



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

Effective 1 January 2025

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("IAP PROCEDURAL RULES")**

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1. INTRODUCTION

1.1 The ITF Internal Adjudication Panel (the **Panel**) is appointed by the Board of Directors (the **Board**) of ITF Limited (t/a the International Tennis Federation) (the **ITF**) and is empowered to:

1.1.1 decide any eligibility issues or other matters that may be referred to it for decision under the ITF Constitution, ITF Rules of Tennis, the ITF Davis Cup Regulations, the ITF Billie Jean King Cup Regulations, the ITF World Tennis Tour Regulations, the ITF Wheelchair Tennis Regulations, the ITF Wheelchair Tennis Classification Rules, the ITF World Tennis Tour Juniors Regulations, the ITF Junior Team Competition Regulations, the ITF World Tennis Tour Masters Regulations, the ITF Beach Tennis World Tour Regulations, the ITF Beach Tennis Junior Tour Regulations, the ITF Children Safeguarding Policy, the ITF Adult Safeguarding Policy, the ITF Safeguarding and Case Management Procedures, 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 for consideration of Reciprocation 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 challenges and appeals of decisions made by other persons and/or bodies under the ITF Rules, where the ITF Rules give the Panel jurisdiction over such challenges and appeals.

1.3 The Panel shall conduct its business in accordance with these rules (the **IAP Procedural Rules**). Where a matter arises that is not addressed in these IAP Procedural Rules, the Panel will address that matter in such fair, efficient and effective manner as it sees fit. Where the applicable ITF Rules and these IAP Procedural Rules conflict, the ITF Rules will prevail. These IAP Procedural Rules shall be governed by English law.

2. COMPOSITION OF THE PANEL

- 2.1 The Board shall nominate one person from the Board to perform certain roles as specified in these IAP Procedural Rules (the Standing Chair). The Standing Chair shall from time to time appoint persons to the Panel List (ie the list of individuals who may make up the Panel for any given matter). The Standing Chair may, when they consider it necessary from time to time, remove persons from the Panel List.
- 2.2 The Panel appointed to determine an individual matter shall consist of at least three persons (save where the ITF Rules prescribe another number of persons) from the Panel List, each of whom shall be selected by the Standing Chair or their delegate. Those persons shall between them choose one of them to chair the Panel meeting (the **Panel Chair**).
- 2.3 Where a member of a Panel is unable for whatever reason to sit in respect of a particular matter, the Standing Chair or their delegate may nominate someone else to replace them on the Panel for that matter.
- 2.4 Where the Standing Chair or their delegate considers that a Panel requires additional expertise or resource in a particular matter, they may 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. ROLE OF OTHERS IN PANEL BUSINESS

- 3.1 The Standing Chair may nominate one or more ITF employee(s) to act as the secretariat to the Panel. Any ITF employee attending a Panel meeting in their capacity as the secretariat shall not be a member of the Panel and shall not have a vote. Where the Standing Chair so delegates, the secretariat shall carry out tasks to support the administration and smooth running of a Panel, including (but not limited) to:
 - 3.1.1 select the Panel from the Panel List to hear matters within the Panel's remit;
 - 3.1.2 circulate notice of each meeting of the Panel and the agenda listing items to be considered at the meeting to each Panel member, at least 7 (seven) days prior to the meeting (save where exceptional circumstances necessitate a shorter notice period);
 - 3.1.3 make arrangements to conduct business by email where required for expediency;
 - 3.1.4 keep the records of each meeting and circulate any records as required;
 - 3.1.5 Engage with the Panel about any communications and correspondence required following a Panel meeting and manage those on behalf of the Panel as required; and
 - 3.1.6 produce copies of decisions of, or resolutions passed by, the Panel for distribution as required.
- 3.2 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.
- 3.3 The Standing Chair will receive at least quarterly updates from the secretariat about the business of the Panel and report to the Board on the business of the Panel as required.

4. JURISDICTION 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. Subject to any conflicting provisions in the relevant ITF Rules:

Primary decision-maker

4.1.1 Where the Panel is being asked to make the first decision or ruling on any particular issue or matter (e.g., an eligibility issue, a provisional suspension, 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 appointed Panel will hear and determine the matter in accordance with paragraph 5.1 below.

Hearing and determining breaches (first instance body)

4.1.2 Where the Panel is being asked to hear and determine an allegation that a rule or requirement of the ITF Rules has been breached, and if required, to determine the appropriate sanction(s) for that breach, the appointed Panel will hear and determine the allegation in accordance with paragraphs 5.2 to 5.3 below (and even if they are the primary decision maker, this paragraph rather than paragraph 4.1.1 shall apply).

Appellate jurisdiction

4.1.3 If the matter comes before the Panel by way of an express right of appeal under applicable ITF Rules, then the appointed Panel will hear and determine that appeal in accordance with paragraph 6, below.

Supervisory jurisdiction

4.1.4 If it is explicitly stated in the relevant ITF Rules that the Panel will exercise a supervisory review of a decision, or a matter is referred to the Panel under paragraph 1.1 and it does not fall to be considered under paragraphs 4.1.1, 4.1.2 or 4.1.3, then the appointed Panel will hear and determine the challenge in accordance with paragraphs 5.4 and 5.5, below. It will exercise a supervisory jurisdiction only, ie, 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 (and to the extent that) the party bringing the challenge satisfies it that:

4.1.4.1 the decision is irrational (ie, it falls outside the range of what a reasonable decision-maker might decide), arbitrary or capricious;

4.1.4.2 the decision is based on an error of law (ie, it is contrary to the ITF Rules, properly construed, or to applicable law); or

4.1.4.3 the procedure that was followed in reaching the decision was unfair.

4.1.5 In the event that the Panel upholds a challenge heard under its supervisory jurisdiction pursuant to paragraph 4.1.4, ordinarily it shall remit the matter to the primary decision-maker for reconsideration and clearly set out the Panel's reasons for upholding the challenge. In exceptional circumstances or where the parties agree, the Panel may impose any other sanction that it would be entitled to if it were hearing a matter under its appellate jurisdiction.

5. **PANEL PROCEDURE**

Primary decision-maker

5.1 Where acting as a primary decision-maker (in accordance with paragraph 4.1.1 above), the appointed Panel shall adopt such procedure to determine the matter as it sees fit, subject to the general provisions set out at paragraphs 5.6 to 5.22 below, and any applicable provisions of relevant ITF Rules.

Hearing and determining breaches (first instance body)

5.2 Where hearing and determining breaches (in accordance with paragraph 4.1.2 above), the appointed Panel shall adopt such procedure to determine the matter as it sees fit, subject to the general provisions set out at paragraphs 5.6 to 5.22 below, and any applicable provisions of relevant ITF Rules, provided that (unless otherwise specified by relevant ITF Rules):

5.2.1 Each party shall be given due notice of the case that is made against them and a fair opportunity to address that case, including an opportunity to adduce evidence and to challenge any evidence that is adduced against them. Where a party has been given adequate opportunity to address an issue or respond to a request from the Panel but has failed to do so, the Panel may draw an adverse inference from such failure.

5.2.2 Where the subject matter of or facts relating to an allegation of breach of the ITF Rules against one or more Covered Persons is sufficiently linked (including, but not limited to, where offences are alleged to have been committed in the same match or where there is common evidence of the ITF or the charged Covered Persons) and where appropriate for the timely and efficient disposal of the proceedings, the Panel shall have the power to consolidate proceedings so that they are conducted together and the allegation(s) of breach may be determined at a joint hearing. Such a power may be exercised by the Panel following an application by any of the parties or on its own volition. In respect of such matters:

5.2.2.1 evidence adduced by or on behalf of a charged Covered Person shall be capable of constituting evidence against another charged Covered Person and the Panel shall give appropriate weight to such evidence;

5.2.2.2 charged Covered Persons or their representatives shall be entitled to cross-examine other charged Covered Persons and their witnesses; and

5.2.2.3 the Panel may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.

5.3 Where a breach of the ITF Rules is admitted or found to have been committed, the Panel may impose sanctions in accordance with any relevant provisions set out in the relevant ITF Rules. If no sanctions are specified in the relevant ITF Rules (or they are specified to be in addition to any sanctions that the Panel may impose under these IAP Procedural Rules), the Panel may impose the sanction(s) for such breach that it considers just and proportionate in all of the circumstances of the case. Such sanction 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. Any sanction may include (but is not limited to):

5.3.1 a caution, reprimand and/or warning as to future conduct;

- 5.3.2 a fine payable by a specified date;
- 5.3.3 a compensation payment;
- 5.3.4 an order that the Covered Person be made subject to such conditions or undertake such training or education as the Panel considers appropriate;
- 5.3.5 Disqualification of results with all resulting consequences, including forfeiture of any related medals, titles, ranking points, and/or prize money;
- 5.3.6 disqualification/expulsion from competitions and/or events, with all resulting consequences;
- 5.3.7 Withholding of part or all payments otherwise due to be paid to the Covered Person or Nation (or their representative) by the ITF (or on behalf of the ITF);
- 5.3.8 a specified period of ineligibility or suspension from participating in any aspect of tennis and/or in any activities controlled, recognised and/or sanctioned by the ITF (up to and including a lifetime period of ineligibility), including revocation of existing entries;
- 5.3.9 withdrawal of, or refusal to grant, access to or accreditation for any activities controlled and/or sanctioned by the ITF; and/or
- 5.3.10 such other sanction(s) as the Panel deems appropriate.

Supervisory jurisdiction

- 5.4 Where exercising its supervisory jurisdiction (in accordance with paragraph 4.1.4 above), the appointed Panel shall adopt such procedure to determine the matter as it sees fit, subject to the general provisions set out at paragraphs 5.6 to 5.22 below, and any applicable provisions of relevant ITF Rules.
- 5.5 Decisions of the Panel exercising its supervisory jurisdiction shall be final and binding on all parties.
- 5.6 Unless otherwise specified in the applicable ITF Rules, notice of a challenge to the IAP under its supervisory jurisdiction must be filed with the ITF and with the other party or parties to the challenge no more than twenty-one (21) days after the date that the challenging party receives the decision in question. The notice of challenge must specify the decision being challenged, the provision in the ITF Rules conferring jurisdiction on the Panel to hear the challenge, the grounds of challenge, the contact details of the other party or parties to the challenge, and whether an expedited timetable is requested.
- 5.7 The decision being challenged will remain in full force and effect pending determination of the challenge unless the Panel orders otherwise.

General provisions relating to Panel procedures (unless contradicted by other ITF Rules)

- 5.8 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 7, below.
- 5.9 The Panel shall deliberate in person (at the ITF headquarters or else at another convenient venue chosen by the Panel Chair) or remotely where more practical to do so. At least two thirds of the

Panel must be present (via the method(s) chosen for the Panel's deliberation) for the meeting to be quorate.

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

5.10.1 to obtain legal and/or other professional advice or support in the conduct of its business;

5.10.2 to conduct such investigations as it deems necessary;

5.10.3 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;

5.10.4 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;

5.10.5 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;

5.10.6 to 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; and

5.10.7 to invite other persons to comment on the application, and/or on its proposed ruling on that application and/or to participate as a party to the proceedings being conducted by the Panel.

5.11 The Panel shall ensure that all 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 a Panel. The Panel Chair will decide whether the matter shall be determined on the papers alone or alternatively, where fairness so dictates or in exceptional circumstances, whether an oral hearing should be convened to hear the evidence and/or the submissions of parties.

5.12 Where an oral hearing is convened and due notice has been given to the parties, the non-attendance of any party will not prevent the Panel from exercising its discretion to proceed with the hearing in that party's absence, whether or not written submissions have been made by or on behalf of that party.

5.13 All proceedings will be conducted on a private and confidential basis, save that the ITF may publish the decision and/or written reasons on the ITF's website and/or otherwise as it sees fit. Where an oral hearing is convened, only the parties to the proceedings and their representatives and witnesses shall be permitted to attend, unless all parties and the Panel agree otherwise.

5.14 Where a 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.

- 5.15 The burden shall be on the party making an allegation or asserting a fact to prove the allegation or fact on the balance of probabilities.
- 5.16 Facts may be established by any reliable means. It shall be for the Panel to decide what weight to place on evidence that is put before it.
- 5.17 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 that party's own cost. Any party wishing to speak in a language other than English must pay for independent simultaneous translation.
- 5.18 English law shall govern.
- 5.19 The Panel will make its decisions by majority vote. No Panel member may abstain from voting on any matter. If there is no majority decision in circumstances where not all members of the Panel have met, then the other member(s) of the Panel shall be consulted and vote.
- 5.20 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.
- 5.21 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.
- 5.22 Where an issue arises in a matter that has been referred to the Panel and that issue is not provided for by these IAP Procedural Rules or the underlying ITF Rules, the Panel is entitled to make decisions and give directions to resolve that issue.
- 5.23 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.
- 5.24 In the absence of compelling justification, failure to cooperate with the Panel (including failure without good cause to comply with a requirement of the Panel within the scope of paragraph 5.8.4 and/or 5.8.5) shall constitute misconduct, for which the ITF may bring proceedings under the applicable Regulations or before the Independent Tribunal to sanction the person or entity involved.

6. PROCEDURAL REQUIREMENTS WHERE A PANEL SITS AS AN APPEAL PANEL

- 6.1 Where hearing an appeal in accordance with paragraph 4.1.3, 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 or applicable ITF Rules, all of the other paragraphs of these IAP Procedural Rules will apply in appeal proceedings before the Panel, *mutatis mutandis* (ie, 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 ITF 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 timetable is requested.

6.4 For appeals considered in accordance with this paragraph 6, all members of the appointed Panel must be present for the meeting to be quorate.

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

6.6 Only 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, ie, the Panel shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. Whether or not a *de novo* hearing is required to do justice is a matter that shall be determined by the Panel. Where a *de novo* hearing is held, 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, even where it has heard the matter on a *de novo* basis.

6.7 In all cases that do not take the form of a *de novo* hearing, the Panel shall be limited instead to a consideration of whether the decision being appealed:

6.7.1 is irrational (ie, it falls outside the range of what a reasonable decision-maker might decide), arbitrary or capricious;

6.7.2 is based on an error of law (ie, it is contrary to the ITF Rules, properly construed, or to applicable law); or

6.7.3 followed a procedure in reaching the decision that was unfair.

6.8 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 might otherwise arise by proper application of law under sections 45 or 69 of the Arbitration Act 1996.

6.9 Strictly without prejudice to the provisions of paragraph 6.8, 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 Panels falling within paragraphs 4.1.1 or 4.1.2 above may only be challenged by way of appeal to the Independent Tribunal. Appeal proceedings before the Independent Tribunal will be governed by the *Procedural Rules Governing Proceedings Before an Independent Tribunal Convened under ITF Rules*. Decisions of Panels falling within paragraphs 4.1.3 or 4.1.4 may not be appealed.

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 IAP 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 (including but not limited to its enforceability or binding nature).

9. RULE CHANGES

- 9.1 These IAP Procedural Rules may be amended by the Board of Directors of the ITF at any time.
- 9.2 Such amendments will come into effect on the date specified by the Board of Directors (the 'Effective Date'). Where the IAP Procedural Rules are amended, any matters referred to the IAP on or after the Effective Date shall be conducted in accordance with these IAP Procedural Rules as amended. Any matters that have already been referred to the IAP at the Effective Date will remain subject to the IAP Procedural Rules in force at the time of the referral, unless both parties agree to the IAP Procedural Rules applying as amended.

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