

Atletismo Sudamericano – Safeguarding Rules

These Safeguarding Rules are based on a risk assessment of an individual being carried out prior to a sanction being imposed by Atletismo Sudamericano. The intention of having a risk-based approach is to provide a trauma informed setting for sanctions to be imposed appropriately, transparently and proportionately.

Atletismo Sudamericano establishes a Case Management Group (“CMG”) to assess, review and decide on cases which are referred to them. The CMG should be made up of three to five individuals who are able to carry out risk assessments on cases which arise in the territory of Atletismo Sudamericano. At least three people (minimum) will be involved in making any decisions. The CMG members will need to know and understand the sport of athletics and how it is managed in the territory of Atletismo Sudamericano. Members of the CMG should therefore be appointed by Atletismo Sudamericano’s Executive Board among its trained Safeguarding Officials and other people ideally from social care, probation, police, legal or similar backgrounds with previous experience of this type of work can also be appointed.

The role of the CMG is to assess cases where safeguarding measures or a sanction are being considered by Atletismo Sudamericano because they are of a level of seriousness which warrants such action. The members of the CMG may be required to meet urgently to consider interim safeguarding orders or immediate provisional safeguarding measures. They may need to discuss such matters either over the telephone, remotely via appropriate platforms, or by email to make a decision on the required sanction to be imposed.

1. General

Atletismo Sudamericano is committed to protecting everyone from Abuse, Harassment and Exploitation as defined in Atletismo Sudamericano’s Safeguarding Policy, ensuring everyone is treated with dignity and respect.

These Safeguarding Rules are aimed at protecting the welfare of those to whom Atletismo Sudamericano’s Safeguarding Policy applies from Abuse, Harassment and Exploitation and to establish procedures for concerns, suspicions or allegations.

Safeguarding means the measures taken to protect individuals from Abuse, Harassment and Exploitation. A Safeguarding Concern is any Prohibited Conduct (as defined in Rule 3 below) or any concern, incident, suspicion, action, behavior or failure to act in a way which has caused or which causes or which may cause Abuse, Harassment or Exploitation of an adult or child.

A Safeguarding Order is a measure to safeguard, limit and/or restrict (including but not limited to a suspension) an individual’s from all or any specific Athletics activity for such period and on such terms and conditions as considered appropriate as determined by the Case Management Group (as defined in Rule 4 below in accordance with these Safeguarding Rules).

It should be noted that from time-to-time World Athletics may request information from Atletismo Sudamericano in relation to a particular matter which falls under the scope of these Rules and Atletismo Sudamericano will provide such information accordingly.

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2. Scope

These Rules shall apply to the following:

- members of staff of Atletismo Sudamericano;
- officials on the Board of Atletismo Sudamericano;
- anyone who volunteers for Atletismo Sudamericano;
- coaches and other individuals who are part of an athlete's entourage or athlete support staff including managers, medical personnel and family members; and
- anyone else who agrees in writing to be bound by these Rules for example those attending events or competitions arranged by Atletismo Sudamericano or training sessions at Area Development Centers.

These individuals are referred to in these Rules as "Participants".

All Participants are bound by these Rules and agree:

- not to engage in prohibited conduct as described in section 3 below;
- to comply with the Atletismo Sudamericano's relevant Code(s) of Conduct;
- to comply with World Athletics' Safeguarding Policy;
- to comply with Atletismo Sudamericano's Safeguarding Policy;
- to be bound by the terms of these Rules even after they are no longer a Participant in so far as any obligations may continue to exist or for any matters that may arise after they are no longer a Participant but occurred during a period whilst they were a Participant.

It is every Participant's responsibility to understand and comply with the requirements of these Rules. Ignorance of these Rules is no defense to proceedings for violation of them.

3. Prohibited Conduct

The conduct set out below is prohibited:

- Abuse, Harassment or Exploitation (as defined in Atletismo Sudamericano's Safeguarding Policy);
- any criminal offence or breach of any other applicable laws or regulations which would give rise to a Safeguarding Concern;
- anything which constitutes a breach of World Athletics' Safeguarding Policy or Atletismo Sudamericano's safeguarding policy or codes of conduct;
- knowingly making or encouraging someone else to make, a false or misleading report of possible Prohibited Conduct is a breach of these Safeguarding Rules and will be dealt with in the same way as any other Prohibited Conduct;
- abuse of process and or breach of confidentiality in relation to a Safeguarding Concern;
- failing to comply with any Safeguarding Order;
- failure to report any Safeguarding Concern in accordance with Atletismo Sudamericano's Safeguarding Policy; and/or
- assisting, aiding, abetting, conspiring, covering up or engaging in any behavior which might involve a breach or attempted breach of these Rules whether or not such attempt in fact results in a breach.

Prohibited Conduct may be a criminal offence and/or a breach of other applicable laws. These Rules are intended to supplement such legislation with further rules of conduct for those involved in the sport of Athletics. These Safeguarding Rules are not intended to and should not be interpreted to prejudice or

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undermine in any way the application of such laws and regulations which must be complied with at all times. Conduct may be criminal in one territory of Atletismo Sudamericano but not another; this will not prevent Atletismo Sudamericano from taking action under these Rules if the conduct is considered to be Prohibited Conduct as outlined above. Atletismo Sudamericano will consider whether any prohibited conduct should (or must) be referred to the local law enforcement agency.

4. Case Management Group (“CMG”)

Atletismo Sudamericano will establish a CMG with at least 3 (three) members, which will meet as often as is necessary and will fulfill the functions set out below, explaining its purpose and role as well as outlining how often the CMG will meet, the format of the meeting and the individuals involved. The CMG can meet either in person, via email, remote platforms, by telephone or a hybrid of any of these and may have to do so quickly to consider urgent matters.

The role of the CMG is:

- To impose interim Safeguarding Orders pursuant to Rule [6] below;
- To review and ratify interim Safeguarding Orders which remain in place for six months pursuant to Rule [6] below;
- To review investigations and representations from the individual who is the subject of an investigation pursuant to Rule [6] below;
- To request further information to be provided or further investigations to be made pursuant to Rule [6] below;
- To determine all procedural matters for the conduct of any case it is considering pursuant to Rule [6] below;
- To make decisions in relation to Exceptional Material pursuant to Rule [6] below as defined in that Rule; and
- To make final Safeguarding Orders or other orders and/or sanctions pursuant to Rule [6] below.

The CMG has the power to impose an interim Safeguarding Order on a Participant alleged to have engaged in Prohibited Conduct prior to an investigation being conducted if Atletismo Sudamericano Safeguarding Officer or the CMG believe that the Participant poses an immediate risk of harm to others in Athletics. In determining whether an interim Safeguarding Order should be made the CMG shall give consideration to, inter alia, the following factors:

- Whether an individual or individuals are or may be at an immediate risk of harm;
- Whether the matters are of a serious nature; and/or
- Whether a Safeguarding Order is or other orders are necessary or desirable to allow the conduct of any investigation to proceed unimpeded having regard to the need for any Safeguarding Order or other order to be proportionate.

If the CMG subsequently becomes aware of further information which needs to be assessed prior to, or whilst the matter being considered by the CMG they may amend or remove the application for any interim Safeguarding Order or other orders.

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The CMG will consider all instances of potentially Prohibited Conduct, whether any Safeguarding Orders should be imposed and any applications from individuals requesting their Safeguarding Order be varied or lifted.

Minutes of all meetings and decisions of the CMG will be kept securely and confidentially for at least ten years whether in written or digital format.

5. Investigations and Risk Assessment

If Atletismo Sudamericano is made aware of any Participant engaging in Prohibited Conduct and there are reasonable grounds to believe that the conduct has occurred, the matter will be investigated. In each case, Atletismo Sudamericano will appoint a Safeguarding Officer from the members of the CMG who must be independent of the incident to investigate.

The Participant must provide any information requested by the Safeguarding Officer. On occasion and if appropriate, a Participant may be interviewed (in person or online) to obtain information directly from them.

The Participant must be provided with details which Atletismo Sudamericano or the CMG has gathered following any investigation that may have been carried out and asked to respond to the concerns, allegations or questions raised because of the investigation. The Participant will be provided with the information to be relied on by the CMG to make a risk assessment. Such information must be kept confidential by the Participant and may only be shared with professional advisors if necessary to do so.

The Participant will be given an opportunity to respond to the concerns following receipt of the information to be relied on by the CMG. Following receipt of the response from the Participant all the information will be put to the CMG to review and decide on the appropriate course of action.

6. Provisional Safeguard Orders and Immediate Interim Provisional Safeguard Measures

The CMG has the power to impose an interim Safeguarding Orders on a Participant who may have engaged in Prohibited Conduct. When considering whether to impose an interim Safeguarding Order on someone who is considered a potential risk of harm to others involved in athletics, the CMG may only consider information provided to the Participant and their response.

The CMG has the power to keep an interim Safeguarding Order already imposed in place. If there is an interim Safeguarding Order in place, it may be that the terms of the interim Safeguarding Order are varied to ensure the appropriate safeguarding measures remain in force.

An interim Safeguarding Order may be one of the following:

- removal from some or all athletics events (including competitions, training, governance roles, social activities, club activities, team and/or media occasions) either for an interim period, a set period of time or an indeterminate period;
- training or education requirement(s); or
- any other safeguarding measure which is appropriate to the situation.

An interim Safeguarding Order may be imposed when Atletismo Sudamericano is notified that a Participant:

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- has been charged with a criminal offence;
- is being or has been investigated by law enforcement or any other authority relating to social care of children or adults;
- has been convicted of an offence or been warned about behavior which would potentially harm an individual; and/or
- has behaved in such a way that may be considered to be a potential risk to anyone involved in athletics.

An interim Safeguarding Order must be reasonable, proportionate to the conduct that has been alleged and take the following into account:

- whether any Participant or any other person is, or may be, at risk of harm;
- the seriousness of the conduct alleged to have been committed;
- the potential risk of harm the Participant poses to others, both within the athletics' community and the wider population;
- whether a Sanction is necessary or desirable to allow an investigation to be undertaken by Atletismo Sudamericano, the police or any other relevant agency or authority to proceed unimpeded having regard for the need for any Sanction to be proportionate; and
- any other relevant circumstances.

In considering whether to impose an interim Safeguarding Order or not the above criteria should be assessed, a note made of the decision and the basis of the criteria upon which the interim Safeguarding Order has been imposed.

When the interim Safeguarding Order has been imposed the Participant must be informed of:

- the decision;
- the reasons for its imposition;
- the terms;
- the date it takes effect;
- when it ends (if an end date has been prescribed or if it will remain in place until the end of an investigation, when that will be considered to have ended); and
- the right to appeal against the Safeguarding within 21 days of the date of the Sanction.

The details of the Safeguarding Order must be sent to the Participant's club, Member Federation and any other agencies, authorities or individuals who it is believed should be made aware of the Safeguarding Order to ensure its enforcement.

7. Decisions

Any decisions by the CMG will be made in writing and sent to all the parties involved. The decision must contain at least:

- the decision;
- the reasons for its imposition;
- the terms;
- the date it takes effect; and
- the right to appeal against the Safeguarding within 21 days of the date of the Sanction.

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Only in very extreme cases will the decision be made public. Any agencies and individuals who need to know the decision will be informed of the outcome of the matter with clear rules about confidentiality and disclosure of the information.

If the Participant is exonerated of all the allegations, then the decision may only be made public with the consent of the Participant who is the subject of the decision. The fact that the allegation has been dismissed may be made public.

It may be necessary to share the decision with other authorities or agencies if Atletismo Sudamericano is required to inform another authority as a result of local legislation. There may be other authorities who need to be made aware of the outcome of the hearing even if the decision is not to sanction the individual but to put other safeguards in place.

Atletismo Sudamericano may be required to inform the relevant Member Federations and World Athletics about any Sanction imposed.

If World Athletics requests the decision from Atletismo Sudamericano it must be sent to World Athletics by Atletismo Sudamericano together with any further information requested around the matter.

8. Appeals

A decision of the CMG may be challenged by way of an appeal by Atletismo Sudamericano or the Participant who is the subject of the CMG's decision. The decision of the CMG will remain in place whilst any appeal is being considered.

For the avoidance of doubt an appeal may be brought by either Atletismo Sudamericano or the Participant against a decision of the CMG to impose an interim Safeguarding Order and again following a final decision of the CMG to impose a Safeguarding Order for a set period of time or an indefinite period.

In accordance with the Statute of Atletismo Sudamericano, appeals are submitted to the Court of Arbitration for Sport, based in Lausanne, Switzerland, following the procedure of the Code of Arbitration for Sport. The language of the proceedings shall be Spanish or English. The appeal must be lodged with the said Court of Arbitration for Sport within 21 (twenty-one) days of notification of the decision.

The original decision may be upheld or a new decision may be issued to replace the original decision either increasing or decreasing the original Safeguarding Order or the matter may be referred back to the CMG for further consideration.

If the Safeguarding Order is lifted or varied at the Appeal instance or referred back to the CMG, the Participant must be notified and all those who have previously been informed of its existence shall be informed of its variation or lifting within 15 days of this occurrence.

The decision of the Court of Arbitration for Sport is final and binding on all parties.