



## **SAFEGUARDING RULES**

*(Approved by Council on 14 August 2023, effective immediately)*



## Specific Definitions

The words and phrases used in these Rules that are defined terms (denoted by initial capital letters) shall have the meanings specified in the Constitution and the General Definitions, or (in respect of the following words and phrases) the following meanings:

**“Abuse, Harassment and Exploitation”** means abuse, harassment and exploitation as defined in World Athletics’ Safeguarding Policy [available here](#).

**“Adult”** means any person aged 18 years and over.

**“Case Management Group”** means the group appointed pursuant to Rule 5 below and responsible for the matters set out in Rule 5.8 below.

**“Child(ren)”** means any person aged 17 years and under.

**“Prohibited Conduct”** means conduct described in Rule 3.1 below.

**“Safeguarding”** means the measures taken to protect individuals from Abuse, Harassment or Exploitation.

**“Safeguarding Concern”** means any Prohibited Conduct or any concern, incident, suspicion, action, behaviour or failure to act in a way which has caused or which causes or which may cause Abuse, Harassment or Exploitation of an Adult or Child.

**“Safeguarding Order”** means measures to safeguard, limit and/or restrict (including but not limited to a suspension) an individual’s from all or any specific Athletics activity for such period and on such terms and conditions as considered appropriate as determined by the Case Management Group in accordance with these Safeguarding Rules.

**“Secretariat”** means the independent body or organisation appointed by the Executive Board in accordance with Rule 4 below to provide secretariat services to the Case Management Group.

## Preamble

World Athletics takes its responsibilities for creating safe and positive environments for all in, and involved with, the Athletics community seriously. World Athletics' Safeguarding Policy has been developed to guide stakeholders on how to guard against Abuse, Harassment and Exploitation in order to inspire and grow the sport.

These Safeguarding Rules give World Athletics the power to make orders imposing safeguards, limitations and/or restrictions on individuals enabling World Athletics to fulfil this commitment, ensuring that safe, happy and positive environments are created for individuals to participate in Athletics and everyone is able to achieve their full athletic potential whilst being treated with dignity and respect.

An independent Case Management Group will be appointed to make decisions in relation to Safeguarding Concerns which are investigated by the Integrity Unit. The Secretariat to the Case Management Group will be provided by an independent body appointed by World Athletics. The Secretariat is also directly responsible for recruiting and appointing the members of the Case Management Group.

The role of the Case Management Group is to review investigations by the Integrity Unit, assess risk and make orders relating to safeguards, limitations and/or restrictions, sanctions and other matters. The Secretariat will decide which individual member(s) of the Case Management Group will be involved in which cases. The Case Management Group may impose interim orders. Members of the Case Management Group may sit as an Exceptional Material Panel from time to time in order to decide whether exceptional material which has not been sent to the individual who is the subject of a Safeguarding Concern is nevertheless sent to other members of the Case Management Group who will be responsible for reviewing the matter and deciding on the appropriate Safeguarding Order.

Decisions of the Case Management Group may be appealed to an Appeal Panel constituted under the Disciplinary and Appeals Tribunal Rules.

## **1. General**

- 1.1 These Safeguarding Rules are established to deal with Safeguarding Concerns in relation to the people identified in Rule 2.1 below.
- 1.2 Safeguarding Concerns may arise from conduct that took place at any time in the past or present and shall be dealt with pursuant to these Safeguarding Rules whenever that conduct occurred.
- 1.3 Member Federations and Area Associations must comply with World Athletics' Safeguarding Policy.
- 1.4 Save for the application of these Safeguarding Rules:
  - 1.4.1 Member Federations are responsible for managing reports of Abuse, Harassment and Exploitation in their Country or Territory and for dealing with Safeguarding Concerns relating to Member Federation Officials, athletes and athlete support personnel in their jurisdiction under their own Safeguarding policies and procedures. World Athletics' Safeguarding Policy requires Member Federations to adopt and implement procedures for the investigation and prosecution of reported Safeguarding Concerns in their territories; and
  - 1.4.2 Area Associations are responsible for managing reports of Abuse, Harassment and Exploitation relating to their staff or volunteers, accredited persons at Area Association events and competitions and participants in activities hosted at Area Development Centres and for dealing with Safeguarding Concerns relating to Area Association officials under the terms of their own Safeguarding policies and procedures. World Athletics' Safeguarding Policy requires Area Associations to adopt and implement procedures for the investigation and prosecution of reported Safeguarding Concerns under their jurisdiction and, in the absence of jurisdiction, to refer matters for investigation and prosecution by the relevant Member Federation.

## **2. Application of these Safeguarding Rules**

- 2.1 These Safeguarding Rules shall apply to, and are binding on, the following:
  - 2.1.1 Officials;
  - 2.1.2 Persons participating in or accredited at a World Athletics Series Event, the Olympic Games or a Congress;
  - 2.1.3 Member Federation and Area Association Officials where the responsible Member Federation or Area Association (as the case may be) is unwilling or unable to investigate and/or prosecute a Safeguarding Concern under the applicable Member Federation or Area Association procedures in place; and
  - 2.1.4 any person(s) who is or has been the subject of a decision in relation to a Safeguarding Concern by a Member Federation or Area Association or other competent authority which may make decisions in relation to Safeguarding athletes in the relevant jurisdiction and who (a) is believed by the Integrity Unit to be seeking to move to the Country or Territory of

another Member Federation or Area Association to evade any ban, suspension or restriction from working in Athletics; or (b) is considered by the Integrity Unit to present a risk of harm to those involved in Athletics in the Country or Territory of another Member Federation or Area Association.

- 2.2 The Integrity Unit Board shall decide in its absolute discretion whether to pursue a matter in accordance with Rule 2.1.3 taking into account the seriousness of the conduct in question and the other circumstances of the case. The Integrity Unit Board's decision will be without prejudice to the Council's right to take any action against the Area Association or Member Federation concerned in accordance with the Constitution. The Council's powers may be exercised in addition to or instead of any matter pursued under Rule 2.1.3.

### **3. Prohibited Conduct**

- 3.1 The following conduct shall be considered to be behaviours that are subject to these Safeguarding Rules:
- 3.1.1 Abuse, Harassment or Exploitation;
  - 3.1.2 any criminal offence or breach of any other applicable laws or regulations which would give rise to a Safeguarding Concern;
  - 3.1.3 a breach of World Athletics' Safeguarding Policy;
  - 3.1.4 a breach of the appropriate/relevant Member Federation or Area Association's Safeguarding policy or code of conduct;
  - 3.1.5 failure to report any Safeguarding Concern, suspicion or allegation in accordance with Rule 7;
  - 3.1.6 knowingly making or encouraging someone else to make, a false or misleading report of possible Prohibited Conduct is a breach of these Safeguarding Rules and will be dealt with in the same way as any other Prohibited Conduct;
  - 3.1.7 abuse of process and or breach of confidentiality in relation to a Safeguarding Concern;
  - 3.1.8 failing to comply with any Safeguarding Order; and/or
  - 3.1.9 assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Safeguarding Rules whether or not such attempt in fact results in a breach.
- 3.2 Prohibited Conduct which may constitute a breach of these Safeguarding Rules may amount to:
- 3.2.1 a criminal offence and/or a breach of other applicable laws. These Safeguarding Rules are intended to supplement such laws and regulations with further rules of conduct for those involved in the sport of Athletics. These Safeguarding Rules are not intended and should not be interpreted to prejudice or undermine in any way the application of such laws and regulations which must be complied with at all times;.

- 3.2.2 a breach of the rules of a Member Federation, Area Association or other organisation or agency in relation to Safeguarding athletes in the relevant jurisdiction. These Safeguarding Rules are not intended to limit the responsibilities of persons under Rule 2.1 under such rules, but nothing in such rules will be effective to limit the application of these Safeguarding Rules or to remove, supersede or amend in any way the jurisdiction of the Integrity Unit and the Case Management Group under these Safeguarding Rules.
- 3.3 The following conduct may also amount to a breach of the Integrity Standards of the Integrity Code and nothing in these Safeguarding Rules limits or prejudices the right of the Integrity Unit to take action against Applicable Persons pursuant to the Integrity Code:
  - 3.3.1 a failure to report in accordance with the appropriate procedure any incident, fact or matter which may indicate (on its own or with other information) a Safeguarding Concern;
  - 3.3.2 knowingly making, or encouraging someone else to make, a false or misleading report of possible Prohibited Conduct;
  - 3.3.3 assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Safeguarding Rules whether or not such attempt in fact results in a breach;
  - 3.3.4 any act which threatens or seeks to intimidate another person with the intent of discouraging that person from the good faith or obligatory reporting of information that relates to possible Prohibited Conduct to the relevant body or authority;
  - 3.3.5 retaliation against a person who, in good faith or under an obligation, has provided evidence or information that relates to possible Prohibited Conduct to the relevant body or authority.

#### **4. Secretariat**

- 4.1 World Athletics will appoint the Secretariat to establish the Case Management Group and to assist the Case Management Group with management of Safeguarding Concerns under these Safeguarding Rules.
- 4.2 The role of the Secretariat is to:
  - 4.2.1 recruit and appoint suitable persons to be members of the Case Management Group;
  - 4.2.2 manage all cases referred to the Case Management Group;
  - 4.2.3 appoint individual members of the Case Management Group to each specific case;
  - 4.2.4 liaise with individual members of the Case Management Group as appropriate in relation to cases referred to the Case Management Group;
  - 4.2.5 take any other steps as are necessary to ensure the efficient management of the Case Management Group.

- 4.3 The Secretariat shall be appointed by the Executive Board on the recommendation of the Head of the Integrity Unit and Chief Executive Officer of World Athletics on such terms and conditions as decided by the Executive Board.

## 5. Appointment and role of the Case Management Group

- 5.1 The Secretariat will appoint a minimum of six (6) and a maximum of ten (10) individuals to the Case Management Group including one (1) Chairperson. The members of the Case Management Group appointed by the Secretariat must between them have a range of suitable skills and cultural backgrounds.
- 5.2 Individuals will be appointed for a specified term of three years and may serve for a maximum of three terms of three years.
- 5.3 All those appointed to the Case Management Group must be Eligible in accordance with the Vetting Rules and must be Independent.
- 5.4 The Case Management Group will meet as often as necessary to consider any Safeguarding Concerns which arise under these Safeguarding Rules.
- 5.5 The Secretariat will decide how many and which members of the Case Management Group shall be appointed to review a case referred to the Case Management Group and make decisions on specific cases as the Case Management Group under these Safeguarding Rules. The Chairperson (or their designee) may sit as a single member of the Case Management Group in appropriate cases.
- 5.6 No member of the Case Management Group may be appointed to review any case referred to the Case Management Group if they:
- 5.6.1 are no longer Eligible in accordance with the Vetting Rules;
  - 5.6.2 have any personal connection or interest (whether directly or indirectly) with any of the parties or witnesses; or
  - 5.6.3 have had any prior involvement with any fact or aspect of the case; or
  - 5.6.4 are of the same nationality as a person being investigated for or that is the victim of a Safeguarding Concern; or
  - 5.6.5 are someone whose impartiality or independence could reasonably be questioned (as determined by the Secretariat).
- 5.7 If a member of the Case Management Group is, for whatever reason, unable, unwilling or unfit to continue to review a case, the Secretariat may in their absolute discretion:
- 5.7.1 appoint another member of the Case Management Group to replace that member in that case, or,
  - 5.7.2 authorise the remaining members of the Case Management Group appointed to review a particular case to continue to review the case.
- 5.8 The role of the Case Management Group is to:
- 5.8.1 impose interim Safeguarding Orders pursuant to Rule 8 below;



- 5.8.2 review and ratify interim Safeguarding Orders which remain in place for six months pursuant to Rule 8.7 below;
- 5.8.3 review investigations by and recommendations from the Integrity Unit and representations from the individual who is the subject of an investigation pursuant to Rule 9.7 below;
- 5.8.4 request further information to be provided or further investigations to be made by the Integrity Unit pursuant to Rule 10.1 below;
- 5.8.5 determine all procedural matters for the conduct of any case it is considering pursuant to Rule 10.2 below;
- 5.8.6 decide whether to allow the individual to address it in person pursuant to Rule 10.3 below;
- 5.8.7 make decisions in relation to exceptional material pursuant to Rule 11 below;
- 5.8.8 consider recommendations of the Integrity Unit and make final Safeguarding Orders, other orders and/or sanctions pursuant to Rule 12 below.

## **6. Confidentiality**

- 6.1 The members of the Case Management Group must ensure that everything disclosed to them during the course of their duties remains confidential, including the facts of any case and any deliberations or decisions that are taken.
- 6.2 The members of the Case Management Group must not disclose the existence of, or make any statements relating to:
  - 6.2.1 any case that is before the Case Management Group; or
  - 6.2.2 any case that has been decided by the Case Management Group.
- 6.3 Subject to Rules 6.4, 7.8 and 14 below, all cases dealt with under these Safeguarding Rules must be kept confidential, and neither the Integrity Unit, nor any Member Federation or Area Association, nor any person involved with any case may publicly comment on any facts of a case. Any witnesses must keep confidential any document or information which they receive as a result of their participation in any such proceedings.
- 6.4 At any stage, the Head of the Integrity Unit may, in their absolute discretion, decide that information should be shared in order to ensure the proper effective discharge of the Integrity Unit's legal responsibilities, functions and/or to protect the integrity and reputation of World Athletics or Athletics.

## **7. Reporting and Investigation of a Safeguarding Concern**

- 7.1 Any alleged Safeguarding Concern relating to a person identified in Rule 2.1 above must be reported to the Head of the Integrity Unit as soon as reasonably possible.

- 7.2 In addition to any reported Safeguarding Concern, the Head of the Integrity Unit may consider any information that has come to their attention by whatever means that indicates (on its own or with other information) a possible Safeguarding Concern.
- 7.3 The Head of the Integrity Unit will carry out an initial assessment of the information promptly in order to determine if the alleged Safeguarding Concern falls within these Safeguarding Rules.
- 7.4 Following the initial assessment, the Head of the Integrity Unit will:
- 7.4.1 review if the information should be referred to relevant police or other law enforcement agency of the Country or Territory in which the Safeguarding Concern arose in accordance with Rule 7.9 below; and
  - 7.4.2 review if there is any other mandatory reporting requirements relating to the Safeguarding Concern in accordance with Rule 7.10 below; and
  - 7.4.3 review if an interim Safeguarding Order should be imposed in accordance with Rule 8 below; and
  - 7.4.4 review if the matter should be dealt with by a Member Federation or Area Association in accordance with Rule 7.12 below rather than by the Integrity Unit and the Case Management Group; or
  - 7.4.5 conduct an investigation of the Safeguarding Concern.
- 7.5 Grounds do not need to be given for the initiation of an investigation into a Safeguarding Concern and the decision may not be contested.
- 7.6 The Integrity Unit shall have the same powers in relation to an investigation of a Safeguarding Concern as are set out in Rule 4 of the Athletics Integrity Unit Reporting, Investigation and Prosecution Rules – Non-Doping in relation to investigations of Non-Doping Violations. The Integrity Unit shall take all reasonable steps to commence and carry out the investigation promptly and without any undue delay.
- 7.7 As soon as reasonably practical following commencement of any investigation by the Integrity Unit, the Integrity Unit shall take reasonable steps to inform the alleged victim of the processes under these Safeguarding Rules, including the roles of the Integrity Unit, the Case Management Group and the role of any Appeal Panel appointed to hear appeals from its decisions. In addition the Integrity Unit shall take reasonable steps to keep the alleged victim apprised from time to time of the progress of the matter and the outcomes of it. The Integrity Unit shall also take reasonable steps to inform the alleged victim of the requirements of these Safeguarding Rules relating to confidentiality and the sharing of information and other matters.
- 7.8 Investigations into Safeguarding Concerns by the Integrity Unit may be conducted in conjunction with, and/or information obtained in such investigations, may be shared with other relevant authorities or bodies.
- 7.9 If at any point following a report of a Safeguarding Concern, or during an investigation of a Safeguarding Concern, the Head of the Integrity Unit considers that the matter should be referred to the police or other law enforcement agency

then this must be done in accordance with the local legislation and in the jurisdiction within which the Safeguarding Concern arose.

- 7.10 If there is a requirement for a Safeguarding Concern to be reported to any other agency because of legal requirements in the jurisdiction within which the Safeguarding Concern arose, then the Head of the Integrity Unit will report the Safeguarding Concern accordingly and record the fact that the mandatory reporting requirements have been followed.
- 7.11 Whilst the Integrity Unit will have discretion where it deems it appropriate to stay its investigation pending the outcome of any investigation(s) being conducted by other relevant authorities or bodies, it is entitled to continue its investigation and refer the matter to the Case Management Group in accordance with these Safeguarding Rules notwithstanding that a Safeguarding Concern is being investigated by the police or law enforcement agency in accordance with Rule 7.9 or is being investigated by an agency in accordance with Rule 7.10.
- 7.12 If at any point during an investigation the Head of the Integrity Unit considers that a Safeguarding Concern would be more appropriately investigated and dealt with by a Member Federation or an Area Association, the Integrity Unit's investigation will be stayed and the Head of the Integrity Unit will refer the matter to the relevant Member Federation or Area Association (as the case may be) to investigate further and deal with the matter appropriately. The Head of Integrity Unit when referring the matter will also state if the matter has been reported in accordance with Rules 7.9 to 7.11 above. The Member Federation or Area Association (as the case may be) must keep the Head of the Integrity Unit fully informed as to progress of the investigation and its proposals as to how the case should be resolved in a manner and at times required by the Integrity Unit. The Head of the Integrity Unit may decide at any time that the matter should be referred back to the Integrity Unit to continue to be dealt with pursuant to these Safeguarding Rules.
- 7.13 In relation to a decision in respect of a Safeguarding Concern pursuant to Rule 2.1.4 above, the Head of the Integrity Unit may decide that no investigation by the Integrity Unit is necessary and may refer the matter to the Case Management Group after the initial assessment in order to seek a Safeguarding Order in relation to the individual. Only the Case Management Group has the power to issue a Safeguarding Order or other orders as it considers appropriate.

## **8. Interim Safeguarding Orders and Immediate Provisional Safeguarding Measures**

- 8.1 If the Head of the Integrity Unit believes that a person who is the subject of a Safeguarding Concern under these Safeguarding Rules poses, or may pose, an immediate risk of harm to an individual or individuals, the Head of the Integrity Unit may apply ex parte to the Case Management Group to impose an interim Safeguarding Order or other orders.
- 8.2 In determining whether an interim Safeguarding Order under Rule 8.1 should be made, the Case Management Group shall give consideration, inter alia, to the following factors:
- 8.2.1 whether an individual or individuals are or may be at an immediate risk of harm;
- 8.2.2 whether the matters are of a serious nature; and/or

- 8.2.3 whether a Safeguarding Order or other orders are necessary or desirable to allow the conduct of any investigation by the Integrity Unit or any other authority or body to proceed unimpeded having regard to the need for any Safeguarding Order or other order to be proportionate.
- 8.3 If the Head of the Integrity Unit subsequently becomes aware of further information which needs to be assessed prior to, or whilst, the matter being considered by the Case Management Group, they may amend or remove the application for any interim Safeguarding Order or other orders.
- 8.4 The Secretariat will appoint one or more members of the Case Management Group to consider the application. The Case Management Group will determine all procedural matters for the conduct of the matter. Only written material and documentary evidence such as photographs, videos and audio recordings will be considered unless the Case Management Group decides to exceptionally allow the person the subject of the Safeguarding Concern to address the Case Management Group in person.
- 8.5 The Head of the Integrity Unit will promptly notify the person in writing of the terms of any interim Safeguarding Order or other order imposed by the Case Management Group.
- 8.6 The person may lodge an appeal against any interim Safeguarding Order or other order within fourteen (14) days of receipt of it to an Appeal Panel in accordance with Rule 13 below. The necessary information about how to appeal the interim Safeguarding Order or other order will be outlined in the written notice of the order sent to the person at the time of its imposition.
- 8.7 If an interim Safeguarding Order or other order remains in place for six months, it must be considered by the Case Management Group and reviewed and ratified accordingly. The review must be done as soon as reasonably possible after the six month period from the date of the original imposition of the order.
- 8.8 The Head of the Integrity Unit will promptly notify the person in writing of the outcome of the review and the person shall have the same rights of appeal following a decision to ratify the interim Safeguarding Order as the person had following the original imposition of the interim Safeguarding Order.
- 8.9 In addition to the powers of the Case Management Group to impose an interim Safeguarding Order, if it is considered necessary to impose immediate provisional Safeguarding measures because of an immediate risk of harm to others at a World Athletics Series Event, the World Athletics' Safeguarding officer appointed for that World Athletics Series Event may put in place immediate provisional Safeguarding measures at or before that World Athletics Series Event and notify the individual and the Head of the Integrity Unit accordingly. There shall be no right of appeal from any immediate provisional Safeguarding measures imposed. The World Athletics' Safeguarding officer appointed for that World Athletics Series Event may lift any or all of the immediate provisional Safeguarding measures at any time. These immediate provisional Safeguarding measures may include:
- 8.9.1 cancellation of, removal of or denial of accreditation for that World Athletics Series Event and all associated rights, privileges and benefits;

- 8.9.2 removal from that World Athletics Series Event (including immediate cancellation of accreditation or withdrawal of access to official venues (including reservations at official hotels and flight tickets);
- 8.9.3 any other Safeguarding measure considered to be appropriate to the situation.

## **9. Referral to the Case Management Group**

- 9.1 On completion of the investigation by the Integrity Unit and prior to referring the matter to the Case Management Group, the Head of the Integrity Unit must provide the investigation findings to the individual who is the subject of the investigation and give the individual the opportunity to provide their written representations in response to such findings. If they provide representations which require further investigation, then this must be done before the matter is referred to the Case Management Group.
- 9.2 The Integrity Unit will conduct a risk assessment of an individual's continued participation in Athletics following the completion of an investigation. This risk assessment may be in such form and prepared by any person as the Head of the Integrity Unit, in their discretion, considers appropriate.
- 9.3 Before the matter is referred to the Case Management Group, the Integrity Unit must use reasonable endeavours to notify the individual in writing. Such written notification must explain the order being sought, the reason for it, and include a copy of all written material that the Integrity Unit intends to rely upon in seeking any order, save for any exceptional material dealt with under Rule 11 below.
- 9.4 The individual shall have fourteen (14) days (or such longer period as the Case Management Group may agree) to reply to this notification and to provide any written material that he/she wishes the Case Management Group to take into account in considering whether or not to impose, ratify or remove any order.
- 9.5 Following the receipt of the reply and/or other written material from the individual, or the expiry of the fourteen (14) day period (or other period if agreed) if no reply is received, the Integrity Unit may:
  - 9.5.1 decide that no further action is currently required as there are no longer grounds for a Safeguarding Order or other order and/or sanction;
  - 9.5.2 make any such further inquiries as the Integrity Unit considers appropriate in the light of any matters raised by the individual in response to the written notification; or
  - 9.5.3 refer the case to the Case Management Group.
- 9.6 Where further inquiries are made by the Integrity Unit, any written material arising from those inquiries may only be relied on by the Integrity Unit if the written material has been sent to the individual and he/she has had fourteen (14) days (or other period if agreed) to reply to it, save for any exceptional material dealt with under Rule 11 below. If the written material is relied upon, any response by the individual must also be considered by the Case Management Group.
- 9.7 The Integrity Unit will make a recommendation to the Case Management Group, based on the information resulting from the investigation. The Case Management

Group will review all the information provided, the recommendation made and any representations from the individual concerned.

## 10. Case Management Group Procedures

- 10.1 The Case Management Group may ask for further information to be provided or further investigations to be conducted where they do not consider the information to be sufficient to enable them to make a decision as to the risk a person poses and/or the extent of Safeguarding Order or other orders and/or sanctions that could be imposed and/or how any risk could be mitigated. This may not extend to investigating matters outside of the jurisdiction of either World Athletics or the Integrity Unit.
- 10.2 The Case Management Group shall determine all procedural matters for the conduct of a case it is considering. Unless the Case Management Group in its discretion exceptionally allows the individual and a representative of the Integrity Unit and/or any victim or witness to address it in person, the case shall be considered on the basis of the following written material and documentary evidence only:
  - 10.2.1 the written notification and all written material and documentary evidence provided with it by the Integrity Unit to the individual;
  - 10.2.2 the reply, if any, and all other written material and documentary evidence submitted by the individual in response to the written notification;
  - 10.2.3 any further written material and documentary evidence provided by the Integrity Unit to the individual subsequent to the written notification; and
  - 10.2.4 any response from the individual to such further written material and documentary evidence and all other written material and documentary evidence submitted with that response.
- 10.3 In exercising its discretion as to whether exceptionally to allow the individual and a representative of the Integrity Unit to address it in person, whether that be as a result of an application made by either party or otherwise, or to hear from a witness or victim, the Case Management Group shall give consideration, inter alia, to the following factors:
  - 10.3.1 whether the Safeguarding Order or other order and/or sanction under consideration would affect the individual's paid employment or engagement within Athletics, in which case the individual and the representative of the Integrity Unit shall be entitled to address the Case Management Group in person;
  - 10.3.2 whether any protective measures need to be put in place should the Case Management Group decide to hear from a victim or witness who is willing to address it in person;
  - 10.3.3 whether exceptional material is to be put before the Case Management Group; and/or
  - 10.3.4 whether (in relation to an individual identified in Rule 2.1.4 above), an oral hearing had previously been conducted in relation to the same matter.

- 10.4 If the Case Management Group allows an individual and a representative of the Integrity Unit to address it in person in accordance with Rules 10.2 and 10.3 above, those involved with the case are entitled to be represented by legal counsel and/or any other representative(s) before the Case Management Group, at their own expense.

## **11. Exceptional Material**

- 11.1 As a general rule the Case Management Group may not consider any material (written, photographic, video, electronic or audio evidence) which is provided either by the Integrity Unit as a result of its investigation or by the individual which the other party has not seen and had a reasonable opportunity to respond to.
- 11.2 In exceptional circumstances, the Integrity Unit may make an application for permission to submit material to the Case Management Group that has not been sent to the individual (“exceptional material”) where the Integrity Unit considers that the exceptional material should not be sent to the individual for any one or more of the following reasons:
- 11.2.1 revealing it to the individual may create a risk of harm to any person(s); and/or
- 11.2.2 revealing it to the individual may amount to a criminal offence or otherwise be unlawful.
- 11.3 The Head of the Integrity Unit must give the individual fourteen (14) days’ notice of an application by the Integrity Unit pursuant to Rule 11.2 above unless doing so may:
- 11.3.1 create a risk of harm to any person(s); and/or
- 11.3.2 amount to a criminal offence or otherwise be unlawful.
- 11.4 On receipt of an application relating to exceptional material from the Integrity Unit, the Secretariat will appoint one or more members of the Case Management Group to sit as an exceptional material panel (“Exceptional Material Panel”) to decide to allow or reject the application in whole or in part.
- 11.5 If the application is allowed then the Exceptional Material Panel must consider whether the material should be redacted (in whole or in part) and whether a summary of the material should be provided as an alternative or in addition to the redacted version.
- 11.6 A person who sits on an Exceptional Material Panel determining an application under Rule 11.2 above, may not be a member of the Case Management Group that will have conduct of the case referred under Rule 10 above or an application relating to the case pursuant to Rule 8 above that is heard subsequently to the application to the Exceptional Material Panel.

## **12. Final Safeguarding Orders, other order and/or Sanctions**

- 12.1 Following the completion of an investigation by the Integrity Unit and review of all written material before it, the Case Management Group will consider the recommendation of the Integrity Unit (including if it recommends a final

Safeguarding Order or other orders and/or sanction be imposed) and reach a decision accordingly.

- 12.2 The Case Management Group may decide to accept the Integrity Unit's recommendation, vary or reject it. The Case Management Group may also refer the matter back to the Integrity Unit for further investigation. The Case Management Group may increase, decrease or remove any existing interim Safeguarding Order or other order and/or sanction imposed or vary any of the terms or conditions related to an existing interim Safeguarding Order or other order and/or sanction.
- 12.3 The Case Management Group may decide to impose a final Safeguarding Order or other order and/or sanction for a specific period of time or for an indefinite period of time. If the final Safeguarding Order or other order and/or sanction is for an indefinite period of time, a condition may be imposed prescribing how long (if ever) before the individual may apply for the final Safeguarding Order or other order and/or sanction be reviewed and potentially lifted.
- 12.4 The Case Management Group may decide to impose conditions in a final Safeguarding Order or other order and/or sanction in relation to an individual's continuing participation in certain Athletics activities including specifying in relation to which types of athlete or other person the participation may be allowed. The Case Management Group may also impose a requirement to attend a training course relevant to any Safeguarding Concern raised and/or any Safeguarding Order made within a specified period of time before returning to Athletics activity. The Case Management Group has the remit to impose any final Safeguarding Order or other order and/or sanction they consider appropriate in the circumstances and is not limited in its choices.

### **13. Appeals**

- 13.1 The individual who is the subject of a Safeguarding Order (whether interim or final) or other order and/or sanction by the Case Management Group may appeal such decision to the Disciplinary and Appeal Tribunal. To bring an appeal under these Rules, the individual must give notice in writing to the [Disciplinary and Appeals Tribunal within fourteen (14) days of notification of the Safeguarding Order or other order and/or sanction. The notice must include the grounds for the appeal together with any supporting documentation.
- 13.2 On lodging an appeal an individual will have fourteen (14) days to provide any additional information to be considered by the Appeal Panel ("submission period"). The Integrity Unit may then submit any information it wishes to rely on within fourteen (14) days after the end of the individual's submission period.
- 13.3 Any sanctions imposed by the Case Management Group will remain in force until the matter is considered and a decision issued by the Appeal Panel constituted under the Disciplinary and Appeal Tribunal Rules.
- 13.4 World Athletics may appeal any decision of the Case Management Group to the Disciplinary and Appeals Tribunal within fourteen (14) days of the decision and will have a further fourteen (14) days to provide any additional information to be considered by the Appeal Panel ("submission period"). The individual may then submit any information they wish to rely on within fourteen (14) days after the end of World Athletics' submission period.



- 13.5 Where an appeal is lodged within the fourteen (14) day deadline, an Appeal Panel shall be set up and the appeal process and hearing shall be conducted in accordance with the Disciplinary and Appeal Tribunal Rules.
- 13.6 The chair of the Appeal Panel may make any directions concerning the conduct of the appeal hearing including with regard to the provision of evidence by the victim of a Safeguarding Concern as they consider appropriate.
- 13.7 The appeal shall be limited to consideration of whether the decision by the Case Management Group to impose a Safeguarding Order or other order and/or sanction is one that has no reasonable basis in all of the circumstances.
- 13.8 The Appeal Panel shall have the powers in relation to Safeguarding Orders set out in the Disciplinary and Appeals Tribunal Rules.
- 13.9 In the event that an appeal is partially or wholly successful, the Disciplinary and Appeal Tribunal shall communicate the amended Safeguarding Order or other order and/or sanction to the appellant. Should the Disciplinary and Appeal Tribunal decide to remit the matter back to the Case Management Group for further consideration, the Head of the Integrity Unit will consider the next steps and communicate these to the individual.
- 13.10 The decision of the Appeal Panel will be final and binding and no further appeal will be allowed.

#### **14. Decisions**

- 14.1 Decisions of the Case Management Group and of any Appeal Panel must be made promptly and will be made in writing and sent to all parties involved.
- 14.2 Where a sanction is imposed, the decision will give the reasons for its imposition, details of the terms and conditions imposed, including the date it will take effect and the end date (if one has been prescribed), and information as to any right of appeal and the time within which any appeal must be lodged.
- 14.3 Decisions may be made public if it is considered appropriate to do so and following consultation with the individual(s) harmed by the Prohibited Conduct and the other agencies or organisations involved. If a matter is dismissed or an individual exonerated this may be made public only if the individual exonerated agrees to the disclosure.
- 14.4 If the decision is not made public, any agencies or organisations who need to be, will be informed of the outcome of the matter, with clear rules regarding the confidentiality and disclosure of any of the information.
- 14.5 If local legislation requires the decision to be shared with other authorities or agencies then this must be made clear to all parties that this will be done following the written decision of the Case Management Group or the Appeal Panel accordingly.
- 14.6 World Athletics will inform the appropriate Member Federation(s) and/or Area Association(s) of decisions of the Case Management Group or Appeal Panel accordingly. The Member Federation and/or Area Association will be advised about informing any clubs, associations or other organisations as appropriate.