

## FISA Procedures

### Safeguarding Participants in Rowing from Harassment and Abuse

The following Procedures relate to the FISA Policy on Safeguarding Participants in Rowing from Harassment and Abuse (hereafter referred to as the 'Policy') and are intended to provide guidance on how reports of incidents of Harassment or Abuse shall be managed by FISA.

#### 1. Reporting Procedure

Anyone who has a concern about a possible incident of Harassment or Abuse that relates to FISA activities should report it. Individuals are encouraged to submit a report through the correct channels as outlined below (see 1b).

Directly affected individuals as well as third-party individuals who have witnessed a possible incident of Harassment or Abuse can report the incident.

Any person who reports a possible incident of harassment or abuse in good faith shall not be subject to reprisal because of submitting a report; their identity shall be treated confidentially. These protections shall not apply to a person intentionally making false accusations.

At FISA, the Safeguarding Officer (SGO) shall be the person responsible for managing and coordinating reports received under these Procedures.

##### a) When to report

- i. All possible incidents of Harassment or Abuse should be reported as soon as possible.
- ii. If the directly affected individual is under 18 years of age there is a duty to report.
- iii. If the directly affected individual is 18 years or over, their consent should be obtained to pass on information, however in some cases information may still be passed on, for example, if they are at risk of imminent harm or if not acting may harm someone else, or if there is a concern that a criminal act may have taken place.

##### b) How to report

Reports can be submitted to FISA as follows:

- i. Using the template form (Appendix 1)
- ii. By email ([safeguarding@fisa.org](mailto:safeguarding@fisa.org))
- iii. In person to the Safeguarding Officer or a Designated Person.

##### c) What to include in the report (see template form in Appendix 1):

- i. For the directly affected individual, include the name, date of birth/age, gender, position or role (e.g. athlete, volunteer), contact details, country of base. Include any other additional information as relevant, e.g. if the person concerned has any disability, impairment or other special needs.

- ii. If the report is being submitted by a third party, include the name and contact details of the person raising the concern.
  - iii. A clear, concise and factual description of the alleged incident(s), including date(s)/time(s) and location(s) when the incident(s) took place, the name of any persons alleged to have been involved in or causing the incident and their contact details.
  - iv. The person reporting the incident to FISA should keep a copy of what has been reported in a secure place.
- d) What will happen once the incident has been reported:
- i. All reports shall be sent to the SGO.
  - ii. The SGO shall take steps to ensure that the directly affected individual receives appropriate support.
  - iii. Where appropriate and in the case of potential criminal offences, the relevant public authorities shall be informed.
  - iv. In some cases, a provisional suspension may be imposed as a neutral act to protect all parties. Such a decision shall be taken by the FISA Executive Director in consultation with the SGO.
  - v. Confirmation of receipt of the report shall be promptly sent to the person submitting the report with information about next steps.
  - vi. The SGO shall record receipt of the report internally and file it securely.
  - vii. The report shall be assessed in accordance with these Procedures to determine the appropriate action.

## **2. Confidentiality**

Any information pertaining to an alleged incident of Harassment and Abuse shall be regarded as confidential and shall be shared on a strictly “needs-to-know” basis. In particular, reports shall be treated confidentially and information (including name, date of birth, address of the concerned person or third party) shall not be disclosed, except for example if prior consent is given by that individual; if disclosure is necessary to protect someone from harm; or if a potential criminal act comes to the attention of FISA.

However, those receiving a disclosure from a Child or regarding an incident in which the victim may be a Child should inform the Child that they have a duty to share information with appropriate persons to ensure that action is taken where abuse may have occurred.

In cases where a Child is involved, in any capacity, it is important that the best interests of the Child are of primary consideration throughout the case management process.

## **3. Jurisdiction**

The SGO shall review the report and determine whether the matter relates to a Participant under FISA’s jurisdiction (as defined in paragraph 4 of the Policy). A Case Management Panel (CMP) may be convened to provide support in the identification of jurisdiction.

The SGO, with the CMP, may recommend one the following actions:

- a) If the report is considered to relate to a criminal offence, it shall be referred to the Police and relevant authorities.
- b) If the report is considered to be outside FISA's jurisdiction, it shall be referred to the appropriate person or organisation, e.g. a member National Federation.
- c) If the report is considered to be within FISA's jurisdiction, the CMP, with the SGO, shall carry out an assessment (see paragraph 4 below).

For all cases reported to FISA, regardless of jurisdiction, the SGO shall keep a record of the status of the reports to ensure appropriate follow-up and shall keep the directly affected individual(s) and/or third party informed on next steps.

#### **4. Assessment**

For reports that are considered to be within FISA's jurisdiction, the CMP, with the SGO, shall make an initial assessment of the incident. This assessment is to determine the nature of the concern and whether a violation of the Policy may have occurred.

The CMP may take the following actions:

- a) Refer the report to the Police and relevant authorities, if the assessment indicates an alleged incident of Harassment or Abuse and is deemed to relate to a criminal offence;
- b) Recommend to the Executive Director the imposition of a provisional suspension, if there is a risk of imminent or further harm or as a neutral act to protect both parties;
- c) Appoint an investigator to carry out an investigation and produce a detailed report (see paragraph 5 below);
- d) Close the report, if an incident of Harassment or Abuse is not indicated. Where there are outstanding issues that may relate to transgressions of FISA rules, e.g. other ethics related issues, the case may be passed to the appropriate body.

N.B. Consideration shall be given as to the appropriate time to inform the accused person and to advise them of the procedures that are being followed. FISA (including the CMP and the SGO) shall provide fair procedures and shall respect the fundamental rights of the accused person.

#### **5. Investigation**

The CMP shall be responsible for carrying out an investigation of the reported incident and the preparation of a detailed report of the findings of the investigation. The CMP may appoint an investigator, who may be independent of FISA, to perform this task, in accordance with these Procedures and to an agreed timeline.

The investigation may involve requesting information from relevant individuals and organisations and may require oral or written statements from the relevant parties.

The detailed report of the findings shall include all necessary evidence for consideration by the CMP. The CMP, on the basis of the report, may determine that:

- a) There has been a possible violation of the Policy (the Policy is integral to the FISA Code of Ethics) and shall recommend to the Executive Director that an Ethics Panel be convened (see paragraph 6 below). The detailed report of the investigation shall be made available to the Ethics Panel, or
- b) Further investigations are required, or
- c) Instructions, advice or guidance is provided to the relevant parties; and/or
- d) No further action is required; the case is closed.

Where a report has been submitted to the Police or relevant authorities on the grounds of a suspected criminal offence, FISA shall work with the Police and/or that authority and take advice on how to proceed. The CMP may delay investigations until the matter has been referred back from the Police or other authorities.

## **6. Judicial Process**

At the current time, possible violations of the Policy are covered by the FISA Code of Ethics (Bye-Law to Article 59; FISA Rule Book, Appendix 8).

Paragraph 9.4 of the FISA Code of Ethics states that “alleged violations of the Code...shall be assessed and decided upon by an Ethics Panel”.

Paragraph 10.1 of the FISA Code of Ethics states that the Ethics Panel shall apply the following principles in reaching a decision:

*“... shall provide fair procedures to all parties involved and shall respect their fundamental rights. They recognise in particular:*

- 1.1 That a person who may have a conflict of interest shall not be a member of the decision-making body;*
- 1.2 The right of the person charged to know what he is charged with and to examine his file;*
- 1.3 The right to know the penalties which might be imposed;*
- 1.4 The right to be heard, to present a defence, to produce evidence and to be assisted by counsel.” (Art.64 FISA Rule Book)*

## **7. Sanctions**

Where it is determined that a violation of the Policy has occurred, the Ethics Panel may impose penalties, in accordance with paragraph 10.3 of the FISA Code of Ethics.

In addition, the penalty imposed shall take into account the risk of repeated offence/harm; the offender’s assistance, remorse and cooperation during the process, and any other mitigating factors, may also be taken into account. The standard of proof shall be whether the CMP has established a violation of the Policy to the comfortable satisfaction of the Ethics Panel. This standard of proof is more than a balance of probabilities but less than proof beyond reasonable doubt.

The penalty may include one or more of the following:

- a) Formal warning

- b) Fine
- c) Temporary suspension
- d) Termination of contract
- e) Permanent ban from FISA competitions and events
- f) Any other sanction considered appropriate in the circumstances.

The Ethics Panel may also require the offender to make a written or verbal apology and/or to undergo training or supervision.

The Ethics Panel may decide to recommend publication of the outcome of the judicial process and shall determine the appropriate level of disclosure, taking into account confidentiality.

Where it is determined that a violation of the Policy has occurred, FISA may communicate the outcome of the judicial process to the appropriate person(s) in any organisation (e.g. National Federation, Club, IOC or IPC and etc.) with whom the individual sanctioned has a direct relationship, responsibility or where it is deemed appropriate for the purposes of safeguarding.

## 8. Appeals

In accordance with paragraph 10.7 of the FISA Code of Ethics, “*any appeal against a decision of the Ethics Panel ... may be made only to the Court of Arbitration for Sport under Arts. 66 or 67 of the FISA Statutes*”.

## 9. Glossary

**Abuse** - Abuse is defined as any action that intentionally harms or injures another person. Abuse is sometimes also referred to as non-accidental violence.

**Case Management Group (CMG)** - The CMG will be responsible for ensuring that allegations, incidents or referrals related to the safeguarding of children or athletes, or other individuals in rowing are dealt with fairly and equitably and within appropriate timescales. This includes ensuring that information disclosed regarding appropriateness of individuals to work in rowing is considered and decisions are taken on a consistent and equitable basis. The CMG will be comprised of individuals recognised for their integrity and covering a range of skills and competences, including safeguarding.

**Case Management Panel (CMP)** - A CMP of, usually, three persons will be convened from the members of the CMG for those cases that require oversight. The CMP is responsible for management of individual cases, including investigations and referrals to an Ethics Panel. The CMP will provide advice and support to the SGO as required.

**Child** - The United Nations Convention on the Rights of the Child defines child as "a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier". Early childhood relates to those below 8 years of age. Juvenile or young person and adolescents are 10–19 years of age.

**Child Protection** - UNICEF uses the term ‘child protection’ to refer to preventing and responding to violence, exploitation and abuse against children. Article 19 of the UN

Convention on the Rights of the Child provides for the protection of children in and out of the home.

*Designated Person* – A Designated Person is an appropriately trained person who oversees safeguarding responsibilities at a FISA event and reports to the Safeguarding Officer.

*Ethics Group* – The FISA Ethics Group is a group of known individuals, independent of FISA, recognised for their involvement in the world of sport, their experience and their integrity. The list of members of the Ethics Group is published on the FISA website.

*Ethics Panel* – A FISA Ethics Panel is convened when it is determined that there has been a possible violation of the FISA Code of Ethics. The Ethics Panel shall assess and decide upon the case and shall make sanctions where necessary. The Ethics Panel comprises 3 individuals, including members of the Ethics Group.

*Harassment and Abuse* – Harassment & Abuse can be expressed in five forms which may occur in combination or in isolation. These include i) psychological abuse, ii) physical abuse, iii) sexual harassment, iv) sexual abuse, and v) neglect. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age disability, 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 (or by other means). 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.

*Safeguarding* – Safeguarding is the action that is taken to promote the welfare of vulnerable adults or children and protect them from harm, including protecting them from harassment and abuse.

*Safeguarding Officer* – The Safeguarding Officer is the principle person in the organisation that receives reports concerning the welfare of Participants, that coordinates the management of the reports and responds to queries in relation to this Policy.

**Appendix 1: Report form for incidents of harassment and abuse – see next page**

## Report form for incidents of harassment and abuse

1. Your name:	2. Name of organisation:
3. Your role:	
4. Your contact information: <i>Address:</i> <i>Postcode and country:</i> <i>Telephone number:</i>	
5. Name of the person you have concerns about [the individual]:	6. The individual's date of birth: <i>Email address:</i>
7. Their ethnic origin: <i>Please state</i>	8. Does this person have a disability: <i>Please state</i>
9. The individual's position/role: athlete/coach/other [ <i>Please state</i> ]	
10. The individual's gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
11. If they are under 18 years, full name(s) of their parent(s) / carer(s):	
12. Contact information (parents/carers): <i>Address:</i> <i>Postal code and country:</i> <i>Telephone numbers:</i>	
<i>Email address:</i>	
13. Have the parents / carers been notified of this incident? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES please provide details of what was said/action agreed:	
14. Are you reporting your own concerns or responding to concerns raised by someone else: <input type="checkbox"/> Responding to my own concerns <input type="checkbox"/> Responding to concerns raised by someone else	
If responding to concerns raised by someone else: <i>Please provide further information below</i>	
15. Name of the person who has raised the concern to you:  <i>Position within the sport or relationship to the individual named above:</i>  <i>Telephone number:</i>	
<i>Email address:</i>	
16. Date and times of incident:	
17. Details of the incident or concerns: <i>Include other relevant information, such as description of any injuries and whether you are recording this incident as fact, opinion or hearsay.</i>	
18. The individual's account of the incident (if known):	

## Report form for incidents of harassment and abuse

19. Please provide any witness accounts of the incident:
20. Please provide details of any witnesses to the incident: <i>Name:</i>  <i>Position within the club/organisation or relationship to the individual:</i>  <i>Date of birth (if child):</i> <i>Address:</i> <i>Postcode and country:</i> <i>Telephone number:</i> <span style="float: right;"><i>Email address:</i></span>
21. Please provide details of any person involved in this incident or alleged to have caused the incident / injury: <i>Name:</i>  <i>Position within the club/organisation or relationship to the individual:</i>  <i>Date of birth (if child):</i> <i>Address:</i> <i>Postcode and country:</i> <i>Telephone number:</i> <span style="float: right;"><i>Email address:</i></span>
22. Please provide details of action taken to date:
23. Has the incident been reported to any external agencies? <input type="checkbox"/> Yes <input type="checkbox"/> No
If YES please provide further details:
24. Name of organisation / agency:  <i>Contact person:</i>  <i>Telephone numbers:</i>  <i>Email address:</i>  <i>Agreed action or advice given:</i>

<b>Your Signature:</b>		<b>Print name:</b>	
<b>Date:</b>			

Please give this form to the FISA Safeguarding Officer or Designated Person or email this report to [safeguarding@fisa.org](mailto:safeguarding@fisa.org).

**Anonymous reporting:** reports may be submitted anonymously however please be aware that this may limit our ability to follow up on reports.