

GUIDELINES FOR NATIONAL FEDERATION SAFEGUARDING POLICY

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1. Introduction of Safeguarding

Although Safeguarding is a relatively new notion developed within sport, it has already played a considerable role in all sports communities and led to the International Olympic Committee creating and implementing their Safeguarding Toolkit (Please see the link <https://www.olympic.org/safesport/assistance-for-olympic-movement-stakeholders>).

Safeguarding is considered to be the responsibility of organisations to make sure their staff, volunteers, operations and programmes do no harm to children or vulnerable adults, or expose them to harassment, abuse or exploitation. It is, however, increasingly becoming best practice to think about how we safeguard everyone in our organisations at all times, including protecting staff and volunteers from inappropriate behaviour such as bullying and harassment.

This commitment and need for strengthening the fight against any form of harassment and abuse in sport encouraged *[Insert Federation Name]* to adopt its own Safeguarding Policy in *[Insert Date]*. That Policy – *[Insert link to the Federation's website]* - is a statement of all the rules, regulations, and procedures applicable within *[Insert Federation Name]* linked with harassment and abuse.

As an International Federation, *[Insert Federation Name]* wishes to explain this initiative to all its stakeholders worldwide. *[Insert Federation Name]* considers the support of its National Federations for the development of their own policies to be part of its duties as an IF.

Sharing these guidelines will enable you, as National Federations, to put in place rules and procedures, guaranteeing a positive experience and safe environment where all members will be able to speak, report and be heard.

As a National Federation, you are responsible for the health – both mental and physical - of everyone involved in the activities of your National Federation and must develop a policy and procedures in line with those of *[Insert Federation Name]* and ensure the awareness of your stakeholders about the policy and its procedures.

[Insert Federation Name] strongly advises its National Federations to work closely with legal experts in their own jurisdictions in the creation and drafting of your Safeguarding Policy.

2. Subjects to the Policy

To whom does this policy apply?

The *[Insert Federation Name]* Safeguarding Policy has been created to apply to anyone involved in *[Insert Sport]* and all activities under its jurisdiction including, but not limited to, athletes, coaches, technical, medical, or any other officials, staff and volunteers. It is crucial to apply the policy widely within your National Federation to lessen the impact of the efficiency of the policy.

[Insert Federation Name] is requesting all its National Federations to adopt a policy applicable in and out of competitions.

Although children, minorities and women could be considered as more vulnerable, harassment and abuse can touch anyone. By implementing this policy widely within your Federation, it will give you the tools to react and take all the appropriate measures to ensure safe training, competitions, and any other activities related to *[Insert Sport]*.

3. Mandatory content for a Safeguarding Policy

You must define the jurisdiction of your Safeguarding Policy in its creation.

[Insert Federation Name] strongly recommends you insert at a minimum the following:

- Definition of Harassment and Abuse
- Duties and assignment of Safe Sport Officers
- Applicable Laws
- Procedures (in or out of the Competition)
- Confidentiality Clause
- Disciplinary procedures and sanctions: which body is relevant to render a decision?

3.1 Definition of Harassment and Abuse

The central question that you must answer is: What is harassment and abuse? What are their characteristics? How are they manifested?

These definitions will set out what behaviours and/or actions you want to prohibit from your organisation and sanction under your policy. *[Insert Federation Name]* recommends you refer to the applicable law of your territory to ensure your definitions comply with the law of the land where it will be executed.

The IOC Consensus Statement of 2016 created with the collaboration of experts an exhaustive list of definitions inspiring the whole sports community (accessible in the toolkit shared above):

- **Psychological abuse:** means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which may diminish the sense of identity, dignity and self-worth.
- **Physical abuse:** means any deliberate and unwelcome act – such as for example punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such acts can also consist of forced or inappropriate physical activity -e.g., age-, or physique inappropriate training loads; when injured or in pain) forced alcohol consumption, or forced doping practices.

- **Sexual Harassment:** any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Sexual Harassment can take the form of sexual abuse.
- **Sexual abuse:** any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given.
- **Neglect:** within the meaning of this document means the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.

Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, socio-economic status and athletic ability. It can include a one-off incident or a series of incidents. It may be in person or online through social networks or electronic communications. Harassment may be deliberate, unsolicited and coercive.

Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

3.2 Safe Sport Officers

The Safe Sport Officers of your National Federation will be responsible for case management of any reports of alleged Harassment and Abuse within the scope of your Policy. You are highly advised to name two Safesport Officers of different genders and with legal and medical knowledge.

Besides managing reported cases, they must perform the following roles and duties:

- Be the main point of contact: for anyone wanting to report;
- Manage the investigation procedure;
- Inform the relevant judicial body of a disciplinary or ethical procedure;
- Support and assist anyone in need;
- Work closely with the Local Organising Committee to set up rules and procedures during competitions;
- Respect confidentiality at all times, and consider all documents and information shared as confidential and personal information.

Since harassment and abuse could also occur during competition, it is recommended to put in place rules and procedures with the Safe Sport Officers designated for such an event. These rules and procedures should facilitate a fast reaction in case of violation of the Safeguarding Policy.

The contact details of your Safe Sport Officer must be shared with your stakeholders. They would be able to report any incidents. The confidentiality applies for anything that would be shared (verbally or by written) to the Safe Sport Officers.

3.3 Applicable Law

All procedures, definitions, and anything detailed in your Safeguarding Policy must be in full compliance with the applicable and relevant laws in your territory. Some behaviours are criminal throughout the world, and all the procedures in place must comply with the relevant applicable criminal law.

Some countries' legislation may have put in place specific laws obliging the reporting of a criminal offense (mostly when an incident involves a minor). In that regard, as a National Federation you shall work with a legal expert that will lead you through the process and make sure you are not doing anything to breach criminal law and be held liable.

In the event an employee under contract with your National Federation breaches your Safeguarding Policy, the relevant employment procedures and laws must apply. However, in such a case, the incident can be submitted to the relevant body in charge of sanctioning such behaviours to take the appropriate measures.

3.4 Procedures

Procedures must be developed within your policy and followed by the Safe Sport Officers when receiving a report.

a.) HOW TO REPORT

You must choose how you want your stakeholders to contact your Safe Sport Officers. It should be easily accessible and easy to report. For example:

- Electronically: Fill out a form that is accessible on your website and that is easily submitted to you by email to your dedicated email address
- In person
- By phone (confidential hotline)
- Any other way deemed appropriate
- The report must be addressed to your Safe Sport Officers and they will be in charge of the subsequent management of the case. At any time, they must respect all the confidentiality provisions in place in the National Federation (cf. above x).
- Where an incident occurs during one of your events, the procedure can be fast-tracked by reporting directly to the Police, if needed. It is required to name Safe Sport Officers for each specific event under your rules and jurisdiction.

b.) HOW TO HANDLE A CASE

- When a case has been reported, the duty of your Safe Sport Officers will be to investigate the case internally: communication with the potential victim and perpetrator, witnesses, etc. The purpose of the investigation is double: first to take all the appropriate measures to protect everyone, and also by collecting the information to know if the policy has been breached.
- The member of the relevant body of your National Federation in charge of sanctioning under the Safeguarding Policy cannot be one of the Safe Sport Officers.
- If anyone is still in danger during the investigation, provisional protection measures could be taken while the investigation is processing.

c.) SPECIFIC CIRCUMSTANCES

- (i) Criminal offense (how to handle an investigation in this situation)

In the event there is doubt about the potential criminal characteristics of an incident committed in your territory, the expertise of a lawyer is highly recommended.

It must be verified if in the criminal law there is already an obligation to report or not such an incident (can be different if the victim is an adult or is a minor).

In case of a police investigation, you should assist and collaborate if requested. In no instance should this collaboration or the work of your Federation in its own investigation hinder the work done in parallel by the police.

In the event of a serious allegation of a criminal incident being reported a long time after the alleged incident happened, the Safe Sport Officers should investigate to clarify whether or not there is still a current risk to anyone (victim or potential one). Moreover, the Safe Sport Officers should advise the alleged victim of his/her right for making a complaint to the relevant Police authorities.

(ii) Minor

In the event the alleged victim is a minor as defined in your country, and so any specific regulations are in force, you must ensure your policy accounts for this situation.

(iii) Implication of another National Federation

In case the perpetrator comes from another National Federation, you must report to their National Olympic Committee and to *[Insert Federation Name]* so that they can coordinate any actions.

d.) CONFIDENTIALITY

(i) Implementing an efficient Safeguarding Policy within your National Federation requires confidential procedures. Through the roles and responsibilities, the Safe Sport Officers must keep confidential all the information (such as reports, testimony, email) they might receive during the procedure. It is crucial you create a trusted environment for all your stakeholders for them to report without fear of retaliation.

(ii) All information shared with the Safe Sports Officers must be considered confidential and cannot be shared with anyone. The personal data transmitted, such as name, date of birth, contact details, gender, nationality, age or any medical information must be protected in full compliance with the relevant and applicable data protection law.

(iii) All disclosure of confidential information must be prohibited, unless:

- The person concerned gives his/her prior consent;
- The incident is a potential criminal case, and information should be shared with the relevant law enforcement;
- The disclosure of the information is necessary to protect any potential victim;
- Any other national regulations in force in the territory.

e.) DISCIPLINARY SANCTIONS

If an incident reported contravenes your Safeguarding Policy, you must have implemented the appropriate rules and procedures to sanction these behaviours occurring under your jurisdiction.

The sanction must be taken by an independent body of your Federation, composed of members with the ability and the knowledge of your rules as well as the law in your country. The judicial body in charge of sanctioning shall respect, at any time throughout the procedure, the principle of proportionality (taking into consideration the nature, severity, and frequency of the violation) and the applicable laws.

The independent judicial body of your National Federation can only act and render a decision when the incident is under the field of application of your jurisdiction (as established by the Safeguarding Policy) and it can only impose a disciplinary sanction that could be appealed before the relevant body of your National Federation.

- ⇒ In no instance can the mechanism of the Safeguarding Policy adopted by you replace any criminal or civil court of your judiciary system. The purposes of your policy are neither to reach an alternative sanction than the criminal or civil ones or to wish a more straightforward and swifter way to sanction someone.

4. General Information to the National Federations

4.1 GENERAL INFORMATION

[Insert Federation Name] urges all its stakeholders to raise awareness among their organisation about the critical and challenging questions of harassment and abuse.

As each National Federation must comply with their laws, *[Insert Federation Name]* strongly recommends to assure a legal check by an expert of the rules, procedures and mechanisms you adopted within the Safeguarding Policy. Your Safeguarding Policy and Rules shall comply with the relevant and applicable laws of your country.

4.2 THE LEADING ROLE OF EDUCATION AND PREVENTION

As a sporting organisation, one of our primary missions is to educate the next generation on sensitive issues.

To put in place an efficient Education Program within your National Federation, you must ensure that the content is adjusted to the particular audience and that they can understand the consequences of harassment or abusive behaviour. Since harassment and abuse could also occur on the internet, it is extremely important to educate young athletes, future coaches and facilitators through the Education Program, in the appropriate use of internet and social networks.

National level case management diagram

