.

5.4.3 The Panel will issue a reasoned decision in writing. Where a matter is urgent, the Panel may first report the decision orally, with written reasons to follow as soon as practicable thereafter.

5.4.4 The Panel's decisions shall be final and binding on all parties, subject only to the rights of appeal set out in paragraph 7 below.

6. PROCEDURES WHERE THE ITF INTERNAL ADJUDICATION PANEL SITS AS AN APPEAL PANEL

6.1 Where a decision made by another person or body under the ITF Rules is appealed to the ITF Independent Adjudication Panel in accordance with an appeal right established in the ITF Rules, the Panel shall hear and determine that appeal in accordance with this paragraph 6.

6.2 Save where they are contradicted or pre-empted by provisions of this paragraph 6, all of the other paragraphs of these Procedural Rules will apply in appeal proceedings before the Panel, *mutatis mutandis* (i.e. with any amendments deemed to have been made that are necessary to take account of the different context).

6.3 Unless otherwise specified in the applicable ITF Rules, notice of the appeal must be filed with the Chair and with the other party or parties to the appeal no more than twenty-one (21) days after the date that the appealing party receives the decision in question. The notice of appeal must specify the decision being appealed, the provision in the ITF Rules conferring jurisdiction on the Panel to hear the appeal, the grounds of appeal, the contact details of the other party or parties to the appeal, and whether any interim relief is sought and/or an expedited time-table is requested.

6.4 The decision being appealed will remain in full force and effect pending determination of the appeal unless the Panel orders otherwise.

6.5 Where required in order to do justice (for example to cure procedural errors in the original proceedings), appeals to the Panel shall take the form of a rehearing *de novo* of the issues raised in the proceedings, i.e. the Panel shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. The Panel will have all of the powers that the actual first instance decision-maker would have had under the applicable ITF Rules in relation to the facts as found by the Panel on appeal. Where it sees fit, however, the Panel may remit the matter to the first instance decision-maker for re-hearing.

6.6 In all cases that do not fall within paragraph 6.5, the appeal to the Panel shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.

6.7 Decisions of the Panel resolving appeals shall be final and binding on all parties. Neither paragraph 7 nor any other right of appeal shall apply to them. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such decisions, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

6.8 Strictly without prejudice to the provisions of paragraph 6.7, any challenge to or claim in respect of a decision of the Panel resolving an appeal shall be submitted to the exclusive jurisdiction of the English courts, applying English law.

7. APPEALS FROM DECISIONS OF THE ITF INTERNAL ADJUDICATION PANEL

7.1 Save for provided otherwise in the applicable ITF Rules, decisions of the Panel in cases falling within paragraph 5 above may only be challenged by way of appeal to the Independent Tribunal, which appeal may only be brought by one of the following persons, and must be filed with the Independent Tribunal no later than 21 days after receipt of the written reasoned decision:

7.1.1 the party that is the subject of the decision being appealed;

7.1.2 any other party to the proceedings before the Panel; and

7.1.3 any other party that is given a right of appeal under the relevant ITF Rules.

7.2 Appeal proceedings before the Independent Tribunal will be governed by the Independent Tribunal Procedural Rules. The Independent Tribunal may hear the appeal *de novo* and (where applicable) will have all of the sanctioning powers that the Panel would have in relation to the facts as found by the Independent Tribunal.

7.3 Appeal proceedings before the Independent Tribunal will be governed by English law, and the Independent Tribunal will operate as an arbitral tribunal within the meaning of the Arbitration Act 1996.

7.4 Decisions of the Independent Tribunal resolving appeals from the decisions of the Internal Adjudication Panel shall be final and binding on all parties, and may not be appealed or challenged in any forum, save in the English courts on the limited grounds set out in the Arbitration Act 1996.

8. MISCELLANEOUS

8.1 None of the members of the Panel will be liable to any party for damage caused by any act or omission in connection with any matter considered by the Panel unless that act or omission was actuated by malice or bad faith.

8.2 Technical and/or non-material deviations from these Procedural Rules and/or any technical and/or non-material irregularity, omission, technicality or other defect in the proceedings before the Panel will not invalidate any finding, procedure or decision of the Panel.

Approved: 18 December 2018

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