

## Asian Athletics Safeguarding Rules

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### 1. **General**

- 1.1 Asian Athletics is committed to protecting everyone from Abuse, Harassment and Exploitation (as defined in Asian Athletics Safeguarding Policy ("**Asian Athletics Safeguarding Policy**")), ensuring everyone is treated with dignity and respect.
- 1.2 These Safeguarding Rules ("**these Rules**") are aimed at protecting the welfare of those to whom Asian Athletics Safeguarding Policy applies from Abuse, Harassment and Exploitation and to establish procedures for concerns, suspicions or allegations to be dealt with.
- 1.3 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, behaviour 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.
- 1.4 A Safeguarding Order, including an Interim Safeguarding Order (as defined in Rule 4.2(f) below) and a Final Safeguarding Order (as defined in Rule 4.2(k) below) is a measure to safeguard, limit and/or restrict (including but not limited to a suspension) an individual from all or any specific athletics activity for such period and on such terms and conditions as considered appropriate as determined by the Asian Athletics Legal and Ethics Commission ("**the Legal and Ethics Commission**") or the Safeguarding Officer (as defined in Rule 5.1 below) in accordance with these Rules.
- 1.5 It should be noted that from time-to-time World Athletics may request information from Asian Athletics in relation to a particular matter which falls under the scope of these Rules and Asian Athletics will provide such information accordingly.

### 2. **Scope**

- 2.1 These Rules shall apply to the following:
  - (a) members of staff of Asian Athletics;
  - (b) members of the Council of Asian Athletics ("**Asian Athletics Council**");
  - (c) members of Asian Athletics Committees, Commissions, Working-groups or Panels;
  - (d) anyone who volunteers for Asian Athletics;
  - (e) athletes participating in or accredited at an event or competition staged or organized by Asian Athletics or staged or organized by a Member Federation of Asian Athletics and its local organizing committee ("**LOC**") under the auspices of Asian Athletics, for example, Asian Athletics Championships, Asian Athletics Cross Country Championships etc. ("**Asian Athletics Competition**");
  - (f) coaches and other individuals who are part of a participating or accredited athlete's entourage or athlete support staff including managers, medical personnel, authorized representative and family members of such persons in an Asian Athletics Competition;
  - (g) officials, judges, delegates and volunteers of an Asian Athletics Competition;
  - (h) anyone who is accredited at an Asian Athletics Competition;

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- (i) persons attending or participating, teaching or coaching in a meeting, conference, gathering, training/education seminars or events arranged, provided or organized by Asian Athletics or under the auspices of Asian Athletics;
- (j) persons attending or participating, teaching or coaching in a training session at an Asian Area Development Centre; and
- (k) anyone who agrees in writing to be bound by these Rules

These individuals are referred to in these Rules as “**Participants**”.

2.3 All Participants are bound by these Rules and agree:

- (a) not to engage in prohibited conduct as described in Rule 3 below;
- (b) to comply with the Asian Athletics’ relevant Code(s) of Conduct;
- (c) to comply with World Athletics’ Safeguarding Policy;
- (d) to comply with Asian Athletics Safeguarding Policy;
- (e) to be bound by the terms of these Rules when they are a Participant and even after they are no longer a Participant for any matters occurred during the time whilst they were a Participant.

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

### 3. Prohibited Conduct

3.1 The conduct set out below is prohibited:

- (a) Abuse, Harassment or Exploitation (as defined in Asian Athletics Safeguarding Policy);
- (b) any criminal offence or breach of any other applicable laws or regulations which would give rise to a Safeguarding Concern;
- (c) anything which constitutes a breach of World Athletics’ Safeguarding Policy or Asian Athletics Safeguarding Policy or Code(s) of Conduct;
- (d) knowingly making or encouraging someone else to make, a false or misleading report of possible Prohibited Conduct is a breach of these Rules and will be dealt with in the same way as any other Prohibited Conduct;
- (e) abuse of process and or breach of confidentiality in relation to a Safeguarding Concern;
- (f) failing to comply with any Safeguarding Order (including Interim Safeguarding Order and Final Safeguarding Order; and/or
- (g) assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Rules whether or not such attempt in fact results in a breach.

3.2 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 Rules are not intended to and should not be interpreted to prejudice or 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 Asia but not another; this will not prevent Asian Athletics from taking action under these Rules if the conduct is within its jurisdiction and is considered to be Prohibited Conduct as outlined above.

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Asian Athletics will consider whether any Prohibited Conduct should (or must) be referred to the local law enforcement agency.

### 4. Legal and Ethics Commission

- 4.1 The Legal and Ethics Commission will be responsible for dealing with Safeguarding matters which are under Asian Athletics' jurisdiction as described in the Asian Athletics Safeguarding Policy. The Legal and Ethics Commission can meet either in person, via email, remote platforms, electronically, by telephone or a hybrid of any of these and may have to do so quickly to consider urgent matters.
- 4.2 The Legal and Ethics Commission shall have the following powers and these powers will be included in its Terms of Reference
- (a) To investigate any allegation of a Safeguarding Concern pursuant to Rule 6 below;
  - (b) to investigate, review investigations and representations from a Participant pursuant to Rule 6 below;
  - (c) to appoint and instruct any appropriate person or agent to investigate any allegation of a Safeguarding Concern pursuant to Rule 6 below;
  - (d) to request information to be provided by a Participant pursuant to Rule 6 below;
  - (e) to hold any hearing for the purpose of investigation or obtaining details and information from a Participant pursuant to Rule 6 below;
  - (f) to impose interim Safeguarding Orders ("**Interim Safeguarding Orders**") with or without investigation pursuant to Rule 7 below;
  - (g) to review and amend, remove or lift Interim Safeguarding Orders as it considers necessary or which remain in place for six months pursuant to Rule 7 below;
  - (h) to determine all procedural matters for the conduct of any case it is considering pursuant to Rule 6 below;
  - (i) to delegate its powers to the Safeguarding Officer appointed for an Asian Athletics Competition pursuant to Rule 5 below;
  - (j) to review, keep, ratify, vary and revoke Interim Safeguarding Orders made by it or by the Safeguarding Officer pursuant to Rule 7 below; and
  - (k) to make final Safeguarding Orders or other orders and/or sanctions ("**Final Safeguarding Orders**") pursuant to Rule 8 below.

### 5. Safeguarding Officer

- 5.1 With the approval of Asian Athletics Council, the Legal and Ethics Commission may delegate some of its powers to one or two Safeguarding Officers specifically appointed for an Asian Athletics Competition ("**Safeguarding Officer**").
- 5.2 In the event that such a delegation is made, it should be considered but not mandatory that two (2) Safeguarding Officers shall be appointed for the Asian Athletics Competition, one being a member of the Legal and Ethics Commission or any other person selected by Asian Athletics Council or the Legal and Ethics Commission, and the other being the safeguarding officer of the Member Federation hosting/holding the Asian Athletics Competition or such other appropriate

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person nominated by that Member Federation or the LOC and accepted by Asian Athletics Council or the Legal and Ethics Commission.

- 5.3 The powers which may be delegated by the Legal and Ethics Commission mentioned above shall include all the powers of the Legal and Ethics Commission mentioned in Rule 4.2 (a) to (h) above.
- 5.4 When 2 Safeguarding Officers are appointed, they shall act and make their decision jointly and in case of any dispute between them, they can refer the matter to the Legal and Ethics Commission for guidance or resolution of the dispute.
- 5.5 The decision of the Safeguarding Officer made pursuant to these Rules shall be regarded as a decision of the Legal and Ethics Commission.

### **6. Investigations and Risk Assessment**

- 6.1 If Asian Athletics 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. The Legal and Ethics Commission and the Safeguarding Officer may appoint an appropriate person or persons to investigate the incident and such person or persons must be independent of the incident.
- 6.2 As part of the investigation, the Participant must provide any information and answer any question requested by the Legal and Ethics Commission, the Safeguarding Officer and any person carrying out investigation on their behalf about the conduct which has raised concerns. On occasion and if appropriate, a Participant may be interviewed (in person or online) to obtain information directly from them.
- 6.3 Following such investigation, the Legal and Ethics Commission and the Safeguarding Officer may ask the Participant and the Participant will be given an opportunity to respond, in writing or at a hearing as decided by the Legal and Ethics Commission or the Safeguarding Officer to the concerns, allegations or questions in which case, the Participant must be provided with details and information which the Legal and Ethics Commission or the Safeguarding Officer has gathered or which will otherwise be relied on by the Legal and Ethics Commission or the Safeguarding Officer. Such details and information must be kept confidential by the Participant and may only be shared with professional advisors if necessary to do so.
- 6.4 Following receipt of the response from the Participant, all the information will be put to the Legal and Ethics Commission or the Safeguarding Officer to review and decide on the appropriate course of action.

### **7. Interim Safeguarding Orders and Immediate Provisional Safeguarding Measures**

- 7.1 The Legal and Ethics Commission and the Safeguarding Officer have the power to impose an Interim Safeguarding Order on a Participant who may have engaged in Prohibited Conduct

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with investigation but if the Legal and Ethics Commission or the Safeguarding Officer believes that the Participant poses an immediate risk of harm to others in athletics, such Interim Safeguarding Order may be imposed without investigation.

- 7.2 An Interim Safeguarding Order may also be imposed by the Legal and Ethics Commission or the Safeguarding Officer when Asian Athletics is notified that a Participant:
- (a) has been charged with a criminal offence which would potentially give rise to a Safeguarding Concern;
  - (b) is being or has been investigated by law enforcement or any other authority relating to social care of children or adults;
  - (c) has been convicted of an offence or been warned about behaviour which would potentially give rise to a Safeguarding Concern; and/or
  - (d) has behaved in such a way that may be considered to be a potential risk to anyone involved in athletics.
- 7.3 In determining whether an Interim Safeguarding Order should be imposed, the Legal and Ethics Commission and the Safeguarding Officer shall give consideration to, inter alia, the following factors:
- (a) whether an individual or individuals are or may be at an immediate risk of harm;
  - (b) whether the matters are of a serious nature; and/or
  - (c) whether a Safeguarding Order or other orders are necessary or desirable to allow the conduct of any investigation to proceed unimpeded having regard to the need for such Safeguarding Order or other orders to be proportionate.
- 7.4 An Interim Safeguarding Order may be one or more of the following:
- (a) suspension or removal from some or all athletics events (including competitions, training, governance roles, attendance and participation in meetings of Council, Committees, Commissions, Working Groups and Panels, social activities, activities of Asian Athletics, Regional Association or Member Federation, team and/or media occasions) either for an interim period, a set period of time or an indeterminate period;
  - (b) training or education requirement(s); or
  - (c) any other safeguarding measure which is appropriate to the situation.
- 7.5 An Interim Safeguarding Order must be reasonable, proportionate to the conduct that has been alleged and take the following into account:
- (a) whether any Participant or any other person is, or may be, at risk of harm;
  - (b) the seriousness of the alleged conduct to have been committed and the frequency of such conduct;
  - (c) when such conduct first occurred and for how long has it continued;
  - (d) the potential risk of harm the Participant poses to others, both within the athletics' community and the wider population;
  - (d) whether a sanction is necessary or desirable to allow an investigation to be undertaken by Asian Athletics, the Legal and Ethics Commission or the Safeguarding Officer, the police or

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- any other relevant agency or authority to proceed unimpeded having regard for the need for any sanction to be proportionate; and
- (e) any other relevant circumstances.

- 7.6 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.
- 7.7 When the Interim Safeguarding Order has been imposed, the Participant must be informed of:
- (a) the decision;
  - (b) the reasons for its imposition;
  - (c) the terms;
  - (d) the date it takes effect;
  - (e) 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
  - (f) the right to appeal against the decision which must be received within 21 calendar days of the date of the Interim Safeguarding Order.
- 7.8 The details of the Interim Safeguarding Order must be sent to the Participant's Member Federation, the Regional Association of such Member Federation and any other agencies, authorities or individuals whom it is believed should be made aware of such Interim Safeguarding Order in order to ensure its enforcement.
- 7.9 If subsequent to the imposition of an Interim Safeguarding Order, further relevant information shall be obtained or otherwise released, revealed or disclosed, the Legal and Ethics Commission or the Safeguarding Officer may, after consideration, keep the Interim Safeguarding Order in place in the same terms or amend the terms of the Interim Safeguarding Order or remove or lift the Interim Safeguarding Order totally at their own instigation or at the instigation of the Participant.
- 7.10 Minutes of all meetings and decisions of the Legal and Ethics Commission and the Safeguarding Officer concerning the exercise of their powers under these Rules will be kept securely and confidentially for at least ten years whether in written or digital format.

## 8. Final Safeguarding Orders

- 8.1 Following the imposition of an Interim Safeguarding Order, the Legal and Ethics Commission may, where it considers appropriate, impose a Final Safeguarding Order in the same terms or such other terms as the Interim Safeguarding Order.
- 8.2 All rules in Rules 7.3 to 7.10 above in relation to Interim Safeguarding Orders shall also apply to Final Safeguarding Orders.

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- 8.3 It is not necessary that a Final Safeguarding Order must be imposed following an Interim Safeguarding Order. Until a Final Safeguarding Order is imposed, an Interim Safeguarding Order shall remain in place.

### 9. Appeals

- 9.1 A decision of the Legal and Ethics Commission and the Safeguarding Officer may be challenged by way of an appeal by Asian Athletics or the Participant who is the subject of the Legal and Ethics Commission's or the Safeguarding Officer's decision. The decision of the Legal and Ethics Commission or the Safeguarding Officer will remain in place whilst any appeal is being considered.
- 9.2 For the avoidance of doubt an appeal may be brought by either Asian Athletics or the Participant against a decision of the Legal and Ethics Commission or the Safeguarding Officer to impose an Interim Safeguarding Order or a Final Safeguarding Order or for any terms therein or a refusal to impose any Safeguarding Order.
- 9.3 If such a Participant decides to appeal the decision of the Legal and Ethics Commission or the Safeguarding Officer, notice of appeal must be sent to the Secretary General of Asian Athletics and received within twenty-one (21) calendar days of the decision by the Legal and Ethics Commission or the Safeguarding Officer. Within fourteen (14) calendar days of receipt of such notice to appeal, Asian Athletics shall appoint an appeal panel with no members of the Legal and Ethics Commission or the Safeguarding Officer of the relevant Asian Athletics Competition on it (**"the Appeal Panel"**).
- 9.4 If Asian Athletics decides to appeal the decision of the Legal and Ethics Commission or the Safeguarding Officer, the Participant must be informed by a notice of appeal received within twenty-one [21] calendar days of the decision by the Legal and Ethics Commission or the Safeguarding Officer. The Appeal Panel should be appointed within thirty-five (35) calendar days of the decision by the Legal and Ethics Commission or the Safeguarding Officer.
- 9.5 The Appeal Panel will usually consider the appeal on the information contained within the documents submitted to it from the Legal and Ethics Commission or the Safeguarding Officer and the Participant. It will usually be a consideration of whether or not the Legal and Ethics Commission or the Safeguarding Officer considered the information either unfairly or prejudicially to the appellant, misinterpreted or failed to or wrongly applied these Rules or applicable law or came to a decision that no reasonable decision-maker could have come to (either in respect of liability, sanction, safeguards or any other relevant matter). In very exceptional cases the Appeal Panel may rule that the appeal shall be a hearing in person by the Appeal Panel, in which case, witnesses called in the original hearing by the Legal and Ethics Commission or the Safeguarding Officer (if any) may be recalled for the hearing by the Appeal Panel and, if the Appeal Panel considers appropriate, the Appeal Panel may direct that such re-hearing shall be carried out by new members of the Appeal Panel.
- 9.6 The original decision may be upheld or a new decision may be issued to replace the original decision either increasing or decreasing the original Interim Safeguarding Order or the Final



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Safeguarding Order or the matter may be referred back to the Legal and Ethics Commission or Safeguarding Officer for further consideration.

- 9.7 The Participant must be notified of the decision of the Appeal Panel and all those who have previously been informed of the existence of an Interim Safeguarding Order or a Final Safeguarding Order shall be also informed of any variation or lifting of such Safeguarding Order within fourteen (14) calendar days of such decision.
- 9.8 Appeals must be held expeditiously and unless all the parties agree, or fairness dictates otherwise, the appeal hearing will be started no later than thirty (30) calendar days after the appointment of the Appeal Panel.
- 9.9 Any decision made by the Appeal Panel shall be the full, final and complete disposition of the matter and will be binding on all parties. All parties waive irrevocably any right to any other form of appeal, review or recourse by, or in any court or judicial authority, insofar as such waiver may validly be made.
- 9.10 If an appeal has already been made against an Interim Safeguarding Order, no parties shall be entitled to appeal against a Final Safeguarding Order unless in imposing the Final Safeguarding Order, the Legal and Ethics Commission took into different considerations and facts than the Interim Safeguarding Order or the Final Safeguarding Order imposes different terms and considerations than the Interim Safeguarding Order.

## 10. Decisions

- 10.1 Any decisions (whether by the Legal and Ethics Commission, the Safeguarding Officer or an Appeal Panel) will be made in writing and sent to all the parties involved.
- 10.2 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.
- 10.3 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.
- 10.4 It may be necessary to share the decision with other authorities or agencies if Asian Athletics is required to inform another authority as a result of local legislation or any applicable law. There may be other authorities who need to be made aware of the outcome of the decision even if the decision is not to sanction the individual but to put other safeguards in place.
- 10.5 Asian Athletics may be required to inform the relevant Member Federations, Regional Association and World Athletics about any sanction imposed and decision made.
- 10.6 If World Athletics requests the decision from Asian Athletics it must be sent to World Athletics by Asian Athletics together with any further information requested around the matter.



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### 11. **Protection**

- 11.1 No member of the Legal and Ethics Commission, no Safeguarding Officer and no members of the Appeal Panel shall be personally liable to the Participant and any person affected by their decision (including the victim of the alleged Safeguarding Concern) unless such decision is made by that member in bad faith. Except for such decision made in bad faith, Asian Athletics shall indemnify members of the Legal and Ethics Commission, the Safeguarding Officer and members of the Appeal Panel for all loss and damages, including the costs of instructing lawyers to represent them suffered by or caused to them arising from their decision made.