



## **GYMNASTICS FEDERATION OF INDIA**

### **Safeguarding Policy and Procedures**

#### **Part 1**

#### **Policy**

#### **1. INTRODUCTION**

- 1.1 **GYMNASTICS FEDERATION OF INDIA (GFI)** is committed to safeguarding and protecting our athletes from harassment and abuse (described collectively as non-accidental violence) and ensuring that all participants are treated fairly and respectfully. We recognise that the welfare of our gymnasts is paramount and put their safety and well-being at the centre of everything we do.
- 1.2 Everyone has the right to participate in gymnastics in an environment free from non-accidental violence irrespective of their race or ethnic origin, religion or beliefs, culture, gender, sexual orientation, age, disability socio-economic status, physical attributes, and athletic ability. Article 19 of the United Nations Convention on the Rights of the Child enshrines the right for all children (defined as anyone under the age of 18) to be safe from violence.
- 1.3 Although GYMNASTICS FEDERATION OF INDIA (GFI) has robust procedures in place to safeguarding and protect children from abuse, it is now well established that elite athletes, irrespective of their age, are particularly vulnerable to all forms of non-accidental violence.
- 1.4 **GYMNASTICS FEDERATION OF INDIA (GFI)** recognises that the prevention of harassment and abuse in sport requires a systematic and coordinated approach both nationally and internationally, working together with the Central & State Government Agencies. The effectiveness of safeguards is dependent on ensuring athletes and other participants are involved and engaged and receive appropriate training and support.

#### **2. BACKGROUND**

- 2.1 Non-accidental violence includes all forms of harassment and abuse and takes place worldwide in all cultures and environments. Evidence of recent and non-recent incidents of harassment and abuse indicate it occurs at all

levels of sport.

- 2.2 Although any sport participant can experience non-accidental violence, sport-based research confirms that athletes are particularly at risk and some groups are more vulnerable than others. This includes elite athletes and disabled athletes, especially if they are children.
- 2.3 The risk of harassment and abuse increases when there is a lack of protective measures in place that may mean that those who could have the motivation to harass or abuse can do so without restriction.
- 2.4 Abuse and harassment can have significant long-term negative impacts on athlete participation and performance as well as general health and well-being, particularly if the athlete has not been able to disclose their experiences or access support.
- 2.5 All sports organisations have an important leadership role in embedding a no-tolerance approach towards all forms of harassment and abuse. The International Olympic Committee (IOC) Consensus Statement: Harassment and Abuse in Sport (2016) highlights that “It is incumbent upon all stakeholders in sport both to adopt general principles for safe sport (...) and to implement and monitor policies and procedures for safe sport (...) which state that: all athletes have a right to be treated with respect, protected from non-accidental violence (...)”
- 2.6 In addition, the IOC Basic Universal Principles of Good Governance encompass safeguarding and makes it compulsory for organisations that belong to the Olympic movement to adopt these principles, implement relevant measures and monitor compliance.
- 2.7 The Federation Internationale de Gymnastique (FIG) is committed to the principles of safe sport and good governance and has developed policy for the prevention of abuse and harassment within gymnastics which requires each member federation to adopt and implement their own suitable policy and procedures, either independently or in partnership with the relevant National Olympic Committee (NOC) or the relevant government organisation.

### **3. DEFINITIONS**

- 3.1 Harassment and abuse can be expressed in five forms which may occur in combination or in isolation. These are defined in the IOC Consensus Statement (2016) as follows:

#### **3.1.1 Psychological abuse**

Any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment, which may diminish an individual sense of identity, dignity and self-worth

#### **3.1.2 Physical abuse**

Any deliberate and unwelcome act – such as punching, beating, kicking, biting, and burning – that causes physical trauma or injury. Such acts include forced or inappropriate physical activity (e.g. age, or physically inappropriate training loads, when injured or in pain), forced alcohol consumption or forced doping practices.

### **3.1.3 Sexual harassment**

Any unwanted and unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Sexual harassment can take the form of sexual abuse.

### **3.1.4 Sexual abuse**

Conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/ manipulated or is not or cannot be given.

### **3.1.5 Neglect**

The failure of a coach or other person with a duty of care towards the athlete to provide a minimum level of care, which may cause harm, allow harm or create an imminent danger of harm.

- 3.2 Harassment and abuse can be based on any grounds including race or ethnic origin, culture, religion or belief, gender, sexual orientation, age, disability socio-economic status, physical attributes and athletic ability. It can include a one-off incident or a series of actions. It may be in person or online. Harassment may be intentional, unsolicited and coercive.
- 3.3 Harassment and abuse often results from an abuse of authority, meaning the misuse of power by people in positions of trust, influence or authority (perceived or actual) against another individual.
- 3.4 Some athletes may also carry out acts of harassment and abuse. For young people under the age of eighteen, peer abuse describes incidents when an athlete is exploited, bullied and/or harmed by another athlete or group of athletes of similar age.
- 3.5 The means and methods by which harassment and abuse is carried out include: contact, non-contact, verbal and via electronic communications. It may involve deliberate acts as well as failure to act and omissions or may take the form of bullying or hazing which are defined as follows:

#### **3.5.1 Bullying**

Intentional behaviour usually repeated over time that hurts another individual or group.

#### **3.5.2 Hazing**

Hazing behaviours are known to occur in many different types of social groups, including sports teams as a way of initiating a new person when they join the group or want to be socially accepted by their peers.

- 3.6 Both bullying and hazing may take many forms and involve various mechanisms as outlined above.
- 3.7 Harassment and abuse is more likely to occur in an environment where poor practice, which is defined below, is not immediately challenged.

#### **3.7.1 Poor Practice**

Behaviours or inaction which may not always be immediately harmful, but which fall below the required standards and/or code of conduct and should be addressed. Some poor practice may lead to suspicions about an individual's motivation, even where no harm is

intended e.g. being alone with a child, excessive or inappropriate touching etc.

#### **4. PURPOSE**

- 4.1 The overall purpose of the policy is to ensure athletes and others taking part in gymnastics can do so without fear of harassment or abuse. The key objectives of the policy are to:
  - 4.1.1 Ensure everyone in gymnastics understands that all forms of non-accidental violence are unacceptable and will not be tolerated.
  - 4.1.2 Enable anyone who has witnessed or experienced harassment or abuse within gymnastics to report the incident without fear of victimisation or retaliation.
  - 4.1.3 Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in gymnastics, irrespective of whether they arise at national or international level.
  - 4.1.4 Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising.

#### **5. SCOPE**

- 5.1 This policy applies to all athletes, members of the athlete entourage including but not limited to coaches, trainers, judges, agents, medical personnel and any individuals acting on behalf of such **GYMNASTICS FEDERATION OF INDIA (GFI)** directors, officials, administrators or members whether employed, contracted or voluntary (herein referred to as a “participants”).
- 5.2 The policy applies specifically to any incidents of harassment and abuse that occur during or connected to participation in any **GYMNASTICS FEDERATION OF INDIA (GFI)** regulated activities or connected to any activities where the participant is representing **GYMNASTICS FEDERATION OF INDIA (GFI)**
- 5.3 Where a participant is under a contract of employment with GYMNASTICS FEDERATION OF INDIA (GFI) and an incident of harassment or abuse occurs relating to their employed role, the employment procedures will apply. However, where a participant is sanctioned under employment procedures, this can be addressed under these procedures to the extent that it impacts on the participant’s suitability to continue to participate outside of their employment relationship.
- 5.4 Any incidents of harassment or abuse that are perpetrated against a child must be report to Child Protection Services within the Jurisdiction wherein the child redised in accordance with Indian Penal Code

#### **6. ROLES AND RESPONSIBILITIES**

- 6.1 **GYMNASTICS FEDERATION OF INDIA (GFI)** accepts our responsibility to implement safeguarding arrangements and procedures to protect all participants from harassment and abuse and will:

- 6.1.1 Provide effective leadership to promote and implement the policy and embed a no- tolerance approach to harassment and abuse;
- 6.1.2 Identify a competent person(s) to assess and respond to safeguarding concerns;
- 6.1.3 Develop and implement a code of conduct which establishes behaviours and boundaries by which all participants, no matter how senior, are held to account;
- 6.1.4 Ensure all participants understand and abide by **GYMNASTICS FEDERATION OF INDIA (GFI)** policy, procedures and code of conduct;
- 6.1.5 Ensure all participants understand and comply with the FIG policy, procedures and code of conduct when representing **GYMNASTICS FEDERATION OF INDIA (GFI)** at FIG events;
- 6.1.6 Ensure everyone is provided with appropriate training to recognise, identify and respond to signs of harassment and abuse;
- 6.1.7 Share information with relevant stakeholders, including Child Protection Services and the Jurisdictional Police and the FIG;
- 6.1.8 Respond to all incidents or concerns, and provide appropriate support to the individual(s) involved, including the person who reported the concern;
- 6.1.9 Ensure that confidential, detailed and accurate records of all concerns are maintained and securely stored; and

Ensure robust safeguarding arrangements and procedures are in place including background checks to prevent unsuitable individuals from being appointed to a position of authority.

## **GUIDELINES REGARDING STATE ASSOCIATIONS & SERVICES AND BOARDS AFFILIATED TO GYMNASTICS FEDERATION OF INDIA (GFI)**

- 6.2 Each affiliated Unit should ensure:
  - 6.2.1 Effective arrangements are in place to protect participants from harassment and abuse within the affiliated unit environment;
  - 6.2.2 Everyone involved is aware of the reporting procedures harassment and abuse concerns and any concerns are reported to the affiliated unit
  - 6.2.3 Any participant who is representing the affiliated unit at an GYMNASTICS FEDERATION OF INDIA (GFI) event understands and complies with GYMNASTICS FEDERATION OF INDIA (GFI) policy, procedure and code of conduct.

### **All Participants**

- 6.3 All participants must comply with **GYMNASTICS FEDERATION OF INDIA (GFI)** policy and code of conduct and specifically not engage in, allow, condone, or ignore incidents of harassment and abuse and be supportive of other participants who report concerns.
- 6.4 Any participant who has reason to believe that another participant has or is experiencing harassment and abuse connected to their role in the sport

has a duty to report it to **GYMNASTICS FEDERATION OF INDIA (GFI)**.

- 6.5 Failure to comply with the policy and procedures will be investigated and may ultimately result in disciplinary action against the individuals concerned.

## **7. MONITORING AND REVIEW**

- 7.1 The policy will be reviewed to ensure it continues to meet our responsibilities as a national organisation and to reflect any relevant changes in the environment in which we operate and any significant incidents in the sport.

# **Part 2**

## **Procedure for reporting and responding to abuse**

### **1. INTRODUCTION**

- 1.1 The following procedures apply to any incidents, concerns, allegations or disclosures of harassment and abuse brought to the attention of **GYMNASTICS FEDERATION OF INDIA (GFI)** (herein referred to as “complaints”).
- 1.2 If a complaint of harassment or abuse is perpetrated by or against a child, any action taken must be in accordance with the **GYMNASTICS FEDERATION OF INDIA (GFI)** safeguarding children policy and procedures]
- 1.3 Where the alleged perpetrator is under the jurisdiction of another national federation, the matter will be reported by **GYMNASTICS FEDERATION OF INDIA (GFI)** to the FIG and the relevant NF or National Olympic Committee.
- 1.4 Any participant who has reported or experienced harassment or abuse involving a person or persons belonging to another organization or unconnected to the sport will be provided with support from **GYMNASTICS FEDERATION OF INDIA (GFI)** .

### **2. REPORTING**

- 2.1 Anyone can report an incident of harassment or abuse. Mechanisms for receiving the information are as follows:
- In writing using the **GYMNASTICS FEDERATION OF INDIA (GFI)** template form
  - By phone or email to the NF
  - In person to the responsible person

### **3. WHISTLEBLOWING**

- 3.1 Although incidents can be reported directly by the affected individual, the term “whistle blowing” is used to describe a complaint relating to the conduct of an individual made by someone other than the affected person.
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- 3.2 **GYMNASTICS FEDERATION OF INDIA (GFI)** recognises that some individuals may be fearful of the consequences of making a complaint under these procedures, particularly where the perpetrator is in a position of authority. In these circumstances, where possible, the identity of the whistle blower will remain confidential.
- 3.3 Any person who makes a complaint in good faith must not be subject to reprisal or other adverse consequences because of submitting a report. These protections shall not apply to a person who intentionally makes a complaint that is false, vexatious, retaliatory or frivolous.

#### 4. ASSESSMENT

- 4.1 Any complaints pursuant to this policy received by **GYMNASTICS FEDERATION OF INDIA (GFI)** will be referred to the responsible person(s) who is the first point of contact for complaints and concerns under this procedure.
- 4.2 The responsible person(s) will make an initial assessment of the Complaint to determine the nature of the concern and whether the matter relates to a Participant under **GYMNASTICS FEDERATION OF INDIA (GFI)** jurisdiction.
- 4.3 If the complaint is believed to be a criminal offence, the responsible person(s) will refer the matter to the Police and other relevant authorities and/or regulatory bodies without delay.
- 4.4 If the complaint is not considered to be a matter for the police, the responsible person(s) should:
- Refer the complaint to another organisation;
  - Proceed with an internal investigation;
  - Resolve the matter informally;
  - Dismiss the complaint as unfounded or as insufficiently serious to require any action by **GYMNASTICS FEDERATION OF INDIA (GFI)**.
- 4.5 The responsible person(s) will assess whether any of the affected parties require support and arrange for support to be provided where deemed appropriate.

#### 5. INTERIM MEASURES

- 5.1 **GYMNASTICS FEDERATION OF INDIA (GFI)** may impose interim protective measures, including the suspension of the participant where one or more of the following circumstances applies:
- The participant is believed to present a significant risk to other participants;
  - The reputation of the sport is at risk; and/or
  - The participants ongoing presence may hinder investigations.

#### 6. INVESTIGATION

- 6.1 In most cases, **GYMNASTICS FEDERATION OF INDIA (GFI)** will delay internal investigations until the outcome of a criminal proceedings is

known. Once a matter has been referred back from the police, the objective will be to conclude any investigations in a timely manner.

- 6.2 Where an internal investigation is required, the **GYMNASTICS FEDERATION OF INDIA (GFI)** shall instruct an independent investigator to carry out the investigation, in accordance with these procedures and to an appropriate timeline agreed by responsible person(s).
- 6.3 Where relevant, the investigator may request information from the police and any other relevant organizations.
- 6.4 The investigator may require written or oral representations from relevant parties, taking special care if interviewing vulnerable witnesses.
- 6.5 The investigator shall prepare a report and include all relevant evidence for consideration by the responsible person(s) who may determine that:
  - The matter is referred to an independent disciplinary panel for consideration;
  - Further investigations are instigated;
  - A risk assessment is completed;
  - Instructions, advice or guidance is provided to the relevant parties; and/or
  - No further action is taken.

## **7. DISCIPLINARY & APPEALS**

- 7.1 Any disciplinary proceedings, including the right of appeal will be conducted in accordance with the **GYMNASTICS FEDERATION OF INDIA (GFI)** regulations. The initial enquiry into the complaint would be conducted by Investigation Committee consisting 6 members including the Senior Vice President of GFI and 2 women members. The Report of the Investigation Committee would be placed before the Executive Committee of GFI for further action. The concerned complainant and the affected party has the right of appeal before the General Council of GFI.
- 7.2 The standard of proof for such proceedings is the civil standard of balance of probabilities. Consequently, **GYMNASTICS FEDERATION OF INDIA (GFI)** may seek to take disciplinary action irrespective of the outcome of any criminal proceedings.
- 7.3 **GYMNASTICS FEDERATION OF INDIA (GFI)** will provide appropriate support and guidance to ensure all participants understand the disciplinary and appeal procedures, especially if children are involved.

## **8. SANCTIONS**

Where it is determined that harassment and abuse has been committed, the Executive Committee of **GYMNASTICS FEDERATION OF INDIA (GFI)** shall impose an appropriate sanction upon the Participant.

- 8.1 The Executive Committee of **GYMNASTICS FEDERATION OF INDIA (GFI)** based on the report of the Investigation Committee may consider, singly or in combination, depending on the nature and severity of the conduct and whether there are any aggravating and mitigating circumstances the following:



- Written or verbal apology;
- Formal warning;
- Fine;
- Risk assessment;
- Training and/or supervision
- Temporary suspension
- Termination of [membership, licence, agreement or contract]; or
- Any other sanction that the Executive Committee considers appropriate in the circumstances.

8.2 Anyone who have been found to have harassed or abused another participant will have the right to appeal against the decision. Appeals must be made in writing to the General Council of **GYMNASTICS FEDERATION OF INDIA (GFI)** within a period of 60 days.

## 9. NON-RECENT INCIDENTS

- 9.1 Serious allegations of sexual abuse may be made some time after the event. Where a non- recent allegation is made, the safeguarding manager should:
- Clarify whether there is a current risk to participants; and
  - Advise the individual of their right to make a formal complaint to the Police.
- 9.2 This policy does not apply any specific limitations periods for sexual abuse and any serious allegation of non-recent abuse will be treated in accordance with these procedures.

## 10. INVOLVMENT IN CRIMINAL CASES, CONVICTIONS AND FINDINGS OF FACT

- 10.1 **GYMNASTICS FEDERATION OF INDIA (GFI)** shall establish that an incident of harassment and abuse has occurred where:
- A participant is convicted of a criminal offence; or
  - The FIG or **GYMNASTICS FEDERATION OF INDIA (GFI)** has determined that an allegation(s) of harassment or abuse against the participant is/are proven.
- 10.2 The Executive Committee of **GYMNASTICS FEDERATION OF INDIA (GFI)** having considered any representations made by the participant and any other affected parties may determine that it is appropriate to impose a sanction relating to the activities.
- 10.3 The **GYMNASTICS FEDERATION OF INDIA (GFI)** may apply the FIG sanction to some or all activities or determine its own sanction(s). Any sanction imposed by the **GYMNASTICS FEDERATION OF INDIA (GFI)** shall be subject to a right of appeal in accordance with the NF Code of Discipline/Disciplinary procedures.
- 10.4 The **GYMNASTICS FEDERATION OF INDIA (GFI)** shall take appropriate action including suspension of any Member of the Federation, Gymnast, Coach, Judge, Technical official and any other person discharging the functions of GFI, if they are involved in any criminal case.

- 10.5 The **Gymnastics Federation of India (GFI)** will expel any Member of the Federation, Gymnast, Coach, Judge, Technical official and any other person discharging the functions of GFI, if they are charged in any criminal case or convicted of an offence by a competent Criminal Court in an act involving moral turpitude.

## **11. CONFIDENTIALITY**

- 11.1 **GYMNASTICS FEDERATION OF INDIA (GFI)** recognizes the sensitive and serious nature of harassment and abuse and will strive to keep all matters relating to a complaint confidential. Information will only be disclosed to those organisations and individuals on a “need to know” basis. Anyone who is party to information involved must also ensure that confidentiality is maintained unless the information becomes a matter of public record.

## **12. RETENTION OF RECORDS**

- 12.1 Any information relating to complaints of non-accidental violence will be stored securely.
- 12.2 Any information about poor practice or complaints about harassment and abuse that may indicate that a participant in a position of trust is unsuitable to work or volunteer in the sport will be retained for as long as the participant remains active in the sport or for 10 years, whichever is longer, even if it were not possible at the time that the information was first reported to instigate any formal proceeding.
- 12.3 Any other records relating to other complaints will be retained for a period of [3 years] unless a similar complaint arises within that period.
- 12.4 Any records relating to disciplinary action taken by **GYMNASTICS FEDERATION OF INDIA (GFI)** should be retained in accordance with the retention periods set out in the Annexure to these rules by the **GYMNASTICS FEDERATION OF INDIA (GFI)**

## **13. INTERDEPENDENT/RELATED POLICIES**

The following are the key policies that are directly relevant to the provisions contained in this policy:

- Safeguarding and Protecting Children Policy
- Code of Ethics
- Safe Recruitment/Use of Criminal Record Checks
- Health, Safety & Welfare Policy
- Equality Policy
- Complaints and Disciplinary Policy
- Data Protection Policy
- Employee Handbook

## **14.0 TERMINOLOGY**

The terms used in this policy shall be interpreted as follows:

**Balance of probability** – means that it is more likely than not that a particular event or set of events occurred. This standard of proof is lower than the standard required from criminal conviction which usually requires proof beyond reasonable doubt.

**Regulated activity** – means any activities or events under the direct jurisdiction of **GYMNASTICS FEDERATION OF INDIA (GFI)**

**Risk Assessment** – shall mean the assessment of the risk posed to participants by individuals who have been alleged or proven to have committed harassment and abuse and considering the capacity of the **GYMNASTICS FEDERATION OF INDIA (GFI)** to protect participants. In more generally terms, risk assessment involves identifying ways that people can be harmed and deciding what are the reasonable steps that need to be taken to prevent that harm.

**Stakeholder** – means a person, group or organization that has interest or can affect or be affected by the policy and procedures. Key stakeholders include gymnasts, parents, clubs and coaches.