



# **NNOC/CGA ATHLETE-SAFEGUARDING POLICY AND PROCEDURES**

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## **1. Introduction and opening statement**

NNOC believes that all athletes, coaches, officials, staff and volunteers who wish to participate in sport, and in particular the sport of Olympic and Commonwealth Games, have a fundamental right to participate in a fair, safe, respectful and inclusive environment, free from all forms of harm, discrimination, abuse, violence and neglect.

The NNOC acknowledges the duty of care owed by members and national federations to protect, safeguard and promote the welfare of athletes.

The welfare of all individuals involved with NNOC is paramount. Behaviour and actions that constitute harassment and abuse will not be tolerated.

The NNOC aims to ensure that regardless of age, gender, religion or beliefs, ethnicity disability, sexual orientation or socio-economic background, all athletes participating in sport activities organised or conducted by or on behalf of members and national federations:

- do so in a safe, positive and athlete centred environment;
- do so in a nurturing environment where athletes can develop and enhance their physical and social skills and which furthers their best interests; and
- are protected from physical or mental abuse, maltreatment, violence and exploitation.

The NNOC acknowledges that some athletes, including disabled athletes and young adults or those from ethnic minority communities, can be particularly vulnerable to abuse.

All forms of harassment and abuse constitute a violation of the IOC Code of Ethics.

The NNOC recognizes that the prevention of harassment and abuse in sport requires a systematic and coordinated approach both nationally and internationally. This includes working with the Namibian statutory authorities, International Federations and the NNOC members to safeguard the participants in sport.

The NNOC, guided by the IOC Safeguarding Toolkit and the IOC Consensus Statement of 2007 and 2016, and in collaboration with the Namibia Athletes Commission, has developed its own Safeguarding Policy designed to protect everyone who takes part in sport.

This Policy is recognized and approved by the NNOC executive board and communicated and implemented throughout the NNOC.

## **2. The purpose of the policy:**

The Policy is intended to safeguard all athletes who are linked to the NNOC whether directly (e.g. NNOC delegation) or indirectly (e.g. athletes under your national federations). The policy assists the NNOC to effectively receive and manage reports of harassment and abuse that fall within the scope of the Policy.

The purpose of the policies and procedures are to safeguard athletes; protect the integrity of sport and sport organisations; protect those working within sport; and promote the values of safe sport.

The Policy assists coaches and athlete representatives in dealing with disclosures of harassment and abuse by athletes; lessen the risk of athletes suffering harassment and abuse, and thus the negative effects on athlete development.

### **3. The objectives of the policy**

-Ensure everyone in sport understands and that all forms of harassment and abuse are unacceptable and will not be tolerated.

-Enable anyone who has witnessed or experienced harassment or abuse within sport to report the incident without fear of victimisation or retaliation.

-Ensure an appropriate and co-ordinated response to any incidents of harassment or abuse within or connected to participation in sport, irrespective of whether they arise at local, national or international level.

-Implement effective measures that minimise the likelihood of incidents of harassment and abuse arising.

-Ensure all reasonable steps are taken during the recruitment of staff and volunteers to prevent unsuitable individuals from working in sport.

The NNOC Policy on safeguarding participants from harassment and abuse aims to:

- a) Provide a framework for promoting the prevention of harassment and abuse
- b) Raise awareness of, and provide clarity on, what constitutes harassment and abuse
- c) Outline the process for reporting incidents and case management of harassment and abuse

Thereby promoting a safe environment of all involved in sport.

### **4. Definitions:**

Harassment and abuse can be expressed in six forms which may occur in combination or in isolation. These include i) Psychological abuse ii) Physical abuse iii) Sexual harassment iv) Sexual abuse v) Neglect, and vi) Commercial exploitation.

These forms of abuse are defined here as:

- i. **Psychological abuse** - means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, threatening, scaring, discriminating, ridiculing, infantilisation, or any other treatment which may diminish the sense of identity, dignity, bullying (including cyber bullying) and self-worth. (Deliberate and prolonged repeated behaviour usually of a person in authority.)
- ii. **Physical abuse** - means any deliberate and unwelcome act – such as for example hitting, shaking, poisoning, drowning, burning, punching, beating, kicking, biting and burning – that causes physical trauma or injury. Such act can also consist of forced or inappropriate physical activity (e.g. age-, or physique-inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.
- iii. **Sexual harassment** - any unwanted and unwelcome conduct of sexual nature, whether verbal, non-verbal or physical. Sexual harassment can take the form of sexual abuse.
- iv. **Sexual abuse** - any conduct of sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given. This may include, but is not limited to, rape, oral sex, masturbation, kissing, rubbing and touching.
- v. **Neglect** - within the meaning of this document means the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be cause, or creating an imminent danger of harm.

(Failure to meet a person's physical and emotional needs when the knowledge and means and access to success to do so exists. Exposing a person to risk.)

- vi. **Commercial exploitation** - exploiting an athlete in work or other activities for the benefit of others and to the detriment of the athlete's physical or mental health, education, moral or social-emotional development.

This policy incorporates the definitions from the IOC Consensus Statement 2016;

Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age disability, socio-economic status and athletic ability. It can include a once-off incident or a series of incidents. It may be in-person or online. Harassment may be deliberate, unsolicited and coercive.

Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

#### **5. To whom the policy applies to:**

Any individual who: (a) currently is, or was at the time of a possible violation, within the governance or disciplinary jurisdiction of the NNOC or who is seeking to be within the governance or disciplinary jurisdiction of the NNOC (e.g. through application for membership) , (b) is an athlete, or non-athlete participant that the NNOC formally authorises, approves or appoints to a position of authority over athletes or to have frequent contact with athletes or (c) the NNOC identifies as being within the office's jurisdiction.

NNOC member federations, volunteers and staff are bound by the principles of this Policy and are deemed to have agreed to comply with this Policy.

#### **6. When the policy applies:**

The organisational policy is in place all year round including any competition specific to a NNOC delegation, specific competition as well as organization wide safeguarding which applies to all of the stakeholders / member associations.

#### **7. The reporting procedure:**

The NNOC members must report immediately to the NNOC any case of non-accidental harm, discrimination, bullying, harassment, abuse, violence, neglect and commercial exploitation that they have been aware of, as well as any sanctions given to any of their members, and if needed could request help from the NNOC Safeguarding Officer and/or the Namibia Athletes Commission.

#### **How to report harassment and abuse to the NNOC?**

-Anyone can report any incident or concerns to the NNOC Safeguarding Officer who is the only appropriate person as set out in this policy;

-The Safeguarding policy and form are available on the NNOC website and accessible to all;

-The NNOC provides a confidential reporting system and believes it is important for anyone who has concerns to speak out early in order to prevent and stop any damages inflicted on anyone;

-The whistle blower has a right to conserve his/her anonymity and all the information he/she gives to the NNOC Safeguarding Officer is strictly confidential;

-The report can be freely made by any means. However, the NNOC strongly recommends the whistle blower completes the report form provided in Appendix A of this policy and sends by email ([safeguarding@olympic.org.na](mailto:safeguarding@olympic.org.na)) the completed form to the NNOC Safeguarding Officer;

-In case of non-use of the report form, it is very important that the whistle blower provides the following information, if possible: a) Name, age, nationality and email address of the victim; b) the nature of the violation, c) a summary of the incident with as much details as possible;

-All the information, provided by the whistle blower, shall be kept by the NNOC Safeguarding Officer and is considered confidential. In the event the harassment or abuse is a criminal offence, the NNOC Safeguarding Officer must share the information collected with the relevant authorities in accordance with the applicable law;

-In case of any report to the relevant authorities, the applicable law will be the national law of the country where the incident happened;

## **8. The Safeguarding Officer**

When a safeguarding complaint or concern arises, the NNOC Safeguarding Officer will consider the case.

**The NNOC Safeguarding Officer should be trained and experienced in the field of safeguarding from harassment and abuse, and his/her responsibilities should in particular,** include playing a central role in: (i) the reporting and investigation procedures, (ii) determining whether information of a case should be disclosed to the competent local authorities, and (iii) providing support to any concerned persons throughout the reporting and investigation procedures.

The NNOC Safeguarding Officer is the person who receives the reports and is responsible for the case management of reports.

The NNOC Safeguarding Officer must keep a database of cases and make sure this information is transferred to the next safeguarding officer should he/she be replaced.

-The NNOC Safeguarding Officer undertakes to respect the confidentiality of all the information received at any phase of the procedure;

-The NNOC Safeguarding Officer may share, on a “need to know basis” only and may use the confidential information in cases where the disclosure is necessary to protect someone from the non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect that is being suffered.

**-The NNOC executive board appoints the NNOC Safeguarding Officer, however the NNOC Safeguarding Officer will operate independently from the NNOC board and is at arm’s length to the NNOC to ensure impartiality of dealing with all reports.**

The NNOC Safeguarding Officer have the following role and duties:

- a) To be the main point of contact for anyone reporting suspected non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect at any time;
- b) To be the main point of contact for the NNOC member about any request concerning the safeguarding policy or safeguarding matters;
- c) To manage the reporting and investigation procedure set out in this policy;

- d) To provide, if requested, a support to anyone who reports a case of possible non-accidental harm, discrimination, bullying, harassment, abuse, violence and neglect and/or to anyone who has been the subject of harassment and abuse.
- e) To implement and uphold the NNOC Safeguarding Policy;
- f) To respect confidentiality;
- g) In case of suspicion of a criminal offense; it is not appropriate for the NNOC Safeguarding Officers to investigate. They shall immediately contact the relevant authorities, in accordance with the applicable law;
- h) To conduct an investigation gathering and assessing available evidence and information;
- i) Where NNOC rules and in particular this policy have been breached, the NNOC Safeguarding Officer shall inform the NNOC judicial body in order to engage in the disciplinary or ethical procedure;

-Safeguarding officers have an overriding obligation to protect children or adults with mental disability at risk of harm and may therefore share information as appropriate with third parties.

-Should the NNOC Safeguarding Officer discover he/she is connected, or have an interest in any referral case which would disqualify him/her from participating in any matters relating to that particular case, he/she must recuse him/herself as a safeguarding officer.

#### **9. Safeguarding principles:**

1. Any issue arises in relation to the protection, safeguarding or welfare of children or vulnerable adults shall be the paramount consideration.
2. Unless the determination finds no, or an insignificant risk, effective steps must be taken to manage or reduce the risk.
3. Individuals about whom there are concerns should be treated fairly and honestly and should be provided with support throughout the process.
4. The assessment of risk involves consideration of the actual or potential harm that an individual may pose to children or vulnerable adults.

-A prompt and appropriate response will ensure that the situation is not perpetuated and that all individuals involved are clear on issues and actions to be taken.

-Allegations against a staff member would normally result in suspending the staff member from their employment/position immediately subject to investigation of the issue. Such suspension will be done in writing. If the allegation is a criminal issue, this should be reported to the formal authorities before acting or informing the alleged perpetrator.

-Internal investigations should be conducted by person(s) with the skills to do so. The investigation should involve interviews of all parties involved including witnesses to gather all relevant details of the allegation.

-Appropriate disciplinary measures as outlined in the relevant documents should be taken if the allegation is found to be true. If the allegation is found to be without base, appropriate steps should be taken to minimise damage to the reputation of the individual accused.

-Internal investigations related to allegations of criminal behaviour should be discussed with the formal authorities prior to embarking on this course of action to ensure that the organisation does not compromise the formal investigation.

-Support and counselling should be made available for those involved in the report and response.

-Serious allegations of sexual abuse may be made some time after the event. Where a non-recent allegation is made, the NNOC Safeguarding officer(s) should:

- i. Clarify whether there is a current risk to participants; and
- ii. Advise the individual of their right to make a formal complaint to the police.

This policy does not apply any specific limitations periods for sexual abuse and any serious allegation on non-recent abuse will be treated in accordance with these procedures.

#### **10. Disciplinary procedure, measures and sanctions**

In the event of non-accidental harm, discrimination, harassment, abuse, violence and neglect the Judicial Panel of the NNOC will be the only relevant body to sanction or punish any kind of infraction of the NNOC Safeguarding Policy;

All cases of harassment and abuse where an offence has occurred, will be referred by the NNOC Safeguarding Officer to the NNOC Judicial Panel.

These sanctions can only be taken during the disciplinary procedure if they respect the principle of impartiality, right of defence and equality.

If an allegation is made against someone the following should occur in line with the applicable law:

-Notice should be provided to the individual/individual concerned.

-The right/opportunity to be heard should be offered before any measure or sanction is applied.

The NNOC Constitution makes provision for the NNOC Judicial Panel which is appointed by the NNOC Board.

The members of the NNOC Judicial Panel cannot be the NNOC Safeguarding Officer; and shall not have any personal involvement with any case referred to them for adjudication or any connection with any of the parties involved in such matter.

In case of non-accidental harm, discrimination, harassment, abuse, violence and neglect which is a criminal offence in accordance with the applicable law, the disciplinary procedure will start after any sanction taken by the relevant authorities;

Where a matter is referred to a NNOC Judicial Panel, the panel shall be entitled to deal with the matter procedurally as it considers appropriate, provided that the parties concerned are aware of the case against them and are afforded a reasonable opportunity to make representation and present their case. For the avoidance of doubt, the NNOC Board shall have the right to be represented and shall be entitled through its nominated representative to make submissions during any proceedings conducted by the NNOC Judicial Panel.

The NNOC judicial panel is only allowed to take sporting sanctions after any other sanctions taken by the relevant authorities;

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

- The nature of the violation;
- The severity of the violation;
- The number of the violation (is it a first offence or one of several)
- The abused or harassed person (young, impaired or adult participant);



- The relationship between the abused or harassed person and the abuser or harasser;
- Any other relevant circumstances;

The Judicial Panel of the NNOC can take the following sanctions and measures 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
- Risk assessment
- Training and/or supervision
- Temporary suspension
- Termination of membership, licence, agreement or contract
- Financial sanction
- Competition ban
- Banishment of any national federation
- Any other sanction that the NNOC Judicial Panel considers appropriate in the circumstances will be referred to the NNOC Executive Board for final approval.

The decision of the NNOC Judicial Panel shall, subject to the right of appeal, be final and binding. Any punishment or penalty imposed by the NNOC Judicial Panel shall not, ordinarily, take effect until the period allowed for an appeal (as per NNOC regulation 24.7.2) has elapsed or the appeal has been determined. Any appeal to be valid must be lodged within 14 days of the written decision of the NNOC Judicial Panel. The decision of the NNOC Judicial Panel may be published by the NNOC Executive Board.

#### **11. Criminal convictions and findings of fact**

The NNOC shall establish that an incident of harassment and abuse has occurred where:

- A NNOC participant is convicted of a criminal offence; or
- The IOC / CWG, or another recognized regulatory body has determined that an allegation(s) of harassment or abuse against a NNOC participant is/are proven.
- The NNOC Judicial Panel 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 NNOC activities.

**APPENDIX A)**

The reporting form

<b>FORM FOR REPORTING CONCERNS</b>	
<b>Whistle Blowers Information</b>	
Name	
Age / Date of Birth	
Nationality	
Physical Address	
Telephone	
E-Mail Address	
Relationship to the victim	
Position on harassment:	<input type="checkbox"/> Witness <input type="checkbox"/> Someone reported you <input type="checkbox"/> Victim <input type="checkbox"/> Other (specify)
<b>Victim's Information</b>	
Name	
Age / Date of Birth	
Nationality	
Physical Address	
Telephone	
E-Mail Address	
Victim is:	<input type="checkbox"/> Athlete <input type="checkbox"/> Staff <input type="checkbox"/> Volunteer <input type="checkbox"/> Official <input type="checkbox"/> Other (specify)
Other information (Young athlete, impaired athlete...)	

Detail of the harassment or abuse	
Nature of the incident:	<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"/> Commercial exploitation <input type="checkbox"/> Other (Specify)
Date, time, place, country of the incident	
Information about the harasser or abuser if possible (identity, contact...)	
The incident is:	<input type="checkbox"/> Suspicion of harassment or abuse <input type="checkbox"/> Recognised harassment or abuse
Explication of the incident (as accurate as possible)	
Any action taken before the report (relevant authorities):	<input type="checkbox"/> Yes (specify which one) <input type="checkbox"/> No
Other information	
All information in this document is strictly confidential.	