

FÉDÉRATION INTERNATIONALE DE GYMNASTIQUE



# **Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics**

Lausanne – 03.09.2018

Changes were needed to avoid any contradiction between these Policies and the Constitution, the Operational Rules of the Gymnastics Ethics Foundation as well as the Statutes, Code of Disciplines and other FIG Rules

# PART 1

## FIG POLICY for Safeguarding and Protecting Participants in Gymnastics

### 1. INTRODUCTION

Sport organizations and everyone in sport, have the responsibility to foster a safe, respectful culture so that athletes can thrive without harassment, abuse or violence.

As one of the top Olympic sports, the Fédération Internationale de Gymnastique (FIG) is committed to strengthen the support offered to all its members by putting the gymnasts, their safety, well-being and welfare, at the center of everything we do.

Everyone in sport has the right to be protected from non-accidental violence, harassment and abuse irrespective of their race, color, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes, athletic ability or other status. Article 19 of the United Nations Convention on the Rights of the Child enshrines the right for all children (defined as anyone under the age of 18) to be safe from violence.

All sport organizations must implement measures to prevent and respond to incidents of non-accidental violence, harassment and abuse. The effectiveness of such measures depends on the FIG and its national federations, to increase awareness of the indicators and impact of all forms of non-accidental violence. Everyone in gymnastics needs to know how to raise concerns and be confident that these will be responded to in line with their National Federation and/or the FIG's Policy and Procedures. Everyone should be aware of the avenues and means open to them for assistance and support.

### 2. CURRENT CONTEXT

Non-accidental violence includes all forms of harassment and abuse and occurs worldwide. Sport is not immune. Evidence and research of recent and non-recent incidents of abuse and harassment is alarming, and it occurs at all levels of sport.

We all share in the responsibility to identify the problems and to prevent athletes from suffering.

The International Olympic Committee, in its Agenda 2020 has made strong recommendations to international federations and has provided a framework outlining the key components required for athlete welfare.

The IOC has developed 2 consensus statements related to the prevention of harassment and abuse in sport:

- 1) IOC Consensus statement: Sexual Harassment and abuse in Sport (2007)
- 2) IOC Consensus statement: Harassment and Abuse in Sport (2016)

The FIG fully endorses this framework and is committed to these principles.

These IOC Consensus Statements and basic universal principles of Good Governance encompass safeguarding. Organizations that belong to the Olympic movement are expected to adopt these principles, implement relevant measures, and monitor compliance by sport organizations

The IOC has developed the Safeguarding Athletes from Harassment and Abuse in Sport Toolkit for International Federations and National Olympic Committees (NOCs). The International Safeguarding

Children in Sport has also produced guidelines to assist sport organizations. These are valuable tools to assist in the development of policies and procedures for Safeguarding.

To assist the member federations, the FIG is developing supporting documents, policy and procedures which are intended to serve as the acceptable standards when adopting and implementing national safeguarding systems.

Everyone in Gymnastics has the responsibility to identify and respond to harassment and abuse. Our national federations must demonstrate strong leadership by identifying and eradicating unacceptable practices and implementing preventative programs.

It will be the responsibility of each national federation to adopt and implement such policies. The FIG is also developing educational material and providing opportunities to share case studies of best practice to further assist our member federations.

The FIG will establish an independent Gymnastics Ethics Foundation which will be responsible for receiving and responding to concerns raised under this policy. To this end, the Foundation will be organized as follows:

1. An Independent Safeguarding Section with a helpdesk for participants in gymnastics (gymnasts, officials, judges, etc.).
2. A Disciplinary Section with two distinct groups (Disciplinary Commission and Appeal Tribunal) as defined in the Statutes and Code of Discipline of the FIG.
3. A Compliance Section responsible to oversee good governance within the FIG authorities in accordance with FIG rules and regulations.

The FIG itself will designate a Safeguarding Manager, as member of staff, who will be responsible for:

- Education resources
- Information and awareness programs
- Support of NFs
- Strengthening FIG rules and codes concerning safeguarding.

### **3. DEFINITIONS OF NON-ACCIDENTAL VIOLENCE, HARASSMENT AND ABUSE**

Harassment and abuse can be expressed in many forms which may occur in combination or in isolation. The following are based on the IOC Consensus Statement (2016) as follows:

#### **Psychological abuse**

- any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment, which may diminish an individual sense of identity, dignity and self-worth

#### **Physical abuse**

- any deliberate and unwelcome act – such as punching, beating, kicking, biting, and burning – that causes physical trauma or injury. Such acts include forced or inappropriate physical activity (e.g. age, or physically inappropriate and unreasonable training loads or activities, when injured or in pain), forced alcohol or drug 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**

- conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced or manipulated, and is not, or cannot be given.

## **Neglect**

- neglect means the failure of a coach or other person with a duty of care towards the athlete to provide a minimum level of care, which may cause harm, allow harm or create an imminent danger of harm.

Harassment and abuse can be based on any grounds including race or ethnic origin, culture, religion or belief, gender, sexual orientation, age, disability socio-economic status, physical attributes and athletic ability. It can include a one-off (one time) incident, or a series of incidents. It may be in person or online. Harassment may be intentional, unsolicited and coercive.

Harassment and abuse often result from an abuse of authority, meaning the misuse of power by people in positions of trust, influence, and authority (perceived or actual), against another individual. Some athletes may also carry out acts of harassment and abuse. For young people under the age of eighteen, peer abuse describes incidents when an athlete is exploited, bullied and/or harmed by another athlete or groups of athletes of similar age.

The means and methods by which harassment and abuse is carried out include: contact, non-contact, verbal and abuse by means of electronic communications.

It may involve deliberate acts as well as failure to act and omissions or may take the form of bullying or hazing which are defined as follows:

### **Bullying**

- Intentional behaviour usually repeated over time that hurts another individual or group

### **Hazing**

- Hazing behaviours are known to occur in many different types of social groups, including sports teams as a way of initiating a new person when they join the group or want to be socially accepted by their peers.

Harassment and abuse is more likely to occur where poor practice, which is defined below, is not immediately challenged.

### **Poor Practice**

- Behaviours or inaction which may not always be immediately harmful, but which falls below the required standards and/or code of conduct and should be addressed. Some poor practice may lead to suspicions about an individual's motivation, even where no harm is intended e.g. being alone with a child, excessive or inappropriate touching etc.

## **4. PURPOSE**

The overall purpose of the policy is to ensure athletes and others taking part in gymnastics can do so without fear of harassment or abuse. The key objectives of the policy are to:

- Ensure everyone in gymnastics understands that all forms of non-accidental violence are unacceptable and will not be tolerated.
- Enable anyone who has witnessed or experienced harassment or abuse, within gymnastics, to report the incident without fear of victimisation or retaliation.
- Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in gymnastics, irrespective of whether they arise at national or international level.
- Implement effective measures that minimise the likelihood of incidents of harassment and abuse.

## **5. SCOPE**

This policy applies to all member federations and their representative gymnasts (athletes), members of the athlete entourage, coaches, judges, medical personnel participating in FIG activities, as well as FIG authorities all other persons including officers, directors, employees, agents, honorary members, officials, registered participants and volunteers acting on behalf of FIG (all referred to as a “participant”).

The reference to FIG employees in this Policy only applies to those who are involved in the delivery of gymnastics’ activities.

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 FIG**

The FIG is responsible for ensuring the implementation of this policy including:

- Defining the Gymnastics Ethics Foundation Constitution and Operational Rules
- Ensuring all FIG officials understand and abide by FIG policy
- Informing all relevant parties of the procedures contained in this policy and their rights under the law;
- Taking leadership for the development of resources (prevention, awareness and education);
- Ensuring there is a safeguarding plan and reporting procedure in place based on this policy and according to the laws of the host location at all FIG events.

### **6.2 Gymnastics Ethics Foundation**

The Gymnastics Ethics Foundation is responsible for:

- Ensuring concerns and reports about harassment and abuse are assessed and where appropriate investigated, in a fair, sensitive, responsible, and timely manner;
- Putting in place a disciplinary process including a Disciplinary Commission and Appeal Tribunal to deal with all alleged breaches;
- Imposing appropriate disciplinary or corrective measures when a report of harassment and abuse has been substantiated, regardless of the position or authority of the offender;
- Informing the FIG of any formal disciplinary sanction imposed by the Disciplinary Commission and the Appeal Tribunal for implementation.
- Providing advice and support to a participant who experiences harassment and abuse and providing advice to the participant about whom the allegation has been made relating to the procedure and their individual rights;
- Supporting and assisting any participant who experiences harassment and abuse by another individual not associated with FIG;

### **6.3 National Federations (NF)**

Each NF is responsible for:

- Developing and implementing a Policy and Procedures for safeguarding and protecting participants from harassment and abuse,
- Ensuring such policy and procedures are in line with the standards of FIG Policy and Procedures;
- Ensuring all participants in gymnastics are aware and adhere to the FIG Code of Conduct at FIG activities;
- Advising the FIG of any disciplinary sanction imposed by the NF relating to an incident that occurred at an FIG event that was dealt with by the NF.

- Informing the FIG on a 'need to know' basis of any temporary suspension or permanent exclusion of one of their members if it is reasonably believed that he/she could present a risk to participants in gymnastics outside the NF concerned.

#### **6.4 All Participants**

Everyone has a responsibility to ensure that the gymnastic sport environment is free from non-accidental violence.

All participants must comply with the FIG Policy and Code of Conduct and specifically not engage in, allow, condone, or ignore incidents of harassment and abuse and be supportive of other participants who report concerns.

Any participant in gymnastics who has reason to believe that another participant has or is experiencing harassment and abuse in the sport has a duty to report it to the Gymnastics Ethics Foundation.

Failure to comply with the Policy and procedures will be investigated and may ultimately result in disciplinary action against the individuals concerned.

### **7. MONITORING AND REVIEWING**

The Policy will be regularly reviewed to ensure it adequately meets the FIG's responsibilities and as part of an overall case review and information analysis.

## **PART 2**

### **FIG PROCEDURES**

#### **for Safeguarding and Protecting Participants in Gymnastics**

The following procedures apply to any complaints, allegations or concerns of non-accidental violence, harassment and abuse made against a participant that are brought to the attention of the Gymnastics Ethics Foundation.

If an alleged incident of harassment and abuse is reported involving participants that belong to the same NF, or if the incident involves participant(s) but took place at an activity under NF jurisdiction, the incident shall be dealt with by such NF, provided that it has a policy and procedures for safeguarding participants in accordance with FIG Policy.

Where the alleged perpetrator is a member of a NF which has a policy and procedures in place, the Gymnastics Ethics Foundation may refer the case to be dealt with by the NF under their procedures.

In all other cases, including where:

- i (i) an NF which has a policy and procedures for safeguarding participants, does not, in the opinion of the Gymnastics Ethics Foundation, safeguard such participant (e.g. by taking any disciplinary action); or
- ii (ii) an NF does not have a policy and procedures for safeguarding participants;

the “FIG Policy and procedures” and the Gymnastics Ethics Foundation’s Constitution and Operational Rules will apply.

Any participant in gymnastics who reports an incident of harassment and abuse that involves a person or persons outside FIG or NF jurisdiction will be provided with support from the Gymnastics Ethics Foundation. In addition, support may be available from the NOC or Human Rights Commission.

These procedures do not provide a route of appeal for decisions made by NFs or NOC’s except in cases where it is alleged that the NF or NOC has failed to apply appropriate procedures. In this case, the FIG may direct the matter to the Gymnastics Ethics Foundation.

### **1. REPORTING PROCEDURES**

The Gymnastics Ethics Foundation can receive reports of an incident of harassment or abuse through:

- the FIG’s helpdesk (until 31 December 2018);
- the Gymnastics Ethics Foundation’s independent helpdesk (from 1 January 2019);
- the FIG Athletes’ Commission helpdesk or the Athletes’ representative; or
- During World Championships or other major FIG events, if available, to the Event Safeguarding Officer.

Although incidents can be reported directly by the affected individual, incidents can also be reported by others (whistle blowing) relating to the conduct of an individual or the practices of a national federation. In such cases, confidentiality relating to the identity of the whistle blower will be respected.

Any person who reports a concern in good faith will not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes false accusations.

## **1.1 Assessment process**

Any allegation or concern pursuant to this policy received by the FIG, will be referred to the Gymnastics Ethics Foundation. The latter shall make an initial assessment of the complaint to determine whether the complaint relates to a participant and whether the complaint is under its jurisdiction.

The Gymnastics Ethics Foundation will assess the seriousness of the complaint and may:

- refer the matter to the police, other relevant authorities and/or regulatory bodies where it meets the relevant criminal threshold; in accordance with the event safeguarding plan
- refer the matter to an NF;
- refer the complaint to another organization;
- proceed with further internal investigation and;
- either dismiss the complaint as unfounded or as insufficiently serious to require any further action or

The Gymnastics Ethics Foundation may decide a temporary suspension.

If the matter is reported to the police, the Gymnastics Ethics Foundation will not share any information about the incident without prior authorization.

Irrespective of jurisdiction, consideration will be given towards any support required for the affected parties.

Where there is an event safeguarding plan in place, the above steps will be carried out by a team assigned for the event.

## **1.2 Investigation procedure**

Once a matter has been referred back from the police, the objective will be to conclude all investigations in a timely manner, ideally within two months.

If the allegations are not of a criminal nature but need further investigation, the Gymnastics Ethics Foundation (Safeguarding Section) shall assign an individual or a group who shall be responsible for carrying out the investigation, in accordance with these procedures and to an appropriate timeline agreed by the Foundation. Where relevant, the investigator may request information from the police and any other relevant organizations.

The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses. Failure to co-operate with a request to provide relevant information may itself be considered misconduct.

The investigator shall prepare a report and include all relevant evidence for consideration by the Ethics Foundation who may determine that:

- The matter is referred to the Disciplinary Commission for consideration;
- Further investigations are instigated;
- A risk assessment is completed;
- Instructions, advice or guidance is provided to the relevant parties; or
- No further action is taken.

## **2. DISCIPLINE AND APPEALS**

Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the FIG Code of Discipline.

The standard of proof is as per the determination in the FIG Code of Discipline. Consequently, the Gymnastics Ethics Foundation may seek to take disciplinary action irrespective of the outcome of any criminal proceedings.



The Gymnastics Ethics Foundation will provide appropriate support and guidance to ensure participants involved in this process understand the disciplinary and appeal procedures, especially if children are involved.

### **3. CRIMINAL CONVICTIONS AND NF FINDINGS OF FACT**

The Gymnastics Ethics Foundation through its Disciplinary Commission, shall establish that an incident of harassment and abuse has occurred where:

- a participant is convicted of a criminal offence; or
- a NF authorised to deal with a complaint under these procedures has determined that an allegation(s) of harassment or abuse against an FIG participant is/are proven.

The Disciplinary Commission having considered any written representations made by the participant and any other affected parties, may further investigate the case if needed or determine based on the criminal conviction that it is appropriate for the FIG to impose a sanction relating to FIG activities. The Disciplinary Commission may apply the NF sanction to some or all FIG activities or determine its own sanction(s).

Any sanction imposed by the Gymnastics Ethics Foundation shall be subject to a right of appeal in accordance with the FIG Code of Discipline.

### **4. NON-RECENT ABUSE CASES / LIMITATION PERIODS**

The limitation periods are set out in the FIG Code of Discipline (Art. 5).

Where a serious allegation of sexual abuse is received within the limitation periods the Gymnastics Ethics Foundation will:

- Clarify whether there is a current risk to participants; and may take immediate provisional measures; and
- Advise the individual to make a formal complaint to the police; and
- Provide support and further assistance if deemed appropriate by the Ethics Foundation.

Such allegations must be treated in accordance with FIG procedures.

### **5. CONFIDENTIALITY AND INFORMATION SHARING**

Any information pertaining to an alleged incident of harassment and abuse shall be regarded as confidential.

The Gymnastics Ethics Foundation may disclose confidential information to appropriate individuals, authorities or other organizations where it is deemed necessary to comply with these procedures or where failure to disclose such information may result in harm to others.

The FIG will be kept informed by the Gymnastics Ethics Foundation of any relevant decisions and where appropriate will be responsible for implementing the judgements of the Disciplinary Commission or Appeal Tribunal.

Any affected individual will be notified by the FIG of the outcome of any disciplinary or appeal panel decisions. The publication of decisions of the Disciplinary Commission and Appeal Tribunal are set out in the FIG Code of Discipline.

### **6. RETENTION OF RECORDS**

Any information relating to allegations of non-accidental violence, harassment and abuse will be securely stored and may be retained by the Gymnastics Ethics Foundation in accordance with Swiss law and until expiry of the limitation periods set out in the FIG Code of Discipline.

## 7. TERMINOLOGY

The terms used in this policy shall be interpreted as follows:

**National Federation (NF)** – shall mean the member federations of the FIG.

**FIG Gymnastics Activity** – shall mean any activities under the direct jurisdiction of the FIG. It shall not include FIG sanctioned events run by NFs.

**Gymnastics Ethics Foundation** – shall mean the independent body designated by the FIG with responsibility for receiving and responding to reports of harassment and abuse.

**Event Safeguarding Officer** – shall mean the designated individual responsible for receiving and acting on safeguarding concerns at FIG gymnastics events.

### Related policies:

- FIG Code of Ethics
- IOC Code of Ethics
- FIG Code of Discipline
- FIG Codes of Conduct for Athletes, Coaches, Judges, Entourage
- FIG Medical Rules – Anti-Doping Rules
- FIG Accreditation Rules
- FIG Licensing Rules
- Rights and Responsibilities of Athletes
- FIG Rules for Sanctioning (approval) of International Events

These Policies and Procedures have been approved by the Executive Committee at its meeting 26 July 2018.



