

TACP: SANCTIONING GUIDELINES

These guidelines are for use of tennis Anti-Corruption Hearing Officers (AHO) and the Senior Director, Legal in the International Tennis Integrity Agency (ITIA) to provide a framework for the issuing of sanctions under the TACP. They draw on historical precedent and tennis' stated 'zero tolerance' for corruption in the sport.

These guidelines may be amended from time to time by the Tennis Integrity Supervisory Board. Where the guidelines are amended, the applicable version in a particular case shall be the guidelines in force at the time a sanction falls to be considered by the CAS, AHO or ITIA (as applicable). An update to the guidelines is not grounds to re-open a sanctioning process which has already concluded.

The guidelines are a reference tool for AHOs which aim to provide a framework to support fairness and consistency in sanctioning across the sport. The guidelines **are not binding on AHOs** but set out principles and various indicators and factors which AHOs may consider appropriate to take into account in their decision making. **AHOs retain full discretion in relation to the sanctions to be imposed in accordance with the TACP and may apply or depart from the guidelines in accordance with the circumstances of the case.** For the avoidance of doubt, an AHO's departure from the guidelines is not a valid ground for an appeal.

With respect to sanctioning by the ITIA, the ITIA shall, absent exceptional circumstances, adhere to the guidelines in the exercise of its administrative sanctioning functions in relation to Agreed Sanctions and Notices of Offense.

The sanctioning process

Once the AHO¹ has established the commission of a Corruption Offense(s) by weighing the preponderance of the evidence, the AHO may follow the steps set out in this document. Where there are multiple Corruption Offenses, in the interests of efficiency, they should ordinarily be taken together in one concurrent sanctioning process (albeit taking particular cognizance of the offense(s) which carry(ies) the highest sanction). It is also noted that multiple offenses is a factor for the purposes of categorization of the impact with a greater number of Corruption Offenses ordinarily leading to a higher categorization.

¹ Or ITIA for alternative disposition.

Step 1 – Determining the offense category

The AHO may first determine the **offense category** with reference only to the factors in the tables below. In order to determine the category, the AHO should assess **culpability** and the **impact on the sport**.

The level of **culpability** is determined by weighing up all the factors of the case. **Where there are characteristics present which fall under different levels of culpability, the AHO should balance these characteristics to reach a fair assessment of the offender's culpability.** Not all factors under a particular header need be present for that categorization to apply.

CULPABILITY

A – High culpability

- High degree of planning or premeditation
- Initiating or leading others to commit offenses
- Multiple offenses over a protracted period of time

B – Medium culpability

- Some planning or premeditation
- Acting in concert with others
- Several offenses

C – Lesser culpability

- Little or no planning

- Single offense
- Acting alone
- Perhaps involved through coercion, intimidation, or exploitation

IMPACT²

Category 1

- TACP offenses which do not fall under Section D.1.a, D.1.b, D.1.q or D.2
- Significant, material impact on the reputation and/or integrity of the sport
- Holding a position of trust/responsibility within the sport
- Relatively high value of illicit gain

Category 2

- TACP offense(s) which does/do not fall under Section D.1.a, D.1.b, D.1.q or D.2
- Material impact on the reputation and/or integrity of the sport
- Material gain

Category 3

- TACP offense(s) falling under Section D.1.a., D.1.b, D.1.q or D.2
- Minor impact on the integrity and/or reputation of the sport
- Little or no material gain

² In cases under Section D.1.d, contriving 10 matches or more should ordinarily be categorised in Category 1 and contriving two matches or less should ordinarily be categorised in Category 2. In circumstances where a Covered Person contrives between three and nine matches, this may require an intermediate starting point between Category 1 and Category 2 to be considered at the discretion of the AHO.

Note: Category 3 offenses will ordinarily only be breaches of Section D.1.a, D.1.b, D.1.q or D.2 where there is no corruption and no breaches of other sections, for example, without limitation, placing Wagers on matches the Covered Person is not involved in and has no inside information in relation to and/or encouraging, promoting, endorsing or being sponsored by Tennis Betting/Tennis Betting Brands, and/or or failing to report a corrupt approach. Where there are also breaches of other Sections, the Covered Person will be sanctioned according to the more serious Corruption Offenses.

Note: The culpability and impact of a Covered Person's failure to cooperate under Section.F.2 should ordinarily be categorized (and sanctioned) akin to the underlying Corruption Offense(s) that the ITIA was investigating at the time of non-cooperation, to avoid incentivizing a Covered Person to frustrate the investigation and then receive a lower sanction.

Step 2 – Starting point and category range

Having determined the category at step one, the AHO may use the corresponding starting point to reach a sanction within the category range below. The starting point applies to all offenders irrespective of plea or previous sanctions which may be considered at the subsequent stage which considers aggravating and mitigating factors.

Impact	Culpability		
	A	B	C
Category 1	Starting point Life Ban ³	Starting point 10 Year suspension	Starting point 3 year suspension
	Category range 10 year – Life Ban	Category range 5 year – Life Ban	Category range 6 month – 5 year suspension

³ Note: Life may be interpreted as 30 years for the purposes of applying a reduction for early admission for Agreed Sanction purposes.

Category 2		Starting point 10 Year suspension	Starting point 3 year suspension	Starting point 6 month suspension
Category 3	Category range 5 year – Life Ban	Category range 6 month – 5 year suspension		Category range Admonishment – 2 year suspension
	Starting point 3 year suspension	Starting point 6 month suspension		Starting point 3 month suspension
	Category range 6 month – 5 years	Category range Admonishment – 2 year suspension		Category range Admonishment to 6 month suspension

Having identified the starting point within the category range, the AHO may then consider any adjustment from the starting point for any aggravating or mitigating factors. Below is a **non-exhaustive** list of additional factual elements providing the context of the offense and factors relating to the offender.

The AHO may identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

Factors which may be considered to increase seriousness (aggravating factors)

- Previous sanctions under the TACP
- Impeding or hindering the ITIA investigation
- Wasting the time of the ITIA and/or AHO in failing to cooperate with instructions on Hearings
- Contempt for the Hearing process
- Destruction of evidence
- Multiple completions of TIPP training, etc
- Flagrant breaches/non-observation of a Provisional Suspension order

Factors which may be considered to reduce seriousness or reflect personal mitigation (mitigating factors)

- Genuine remorse
- Good character and/or exemplary conduct
- Real threat of harm to themselves or to their immediate family
- Age, lack of maturity and/or inexperience on the professional tennis circuit
- Mental disorder at the time of committing the offense or learning disability
- Lack of access to education (for the avoidance of doubt, a failure to undertake education to which the Covered Person had access should not be a mitigating factor)
- Gambling addiction (in Section D.1.a cases only where he or she has not committed offenses of any other type)
- Determination and/or demonstration of steps having been taken to address offending behaviour

Step 3 – Reduction for early admissions

The AHO may take account for a potential reduction an admission of the Corruption Offense(es) in a Hearing or the ITIA may take this into account for an alternative disposition where the Covered Person has offered no contest and waives their rights to a Hearing.

Timing of the admission may be a factor: the earlier the admission, the greater the impact of that admission. Ordinarily a matter

will only proceed to an AHO Hearing on liability where there has been no admission. So, an admission during a Hearing might have little influence on the AHO's determination of sanction given investigation and legal resources will already have been committed. On the other hand, a full admission and cooperation before, during or soon after an interview or shortly after receiving a Notice of Charge will bring about significant efficiencies to ITIA operations and thereby the fight against corruption in tennis. In such a case, this should be a significant consideration in an alternative disposition; which may be up to a maximum of 25% reduction of the otherwise-applicable sanction.

Step 4 – Consider any other factors which may merit a reduction, such as Substantial Assistance to the ITIA

The AHO (or ITIA as applicable pursuant to Section H.6 of the TACP) may take into account whether the Covered Person offered, or was asked for, Substantial Assistance to the ITIA and the **ITIA agreed that offer** and confirmed assistance has or is anticipated to be provided to ITIA's full satisfaction. The ITIA will offer a view as to the value of said assistance and may, on request, make a suggestion to the AHO as to the scale of the reduction.

An offer which is not accepted by the ITIA or an offer that is not fulfilled to the satisfaction of the ITIA may be seen as not mitigating; indeed, time wasting could be seen as an aggravating factor.

Step 5 – Set the amount of the fine (if any)

Section H.1.a(i) of the TACP allows for fines of up to \$250,000 to be imposed alongside suspensions. The amount of any fine should ordinarily reflect the categorisation of the offense(s) such that, for example, offending categorised as A.1 in the table above may attract a fine at the higher end of the particular scale on the Fines Table below and, conversely, offending categorised as C.3 might attract a fine at the lower end of the particular scale (or no fine at all).

In accordance with Section H.1.a(i) of the TACP, any fine is separate from a requirement imposed on a Covered Person to pay an amount equal to the value of any winnings or other amounts received by such Covered Person in connection with the Corruption Offense(s). However, if the Covered Person is not separately ordered to pay an amount equal to the value of any corrupt/prohibited

payments or winnings then the known or estimated level of such corrupt/prohibited payments or winnings may also be taken into account to increase the level of the fine (which may accordingly move to the top of, or even above, the relevant scale on the Fines Table below).

Conversely, the financial means of the Covered Person (including without limitation where the Covered Person is a player, coach, umpire, trainer or physiotherapist and his/her primary source of income is from participation in tennis, being prize money and sponsorship, and his/her average annual income is less than the amount of the otherwise-applicable fine) may be taken into account to reduce the level of the fine (which may accordingly move to the bottom of, or even below, the relevant scale on the Fines Table).

Number of Offenses Proven/Admitted	Fine Scale
1-5 Offenses ⁴	\$0 ⁵ to \$25,000
5-10 Offenses	\$25,001 to \$50,000
10- 15 Offenses	\$50,001 to \$75,000
15 + Offenses	\$75,000 +

Where the Covered Person has made admissions, a portion of the fine payable may be suspended on certain conditions which should ordinarily include as a minimum there being no other Corruption Offenses committed, discovered or proven against the Covered Person for at least the period of suspension.

Timing of the admission may also be a factor: the earlier the admission, the greater the impact of that admission. Full acceptance prior to or shortly after a Notice of Offense / Major Offense may attract up to a 75% suspension of the fine.

⁴ Where a Covered Person, for example, has placed multiple Wagers in breach of Section D.1.a or multiple betting social media posts/endorsements in breach of Section D.1.b/D.1.q these can be considered for the purposes of setting the fine level as one Offense within the \$0 to \$10,000 scale, subject to taking into account the known or estimated level of any prohibited payments or winnings received by the Covered Person. Where there is multiple offending in relation to particular matches, each match will, save for exceptional circumstances, be taken as one Offense for the purposes of the Fines Table.

⁵ Ordinarily where there is a period of suspension a fine of at least \$1000 should also be imposed.