

WORLD SAILING SAFEGUARDING PROCEDURE

(May 2024)

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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.