

### **Notification by the independent ITF Ethics Commission**

This notification concerns the decision of the Chair of the ITF Ethics Commission regarding allegations that Mr Dave Miley, a presidential Candidate in the upcoming ITF elections, breached the Code of Ethics by attending the Confederation of African Tennis Annual General Meeting in June 2019 (*CAT AGM*). Mr Miley has made public his responses to those allegations. Accordingly, pursuant to Appendix 1, Article 8.2.2 of the Code, the Chair considers it appropriate to provide information to the public regarding her decision on the allegations raised.

### **Decision on certain matters relating to Article 12 of the Rules for Candidates**

The ITF Code of Ethics (the *Code*) sets out at Appendix 4 rules that bind individuals who are running as Candidates for appointment to the ITF Board of Directors or the ITF Presidency (the *Rules for Candidates*). The Rules for Candidates are available on the ITF website via the following hyperlink:

<https://www.itftennis.com/about/organisation/candidate-rules.aspx>

Article 12 of the Rules for Candidates states as follows:

*Candidates shall*

*12. not participate in any official public forum or debate (such as a regional association meeting) for the sole or main purpose of promoting their candidacy unless equal opportunity to participate is offered to their opponents, save that:*

*12.1 candidates for the Board of Directors may attend forums or meetings in their region where only candidates from that region are offered the opportunity to participate, provided attendees are also only from that region. [Emphasis added.]*

On 14 June 2019, a complaint was raised with the Ethics Commission that Mr Miley had attended the venue of the CAT AGM in Madagascar and arranged a reception to speak with delegates and promote his campaign for the ITF presidency.

Appendix 1 of the Code sets out the procedure that the Ethics Commission follows when it is seized of a complaint regarding a breach of the Code. Further to Appendix 1, Article 2.3, when a complaint is received, the Chair of the Ethics Commission will review the matter raised, in order to decide how to deal with the complaint. The Chair is permitted to (i) take no further action in respect of a complaint, where she does not identify any matters that warrant an investigation (Appendix 1, Article 2.4); (ii) launch an investigation into the matters raised (Appendix 1, Article 2.5); or (iii) proceed to a sanction, where the Chair is satisfied that there has been a breach (Appendix 1, Article 2.8.2).

The Chair has been provided with evidence and additional information from Mr Miley, the CAT Regional Association and the complainant. That information shows that (i) no Candidates were invited to attend the CAT AGM for the sole or main purpose of promoting their candidacy; (ii) Mr Miley took steps to hold a reception on 14 June 2019, in order to promote his candidacy, and invited delegates from the CAT AGM to attend; (iii) Mr Miley's reception was not part of the official CAT AGM agenda and was organised to take place outside the

official AGM venue; and (iv) Mr Miley's reception did not ultimately take place because of scheduling difficulties.

**Conclusion:** Article 12 of the Rules for Candidates is intended to prevent Candidates from having an advantage over their opponents by gaining access to an official event when other Candidates have not been given the same opportunity to do so. The Chair is satisfied that Mr Miley's reception did not constitute participation in an official public forum or debate under Article 12 of the Rules for Candidates, since the reception did not ultimately take place. Even if it had taken place, the Chair does not consider that it would have constituted participation in an official public forum or debate under Article 12 of the Rules for Candidates, since: (i) Mr Miley was not invited to and did not attend the CAT AGM itself; and (ii) the reception was not officially part of the AGM and was organised to take place outside the official conference venue.

In the absence of any evidence of a breach of the Rules for Candidates, the Chair of the Ethics Commission has decided to close this matter.

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The independent ITF Ethics Commission encourages those who have questions regarding the interpretation and application of the Code and the Rules for Candidates to contact the Ethics Commission via [commission@itfethics.com](mailto:commission@itfethics.com).

The ITF Ethics Commission was established by the ITF Board in November 2018. The Chair of the ITF Ethics Commission is Ms Sandra Osborne, QC. Other members are Dr Jack Anderson (Oceania), Mr Brian Havill (Europe), Mr David Howman (Oceania) and Ms Urvasi Naidoo (Europe/Africa). These members were all drawn from outside tennis stakeholders, ensuring independence.