



SAFEGUARDING POLICY AGAINST HARASSMENT AND ABUSE

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1 INTRODUCTION

- 1.1 World Sailing is the world governing body for the sport of sailing. It is a not-for-profit organisation and does not pursue any objective for its own gains.
- 1.2 World Sailing seeks to create an atmosphere in which everybody who participates in sailing can have a safe, rewarding, and positive experience.
- 1.3 Harassment, abuse, or exploitation can occur in sport and can impact the rights and wellbeing of athletes, and those working in other roles in the sport. The International Olympic Committee's (the "**IOC**") Consensus Statement of 2016 as well as the International Paralympic Committee's (the "**IPC**") Policy on Non-Accidental Violence and Abuse in Sport 2016 provide some examples of consequences of different forms of harassment, abuse and exploitation in sport, including the physical and emotional harm caused to victims and the reputational damage that could be caused to sporting organisations such as World Sailing.
- 1.4 Therefore, World Sailing seeks to protect everyone involved in sailing in the belief that all athletes, coaches, officials, staff, and volunteers have the right to participate in sport in a safe and inclusive environment that is free from all forms of harm, discrimination, harassment, abuse, exploitation, violence, and neglect. Whilst World Sailing seeks to protect everyone involved in sailing, we acknowledge that the protection of children is paramount and everyone, particularly those Organising Authorities ("**OA(s)**") involved in planning or delivering programmes or events for children, are responsible for the care and protection of children attending those programmes or events and their welfare is the top priority.
- 1.5 The World Sailing Safeguarding Policy against Harassment and Abuse in Sport (the "**World Sailing Safeguarding Policy**") aims to:
 - 1.5.1 provide a framework for promoting the prevention of harassment, abuse, and exploitation in the sport;
 - 1.5.2 raise awareness of, and provide clarity on, what constitutes harassment, abuse, and exploitation; and
 - 1.5.3 outline the process for reporting concerns of harassment, abuse and exploitation that fall within the World Sailing Safeguarding Policy and how reported concerns will be managed;

thereby promoting a safe and inclusive environment for all involved in sailing.

2. DEFINITIONS

- 2.1 In addition to the definitions in the World Sailing Regulations, in this World Sailing Safeguarding Policy the following terms shall have the following meanings:

Athletes with disabilities: those who have long-term physical, mental, intellectual, or sensory impairments that, on interaction with certain barriers, may hinder their full and effective participation in society on an equal basis with others.

Bullying or Cyberbullying: unwanted, repeated, and intentional aggressive behaviour usually among peers, and can involve a real or perceived power imbalance. Bullying can include actions such as making threats, spreading rumours or falsehoods, attacking someone physically or verbally, vandalizing personal property, deliberately excluding someone, making

practical jokes which cause awkwardness or embarrassment, endangering a person's safety, or negatively affecting performance.

Children/Child: are defined as young persons under 18 years of age and are protected under the United Nations Convention on the Rights of the Child which has been adopted by 197 nations.

Complicity: assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving a violation of this World Sailing Safeguarding Policy.

Exploitation: when an individual or group unfairly takes advantage of a person to coerce, manipulate or deceive for their own personal gain. Exploitation is a form of abuse and comes in many different guises. Personal gain may be psychological, reputational, or commercial, and constitutes exploitation when there is no express and fully informed consent of the athlete and/or for Children, their parent or guardian. Examples may be fraudulent misrepresentation of an athlete's age or nationality, acting on behalf of an athlete fraudulently or taking an unreasonable share of the proceeds of sponsorship or funding arrangements or signing up athletes to long term contracts while they are still Children.

Grooming: refers to an individual working to create an emotional connection with a child to gain their trust with the distinct purpose of sexual abuse or exploitation. Grooming can be undertaken by both males and females and can occur both online and in the real world. It can be undertaken by an individual the Child or Young Adult knows, or by a stranger. Many Children and Young Adults will not understand that they have been groomed and that it constitutes abuse. Abusers may invest a lot of time and effort into gaining a Child's and possibly the rest of their family's trust by:

- Offering advice and understanding
- Buying gifts, such as equipment
- Giving the child attention
- Using their professional position or reputation
- Taking them on trips, outings, or holidays

Once they have established trust, groomers will exploit the relationship by isolating the Child from friends or family and making the Child feel dependent on them. They will use any means of power or control to make a Child believe they have no choice but to do what they want. Abusers may introduce 'secrets' to control or frighten the Child. Sometimes they will blackmail the Child, or make them feel ashamed or guilty, to stop them telling anyone about the abuse.

Hazing: an organised, usually team-based, form of bullying in sport, involving degrading and hazardous initiation of new team members by veteran team members.

Harassment: directly or indirectly engaging in conduct that the respondent knows or ought to know (a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably (i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be; (ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or (iii) sending, delivering or causing the delivery of letters, packages, electronic mail, social media messages, social media comments, social media posts or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or (b) amounts to sexual harassment of the complainant or a related person.

Harassment can take a variety of forms, including but not limited to:

- Suggestive sexual comments
- Racist insults/jokes
- Verbal abuse
- Unwelcome attention

Homophobia: antipathy, contempt, prejudice, aversion or hatred towards Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and/or Non-binary persons.

Neglect: the failure of parents, care givers and those supervising children to meet a Child's physical and emotional needs or failure to protect a Child, Young Adult or Vulnerable Adult from exposure to danger.

Negligence: acts of omission regarding athlete safety. For example, depriving an athlete of food/or drink; insufficient rest and recovery; failure to provide a safe physical training environment; or using developmental age-inappropriate or physique-inappropriate training methods.

Physical Abuse: non-accidental trauma or physical injury caused by punching, beating, kicking, biting, burning or otherwise harming an athlete. Including but not limited to forced or mandated inappropriate physical activity (e.g., using age-inappropriate or physique-inappropriate training loads; or forcing training when injured or in pain); forced alcohol consumption; or systematic doping practices.

Psychological Abuse: a pattern of deliberate, prolonged, repeated non-contact behaviours within a power differentiated relationship. This form of abuse is at the core of all other forms. Some definitions refer to emotional or psychological abuse interchangeably. In this document, we refer to psychological abuse in recognition that the psyche consists of more than emotions. It also consists of cognitions, values and beliefs about oneself, and the world. The behaviours that constitute psychological abuse target a person's inner life in all its profound scope.

Psychological abuse can take a variety of forms, including any treatment which may diminish the sense of identity, dignity, and self-worth, including but not limited to:

- Confinement
- Isolation
- Verbal assault
- Humiliation
- Intimidation
- Infantilisation

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Retaliation: any adverse action taken by an accused person or their associates against a person participating in any investigation, or proceedings initiated by World Sailing pursuant to this World Sailing Safeguarding Policy. Retaliation by an accused person or their associates against a person for making an allegation, supporting a reporting party, or providing information relevant to an allegation.

Safeguarding: means the measures taken to protect individuals from Harassment and/or Abuse.

Safeguarding Concern: means an allegation of any conduct, concern, incident, suspicion, action, behaviour, or failure to act in a way which has caused, or which causes or which may cause Abuse and/or Harassment of a Young Adult, Vulnerable Adult or Child.

Safeguarding Disciplinary Tribunal: is the hearing body that will conduct hearings into cases and sanction persons in breach of this World Sailing Safeguarding Policy. The Safeguarding Disciplinary Tribunal will be appointed by the Chair of the World Sailing Independent Panel on a case-by-case basis and will comprise of 3 persons with appropriate legal and/or safeguarding experience.

Safeguarding Investigations Panel: an independent panel of persons suitably qualified in conducting investigations, gathering available evidence and information, compiling reports and with necessary safeguarding/welfare experience.

Safeguarding Officer: a designated person within World Sailing with primary responsibility for managing and reporting safeguarding concerns and for putting into place procedures to safeguard persons in the organisation. The Safeguarding Officer shall be appropriately safeguarding trained and/or qualified.

Safe Sport: an environment that is respectful, equitable and free from all forms of Harassment and Abuse to athletes and others participating in sport.

Sexism: is the belief that one sex or gender is superior to another. Sexism is distinguished by prejudice or by discrimination based on person's sex or gender. Although sexism can affect anyone, women and girls are more often affected by sexism.

Sexual Abuse: any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced and/or manipulated or is not or cannot be given. This can involve individuals looking at or making sexual images, watching sexual activities and/or encouraging others to behave in sexually inappropriate ways.

Sexual Harassment: any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Examples include unwanted or degrading intimate questions relating to body, clothes or one's private life, jokes with a sexual innuendo and proposals or demands for non-consensual sexual acts. These may be unwanted text messages, telephone calls, letters or other forms of communication with a sexual content. They may also include staring, gesticulation, or sharing photographs or pictures with sexual allusions. Examples of physical sexual harassment are unnecessary physical contact with a sexual nature such as pinching, attempting to kiss or caress or touching.

Vulnerable Adult: includes any person aged 18 or over who is, or may be, in need of services by reason of a disability, age or illness, and who is, or may be, unable to take care of themselves. Vulnerable Adults also includes any person over 18 years of age who is unable to protect themselves against significant harassment, abuse, neglect, or exploitation because of their athletic ability, race, gender, sex, health status, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, or birth.

World Sailing Event: the following events fall under the definition of World Sailing Events:

- the Olympic Games Sailing Competition;
- the World Sailing Youth World Championships;
- the World Sailing Combined World Championships;

- any event designated by World Sailing as part of the World Sailing World Cup Series; and
- the World Sailing Inclusion Championships.

Young Adult(s): are young persons over 18 years of age transitioning from childhood to adulthood. With limited life experience they may not have developed resilience and may be more at risk of harassment, abuse, or exploitation. Young Adults may be considered Vulnerable Adults depending on their circumstances.

3 SCOPE OF WORLD SAILING DISCIPLINARY JURISDICTION

- 3.1 The jurisdiction of this World Sailing Safeguarding Policy extends to applicable persons and bodies reflected in 3.2 and to organisations defined in 3.3 below.
- 3.2 Without any distinction of age, ability or disability, gender, gender identity, marital status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, language, socioeconomic background or identity, or migration status or other kind of unfair discrimination, this World Sailing Safeguarding Policy applies to anyone who:
 - 3.2.1 is a World Sailing Officer (Board, Council, Committee or Commission Members, including any alternate appointed to a World Sailing Officer post) attending World Sailing Events, meetings or other official functions or when representing World Sailing at any other event, meeting or official functions
 - 3.2.2 is a World Sailing Member National Authority ("**MNA**") representative sent by the MNA to attend World Sailing Events, meetings or other official functions;
 - 3.2.3 is a World Sailing Class Association ("**Class**") representative sent by a Class to attend World Sailing Events, meetings or other official functions;
 - 3.2.4 is a World Sailing Race Official appointed to World Sailing Events or invited by World Sailing to attend World Sailing Events, meetings or other official functions;
 - 3.2.5 is a World Sailing accredited guest invited by World Sailing to attend World Sailing Events, meetings or other official functions;
 - 3.2.6 is a member of staff, a consultant, or a contractor of World Sailing; or
 - 3.2.7 is either a competitor, boat owner or support person participating in a World Sailing Event.
- 3.3 This World Sailing Safeguarding Policy applies to all MNAs and Classes during participation in World Sailing Events, as defined.
- 3.4 The following conduct constitutes a violation of this World Sailing Safeguarding Policy:
 - 3.4.1 Psychological Abuse (which includes Grooming, Hazing, Bullying and other forms);
 - 3.4.2 Physical Abuse;
 - 3.4.3 Sexual Harassment;
 - 3.4.4 Sexual Abuse;
 - 3.4.5 Neglect;
 - 3.4.6 Exploitation;
 - 3.4.7 Complicity;
 - 3.4.8 Retaliation;

- 3.4.9 Failure to cooperate. Failing to cooperate with any investigation carried out by, or on behalf of World Sailing in relation to a possible breach of this World Sailing Safeguarding Policy, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by World Sailing as part of such investigation; and/or
- 3.4.10 Obstructing or delaying any investigation that may be carried out by, or on behalf of World Sailing in relation to a possible violation of this World Sailing Safeguarding Policy, including without limitation concealing, tampering with, or destroying any documentation or other information that may be relevant to the investigation.

4. WHAT IS HARASSMENT AND ABUSE?

- 4.1 Harassment and Abuse can be expressed but not limited to, in five forms which may occur in combination or in isolation:
- 4.1.1 Psychological Abuse.
 - 4.1.2 Physical Abuse.
 - 4.1.3 Sexual Harassment.
 - 4.1.4 Sexual Abuse.
 - 4.1.5 Neglect.
- 4.2 This World Sailing Safeguarding Policy contains all the definitions from the IOC Consensus Statement 2016 and other relevant sources and provides more details on various forms of Harassment and Abuse.
- 4.3 Harassment and Abuse can be based on any grounds including age, ability or disability, gender, gender identity, marital status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, language, socioeconomic background or identity, migration status, athletic ability or a combination of any of these characteristics. It can include a single, one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited, or coercive. The improper behaviour does not have to be made with the intent to harass or discriminate, to be in violation of this World Sailing Safeguarding Policy.
- 4.4 Harassment and Abuse may result from an abuse of authority, meaning the improper use of a position of influence, power, trust or authority by an individual against another person (under criminal law in the UK, all coaches are deemed to be in a position of trust.)
- 4.5 All Athletes and others participating in sport are susceptible to being a target of the various forms of Harassment and Abuse. Actions which might not be abusive to one person may be considered to be abusive or harmful due to the vulnerability of the individual who is being abused. This may be due to the person's age, ability or other form of vulnerability.
- 4.6 The impact of the various forms of harassment and abuse on a participant may include any or all of the following:
- Physical e.g., illnesses and injuries, loss of performance, eating disorders, sexually transmitted infections, post-traumatic stress disorder.

- Emotional e.g., volatile mood states.
- Behavioural e.g., drop out of the sport / competition, potential for cheating.
- Mental Health / Cognitive e.g., anxiety, depression, self-harm, suicide, low self-esteem.
- Effect on relationships e.g., belittling, social exclusion.

5.RESponsibilities

5.1. World Sailing

5.1.1 The Board of World Sailing shall formally adopt this World Sailing Safeguarding Policy and the World Sailing CEO is responsible for ensuring that the World Sailing Safeguarding Policy and accompanying procedures are operationalised.

5.1.2 The World Sailing CEO shall appoint Safeguarding Officers who shall be responsible for implementing the World Sailing Safeguarding Policy and Procedures and a Safeguarding Strategy in accordance with the roles and duties in 6.2 below.

5.2 MNAs, Classes and Special Events of World Sailing

5.2.1 All MNAs, Classes and Special Events of World Sailing should play their part in ensuring that the sport of sailing is free from any kind of Harassment and Abuse.

5.2.2 All MNAs, Classes and Special Events of World Sailing should have their own safeguarding policy and procedures or shall officially adhere to the policy of their National Olympic Committee (“**NOC**”) and/or National Paralympic Committee (“**NPC**”).

5.2.3 It is recommended that all MNAs, Classes and Special Events ensure that their Safeguarding Policies and Procedures (or the policies of their NOC or NPC) are easy to understand and accessible and are communicated to their stakeholders as well as being actively promoted.

5.2.4 MNAs, Classes and Special Events should understand their obligations in relation to mandatory reporting to public authorities within their country (e.g. alleged criminal matters are to be reported to the police) and are responsible for defining and implementing their own policies and procedures, having been adapted to their own national legal framework and consistent with the standards set in this World Sailing Safeguarding Policy, to protect their athletes, support persons, staff and volunteers from Harassment and Abuse. For the avoidance of doubt, if there is any conflict between the national legal framework and the World Sailing Safeguarding Policy then the national legal framework shall prevail.

6. SAFEGUARDING OFFICERS

6.1 The World Sailing CEO shall appoint Safeguarding Officers, who shall have expertise in Safeguarding in sport.

6.2. The World Sailing Safeguarding Officers shall have the following roles and duties:

6.2.1 Raising awareness of World Sailing’s Safeguarding Policy and Procedures, including the procedures for reporting concerns of Harassment and Abuse in sailing.

- 6.2.2 To act as the main point of contact for anyone reporting alleged concerns of Harassment and Abuse to World Sailing and to ensure they are appropriately supported.
- 6.2.3 To act as the main point of contact for MNAs and Classes regarding Safeguarding matters.
- 6.2.4 To review Safeguarding concerns reported to World Sailing and refer cases to appropriate bodies for action based on the nature of the concern raised.
- 6.2.5 To refer cases to MNAs and Classes as is appropriate and to promptly inform them of any allegations (where possible) and/or sanction(s) imposed on any person under their jurisdiction relating to any harassment and abuse case(s).
- 6.2.6 To refer matters to the Safeguarding Investigations Panel for investigation.
- 6.2.7 To refer cases to World Sailing's Safeguarding Disciplinary Tribunal where the Safeguarding Investigations Panel has determined there is a case to answer and a charge has been issued.
- 6.2.8 Ensuring that reported concerns of Harassment and Abuse are managed in accordance with this World Sailing Safeguarding Policy.
- 6.2.9 Imposing appropriate disciplinary or corrective measures, as determined by the Safeguarding Disciplinary Tribunal, when there has been a violation of this World Sailing Safeguarding Policy.
- 6.2.10 To implement, uphold and review World Sailing's Safeguarding Policy and Procedures.
- 6.2.11 To agree Safeguarding plans and reporting procedures with the relevant OA, host MNA and Classes at World Sailing Events underlining the commitment of World Sailing to ensure that participants know that their safety and welfare are of paramount importance.
- 6.2.12 To respect the confidentiality of all parties concerned in respect of raised concerns. Providing reassurance to those who are concerned about a possible alleged incident that their personal information will not be disclosed, except, for example, if the concerned person gives their prior consent or where there is an immediate risk of harassment and abuse and disclosure is necessary to prevent such harassment and abuse.
- 6.2.13 To monitor and take appropriate steps in relation to contractual obligations which require compliance with World Sailing's Safeguarding Policy.

6.2.14 To ensure where concerns are raised and they are required, by the laws of the relevant jurisdiction, to be reported to relevant authorities that this is done.

6.2.15 Providing and raising awareness of suitable educational resources and training opportunities for all participants in World Sailing Events.

6.2.16 Developing and promoting the Safeguarding Strategy to ensure the sport of sailing is free from any kind of Harassment and Abuse.

7. APPLICABLE LAW / RELEVANT AUTHORITIES

7.1 Any disputes relating to the application of World Sailing Regulations or the exercise of powers thereunder, shall be subject to the exclusive jurisdiction of the courts of England and Wales and their principles, and shall be governed by English law, excluding English choice of law principles.

7.2 In case of any report to the relevant local authorities, the applicable law will be the national law of the country where the incident happened.

7.3 In respect of concerns raised with World Sailing through its reporting processes and its Safeguarding Officers, the Safeguarding Officer will review the reports to determine whether:

7.3.1 the matter should be referred to the relevant authorities of the country where the incident happened;

7.3.2 whether it should be referred to the relevant MNA where the alleged perpetrator resides/and or the MNA which they are a member of; or

7.3.3 whether World Sailing has jurisdiction over the matter.

7.4 World Sailing's jurisdiction is to deal with Safeguarding concerns in relation to applicable persons/bodies as set out in Clauses 3.2 and 3.3 of this World Sailing Safeguarding Policy.

7.5 If the raised concern of alleged Harassment and Abuse is considered as a potential breach of the law then the matter should be referred to the relevant authorities in the country where the incident occurred (e.g. criminal matters referred to the police). Referral can be made by the MNA and/or Class Safeguarding Officers. If there are concerns for the safety of a Child or Vulnerable Adult, the matter should be reported immediately to the relevant local authorities.

7.6 Where an allegation of Harassment and Abuse is referred to the police and/or local authorities, whilst such case before the relevant authorities is pending, World Sailing may impose a precautionary interim suspension of the alleged perpetrator from activities in the sport in cases of alleged Harassment and Abuse where, on the balance of probability, the Independent Panel agree that the alleged perpetrator may pose a risk to Children or Vulnerable Adults.

7.7 Where an allegation of Harassment and Abuse is referred to the police and/or local authorities World Sailing will liaise with the authorities. World Sailing's investigation of the Safeguarding Concern shall follow the process outlined in the World Sailing Safeguarding Procedures.

- 7.8 The outcome of any investigation and prosecution by the police and/or local authorities may be considered by the World Sailing Safeguarding Investigations Panel and/or the World Sailing Safeguarding Disciplinary Tribunal appointed to investigate and determine the case in accordance with the World Sailing Safeguarding Procedures. For the avoidance of doubt, the World Sailing Safeguarding Investigations Panel and the World Sailing Safeguarding Disciplinary Tribunal shall be entitled to reach their own conclusions independent of any police and/or local authorities conclusions.
- 7.9 If the raised concern of alleged Harassment and Abuse is not considered as a penal infraction/criminal violation by the relevant local authorities in accordance with the applicable law and the concern falls within World Sailing's jurisdiction, the Safeguarding Officer may refer the matter to the Safeguarding Investigations Panel for investigation, subject to obtaining consent required under clause 8.6 of this World Sailing Safeguarding Policy.
- 7.10 Raised concerns which do not fall within World Sailing's jurisdiction, as defined under Clause 3 of this World Sailing Safeguarding Policy, should be managed by the MNA of the country where the incident happened or the relevant MNA where the alleged perpetrator resides/and or the MNA which they are a member of.
- 7.11 Should the Safeguarding Investigations Panel determine that there is a case to answer, a notice of charge may be issued, and the matter will be referred to World Sailing's Disciplinary Tribunal.
- 7.12 Where appropriate, the MNA of the alleged victim, the MNA where the event took place, and the Class will be informed and will be updated on the status of the case.

8. CONFIDENTIALITY

- 8.1 The Safeguarding Officer shall respect the confidentiality of all the information received at any phase of the procedure.
- 8.2 All the information provided by a whistle blower shall be kept by the Safeguarding Officer and is considered as confidential at any time.
- 8.3 If a reported concern might constitute a penal infraction/criminal violation, the Safeguarding Officer must share the collected information with the relevant local authorities in the country where the incident took place and/or the country where the athlete resides, in accordance with the relevant applicable law.
- 8.4 Safeguarding Officers shall disclose confidential information in cases where the disclosure is necessary to protect a Child or Vulnerable Adult from Harassment and Abuse, as required in accordance with the applicable laws of the country where the incident occurred and/or the country where the Child or Vulnerable Adult resides.
- 8.5 Safeguarding Officers may disclose confidential information in cases involving adults where the alleged victim has given permission for this information to be shared with local authorities to protect them from further Harassment and Abuse.
- 8.6 Where the alleged behaviour reported does not constitute a penal infraction/criminal violation but is inappropriate conduct, the Safeguarding Officer shall require the permission of the person (or their parent or guardian) who has allegedly been subject

to Harassment and/or Abuse to disclose any confidential information for the purposes of commissioning an investigation and/ or referring the matter for disciplinary proceedings.

9.REPORTING CONCERNS

World Sailing strongly encourages all incidents of suspected Harassment and Abuse to be reported, regardless of who the offender may be, to protect the rights and wellbeing of individuals in sailing.

9.1 Whistle blowing

9.1.1 World Sailing recognises it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible.

9.1.2 World Sailing strongly supports whistle blowers by providing a confidential reporting system and believes it is important for anyone who has concerns to speak out early to prevent and stop any harm being inflicted on anyone.

9.1.3 The whistle blower can be anybody who is aware of or has concerns about any form of Harassment and Abuse taking place in the sport.

9.1.4 Where the victim of alleged Harassment and Abuse needs urgent medical or police attention, the whistle blower should immediately contact the appropriate local authorities.

9.1.5 A written report should be submitted to World Sailing's Safeguarding Officers using World Sailing's reporting form.

9.1.6 The whistle blower has a right to conserve their anonymity and all the information they give to the Safeguarding Officer will be treated in strictest confidence. Please be aware, however, that anonymous reporting may make it difficult for the concern raised to be fully investigated and the allegations to be properly addressed.

9.1.7 Concerns that are raised to World Sailing which do not fall within World Sailing's jurisdiction, as defined in Clause 3 of this World Sailing Safeguarding Policy, shall be referred to the MNA of the alleged perpetrator, for consideration under their safeguarding policy and to any other sports body authorised to limit a potential alleged perpetrator's involvement in sailing. Where appropriate, the MNA of the alleged victim and the Class will also be informed, unless raised under whistle blowing provisions, where anonymity will be preserved.

9.1.8 The processing of information provided to World Sailing will be dealt with in accordance with World Sailing's Privacy and Personal Data Protection Policy.

9.1.9 All the information provided by the whistle blower shall be considered as confidential. However, if the alleged Harassment and Abuse is considered to be a penal infraction/criminal violation against a Child or Vulnerable Adult, Safeguarding Officers must share the information collected with the relevant local authorities in accordance with the applicable law.

9.2 Reporting Concerns under World Sailing Jurisdiction

9.2.1 Anyone may report any incident or concerns which fall within World Sailing's jurisdiction, as defined in Clause 3 of this World Sailing Safeguarding Policy, to the Safeguarding Officer, who is the appropriate person at World Sailing to manage such cases.

9.2.2 When reporting concerns of alleged Harassment and Abuse, the Safeguarding Officer will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report.

9.2.3. Individuals may complete an Incident Report Form.

9.2.4 A copy of World Sailing's Incident Report Form can be found at Appendix C of this World Sailing Safeguarding Policy and on World Sailing's website.

9.2.5 The processing of information provided to World Sailing will be dealt with in accordance with World Sailing's Privacy and Personal Data Protection Policy.

9.2.6 All the information provided to World Sailing shall be kept by the Safeguarding Officer and is always considered as confidential. If the alleged Harassment and Abuse is considered penal infraction/criminal violations against a Child or Vulnerable Adult, Safeguarding Officers must share the information collected with the relevant local authorities in accordance with the applicable law.

9.2.7 Concerns that are raised to World Sailing which do not fall within World Sailing's jurisdiction, as defined in Clause 3 of World Sailing Safeguarding Policy, shall be referred to the MNA of the alleged perpetrator for consideration under their safeguarding policy and procedures and to any other sports body authorised to limit a potential alleged perpetrator's involvement in sailing. Where appropriate the MNA of the alleged victim and the Class will also be informed.

10.COMMENCEMENT OF THE WORLD SAILING SAFEGUARDING POLICY

10.1 This World Sailing Safeguarding Policy (as amended May 2024) came into force on 12 November 2023.

Approved by World Sailing Council May 2024

Next Review of Policy due May 2026

APPENDIX A - Educational & Related Resources

The IOC Safeguarding Toolkit has been created to assist the Olympic Movement to develop and implement athlete-safeguarding policies and procedures (www.olympic.org/athlete365/safeguarding/).

To complement the toolkit and ensure that athletes, their entourage, and other individuals understand the core components of this sensitive topic, a free bite-size IOC Athlete Safeguarding e-learning course has been developed and launched on the IOC Athlete Learning Gateway (<http://onlinecourse.olympic.org/course/baseview.php?id=39>).

Additional resources:

World Sailing Regulations

World Sailing Ethics Code

[IOC Code of Ethics](#)

[IOC Consensus Statement 2016: Harassment and Abuse in Sport](#)

[IPC Code of Ethics](#) (including [appendix A](#))

[IPC Policy on Non-Accidental Violence and Abuse in Sport](#) (including [Games-Time Reporting procedure](#) and [Games-Time Report Form](#) attachments)

[United Nations Convention on the Rights of the Child](#)

[International Safeguarding Children in Sport guidelines](#) (available in several languages)

[The Council of Europe](#): Article 1. (ii) of the European Sports Charter (version dated 2001)

[UNESCO](#): Article 10.1 of the Revised International Charter of Physical Education, Physical Activity and Sport (version dated 2015)

[UN Declaration of Human Rights](#)

[Safe Sport International](#)

[African Union/GIZ Safeguarding in Sport and Sport for Development Contexts Resources](#) (available in six languages)

APPENDIX B – WORLD SAILING INCIDENT REPORTING FORM

Date: / /

Please fill out the information below to the best of your knowledge. Out of respect for the importance of this issue and to encourage honest and effective reporting, knowingly making a false or vindictive report will not be tolerated and may be a violation of the World Sailing Rules & Regulations.

PERSON BEING REPORTED

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Position this individual holds or held: <input type="checkbox"/> Coach <input type="checkbox"/> World Sailing Official <input type="checkbox"/> Trainer <input type="checkbox"/> Athlete <input type="checkbox"/> World Sailing Staff <input type="checkbox"/> Other _____		

ALLEGED OFFENCE INFORMATION

Type of offence (check all that apply): <input type="checkbox"/> Psychological Abuse <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Other _____
Location Incident(s) Occurred:
Date(s) of Alleged Offences:
Description of Alleged Offences:

VICTIM OR VICTIMS' INFORMATION

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Additional Information:		

INDIVIDUAL(S) WHO MAY HAVE ADDITIONAL INFORMATION

Name: (First)		(Last)
World Sailing Reg # (if applicable):	Gender:	Age (or approx):
Discipline (if applicable):		
Relationship to Parties Involved:		
Brief explanation of the additional information (if known):		

Date: / /

REPORT SUBMITTED BY

Name: (First) _____ (Last) _____

Are you a World Sailing member? ☐ Yes ☐ No

World Sailing Reg # (if applicable): _____ Email: _____ Phone: _____

Did you witness the alleged offence (s)? ☐ Yes ☐ No

Relationship to victim:

☐ Self ☐ Parent/Guardian ☐ Other family relation ☐ Friend/Acquaintance ☐ Coach/Volunteer ☐ Prefer not to say ☐ Other _____

Signature: _____

ADDITIONAL INFORMATION

Any other information that you feel would be helpful to an investigation of the alleged offence you have reported:

CONTACT DETAILS OF OTHER ORGANISATION(S), AUTHORITY(IES), COURT(S), AND/OR POLICE (IF APPLICABLE) INFORMATION

If any other organisation(s), authorities, court(s), and/or the police have been informed of the allegations, please provide us with any relevant details:

WORLD SAILING SAFEGUARDING PROCEDURE

(May 2024)

- 1. CASE MANAGEMENT**
- 2. PROVISIONAL SUSPENSIONS**
- 3. INVESTIGATIONS**
- 4. CHARGING PROCEDURE**
- 5. HEARING PROCEDURE**
- 6. STANDARD OF PROOF**
- 7. SANCTIONS**
- 8. APPEALS**

These Rules of Procedure apply to any Safeguarding Concerns received by World Sailing under Part I of Regulation 35. For the avoidance of doubt, they do not apply to Safeguarding Concerns received by MNAs, Classes and/or Special Events.

1. CASE MANAGEMENT

- 1.1** Any Safeguarding Concerns reported to World Sailing will be reviewed by the Safeguarding Officers to determine whether:
 - 1.1.1** The alleged victim is at risk of further harm and/or requires medical treatment and/or the Safeguarding Concern should be reported to the local police and/or local authorities.
 - 1.1.2** It is suspected that the allegation could be a penal infraction/criminal violation if proven, and the concern should be reported to the local police.
 - 1.1.3** The concern reported falls outside the jurisdiction of World Sailing and should be referred to the relevant MNA/Class/Special Event as appropriate.
 - 1.1.4** The concern reported if proven, would constitute unacceptable conduct that would breach the World Sailing Safeguarding Policy (and is not a penal infraction/criminal violation) and therefore requires referral to the Safeguarding

Investigations Panel for further investigation to determine if there is a disciplinary case to answer or not.

1.1.4.1 The Safeguarding Investigations Panel shall be an independent panel of investigators comprised of professionals with safeguarding, welfare and/or medical experience.

1.1.4.2 Should the Safeguarding Investigations Panel determine, after investigation, that there is a case to answer, the reported concern should be referred to the Safeguarding Disciplinary Tribunal for hearing.

1.1.5 The reported concern constitutes poor practise and should be addressed through a different form of remedial action such as, relevant training or education, referral under Part C, D or E of Regulation 35.

1.1.6 The reported concern requires no further action.

1.2 Safeguarding Officers are the only people who can review reported concerns under 1.1 and/or refer to the Safeguarding Investigations Panel under 1.1.4. to determine the nature of the reported concern and whether there is a case to answer.

1.3 Where Harassment and Abuse is suspected, persons bound by World Sailing's Rules, Regulations, Codes and Policies must provide the Safeguarding Officers with any information, documents, data recordings and storage devices (text, images, sound, etc.) in connection with the possible violation or misconduct. Failure to cooperate with the Safeguarding Officers may lead to proceedings before the Safeguarding Disciplinary Tribunal.

1.4 In the case of suspicion of a penal infraction/criminal violation, the Safeguarding Officers shall immediately refer the concern to the relevant local authorities, in accordance with the applicable law.

1.5 During the investigation procedure, Safeguarding Officers must respect the confidentiality of the information.

1.5.1 Following the receipt of a reported concern alleging unacceptable conduct, World Sailing may consider the circumstances in which it will notify other participants including athletes and/or their parents, legal guardians or carers, the MNA of the alleged victim, the MNA where the event took place, the Class and/or the Special Event.

1.5.2 At World Sailing's discretion, and as appropriate or required by law, World Sailing may notify relevant persons, i.e., the MNA of the alleged victim, the MNA where the event took place, the Class and/or the Special Event, competition managers, staff members, contractors, volunteers, parents, legal guardians, carers and/or athletes of any such allegation that:

- (a)** law enforcement authorities are actively investigating; or
- (b)** that World Sailing is investigating.

Advising others of an allegation may lead to additional reports of Harassment and Abuse and other unacceptable conduct.

- 1.6** Where World Sailing's rules and in particular the World Sailing Safeguarding Policy has been breached, and World Sailing has jurisdiction in accordance with the World Sailing Safeguarding Policy, and the Safeguarding Investigations Panel has determined upon investigation that there is a case to answer, the Safeguarding Officers shall appoint a Safeguarding Disciplinary Tribunal to engage in the disciplinary procedure.

2. PROVISIONAL SUSPENSION AND PROVISIONAL MEASURES

- 2.1** Where it has been determined that World Sailing has jurisdiction and the Safeguarding Concern reported involves alleged Harassment and Abuse that:

- 2.1.1** is directed at a Child or Vulnerable Adult; and/or
- 2.1.2** may result in serious criminal charges being laid against the individual whom allegations have been made against; and/or
- 2.1.3** suggests there is a further ongoing risk of harm being suffered by one or more persons involved in the sport;

then World Sailing, after being made aware of the Safeguarding Concern, shall consider whether any provisional measures shall be imposed on the alleged perpetrator pending resolution of the Safeguarding Concern, following the processes in this Procedure.

- 2.2** Provisional measures include, but are not limited to suspension, restriction or revocation of event accreditation, eviction from the event accommodation, restriction of duties, temporary re-deployment, suspension or restriction of rights, privileges and benefits, and/or any other actions that World Sailing may deem appropriate.
- 2.3.** The decision to impose any provisional suspension and/or provisional measures in accordance with this Section 2 of these Procedures shall be authorised by at least two Safeguarding Officers.
- 2.4** There is no right of appeal against any provisional suspension and/or provisional measures imposed in accordance with this Section 2 of these Procedures. The Safeguarding Officers will review any temporary suspension and/or provisional measures imposed under these Procedures at least every two weeks.
- 2.5** The imposition of any provisional suspension and/or provisional measures under these Procedures is a neutral act and does not amount to a presumption of guilt, a sanction or a penalty under the Safeguarding Policy.

3. INVESTIGATIONS

- 3.1** Where the Safeguarding Concern reported, if proven, would constitute unacceptable conduct that breaches the World Sailing Safeguarding Policy, the Safeguarding Officer will assign a Safeguarding Investigator from the Safeguarding Investigations Panel.

The Safeguarding Investigator shall be responsible for investigating the complaint and shall:

- 3.1.2** conduct initial, and if required, follow up interviews with the alleged victim, alleged perpetrator and any other person connected with the Safeguarding Concern;
 - 3.1.3** obtain information from the alleged victim, the alleged perpetrator and any other person connected with the Safeguarding Concern, together with supporting evidence;
 - 3.1.4** request and review further evidence; and
 - 3.1.5** prepare and issue a final report.
- 3.2** The report will make findings as to whether or not, on a comfortable satisfaction, , the alleged victim has substantiated their complaint and as such the alleged perpetrator has:
 - 3.2.1** a case to answer; or
 - 3.2.2** no case to answer.
- 3.3** Where the report makes a finding of no case to answer, the alleged victim and the alleged perpetrator will be notified, and the investigation will be considered to be at an end.
- 3.4** Where the report makes a finding of a case to answer, the World Sailing Chief Executive Officer and/or World Sailing Director of Legal & Governance may issue a charge. At this stage the investigation will be considered to be at an end and the Safeguarding Disciplinary Tribunal shall be tasked with disciplining the alleged perpetrator in accordance with this Procedure.

4. CHARGING PROCEDURE

- 4.1** If World Sailing decides that a charge is to be issued, as soon as practicable, a written notice of the charge shall be provided to the alleged perpetrator, which shall:
 - 4.1.1** briefly state the nature of the alleged Harassment and Abuse; and
 - 4.1.2** provide copies of documents or other material referred to in the charge.
- 4.2** A single charge may be issued against the alleged perpetrator in respect of more than one instance of Harassment and Abuse, but the charge shall state separately the nature of each alleged act of Harassment and Abuse alleged to have been breached and shall have effect as separate charges.

5. HEARING PROCEDURE

- 5.1** In the event of Harassment and Abuse, as defined in the World Sailing Safeguarding Policy, the Safeguarding Disciplinary Tribunal will be the only relevant body to conduct hearings into cases and sanction persons in breach of the World Sailing Safeguarding Policy.
- 5.2** The Safeguarding Officer shall, within 14 days of issue of the notice of charge, appoint the Safeguarding Disciplinary Tribunal for a specific case.

5.2.1 The Safeguarding Disciplinary Tribunal shall consist of three persons with appropriate legal and/or Safeguarding experience.

5.2.2 The Safeguarding Officer will notify the parties of the composition of the Safeguarding Disciplinary Tribunal as soon as practicable, and

5.2.3 A date shall then be set for the Safeguarding Disciplinary Hearing.

5.2.4 The Safeguarding Disciplinary Tribunal shall conduct the proceedings as it sees fit but at all times in a manner which:

- (a)** complies with the World Sailing Constitution, Regulations and this Procedure;
- (b)** complies with its duty to act fairly and impartially;
- (c)** allows the Parties reasonable opportunity to put their respective cases; and
- (d)** avoids unnecessary delay or expense and provides a fair and efficient means for resolving the concern.

For the avoidance of doubt the Safeguarding Disciplinary Tribunal shall be entitled to make any order in respect of the conduct of the proceedings necessary for the protection of the parties.

5.3 The Safeguarding Officers (and Safeguarding Investigations Panel members) are prohibited from sitting on any disciplinary or appeals tribunal hearing of a case of alleged Harassment and Abuse.

6. STANDARD OF PROOF

6.1 The standard of proof that applies to all decisions made by a Safeguarding Investigator and the Safeguarding Disciplinary Tribunal, is to be the “comfortable satisfaction” standard which is greater than the civil standard of “on the balance of probabilities” but less than the criminal standard of “beyond a reasonable doubt”.

7. SANCTIONS

7.1 Sanctions and measures shall be proportional to the infringement of the World Sailing Safeguarding Policy. The following factors shall be taken into consideration:

- a)** The nature of the violation;
- b)** The severity of the violation;
- c)** The number of the violation (it is one time or several repetitions);
- d)** The background of the abused and/or harassed person (Child, Vulnerable Adult);
- e)** The relationship between the abused and/or harassed person and the abuser or harasser;
- f)** Any other relevant circumstances.

7.2 The Safeguarding Disciplinary Tribunal may impose the following sanctions:

- a) no sanction;
- b) a direction to attend safeguarding education and/or a safeguarding awareness remedial course;
- c) a warning, admonishment or reprimand;
- d) a fine not exceeding £1000;
- e) a direction not to compete or officiate in a particular event or Class (or types of event or Classes);

- f) suspension or revocation of competition eligibility and/or World Sailing Eligibility (or the imposition of conditions on such eligibility);
- g) suspension or removal from office in the case of World Sailing Officers, members of staff, consultants or contractors of World Sailing;
- h) revocation of Special Event accreditation;
- i) eviction from Special Event hotel;
- j) suspension or removal of a certificate of appointment in the case of World Sailing Race Officials (or the imposition of conditions on such appointment);
- k) make a report to an MNA, World Sailing Class, World Sailing (under another Regulation or the Racing Rule of Sailing) or any other appropriate organisation; and/or
- l) any other sanction that World Sailing may deem appropriate.

8. APPEALS

- 8.1** World Sailing and the Parties hereby agree to respect and be bound by the decision of the Safeguarding Disciplinary Tribunal, subject only to the right of appeal set out below.
- 8.2** There is a right of appeal from the Safeguarding Disciplinary Tribunal if, and only if, the decision imposes:
- 8.2.1** a suspension or revocation of more than three months on competition eligibility or World Sailing Eligibility in the case of a competitor, boat owner or support person; or
 - 8.2.2** any sanction imposed (except a warning, reprimand, admonishment or fine) in the case of World Sailing Board, committee or commission member, World Sailing Race Officials, MNA representatives sent by a MNA to attend World Sailing Events, meetings or other official functions, Class representatives sent by a Class to attend World Sailing Events, meetings or other official functions, World Sailing accredited guests, World Sailing contractors, consultants or staff.
- 8.3** Any appeal shall be made in writing within fourteen days of the decision appealed against.
- 8.4** The Safeguarding Officer shall review the appeal request to ensure compliance with 8.2 and 8.3. Where the appeal is in compliance with 8.2 and 8.3, the Safeguarding Officer shall, within fourteen days of receipt of the appeal, appoint an Independent Safeguarding Appeal Tribunal to hear and determine the appeal.
- 8.5** The Safeguarding Appeal Tribunal shall conduct the proceedings as it sees fit, but at all times in a manner which:
- (a)** complies with the World Sailing Constitution, Regulations and this Procedure;
 - (b)** complies with its duty to act fairly and impartially;
 - (c)** allows the Parties reasonable opportunity to put their respective cases; and
 - (d)** avoids unnecessary delay or expense and provides a fair and efficient means for resolving the appeal.
- 8.6** World Sailing and the Parties hereby agree to be bound by the decision of the Independent Safeguarding Appeals Tribunal, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

8.7 The Safeguarding Appeals Tribunal may impose the sanctions as set out in 7.2 above.

9. LEGAL REPRESENTATION

Any individual subject to a Safeguarding Concern and/or safeguarding investigation and/or Safeguarding Disciplinary Tribunal and/or Safeguarding Appeal Tribunal is entitled to be represented, at their own cost.