
10 Collective Submission of the International Governing Bodies: Principles of Proposals

Independent
Review
of Integrity
in Tennis

APPENDIX



IRP STEERING COMMITTEE

TENNIS INTEGRITY REVIEW – PRINCIPLES OF PROPOSALS (FOR GOVERNING BODIES AND IRP)

1. Background

Allegations that evidence was suppressed and relevant information was not acted upon have been made against the Tennis Integrity Unit (“TIU”), most notably by BuzzFeed and the BBC in January 2016. For this reason, the partners in the TIU (ATP, Grand Slams, ITF and WTA – the “Governing Bodies”) commissioned an independent panel (the “IRP”) to review the activities of the TIU. In parallel with the IRP’s work, a Steering Committee comprising representatives of the Governing Bodies has developed principles that aim to place tennis in a position to adequately address its current and future threats to integrity. 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. A summary of these is provided in the Appendix.

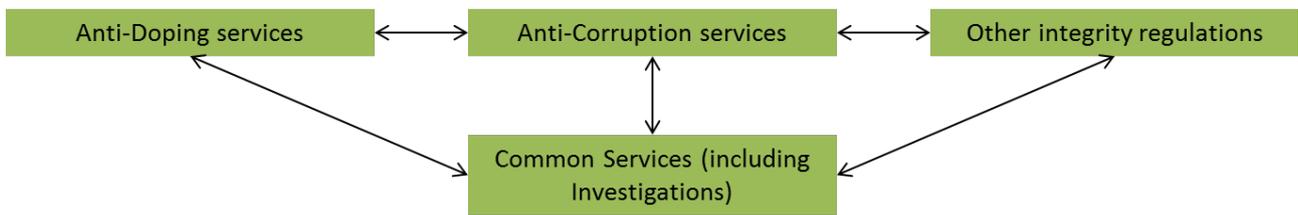
2. Integrity in tennis

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.

3. Internal structure

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 figure 1).



Note: This figure is analogous to the 'Integrity Services' box in figure 2.

Figure 1. Internal structural overview of an amalgamated tennis integrity organisation.

4. Governance

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). The governance structure proposed by the Governing Bodies is shown schematically in figure 2 and described in sections 4.1 to 4.5.

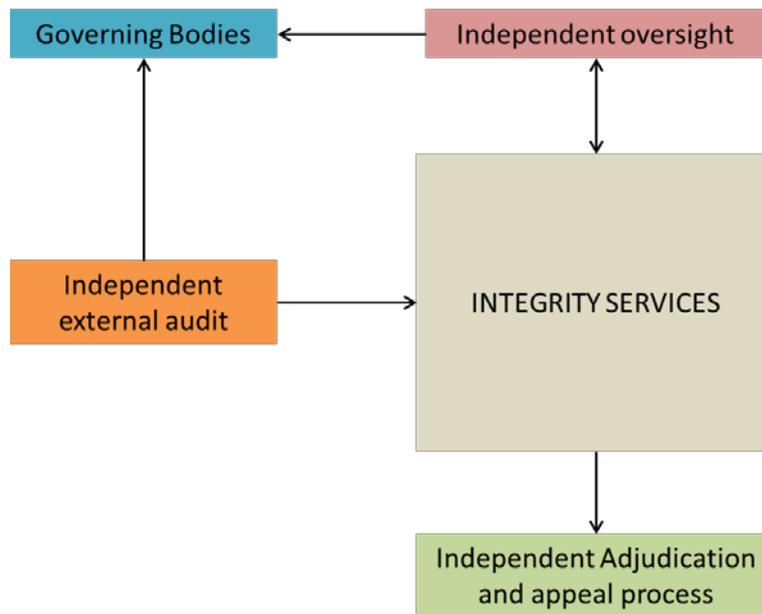


Figure 2. Governance structure of a tennis integrity organisation.

4.1 Key governance principles

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.



A key component of good governance is independence. While various levels of independence can be defined, the Governing Bodies believe that an appropriate level of independence in the relevant parts of the governance and adjudication structure (oversight, and determining whether a covered person has a case to answer) would be achieved where a majority of the members of those bodies are fully independent (i.e. 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 interest¹), with a minority representation of members who can provide tennis knowledge (e.g. a current serving or former board member, committee member or employee of any Governing Body).

A more stringent (but nonetheless acceptable) alternative would be one in which all voting members of those bodies are fully independent, with observers who have tennis knowledge, but are not permitted to vote or otherwise influence any decisions.

The Governing Bodies also advocate an integrity organisation that:

- 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;
- Makes decisions that are for the good of the sport as a whole;
- Implements checks and balances that prevent power being concentrated in a single person or small number of people.

4.2 Oversight and leadership

The Governing Bodies preference is to create an oversight body that has supervisory responsibilities for integrity services, while maintaining independence from the political leadership of tennis. (See figure 2 and section 4.1) 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.

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.

4.3 Review

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.

¹ 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



4.4 Enforcement

The Governing Bodies advocate maintaining an independent adjudication process, which preserves the right of appeal and includes a robust process for determining whether an athlete or other covered person should be charged with a breach of the relevant rules (see section 4.1). 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, although a three-member panel (whether mandatory or with the agreement of the parties) is recognised as an acceptable alternative.

4.5 Employment

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.

That is, providing that the appropriate governance structures are in place, any of the Governing Bodies could, in principle, act as an employer of an integrity organisation, and that organisation could be located in the offices of any of the Governing Bodies (subject to the implementation of appropriate security measures, such as dedicated areas in buildings with their own access codes and separate document storage locations) without its independence being in question. 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.

5. Conclusion

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.



APPENDIX – SUMMARY OF PRINCIPLES

Item	Issue for consideration	Alternatives and proposal
1. Structure.	Key strands of tennis integrity are operated independently of each other. Could a different structure enhance the protection of integrity?	<p>Alternative structures are:</p> <ul style="list-style-type: none"> a. Maintain integrity strands as separate organisations; b. Amalgamate integrity strands. <p>Recommendation: Effectiveness of integrity protection could be increased by amalgamation, so create an amalgamated 'integrity services' organisation responsible for the TACP, TADP and major offences under the Code of Conduct.</p>
2. Governance (independence).	How can stakeholders have confidence that an integrity organisation and its oversight and adjudication process are protected from improper influence by the sport-political leadership of tennis?	Establish an appropriate level of independence between the integrity organisation and the Governing Bodies.
	<ul style="list-style-type: none"> - TIB. Potential conflict of interest if it remains comprised solely of the sport-political leaders. 	<p>TIB members may be perceived as not being independent because they all come from one of the governing bodies. Alternative structures are:</p> <ul style="list-style-type: none"> a. All members of group are fully independent; b. Group comprises fully independent persons plus non-voting 'tennis people' (i.e. with tennis knowledge) as observers; c. The majority of the group is independent with a minority of 'tennis people'. <p>Recommendation: Option (c), but with option (b) as an alternative.</p>
	<ul style="list-style-type: none"> - PTIOs. Potential conflict of interest if it remains comprised solely of employees of the Governing Bodies. 	<p>PTIOs may be perceived as not being independent because they all come from one of the governing bodies. Alternative structures are:</p> <ul style="list-style-type: none"> a. All members of group are fully independent; b. Group comprises fully independent persons plus non-voting 'tennis people' (i.e. with tennis knowledge) as observers; c. The majority of the group is independent with a minority of 'tennis people'.



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		Recommendation: Option (c), but with option (b) as an alternative.
	<ul style="list-style-type: none"> - AHO. Comprises an independent legal expert, sitting alone. 	<p>There is no issue as to independence of the AHO. However, alternative structures that may be considered are:</p> <ol style="list-style-type: none"> a. Continue with one AHO sitting alone; b. Appoint three-person panels for every case; c. Default position of one person, but can be three with the agreement of the parties. <p>Recommendation: Option (a), with option (c) as an alternative. AHOs to be selected on a rotational basis from a pool.</p>
	<ul style="list-style-type: none"> - CAS. Hears appeals under the TACP and TADP. 	<p>There is no issue as to independence, as CAS is an organisation that is not funded or administered by any Governing Body.</p> <p>Recommendation: Retain existing appeal process.</p>
	<ul style="list-style-type: none"> - TIU / Integrity Organisation. This organisation is funded / employed / accommodated by the Governing Bodies. Does that affect its independence? 	<p>There appears to be no alternative to the Governing Bodies funding a tennis integrity organisation. Alternatives structures for employment and accommodation are:</p> <ol style="list-style-type: none"> a. Employment. The integrity organisation continues to be employed by the Governing Bodies, or it is established as a separate legal entity. b. Accommodation. The integrity organisation is accommodated by one of the Governing Bodies or it is accommodated separately. <p>Recommendation: Agreement to, and implementation of, the recommendations for independence described above would simultaneously address any shortcoming of independence. So, the Governing Bodies could continue to employ and accommodate the integrity organisation.</p>
3. Governance (review).	How can the Governing Bodies be assured that the integrity organisation is following its own policies and rules?	<p>As the body responsible for setting policy, the TIB should not be report on compliance with its own policies.</p> <p>Recommendation: Implement an external independent compliance audit.</p>