

## Coach 39 – Breaches of Welfare Policy

### Key words

*Integrity; sexual harassment; racism; Welfare Policy; intimidation; interference; Covered Persons; Harassment; Equal Opportunity*

### Summary

Coach B appealed a decision of the Internal Adjudication Panel (“the IAP”) of the ITF dated 20 July 2017.

Coach B was charged with breaches of the Welfare Policy of the 2017 Fed Cup Regulations (the Welfare Policy). The ITF had brought six charges against Coach B arising from conduct at and around the Fed Cup Tie that took place in Romania in April 2017, where Romania hosted Great Britain (GB). The IAP had upheld four of the charges, namely those relating to comments made about Player C’s then-unborn child, comments made to the GB team captain, incidents between Coach B and a member of the press (the Press Charge), and Coach B’s on-court conduct.

The appeal was referred to Sport Resolutions as Secretariat to the Independent Panel, in accordance with the Procedural Rules Governing Proceedings before an Independent Tribunal convened under ITF Rules. Accordingly, an Independent Tribunal was convened to determine the matter *de novo*.

### Background Facts

Coach B was attending the Fed Cup tie in Romania in April 2017 between a visiting GB Team and the Romanian hosts. During this period Coach B made inappropriate comments towards the GB captain at an official dinner, he subsequently was overheard by the press making insensitive comments about the unborn child of

Serena Williams, he threatened the journalist who published the comments Coach B made in relation to Player C, and during a match between a GB and Romanian player made further inappropriate comments towards the GB player following requests by the match umpire that Coach B leave the court.

### **Reasoning and Decision of the Tribunal**

Coach B appealed the decision on the basis that two of the charges (the comments made about Player C and to GB's team captain) should have been "*dismissed, or in any event no sanction imposed beyond the interim suspension*", and that there was no basis for substantial sanction in respect of the other two charges (the press charge and on-court conduct) due to mitigating circumstances.

The ITF maintained the four charges that had been upheld by the IAP in the decision dated 20 July 2017.

The Independent Tribunal found all four charges to be proven. In approaching sanctioning, the Tribunal assessed the seriousness of the actions before considering any mitigating and aggravating factors. In the interests of proportionality, the Tribunal considered that the sanctions attributed to each breach should be served concurrently. This resulted in the Tribunal handing down the following sanction:

- a suspension from acting in an official capacity (including, but not limited to, team Captain) in all Official ITF Team Competitions, individual competitions and circuits for three years from 23 April 2017 to 23 April 2020;
- a denial of access to and accreditation for the competitions and circuits described immediately above for one year from 23 April 2017 to 23 April 2018; and
- a fine in the amount of US \$20,000 due immediately.

## Learning points

- Racially insensitive comments and sexual harassment will not be tolerated.

