



**SAFE SPORT**  
COMMISSION SINGAPORE

# **SAFE SPORT PROGRAMME**

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# **HANDBOOK**



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## INTRODUCTION

The Safe Sport Programme is a harmonised framework that supports Member Organisations in safeguarding participants from abuse and harassment.

The Safe Sport Unified Code (“Unified Code”) describes forms of abuse and harassment in the sporting environment.

This Safe Sport Programme Handbook (“Handbook”) sets out:

- **Part I - Roles and Responsibilities** of the Member Organisations, Safe Sport Commission and the Safe Sport Disciplinary Panel under the Safe Sport Programme
- **Part II - Reporting and Resolution Procedures** in respect of alleged Misconduct (as defined in the Unified Code)
- **Part III - Hearing Procedures & Disciplinary Panel** including the constitution, powers and functions of the Safe Sport Disciplinary Committee and Appeal Committee

The Safe Sport Commission may review, update and make amendments to the provisions in this Handbook from time to time.

## DEFINITIONS

Abuse of Process	Acts which are set out in Article 4 E of the Unified Code
Affected Party	An individual who reports or experiences an act or acts of alleged or proven Misconduct
Appeal Committee	A committee appointed pursuant to Part III of the Handbook to hear and decide appeals from the decisions of Disciplinary Committees
Disciplinary Committee	A committee appointed pursuant to Part III of the Handbook to hear, resolve and adjudicate on all matters set out in Part II
False Reporting	Acts which are set out in Article 4 E of the Unified Code
Legal Member	Legally qualified individuals appointed to the Safe Sport Disciplinary Panel that meet the Safe Sport Appointment Criteria for Legal Members as set out in Appendix 4
Member Organisation	Organisations that participate, and which are recognised by the Safe Sport Commission as such, in the Safe Sport Programme
Misconduct	Acts and/or behaviours set out in Article 4 of the Unified Code
Ordinary Member	Individuals appointed to the Safe Sport Disciplinary Panel that meet the Safe Sport Disciplinary Panel Appointment Criteria for Ordinary Members as set out in Appendix 4

Person(s)	Individuals within the governance and disciplinary jurisdiction of the Member Organisation
Report Provider	An individual who makes a report alleging Misconduct (whether the individual is an Affected Party or not)
Respondent	A Person against a report is made alleging Misconduct
Safeguarding Officer	An individual designated by Member Organisation to perform the roles and responsibilities set out in Section 2.1 of this Handbook.
Safe Sport Disciplinary Panel Appointment Criteria	The criteria for Disciplinary Committees and Appeal Committees determined by the Safe Sport Commission that must be met by appointees, as set out in Appendix 4.
Safe Sport Disciplinary Panel	A panel of individuals comprising Legal Members and Ordinary Members
Unified Code	The Safe Sport Unified Code, as amended from time to time, posted at <a href="http://www.safesport.sg">www.safesport.sg</a>

## PART I - ROLES & RESPONSIBILITIES

### 1 The Safe Sport Commission (“the Commission”)

- 1.1 The Commission, appointed by Singapore Sports Council (re-branded SportSG), is responsible for administering the Safe Sport Programme.
- 1.2 Through its secretariat, the Commission, is responsible for:
- a. providing support to Member Organisations through development of model safeguarding policies that incorporate the Unified Code and other best practices relevant to their programmes and activities;
  - b. guiding Member Organisations in assessing environmental risks and needs, developing safeguarding policies and strategies;
  - c. developing education and training resources for the community to prevent abuse and harassment in sport, including but not limited to, online certification, training modules and the conducting of workshops;
  - d. supporting capability development amongst stakeholders to provide support for participants through training of safeguarding officers in triaging complaints, assessing the next steps and/or managing disputes;
  - e. developing care and support systems for those who have experienced abuse and harassment and/or referring the same to augmented support with relevant expertise;
  - f. recruiting and maintaining a case management team, comprising qualified and trained persons, to respond to reports of concerns, conduct preliminary assessments, formal investigations and recommend appropriate measures and sanctions in accordance with the Reporting and Resolution Procedures in Part II of this Handbook;
  - g. creating and maintaining a record keeping system to support the above initiatives, including maintaining a publicly available database of Persons, who have been sanctioned and/or whose eligibility has in some way been restricted;
  - h. providing secretarial support to the Safe Sport Disciplinary Panel;
  - i. forming and maintaining partnerships with SportSG, Singapore National Olympic Council, Singapore National Paralympic Council, other relevant governmental agencies, local and international non-governmental organisations and /or interest groups in advocating safeguarding initiatives and/or research;
  - j. periodically consulting, updating, amending, varying, or making additions to the Unified Code and the Handbook.

## 2 Member Organisations

2.1 Member Organisations are responsible for complying with the obligations in this Handbook by:

- a. adoption process - formally adopting, implementing, and giving effect to the following by incorporating into its Safe Sport policy or policies (“Safe Sport Policy”) and any other governing documents and/or rules and regulations:
  - i. the Unified Code; and
  - ii. the mechanism for response and resolution for reports regarding alleged breaches of the Unified Code (including delegating jurisdiction to and recognising the functions and powers of the Commission and the Safe Sport Disciplinary Panel) set out in Part II and Part III of the Handbook.
- b. scope - implementing the Safe Sport Policy:
  - i. within the scope of its authority, notably within its business, activities, and events, which includes, but is not limited to, competitions, practices, evaluations, training camps, travel, workshops, meetings, and other programmes;
  - ii. by requiring, as a condition of being involved with the Member Organisation in any capacity, that all Persons within its governance and disciplinary jurisdiction agree to be bound by the Unified Code and the response and resolution process set out in Part II & III of the Handbook; and
  - iii. by communicating the Safe Sport Policy through signposting, briefings or trainings.
- c. specific policies - conducting environmental risk assessments, implementing risk mitigation strategies and adopting other relevant safeguarding policies (e.g., one-on-one interactions, social media and electronic communications, travel policies) recommended and/or advised by the Commission.
- d. training and education – initiating and organising events, workshops, briefings for participants to create awareness of their roles and responsibilities. Where recommended by the Commission, requiring as a condition for participation, completion of the relevant Safe Sport training by Persons in specific roles.
- e. Safeguarding Officer - appointing a staff member and/or suitable person to:
  - i. ensure the Member Organisation fulfils its roles and responsibilities in Part I of this Handbook;

- ii. attend the necessary Safeguarding Officer training designated by the Commission;
  - iii. manage reports or concern and provide timely notice of any alleged breaches of the Unified Code and in accordance with the provisions of the Handbook;
- f. case management - putting in place processes and procedures to:
- i. manage, refer and/or resolve concerns and allegations of breaches of the Unified Code which come under its jurisdiction;
  - ii. where concerns and allegations of breaches of the Unified Code fall within the mandatory jurisdiction of the Commission, refer such cases to the Commission and refrain from engaging in its own investigation or disciplinary process unless requested;
- g. investigations - cooperating with the requests for information and/or assistance with investigations conducted by the Commission.
- h. enforcement - implementing and enforcing any measure, suspension and/or decision rendered by the Commission and/or decided by the Safe Sport Disciplinary Panel across its membership, programmes and/or sanctioned events. Subject to applicable law, Member Organisations shall not knowingly employ/appoint a Person in any position, or include any person on a board or committee or in any other capacity, if that person has been provisionally suspended or is serving a suspension under the Safe Sport Programme;
- i. non-intimidation - not encouraging, allowing, or tolerating attempts from any Person, group or organization to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith and/or otherwise participate in an investigation (e.g., a witness);
- j. advocacy and research - collaborating and working in partnership with the Commission in advocacy and research in Safe Sport.

### **3 The Safe Sport Disciplinary Panel**

- 3.1 The Safe Sport Disciplinary Panel is a group of individuals appointed by the Ministry of Culture, Community and Youth to perform the independent adjudicative functions set out in Part II and Part III of the Handbook.
- 3.2 The appointment, constitution, powers, and functions as well as general procedures of the committees constituted under the Safe Sport Disciplinary Panel are set out in Part III of the Handbook.

## PART II - REPORTING & RESOLUTION PROCEDURES

The rationale for the rules in this Part II are:

- providing clarity in the way in which reports of concern are received and managed
- ensuring consistency in the conduct of the assessment of the seriousness for Misconduct
- ensuring fairness in the way measures and sanctions are imposed on an individual's participation in sport

Underlying these is the overall objective to give consideration to the agency and needs of Affected Party whilst ensuring due process for the Respondent (e.g., the right to know the evidence against them, the right to be heard and to produce evidence and defend themselves before independent adjudicators).

### 4 Jurisdiction and Standard of Proof

4.1 The Commission will only have jurisdiction to investigate and resolve allegations of Misconduct in accordance with these processes where the Respondent is within the governance and disciplinary jurisdiction of the Member Organisation.

#### ***Mandatory Jurisdiction***

4.2 The Commission shall have mandatory jurisdiction when it determines the alleged Misconduct to be Category A or B (i.e., where moderate or severe harm is caused to Affected Party and/or where there is a medium to high level of culpability on the Respondent's part).

#### ***Discretionary Jurisdiction***

4.3 The Commission may exercise discretionary jurisdiction for Category C (i.e., low level) Misconduct at the request of the Affected Party and/or the Member Organisation where:

- a. there is a conflict of interest; and
- b. there are reasonable grounds for believing that the matter will not be dealt with fairly.

4.4 If the Commission accepts discretionary jurisdiction, it will proceed to use the resolution procedures set forth in this Handbook. If the Commission declines discretionary jurisdiction, the matter shall be dealt with in accordance with the Member Organisation's relevant procedures.



- 4.5 The process of determining whether the Commission shall have jurisdiction shall be made jointly by the Member Organisation's Safeguarding Officer and the designated case manager of the Commission. Where there is a disagreement, the Commission's decision shall take precedence. An illustration of the classification for Categories A, B and C is set out in Appendix 1.
- 4.6 The Commission will not manage sport specific or other general policies related to interpersonal conduct (e.g., field-of-play incidents which are governed by the rules of sport, breach of curfew set out in travel policy, unprofessional conduct which breaches a Member Organisation's Safe Sport Policy and/or code of conduct which is not related to Misconduct under the Unified Code).

### ***Standard of Proof***

- 4.7 The standard of proof that applies to all decisions shall be on the balance of probabilities, that is the occurrence of the event was more likely than not.
- 4.8 Where a Respondent has been convicted or found guilty, in criminal, disciplinary or professional proceedings (with the same or higher standard of proof), of engaging in conduct which would have been constituted as a breach under the Unified Code, the Commission may deem the Respondent to have committed Misconduct without requiring a formal investigation. The Commission may proceed directly to resolution at Section 7.

## **5 Receiving A Report**

- 5.1 Any individual who experiences or becomes aware of Misconduct ("Report Provider") may report the incident directly to the Commission and/or a Safeguarding Officer of a Member Organisation.
- 5.2 The Safeguarding Officer of the Member Organisation should record and report any incident received by him /her to the Commission within forty-eight (48) hours.
- 5.3 A Report Provider may elect to make a Disclosure or a Formal Report.

### ***Disclosure***

- 5.4 A Disclosure happens when a Report Provider wishes to seek support or is unsure of his/her experience. Subject to mandatory reporting requirements, a Disclosure does not launch any kind of formal process.
- 5.5 The Report Provider may elect to turn a Disclosure into a Formal Report at any point.
- 5.6 Where a Report Provider determines that he/she does not wish to make a Formal Report, the Commission will seek to honour the request, if it is possible to do so legally,

whilst protecting the health and safety of the Affected Party and the sporting community.

- 5.7 In responding to a Disclosure, the Commission may:
- a. refer the Report Provider to support services and/or law enforcement; and
  - b. take other appropriate steps to address the reported conduct to minimise or prevent its recurrence in the sporting community, including, but not limited to, offering appropriate training through targeted educational interventions or prevention programmes, and/or providing or imposing other remedies tailored to the circumstances as a form of alternative resolution through the Member Organisation.

### ***Formal Report***

- 5.8 Where a Report Provider determines he/she wishes to make a formal report, the Commission:
- a. will conduct a preliminary assessment in accordance with Section 6.5; and
  - b. may implement any temporary measures pending the outcome of such formal investigations pursuant to Section 6.11 (“Temporary Measures”).

### ***Anonymous Reports***

- 5.9 Reports may be made anonymously to the Commission. However, an anonymous report may limit the Commission’s ability to effectively investigate and respond to a report.
- 5.10 As such, the Commission strongly encourages individuals to provide their name and contact information when reporting.

### ***Requests for Non-Identification***

- 5.11 Subject to its obligations under mandatory reporting laws, an Affected Party and/or third-party Report Provider may request that personally identifying information not be shared with a Respondent, another individual and or organisation. The Commission seeks to honour the request if it is possible to do so whilst protecting the health and safety of the Affected Party and the sporting community.
- 5.12 The Commission will make reasonable efforts to protect the privacy of individuals, including the Respondent, involved in its process, while balancing the need to gather information to assess a report and to take steps to address the Misconduct.

- 5.13 If the Commission determines it cannot honour an Affected Party's request that personally identifying information not be shared, the Commission may direct appropriate actions, which may include:
- a. imposing a no contact directive or other Temporary Measures;
  - b. initiating a formal investigation; and
  - c. arranging, imposing, or extending any other appropriate remedial and/or protective measures.
- 5.14 In such cases, the Commission will take reasonable efforts to protect the privacy of the Affected Party. However, actions that may be required as part of any investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Affected Party's identity may have to be disclosed. In such cases, the Commission will notify the Affected Party that it intends to proceed with an investigation.
- 5.15 Information will be shared as necessary with the Commission, witnesses, and the parties. It may also be necessary for the Commission to notify the relevant organisation (a) of an allegation involving a participant from that organization; (b) if the Commission implements a temporary measure; (c) of procedural status updates; and (d) of any sanctions.
- 5.16 Unless necessary, the Commission will not disclose a third-party Report Provider's personally identifying information.
- 5.17 The Commission reserves the right to notify guardians of Affected Parties regarding any health or safety risk.

### ***Withdrawing a Report***

- 5.18 A Report Provider may withdraw his/her report in writing to the Commission at any point before resolution in Section 7.

## **6 Management after Receiving a Report**

- 6.1 When the Commission receives a report, it will:
- a. determine if the allegation(s) in the report fall within its jurisdiction;
  - b. subject to the mandatory reporting requirements, determine if the report is a Disclosure or Formal Report;

- c. where appropriate, facilitate access to the appropriate level of psychosocial support for the parties;
  - d. conduct a preliminary assessment, and/or
  - e. where applicable, trigger the formal investigation process to determine whether there was Misconduct constituting a breach of the Unified Code.
- 6.2 The Commission will discontinue the process under these procedures where it:
- a. determines that the alleged Misconduct does not fall within its mandatory jurisdiction;
  - b. declines to exercise its discretionary jurisdiction; or
  - c. determines that the reporting constitutes False Reporting or Abuse of Process.
- 6.3 Where the alleged Misconduct falls within any of the circumstances in Section 6.2, the Commission may refer the matter to the relevant Member Organisation to be dealt with under the appropriate process.
- 6.4 Where the Commission exercises its jurisdiction, it will proceed with a preliminary assessment.

#### ***Preliminary Assessment***

- 6.5 The purpose of the preliminary assessment is to consider whether on the face of the available evidence, a possible suggestion of Misconduct which requires a Formal Investigation.
- 6.6 The Case Manager, as designated by the Commission, may request to speak with the Affected Party, the Respondent and/or witnesses, during the preliminary assessment, in order to seek more information.
- 6.7 Person(s) within the governance and disciplinary jurisdiction of a Member Organisation must cooperate fully with these procedures.
- 6.8 The Disciplinary Committee, and/or Appeal Committee, may draw an adverse inference to the Respondent based on Respondent's failure or refusal, after a request has been made in a reasonable time in advance, to answer any relevant questions, provide relevant documentation and/or participate in these Response and Resolution Procedures.
- 6.9 The Commission may conduct the preliminary assessment in such manner determined by the Commission in its absolute discretion.

***Notice of Formal Investigation***

- 6.10 Where the Commission determines that a Formal Investigation is required:
- a. the Commission will inform the Affected Party, the Respondent and/or third-party Report Provider, in writing that a Formal Investigation has been commenced against the Respondent (“Notice of Formal Investigation”);
  - b. the Commission may, at any point before resolution, impose Temporary Measures as set forth in Appendix I;
  - c. the Commission may include, as a recipient of the Notice of Formal Investigation, the Safeguarding Officer of the Member Organisation and/or any relevant organisation(s) who are responsible for the enforcement of the measures therein.

***Temporary Measures***

- 6.11 In imposing any of the Temporary Measure(s), the Commission must have regard to:
- a. the severity of the Misconduct;
  - b. sufficiency of evidence of the Misconduct;
  - c. the risk of further or ongoing harm to Affected Party and /or community if the Temporary Measures are not applied; and
  - d. a Member Organisation’s policies on a Respondent’s suitability to participate pending formal investigations by law enforcement and/or other regulatory bodies.

***Formal Investigation Procedures***

- 6.12 The Commission may hold interviews with the Affected Party and/or Respondent and any relevant witnesses.
- 6.13 During the investigation, the Affected Party and Respondent will have an opportunity to submit information and relevant evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Commission to each other or to any witness.
- 6.14 The Commission will complete investigations as quickly as possible after the Notice of Formal Investigation has been issued. However, the time taken is determined by the complexity of the matter, the number of persons to be interviewed etc.
- 6.15 During the investigation, Commission will keep all those involved aware of the timescales. Details of the investigation and the names of the Affected Party, third-

party Report Provider and/or Respondent must only be disclosed on a "need to know" basis.

- 6.16 A final report will be prepared by the case manager designated by the Commission setting forth his/her findings of fact and recommendation(s) as to whether the Unified Code has been violated ("Formal Investigation Report").
- 6.17 The Commission shall have power to initiate a formal investigation and bring charges for Misconduct in respect of any acts/behaviours which constitutes an Abuse of Process or False Reporting (as defined in the Code).

## **7 Resolutions**

### ***Types of Resolutions***

- 7.1 Reports may be resolved in the following manner:
- a. Close the File – The Commission may close a matter as a result of insufficient evidence, an Affected Party elects not to participate in the resolution process, or other factors as determined by the Commission. Upon receipt of new information or evidence, or a change in circumstances, the Commission may reopen the matter for further investigation.
  - b. Informal Resolution - A Respondent may, at any time before a matter is final, elect to resolve allegations of Misconduct by an Informal Resolution. The Commission, in consultation with the Affected Party, will determine if an Informal Resolution will be appropriate. An Informal Resolution is not a settlement but does constitute a final and binding disposition of the matter. An Informal Resolution and the related measures and sanctions will be kept on record.
  - c. Formal Resolution – This occurs when the Commission determines:
    - a. Category A or B Misconduct has taken place and will be referred for hearing before a Disciplinary Committee; or
    - b. Category C Misconduct has taken place and may be referred back to the Member Organisation for resolution and/or the Commission may issue a warning or any of the appropriate measures set out in Appendix 3.
- 7.2 The Commission's decision in respect of both initiating an investigation and referring the Misconduct for hearing before a Disciplinary Committee is final.

## **8 Hearings**

- 8.1 Prior to the hearing, the Respondent shall be informed of:

- a. the date, venue, and time of the hearing;
- b. that he/she will be required to attend the hearing (in person or by telephone or audio-visual means at the discretion of the Disciplinary Committee);
- c. that he/she is entitled to adduce evidence, make submissions; and
- d. provided with the Formal Investigation Report, which contents are subject to the confidentiality provisions in Section 10.

8.2 The provisions relating to the appointment of the Disciplinary Committee and the procedures for the hearing set out in Part III shall apply.

#### ***Burden and Standard of Proof***

8.3 The Commission shall have the burden of establishing that a breach of the Unified Code has occurred based on the standard of proof set out in Section 4 above.

#### ***Decision Making Framework***

8.4 The decision-making framework shall guide the Disciplinary Committee in coming to a decision on the appropriate measures and/or sanctions:

*Step 1 Determine breach* - Determine on the balance of probabilities if Misconduct has taken place

*Step 2 Assessment of seriousness* - Undertake an assessment of seriousness considering the factors for culpability and harm caused

*Step 3 Determine sanction* - Consider if there are aggravating factors or mitigating factors impacting sanctions

A flowchart illustrating the decision-making framework is set out at Appendix 2. The factors listed in Appendix 2 are not exhaustive.

8.5 A Respondent may admit the breach(es) at any time, in which case the Disciplinary Committee should proceed immediately to hear submissions in relation to sanction.

8.6 The Disciplinary Committee shall be entitled to impose such measures or sanctions as they see fit, including, but not limited to, those set out in Appendix 3.

8.7 The decision of the Disciplinary Committee shall be delivered to the parties as soon as practicable after the conclusion of the hearing and shall be final and binding on notification to the individual. Where it considers appropriate, the Disciplinary Committee may deliver a short oral decision at the conclusion of the hearing (with their

reasons to be put in writing and communicated to the parties at a later date) or they may reserve their decision.

- 8.8 The parties shall be entitled to a copy of the Disciplinary Committee's written decision, which shall be provided by the Disciplinary Committee as soon as practicable, after it is available.
- 8.9 Where a Respondent is adversely affected by a decision, he/she shall be advised of his/her right of appeal. Such notification shall, ordinarily, be included in Disciplinary Committee's final written decision and notified at the conclusion of the hearing if an oral decision is given.

## **9 Appeals**

- 9.1 The Respondent or the Commission may appeal the decision of the Disciplinary Committee where:
- a. there is error in application of the rules and principles of the Unified Code and the Handbook;
  - b. error in central finding of fact (exercise of judgement/discretion by Disciplinary Committee was manifestly wrong);
  - c. sanction was manifestly excessive or wrong in principle;
  - d. sanction was unduly lenient;
  - e. decision should be overturned in the interests of natural justice
- 9.2 If the Commission or the Respondent does not make an appeal against the written Decision of the Disciplinary Committee within fourteen (14) days, the decision shall be final.
- 9.3 Where Respondent is suspended or has had other measures and/or sanctions imposed by the Disciplinary Committee, such measures and/or sanctions shall remain in place pending the outcome of an Appeal.
- 9.4 An appeal shall be deemed to have been lodged by the relevant party ("Appellant") where it is in writing and shall specify the:
- a. name of the Appellant lodging the appeal;
  - b. decision appealed against; and
  - c. grounds of the appeal.

Except as provided, no specific form of a notice of appeal is required.



- 9.5 On the lodgement of the notice of appeal, the relevant parties shall be given the full record of the proceedings before the Disciplinary Committee shall be made available to them.
- 9.6 The provisions relating to the appointment of the Appeal Committee and the procedures set out in Part III shall apply.
- 9.7 The Appeal Committee shall set a time, date, and venue for the hearing of the appeal. These details will be notified by the Commission to the Appellant(s).
- 9.8 The Appeal Committee shall decide, by way of a simple majority, whether to allow or dismiss the appeal and/or take any other action, including varying the decision of the Disciplinary Committee, as it thinks fit.
- 9.9 The decision of the Appeal Committee shall be delivered to the parties as soon as practicable, after the conclusion of the hearing. The decision and shall be final and binding upon notification to the Appellant and/or individual. Where it considers appropriate, the Appeal Committee may deliver a short oral decision at the conclusion of the hearing (with their reasons to be put in writing and communicated to the parties at a later date) or they may reserve their decision.
- 9.10 Relevant parties at the Appeal hearing shall be entitled to a copy of the Appeal Committee's written decision which shall be provided by the Appeal Committee as soon as practicable, after it is available.
- 9.11 The decision of the Appeal Committee shall be final.

## **10 Confidentiality**

- 10.1 All documents and/or evidence related to the Response and Resolution Procedure are confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law and/or authorised by the Commission.
- 10.2 Where Formal Resolution has taken place, the full written decision, the Formal Investigation Report, and any documents and/or evidence attached (including interview statements of a witnesses; any audio recordings or transcripts of those recordings created as part of the investigative process, including any hearing transcripts) are confidential, and will not be disclosed to anyone.
- 10.3 Violation of Section 10.2, including by an advisor and/or representative for Respondent and/or Affected Party, may constitute Misconduct for which the Commission may initiate a formal investigation against the person.
- 10.4 The Commission may disclose such relevant parts of a decision, including whether a breach was found, the nature and severity of the Misconduct, to those parties or organisations with a 'need to know' basis such that the outcome can be properly effectuated and/or understood, including, but not limited to:

- a. the Member Organisation;
- b. the parties involved in the proceedings (i.e., Affected Party and Respondent);
- c. any individual to facilitate the proper handling of the Report;
- d. in accordance with Section 10.7;
- e. any third party, including foreign sporting bodies, child protection agencies, law enforcement agencies and government or regulatory authorities for the purposes of protecting the safety of participants in sport; and/or
- f. as required by law, or any court.

10.5 Additionally, subject to the Abuse of Process (including the prohibition on identifying an Affected Party), the Commission does not impose any restrictions on Affected Party's or Respondent's ability to discuss the incident, their participation in the Commission's process, or the outcome of that process. Any misrepresentation of the process, the underlying facts, or the outcome of a matter by a person and/or entity may constitute an Abuse of Process.

#### ***Public Disclosure of Sanctions***

10.6 The Commission may maintain a publicly available searchable register of individuals who have been sanctioned by or whose eligibility has in some way been restricted where the Commission considers it necessary to give full effect to the measures and/or sanctions.

10.7 The register will include the name of the individual, the measures and/or sanction imposed and the period of the sanction. Details of the breaches will not be published except where authorised by the Commission in accordance with this section.

## **11 Mandatory Reporting and Related Proceedings**

11.1 The Commission may be bound by mandatory reporting requirements under domestic law and may, in its discretion and/or in accordance with its legal obligations, report to law enforcement, particulars of any Misconduct.

11.2 Where the Commission makes a report to law enforcement, a formal process under Section 6 is initiated, and the Commission may consider appropriate Temporary Measures.

11.3 The Commission may contact any law enforcement agency to ascertain the status of the relevant authorities' investigation and determine the extent to which any evidence collected by law enforcement may be available to the Commission in its investigation.

The Commission may also provide some, or all, of its case information, documentation, or evidence to law enforcement.

- 11.4 At the request of law enforcement, or at the Commission’s discretion, the Commission may delay its investigation temporarily while a law enforcement agency is gathering evidence.
- 11.5 The Commission may impose Temporary Measures or vary current Temporary Measures pending the outcome of such investigations.
- 11.6 Because the standards of proof for criminal law are different from the standards of findings for Misconduct under the Unified Code, the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a breach of the Unified Code has occurred.
- 11.7 Conduct may amount to Misconduct under the Unified Code even if the Respondent is not charged, prosecuted, convicted, or is acquitted of a criminal charge. This applies as well to matters in which legal authorities decline to prosecute.
- 11.8 Resolution under Part II & Part III of this Handbook will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.
- 11.9 Participating in the Safe Sport Programme’s Reporting and Resolution Process does not extend or restrict a person’s right to file charges or claims regarding the underlying allegations with any other agency, law enforcement, or court.
- 11.10 Where the Misconduct may be subject to related proceedings under other regulations (e.g., anti-doping policies and codes, National Registry of Coaches’ Code of Ethics, International Olympic Committee (Games Time)), the Commission may determine together with the relevant authority on the most appropriate investigative and/or adjudicating body.
- 11.11 The Commission or the Disciplinary Committee may recognise decisions imposed by other bodies in respect of equivalent offence(s) to Misconduct and may recognise and/or impose appropriate measures and/or sanctions under the Unified Code. Such decisions shall thereafter be recognised by Member Organisations which shall take all necessary action to give effect to such decisions.

## **12 Miscellaneous**

- 12.1 These procedures assess a Respondent’s suitability to participate in sport. As past conduct informs current suitability, no criminal, civil, rules-based statutes of limitations or time bars of any kind, prevents the Commission from investigating, assessing, considering, and adjudicating any relevant conduct, regardless of when it occurred.

- 12.2 Procedures, proceedings, or any decision of the Commission shall not be quashed or held invalid by reason only of any defect, irregularity, omission, or other technicality unless such defect, irregularity, omission, or technicality, raises a material doubt as to the reliability of the findings or decisions of the Commission or results in a miscarriage of justice.
- 12.3 In the event that a particular incident takes place, for which there is no provision in these procedures, the Commission may take action in accordance with the guiding principles.
- 12.4 An overview of the Safe Sport Programme's Reporting and Resolution Process is set out in Appendix 4.

## PART III – HEARING PROCEDURES & DISCIPLINARY PANEL

This part sets out the appointment, procedures, functions, and powers related to Disciplinary Committees and Appeal Committees.

### 13 General Procedures

- 13.1 Disciplinary Committees and Appeal Committees constituted under these rules shall exercise their functions independently, including independently of (i) the parties to the proceedings, (ii) the Member Organisations under whose jurisdiction the matters arise. Any decision of the Disciplinary Committees and Appeal Committees, shall be binding on the parties, their organisation, and their constituent bodies, none of whom shall have the power to affirm, revoke or alter any decision.
- 13.2 The standard of proof on all questions to be determined by the Disciplinary Committees and Appeal Committees shall be the balance of probabilities unless otherwise specified in the Unified Code. Disciplinary Committees and Appeal Committees shall have no discretion in this regard.
- 13.3 Disciplinary Committees and Appeal Committees shall produce written decision and reports of their proceedings, findings and sanctions, and these shall be made available to the parties, unless the Disciplinary Committees and Appeal Committees have directed otherwise (whether by application from any party to the proceedings or sua sponte). No member of the Disciplinary Committee and/or Appeal Committee shall comment to the media on a decision of that body.
- 13.4 Hearings shall ordinarily take place in private.
- 13.5 Disciplinary Committees and Appeal Committees:
- a. may issue pre-hearing directions;
  - b. shall be entitled to adjourn and/or postpone proceedings;
  - c. shall be entitled to determine whether witnesses that give evidence shall remain within the room in which the matter is being heard after their evidence has been given;
  - d. shall be entitled to limit questioning of witness or lines of enquiry based on, without limitation, relevance, that the questioning is cumulative, the age or mental capacity of witness;
  - e. may direct other relevant persons be present in the proceedings (e.g., interpreter, guardians, psychosocial support for affected parties)
  - f. shall be entitled to call on experts to provide specialist advice;

- g. shall be entitled to be assisted by a legal advisor;
  - h. shall deliberate in private on their decisions;
  - i. shall act in an inquisitorial manner in order to establish the truth of the issue/case before it.
- 13.6 The non-attendance of a party at a hearing and/or preliminary hearing, in respect of which that party has received notice, shall not prevent the matter from being dealt with in their absence.
- 13.7 A decision of a Disciplinary Committee or Appeal Committee shall be valid if taken by at least a simple majority of the members of the committee. No member of the Disciplinary Committee or Appeal Committee may abstain from participating in any deliberations or from voting. Where a Disciplinary Committee or Appeal Committee has an even number of members and they are unable to reach a unanimous or majority decision then the Chair of the Disciplinary Committee or Appeal Committee shall have a casting vote.
- 13.8 Any procedures, findings or decisions of a Disciplinary Committee or Appeal Committee, pursuant to disciplinary processes under these rules, shall not be quashed or invalidated by reason only of any departure from the procedural rules, defect, irregularity, omission, or other technicality unless such departure, defect, irregularity, omission or technicality raises a material doubt as to the reliability of the findings or decisions of these bodies, or results in a miscarriage of justice.
- 13.9 Hearings by a Disciplinary Committee or Appeal Committee may be recorded, in whole or in part, at the discretion of the Committee, using audio and/or audio-visual recording equipment, or the services of a stenographer. The record of proceedings, and all documents and other evidence/information associated with the proceedings, shall be retained securely for a suitable period by the Commission.
- 13.10 In respect of any matter not provided for in this Handbook, the Disciplinary Committee, or Appeal Committee, shall take a decision according to general principles of natural justice and fairness.

## **14 Appointment to the Safe Sport Disciplinary Panel**

- 14.1 Individuals may apply and/or be nominated by Member Organisations for appointment to the Safe Sport Disciplinary Panel. The Commission and the Ministry of Culture Community and Youth (“MCCY”) shall consider all such applicants for appointment against the Appointment Criteria, as set out in Appendix 4, and shall appoint a panel of individuals of such number as the MCCY shall think fit, each of whom shall be eligible to sit as a (1) a Legal Member or an (2) Ordinary Members of a Disciplinary Committee or Appeal Committee.

- 14.2 MCCY shall appoint a chairperson of the Safe Sport Disciplinary Panel (“Disciplinary Panel Chair”). The Disciplinary Panel Chair shall meet the Appointment Criteria set out in Appendix 5.
- 14.3 Members of the Safe Sport Disciplinary Panel shall be appointed for a period of up to three (3) years, following which they shall, unless re-appointed by the MCCY, automatically cease to be a member of the Safe Sport Disciplinary Panel. MCCY may, at its discretion, remove any member of the Safe Sport Disciplinary Panel where the member of the Safe Sport Disciplinary Panel:
- a. no longer meets the Appointment Criteria;
  - b. has committed any serious or repeated breach of the law; or
  - c. is under investigation for, received a warning for and/or committed a criminal offence and/or acted in any manner that has brought the Safe Sport Disciplinary Panel, Commission and/or MCCY into disrepute.
- 14.4 The decision of the Commission and MCCY in relation to the removal of any member of Disciplinary Panel shall be final and binding.
- 14.5 The Disciplinary Panel Chair shall have the power, exercisable in his/her discretion, to co-opt from time-to-time additional persons with specialist skills and experience to sit on a Disciplinary Committee to deal with cases that require such specialist skills and experience whether such persons are members of the Disciplinary Panel or not.

## **15 Appointment and Functions of Disciplinary Committees**

- 15.1 The Disciplinary Panel Chair (or his/her designee) shall appoint the Disciplinary Committee from members of the Safe Sport Disciplinary Panel to resolve, hear and adjudicate on matters referred by the Commission under Part II.
- 15.2 When a Disciplinary Committee is appointed to adjudicate on a case it shall, ordinarily, be made up of three (3) members of the Safe Sport Disciplinary Panel, one of whom shall be a Legal Member who shall act as the Chair of the Committee. The Disciplinary Panel Chair shall, however, in any case, be entitled, at his/her discretion, to appoint a Disciplinary Committee of such number as he/she considers appropriate, up to a maximum of five (5) and a minimum of two (2).
- 15.3 Members of Disciplinary Committees shall not have any personal involvement with any case referred to them for adjudication or any connection with any of the parties involved in such matter. Where any uncertainty arises, the member in question shall refer the matter to the Disciplinary Panel Chair for consideration prior to accepting the appointment.
- 15.4 If a member of a Disciplinary Committee having been appointed to deal with a case is unable or unwilling to adjudicate the case, then the member shall inform the Disciplinary Panel Chair of this (providing reasons) and the Disciplinary Panel Chair

may (a) appoint another member of the Disciplinary Panel as a replacement; or (b) appoint a new Disciplinary Committee; or (c) allow the remaining Disciplinary Committee members to proceed and adjudicate on the case.

## **16 Appointment and Functions of Appeal Committees**

- 16.1 The Disciplinary Panel Chair (or his/her designee) shall appoint Appeal Committee from members of the Safe Sport Disciplinary Panel.
- 16.2 The function of Appeal Committees shall be to hear and decide appeals from decisions made by Disciplinary Committees. The Disciplinary Panel Chair shall appoint Appeal Committees from members of the Safe Sport Disciplinary Panel to hear such appeals.
- 16.3 When an Appeal Committee is appointed to adjudicate on a case, it shall, ordinarily, be made up of three (3) members of the Safe Sport Disciplinary Panel, one of whom shall be a Legal Member and shall act as Chair of the Appeal Committee. The Disciplinary Panel Chair shall be entitled, however, at his/her discretion to appoint Appeal Committees of such number as he or she considers appropriate, up to a maximum of five (5) and a minimum of two (2).
- 16.4 If a member of an Appeal Committee having been appointed to deal with an appeal, is unable or unwilling to adjudicate the appeal, then the member shall inform the Disciplinary Panel Chair of this (providing reasons) and the Disciplinary Panel Chair may: (a) appoint another member of the Disciplinary Panel as a replacement; or (b) appoint a new Appeal Committee; or (c) allow the remaining Appeal Committee members to proceed and adjudicate on the appeal.

## **17 Power to Regulate their own Procedures**

- 17.1 The procedures of the Disciplinary Committee, or Appeal Committee, in all proceedings, shall be as the appointed Chair determines in each case. However, subject to the power to regulate its own procedures, it shall:
- a. seek to conform generally with the procedures set out herein;
  - b. in the case of disciplinary proceedings pursuant to Part II, seek to conform generally with the procedures set out therein; and
  - c. ensure that the Respondent has a reasonable opportunity to be heard and be informed of the charge(s) and to present his/her case.
- 17.2 The Chair of the Disciplinary Committee or Appeal Committee shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:



- a. a pre-hearing conference convened for the purposes of giving directions for the hearing and clarification of the procedures; and
- b. the requirement for any person to attend the hearing as a witness.

For the purposes of pre-hearing case management, the Chair of the Disciplinary Committee, or Appeal Committee, may exercise this function without reference to the other Disciplinary Committee or Appeal Committee members.

- 17.3 The Disciplinary Committee shall endeavour to ensure that proceedings are heard in the presence of the individual who is the subject of the proceedings. Nothing in the Regulations, or otherwise, shall prevent a Disciplinary Committee or Appeal Committee hearing and determining proceedings in their absence where the individual concerned (and/or their representatives) do not attend the hearing. However, hearings may only be held in the absence of any of the parties if those parties have first been given the opportunity to attend and have declined or not responded to the opportunity to attend without reasonable excuse or consented to a hearing in absentia. In such circumstances the Disciplinary Committee may take any written representations into account in making its decision.
- 17.4 Where a hearing is pending, the Disciplinary Committee or Appeal Committee may, prior to the hearing, require the following of the Respondent:
- a. the Respondent shall supply the Disciplinary Committee, or Appeal Committee, with full particulars of the case that will be presented on their behalf at the hearing and any witnesses intended to be called by them;
  - b. provide the Disciplinary Committee, or Appeal Committee, with copies of any documents or reports that may be relied on by the Respondent at the hearing; and
  - c. comply with such directions as shall be considered appropriate by the Disciplinary Committee or Appeal Committee at, or prior to, the hearing.

## **18 General Procedures – Disciplinary Committee**

- 18.1 The general procedures, relating to proceedings of the Disciplinary Committee set out above, shall apply. The Commission may prescribe additional regulations for the conduct of Disciplinary Committee and may from time to time vary, revoke or replace any such regulations in accordance with the Unified Code.
- 18.2 Any individual or representative of a Member Organisation, who is required to attend a hearing to answer charges or allegations, shall be entitled to be represented at the hearing including by legal counsel.

**Evidence**

- 18.3 The Disciplinary Committee shall receive evidence in such form as it thinks fit (including evidence in writing), notwithstanding that the evidence may not be admissible in civil or criminal proceedings and shall be entitled to attach such weight to that evidence, as it sees fit.
- 18.4 First-hand accounts from persons present at the hearing as to their observations of the incident in question are preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to first-hand evidence and generally less weight is likely to be given to hearsay evidence.
- 18.5 Disciplinary Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the common general knowledge of members of the Disciplinary Committees.
- 18.6 The following rules of proof shall be applied by the Disciplinary Committee:
- a. they shall have the discretion to accept any facts established by a decision of a court of competent jurisdiction or relevant disciplinary tribunal which is not the subject of a pending appeal, as irrefutable evidence against the individual to whom the decision relates; and
  - b. where the Respondent is charged with a breach of the Unified Code and fails, or refuses without reasonable justification, to appear at a hearing (in person or by way of technology) of which they have been given reasonable notice, the Disciplinary Committees may draw an adverse inference against the individual.
- 18.7 Where a direction is given by a Disciplinary Committee to an individual, it shall be the responsibility of the individual concerned to ensure that it is complied with. In any case, where a direction given by the Disciplinary Committee, in relation to the giving of evidence by the individual is not complied with, the Disciplinary Committee may refuse to allow the evidence of the individual to be given in any other form.
- 18.8 The Disciplinary Committee may direct that the Member Organisation be represented. If so, the Member Organisation shall appear by any representative of the Member Organisation at the hearing, in such capacity as the Disciplinary Committee requires, to provide assistance to the Disciplinary Committee in the discharge of its duties.
- 18.9 Breaches of the Unified Code may be established by any reliable means, including admissions.
- 18.10 Unless it is otherwise directed, the procedure of the Disciplinary Committee at a hearing will be as follows:
- a. the Chair will explain the procedure to be followed;
  - b. the charge(s) will be read;

- c. the Respondent will be asked to confirm if they admit that they have committed the act or acts of Misconduct or breach(es) of the Unified Code for which the Respondent is charged;
- d. evidence from the Respondent or from any witnesses (where applicable) will be heard;
- e. final submissions will be heard.

18.11 There shall be no direct questioning of the Affected Party and/or other witnesses except by the Disciplinary Committee. The Respondent may direct their proposed questions and lines of inquiry to the Disciplinary Committee, who shall determine which are appropriate and relevant questions. The Disciplinary Committee may ask such follow-up questions as it deems appropriate.

18.12 The Disciplinary Committee may request that the Commission be available to present the basis for the charge of Misconduct.

18.13 Where proceedings, however arising, are taken against more than one individual arising from the same incident or series of incidents, such proceedings may be heard by a Disciplinary Committee at the same time, provided there is no prejudice to any person against whom the disciplinary proceedings are taken.

## **19 Appeal Committees – Power to Regulate their own Procedures**

19.1 The Appeal Committee shall be provided with all available records of the proceedings before the Disciplinary Committee.

19.2 The Appeal Committee shall have the power to conduct and regulate the appeal proceedings as it deems fit, having regard to the circumstances of the case, and shall generally conform to the procedures stated in Part III.

19.3 The Appeal Committee shall have the power to order a de novo hearing, in whole or in part, be adopted on appeal. A de novo hearing in whole or in part would ordinarily only be appropriate where it is established that it is in the interests of justice that a re-hearing of the case in whole or in part is necessary. In the case of an appeal which proceeds in whole as a de novo hearing, the procedure to be adopted, the burden of proof and all evidential and other matters, shall proceed as if the hearing is a first instance hearing before a Disciplinary Committee.

19.4 Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing and subject to Section 19.3, appeals and any question of fact arising on appeal will be heard and determined based on the record of the decision and the evidence received and considered by the Disciplinary Committee.

- 19.5 Except where an appeal proceeds in whole as a de novo hearing, it is for the Appellant to establish that the decision being challenged on appeal:
- a. was in error (either as to central factual findings or the rules and principles of the Unified Code and the Handbook);
  - b. in the interests of justice should be overturned;
  - c. the sanction imposed was manifestly excessive or wrong in principle; and/or
  - d. the sanction imposed was unduly lenient.
- 19.6 Except where an appeal proceeds in whole or in part, and then only with respect to that part, as a de novo hearing, appeals shall be conducted on the basis that:
- a. the evidential assessment or decision involving an exercise of discretion or judgment of or by a Disciplinary Committee shall not be overturned, save in circumstances where the relevant findings made by the Disciplinary Committee are manifestly wrong;
  - b. the evidential assessment or decision involving an exercise of discretion or judgment of or by a Disciplinary Committee shall not be overturned, save in circumstances where the Disciplinary Committee applied wrong principles in the exercise of its discretion which has resulted in an erroneous decision being made; and/or
  - c. new or additional evidence not offered before the Disciplinary Committee shall only be considered by the Appeal Committee where the party offering such evidence establishes that it was not, on reasonable enquiry, available at the time of the proceedings before the Disciplinary Committee.
- 19.7 Where the Appellant appeals against the sanction alone, the Appellant may request that the Appeal Committee review the sanction without the need for a personal hearing. The Appeal Committee may also determine that a personal hearing is not required in relation to any appeal but if he/she so wishes, the Appellant has the right to appear and make representations in all cases in person, by way of technology, or alternatively they may make representations in writing.
- 19.8 The Chair of the Appeal Committee shall be entitled to determine pre-hearing procedural and/or evidential matters. Such matters may include:
- a. a pre-hearing conference convened for the purposes of giving directions for the hearing and clarification of the procedures; and/or
  - b. the requirement for any person to attend the hearing as a witness.

For the purposes of pre-hearing case management, the Chair of the Appeal Committee may exercise this function without reference to the other Appeal Committee members.

19.9 Appeal Committees shall:

- a. have the power to direct that a Member Organisation and/or the Commission be represented. If so, the Member Organisation and/or the Commission shall be represented at the hearing of the appeal in such capacity as the Appeal Committee requires, to assist them in the discharge of their duties;
- b. may permit such other persons to be present at the hearing of the appeal as they see fit;
- c. in any case where a witness has been required to attend and refuses and/or fails to attend the hearing, the Appeal Committee or Appeal Officer may decide whether or not to allow the evidence of that witness to be given in any other form;
- d. be entitled to determine whether witnesses that give evidence are entitled to remain within the room in which the appeal is being heard after their evidence has been given; and
- e. subject to Sections 19.3 to 19.5, be entitled to receive evidence in such form as it/they deem fit (including, but not limited to, evidence in writing). This also includes evidence which may not be admissible in a court or tribunal and should be entitled to attach such weight to that evidence as deemed fit.

19.10 Save where the Appeal Committee decides to hear the entire case de novo, the Appellant shall have the burden of proving that the decision, being challenged, be overturned or varied.

## **20 Variation and Correction of Decisions**

20.1 A Disciplinary Committee or Appeal Committee may at any time, on the application of a party to the relevant proceedings or otherwise, correct an accidental slip, error, or omission in a decision.

20.2 The power conferred by Section 20.1 may not be exercised in relation to any Decision if an appeal, or an application for leave to appeal, against that decision has been determined.

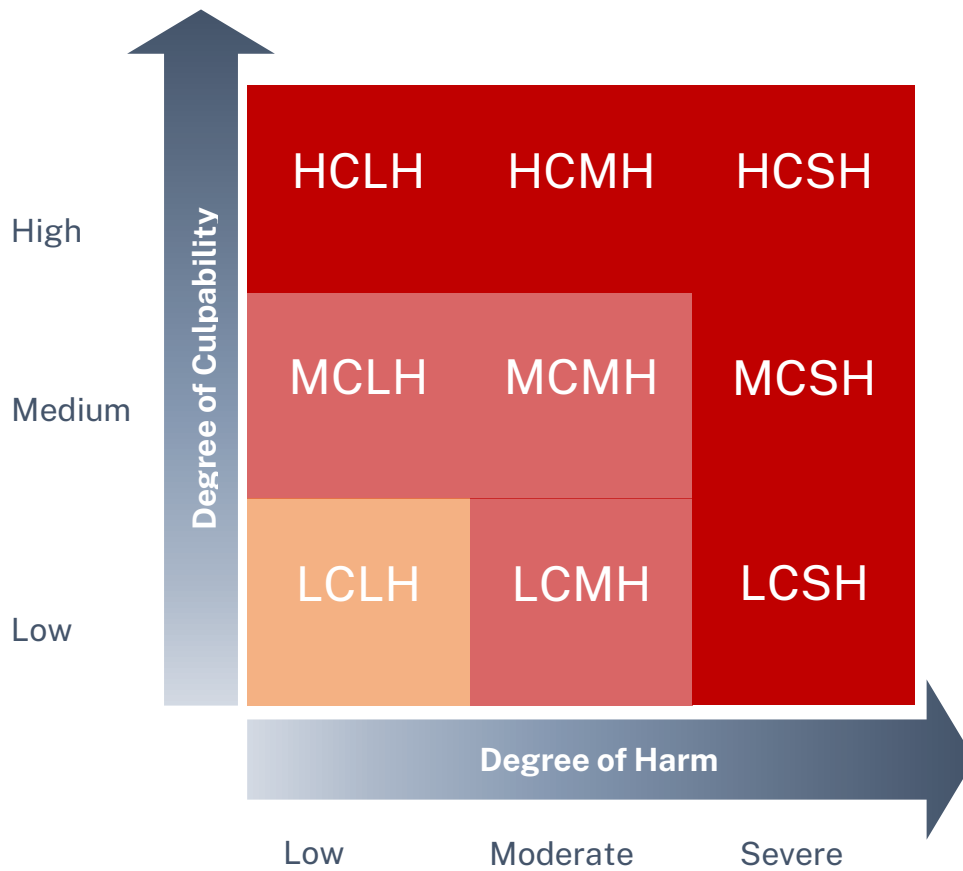
20.3 A decision shall not be varied or rescinded under this section except by the Disciplinary Committee and/or Appeal Committee constituted as it was when the decision was issued.

20.4 Where a Decision is varied under this section, the sanction or other order, as so varied, shall take effect from the date on which it was originally imposed, unless the Disciplinary Committee or Appeal Committee otherwise directs.

## **21 Other Procedures Relating to Proceedings**

- 21.1 In respect of any matter not provided for in this Part III the relevant Disciplinary Committee or Appeal Committee shall take a decision according to general principles of justice and fairness.

## APPENDIX 1 – Classification



Category A - High Culpability or Severe Harm

Category B - Medium Culpability or Moderate Harm

Category C – Low Culpability and Low Harm

## APPENDIX 2 – Decision Making Framework

### Step 1

#### Determine Breach

Has there been Misconduct under the Unified Code on the balance of probabilities?

### Step 2

#### Assessment of Seriousness

What is the level of seriousness based on the degree of culpability and the harm caused?  
(Factors listed are non-exhaustive)

##### Degree of Culpability

- frequency and severity of the Misconduct:
  - number of occasions and/or period of time
  - nature of the actions - sexual, physical and/or psychological
  - the manner in which the Misconduct was committed, including part(s) of the body used and/or violated
- the vulnerability of the Affected Party including, but not limited to:
  - part(s) of his/her body involved/affected
  - ability of to defend herself/himself
  - existence of power imbalance/exploitative relationships
  - specific targeting of a particularly vulnerable child/adult
- level of premeditation / degree of planning (e.g., grooming);
- use of threats (including blackmail), alcohol/drugs on Affected Party to facilitate the misconduct
- whether the Misconduct was completed, or amounted to an attempt
- whether the Misconduct was directed at more than one person
- any other relevant factors

##### Harm Caused

- the effect on the Affected Party including:
  - mental or emotional state
  - physical injuries suffered
  - impact based on age and development
- whether the conduct unreasonably interfered with the Affected Party's educational or work performance, sport programs and/or activities
- level of exploitation (e.g., sexual images of victim recorded, retained, solicited or shared)
- the effect on other participants
- any other relevant factors

### Step 3

#### Factors Impacting Sanctions

##### Aggravating Factors

- steps taken to prevent the Affected Party from reporting an incident, obtaining assistance, assisting or supporting the investigation
- attempts to dispose or conceal evidence
- failure of Respondent to respond to previous warnings or comply with previous directions
- presence of others, especially minors
- commission of the Misconduct whilst under the influence of alcohol or drugs
- the duty of care owed by the Respondent
- any other aggravating factors

##### Mitigating Factors

- no previous disciplinary warnings, relevant convictions, or sanctions
- Respondent's voluntary disclosure of the offense(s), acceptance of responsibility for the Misconduct, or cooperation in the process
- previous good character or exemplary conduct
- age or lack of maturity where it affects the Respondent's responsibility
- mental disorder or learning disability, particularly linked to the commission of the Misconduct
- demonstration of steps taken to address offending behaviour
- any other mitigating factors

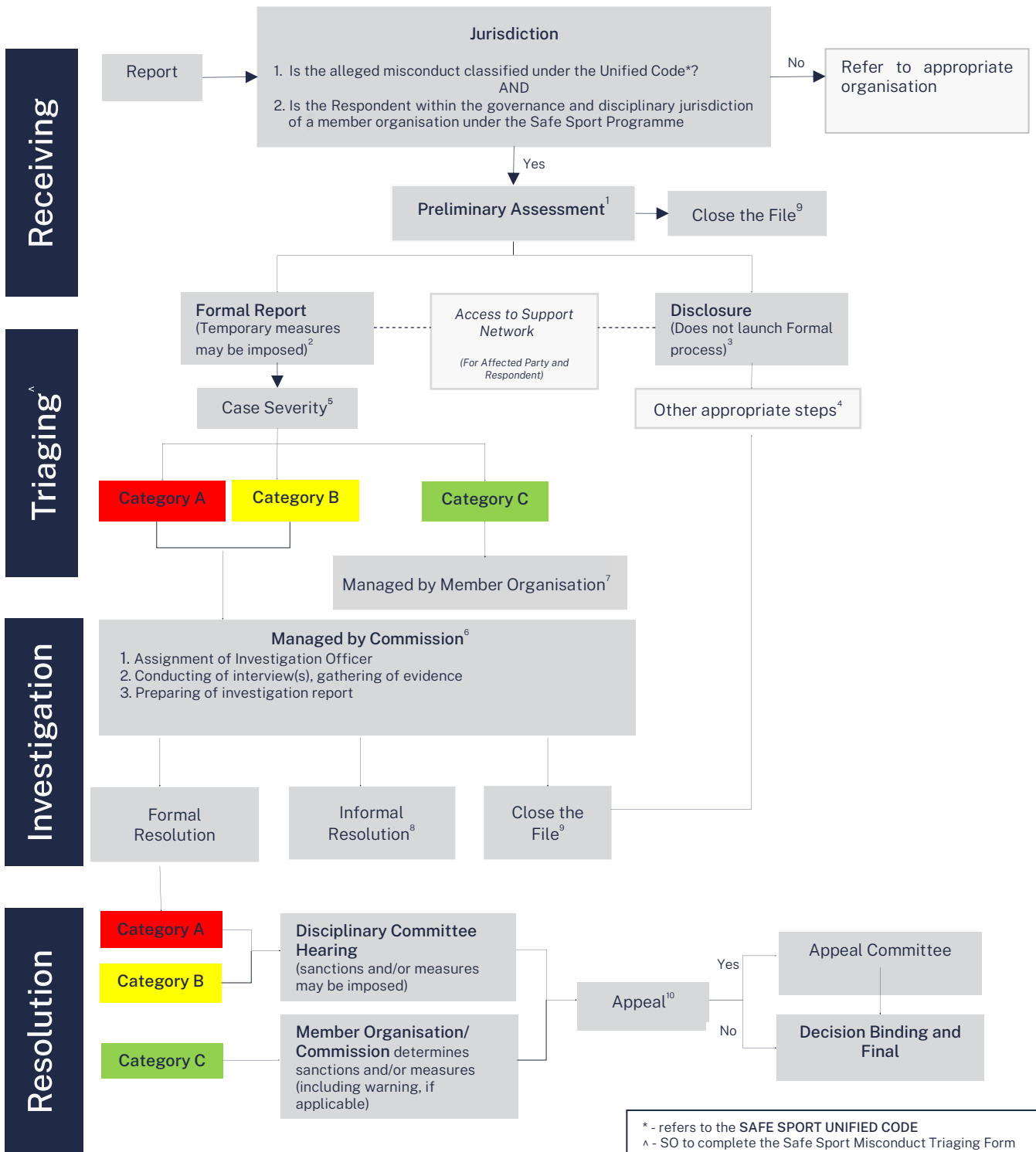
#### Measures & Sanctions



## APPENDIX 3 – Measures & Sanctions

Directions	<p>may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• altering training schedules</li> <li>• providing or requiring chaperones</li> <li>• contact limitations</li> <li>• measures prohibiting one-on-one interactions (in-person and/or online)</li> <li>• suspensions from participation in some or all aspects of sport activity</li> <li>• exclusion from physical spaces (e.g., toilet, shower areas, changing rooms)</li> <li>• removing and/or ceasing publication of any material (e.g., photos/screenshots)</li> <li>• attendance, enrolment and/or completion of training, education and/or re-integration programmes.</li> <li>• loss of privileges (including facility access)</li> <li>• other restrictions or conditions as deemed necessary or appropriate</li> </ul>
Written Warning	An official, written notice and formal admonition.
Probation	A specified period of time during which, should any further breaches of the Unified Code occur, will result in additional disciplinary measures, including a period of suspension or permanent ineligibility.
Suspension / Debarment	<p>Suspension or debarment for a specified period of time from participation, in any capacity, programme, activity event, or under the jurisdiction of the Ordinary Members or its affiliates/members.</p> <p>A suspension or debarment may include restrictions or prohibitions, from some types of participation, but allowing participation in other capacities.</p> <p>A suspended Person is eligible to resume participation after the suspension, or debarment, lapses, but reinstatement may be subject to certain restrictions or contingent upon the Person satisfying specific conditions noted at the time of suspension.</p>
Permanent Ineligibility	Permanent ineligibility to participate, in any capacity, in any programme, activity, event under the jurisdiction of the Member Organisation or its affiliates/members.

## APPENDIX 4 – Response & Resolution Process



\* - refers to the SAFE SPORT UNIFIED CODE  
 ^ - SO to complete the Safe Sport Misconduct Triaging Form  
 Footnotes references to:  
[Safe Sport Programme Handbook](#)  
 1 - Management after Receiving A Report: Section 6  
 2 - Appendix 3: Measures & Sanctions  
 3 - Receiving A Report: Section 5  
 4 - Receiving A Report: Section 5  
 5 - Appendix 1: Classification  
 6 - Part I Roles & Responsibilities: Section 1  
 7 - Part I Roles & Responsibilities: Section 2  
 8, 9 - Resolution: Section 7  
 10 - Appeals: Section 9



## APPENDIX 5 – Safe Sport Disciplinary Panel Appointment Criteria

### Eligibility

The independence of the Safe Sport Disciplinary Panel Members is essential to fair and unbiased adjudication. To be independent means to be autonomous of Member Organisations (e.g., national sport associations and/or national governing body) by virtue of the following:

- a. not be under the employment and/or contractor of a Member Organisation; and
- b. not an elected office holder of any Member Organisation.

Individuals who are appointed as independent members of disciplinary panels and/or appointed to independent disciplinary committees for Member Organisations, are therefore independent of Member Organisations.

### **Criteria for Legal Member of Disciplinary/Appeal Committee**

Legal Members shall be:

- a. a legal practitioner of at least 7 years standing, a judicial officer/commissioner, or a retired and/or former judge;
- b. independent of Member Organisations; and
- c. have demonstrable experience in first instance and/or appeal of disciplinary proceedings.

Previous experience chairing/sitting on hearing panels in sport will be preferred.

### **Criteria for Disciplinary/Appeal Ordinary Members (former athletes/coaches/ sport administrators, sport disciplinary committee members)**

Committee Members shall:

- a. have extensive experience in sport (playing, coaching, officiating, administrating.); and
- b. be independent of Member Organisations (e.g., national sport associations and/or national governing body).

Previous experience sitting on hearing panels will be helpful but is not essential.

## The Role of Members

The Legal and Ordinary Members of the Disciplinary Panel will need to have the following abilities:

QUALITIES	ROLE/SCOPE
Work effectively as part of a team	<ul style="list-style-type: none"> <li>▪ work collaboratively with other committee members, while still exercising independence of judgement</li> <li>▪ listen carefully to the views of others and show respect for the opinions of others</li> <li>▪ intervene appropriately to clarify issues and contribute effectively while allowing others to do the same</li> <li>▪ strive to achieve consensus</li> </ul>
Assess evidence, analytical skills and making decisions	<ul style="list-style-type: none"> <li>▪ think logically, analyse and interpret information in a fair and impartial manner, in order to make objective and reasoned decisions</li> <li>▪ weigh evidence and make thoughtful, unbiased evidence-based decisions</li> <li>▪ review and understand written reports relating to cases in advance of each hearing</li> </ul>
Demonstrate fairness	<ul style="list-style-type: none"> <li>▪ demonstrate an understanding of, and commitment to, the principles of natural justice</li> <li>▪ show a commitment to the principles which underpin the work of the Safe Sport Commission and the Safe Sport Unified Code</li> </ul>
Possess an understanding of Safe Sport	<ul style="list-style-type: none"> <li>▪ demonstrate an understanding of best practice in respect to Safe Sport</li> <li>▪ be familiar with, or understand, the Safe Sport Unified Code and the rules that govern the Disciplinary Panel</li> <li>▪ demonstrate a desire to positively influence the framework which protects the community and maintain the integrity and reputation of sport</li> </ul>
Reflect integrity in practice	<ul style="list-style-type: none"> <li>▪ respect the need to maintain confidentiality</li> <li>▪ raise conflict of interest where situation arise</li> <li>▪ understand their role and the overarching duty to protect the community, particularly as it relates to decision-making</li> </ul>
Commitment to attendance at hearings and meetings	<ul style="list-style-type: none"> <li>▪ meetings will be scheduled periodically over the term to brief the Panel Members</li> <li>▪ members will be expected to sit on a minimum of two (2) hearings a year</li> <li>▪ be able to schedule time to prepare for and to review the papers pre-meeting / hearings</li> </ul>
Lend expertise	<p><b><i>For Legal Members only</i></b></p> <ul style="list-style-type: none"> <li>▪ provide leadership and legal expertise to the Disciplinary/Appeals Committee</li> <li>▪ chair hearings and guide committee on procedural matters</li> <li>▪ organise time efficiently and produce clear reasoned written decisions expeditiously</li> </ul>