

SAFEGUARDING POLICY AGAINST HARASSMENT AND ABUSE

**SAFEGUARDING POLICY
AGAINST HARASSMENT AND ABUSE**

**INTERNATIONAL KEMPO FEDERATION
(IKF)**



SAFEGUARDING POLICY AGAINST HARASSMENT AND ABUSE

APPENDIX I – SAFEGUARDING POLICY AGAINST HARASSMENT AND ABUSE

Consistent with the objectives and principles of the IKF, the welfare of the Kempo community, especially minors and adults at risk, is of paramount concern. When any member of the Kempo community, such as an Athlete, Support Personnel, Coach, Trainer, Groom, Official, volunteer or staff member - is subjected to or engages in abuse or misconduct, it undermines the mission of IKF and is inconsistent with the best interests of Kempo sport. All forms of harassment and abuse are prohibited and the IKF will take appropriate action pursuant to this Policy where there is a risk of harm within the context of participation in equestrian sport.

The IKF is committed to promoting a safe environment for its members, Athletes, Support Personnel, Coaches, Trainers, Officials, volunteers and staff in all Kempo Disciplines. The IKF has developed and adopted this Policy to set forth the efforts it will undertake to promote a safe equestrian environment, both independently and in partnership with other necessary parties, including National Federations, parents (or legal guardians), Athletes, and the Kempo community.

ARTICLE 1 - Definitions and Application

1.1 Definitions

1.1.1 Harassment and Abuse

Harassment and abuse can be expressed in five forms which may occur in combination or in isolation. These include i) psychological abuse, ii) physical abuse, iii) sexual harassment, iv) sexual abuse, and v) neglect.

These forms of abuse are defined as:

(i) Psychological abuse — means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which may diminish the sense of identity, dignity, and self-worth.

(ii) Physical abuse — means any deliberate and unwelcome act – such as for example 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

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consumption, or forced doping practices.

(iii) 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.

(iv) Sexual abuse — any conduct of a sexual nature, whether non-contact, contact or penetrative, where consent is coerced/manipulated or is not or cannot be given.

(v) Neglect — within the meaning of this Policy means the failure of a coach or another person with a duty of care towards the Covered Individual to provide a minimum level of care to the Covered Individual, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.

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 one-off incident or a series of incidents. It may be in-person or online.

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.

1.1.2. Covered Individual means any person in one or more of the following categories:

a. Athlete.

b. Accredited Persons at an IKF Event and/or IKF Meeting

c. IKF Representatives, such as IKF Board Members, Members of a Technical or Standing Committee or Sub-Committee thereof, other members of a body or group designated by any of the former to act on behalf of or advise the IKF (including but not limited to working groups and task forces), and IKF employees.

d. Officials.

e. Organisers.

f. Support Personnel means any Coach, Trainer, Athlete, Team Leader, parent, spouse or partner, family member, team staff, Official, medical, or paramedical personnel or any

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other person assisting in any fashion a Person Responsible participating in or preparing for an IKF Event.

1.1.3. Protected Person means any individual participant in equestrian sport, including Athletes, Support Personnel, Coaches, Trainers, Officials, volunteers and staff in all Kempo Disciplines.

1.2 Application

1.2.1. This Policy shall apply to all Covered Individuals.

1.2.2. It shall be the personal responsibility of every Covered Individuals to make themselves aware of this Policy including, without limitation, what conduct constitutes a violation of this Policy and to comply with those requirements. Covered Individuals should also be aware that conduct prohibited under this Policy may also constitute a criminal offence and/or a breach of other applicable laws and regulations including other regulations of IKF or any other Sports Organisations. Covered Individuals must comply with all applicable laws and regulations at all times.

ARTICLE 2 - Violations

The following conduct constitutes a violation of this Policy:

2.1 Psychological Abuse;

2.2 Physical Abuse;

2.3 Sexual Harassment;

2.4 Sexual Abuse;

2.5 Neglect;

2.6 Engaging, or attempting or threatening to engage, in conduct that directly harms the physical and/or mental welfare and/or safety of one or more Protected Persons;

2.7 Posing a risk of harm to the physical and/or mental welfare and/or safety of one or more Protected Persons.

2.8 Complicity, i.e. assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving a violation of this Policy:

2.9 Retaliation as defined in 3.1

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2.10 Failure to cooperate

(i) Failing to cooperate with any investigation carried out by, or on behalf of, the IKF in relation to a possible breach of this Policy, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the IKF as part of such investigation.

(ii) Obstructing or delaying any investigation that may be carried out by, or on behalf of, the IKF in relation to a possible violation of this Policy, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

It is not necessary for conduct (or attempted or threatened conduct) to take place in the context of Kempo sport in order for action to be taken pursuant to this Policy, provided that the IKF considers that any such conduct suggests a risk of harm to one or more Protected Person in the context of their participation in equestrian sport. For example (and without limitation), in the event that a Covered Individual has at any time been convicted of, warned/cautioned for, or charged with, any offence that concerns relevant harm to other individuals (whether or not those individuals are Protected Persons), that may form the basis of action under this Policy as a result of that Covered Individual posing a risk of harm to one or more Protected Person in the context of their participation in Kempo sport (regardless of whether or not the relevant offence, or alleged offence, took place in the context of equestrian sport). For the avoidance of doubt, conduct that took place prior to this Policy coming into effect may indicate a risk of harm within the meaning of Article 2.7.

ARTICLE 3 – Retaliation, Reporting, and Confidentiality

Covered Individuals should report to the IKF, at the first available opportunity, full details of any incident, fact or matter that comes to their attention or of which they are aware that could amount to a violation of this Policy.

The IKF will report any behaviour, which in the reasonable opinion of the IKF, amounts to potentially criminal behaviour to the appropriate legal authorities.

3.1 Retaliation

Retaliation is any adverse action taken by a Covered Individual against a person participating in any investigation or proceedings initiated by the IKF pursuant to this Policy. Retaliation by a Covered Individual against a person for making an allegation, supporting a reporting party, or providing information relevant to an allegation is a serious violation of this Policy.

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3.2 Reporting Harassment and Abuse at any time, including at IKF Events

For reporting any Harassment or Abuse, the IKF will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report.

Regardless of the method of reporting, it is helpful to the IKF to get the following information: (1) the name of the complainant(s); (2) the type of misconduct alleged; (3) the name(s) of the alleged victim(s); and (4) the name(s) of the individual(s) alleged to have committed the misconduct.

Individuals may complete an Incident Report Form. Information on this form will include:

1. The name(s) of the complainant(s);
2. The type of misconduct alleged (including psychological abuse, physical abuse, sexual harassment, sexual abuse, and neglect);
3. The name(s) of the alleged victim(s);
4. The name(s) of the individual(s) alleged to have committed the misconduct;
5. The approximate date(s) and location(s) where the misconduct was committed;
6. The names of other individuals who might have information regarding the alleged misconduct; and
7. A summary statement of the reasons to believe that misconduct has occurred.

The IKF will withhold the complainant's name upon request, to the extent permitted by law.

3.3. Confidentiality

To the extent permitted by law, and as appropriate, the IKF will handle any report it receives confidentially and discreetly and will not make public the names of the complainant(s), potential victim(s), or accused person(s); however, the IKF may disclose such names on a limited basis when conducting an investigation, or reporting to the IKF, or the relevant bodies or when required to do so under applicable law.

The IKF may update any individual who has filed a safeguarding report with the IKF on the status of (i) their report; and/or (ii) the related safeguarding procedure (if applicable). The IKF's provision of such updates shall not constitute a violation of the confidentiality provisions of this Article 3.3.

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3.4. Anonymous Reporting

The IKF recognises it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made without the formality of

completing an Incident Report Form:

1. by completing the IKF Incident Report Form without including their name;
2. by expressing concerns of misconduct to the IKF; or
3. by expressing concerns in writing or verbally to one of the following individuals on the

Athlete Protection Team:

- a. IKF Legal Director
- b. IKF Deputy Legal Director
- c. Legal Counsel

Please be aware that anonymous reporting may make it difficult to investigate or properly address allegations.

ARTICLE 4 – IKF Investigation, Notification

Following the receipt of an allegation of a misconduct, the IKF may consider the circumstances in which it will notify other Athletes and/or the parents (or legal guardians) of Athletes with whom the accused individual may have had contact. At the IKF's discretion, and as appropriate or required by law, the IKF may notify relevant persons, i.e., competition managers, staff members, contractors, volunteers, parents (or legal guardians), and/or Athletes of any such allegation that (a) law enforcement authorities are actively investigating; or (b) that the IKF is investigating. Advising others of an allegation may lead to additional reports of harassment or abuse and other misconduct.

ARTICLE 5 – Opening a Safeguarding Procedure

Following an investigation by or on behalf of the IKF pursuant to this Policy, the IKF shall evaluate all the evidence and shall decide whether or not to open a safeguarding procedure by referring the matter to the IKF Tribunal.

Any case referred to the IKF Tribunal pursuant to this Policy will be dealt with according to the procedures set out in the Internal Regulations of the IKF Tribunal. Where appropriate, the IKF may wait until the outcome of any related criminal, or civil investigation

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and/or proceedings is known before deciding whether or not to refer a case to the IKF Tribunal.

ARTICLE 6 – Jurisdiction & Appeal

6.1. The IKF Tribunal shall have jurisdiction to decide on alleged breaches of this Policy in the first instance according to the process set on the Legal System.

The IKF Tribunal may, either on its own initiative or upon the application of one or all the parties concerned, stay the proceedings before the IKF Tribunal pending the outcome of any related criminal or civil investigation and/or proceedings.

6.2 An Appeal may be lodged against a Decision of the IKF Tribunal.

ARTICLE 7 – Provisional Measures

7.1. The IKF may impose provisional measures, including a provisional suspension, on the

Covered Individual. The IKF shall also be entitled to recognise and apply Provisional Suspensions and/or provisional measures imposed by other bodies, such as National Federations or Safeguarding authorities. Where a provisional measure is imposed or recognised and applied by the IKF, a Covered Individual shall be entitled to apply to the IKF Tribunal for relief against such provisional measures, including the lifting of a Provisional Suspension.

7.2. Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

ARTICLE 8 – Sanctions

8.1. Where it is determined that a violation has been committed, the IKF Tribunal shall impose an appropriate sanction upon the Covered Individual from the range of permissible sanctions, including a lifetime ban.

8.2. When determining the appropriate sanctions applicable, the IKF Tribunal shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.

8.3 The IKF shall be entitled to prevent any person (regardless of whether they are a covered

Individual or not) convicted of a criminal offence which would constitute a violation of this

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Policy from participating in any meetings or activities surrounding any Competition or event, including as a spectator.

ARTICLE 9 – Mutual Recognition

9.1. Subject to the right of appeal, any decision taken by the IKF pursuant to this Policy must be recognised and respected by all National Federations.

9.2 Where the IKF is informed that a Covered Individual has been:

(i) convicted of a criminal offence which would constitute a violation of this Policy;

or

(ii) held by their National Federation or any other competent sport's governing body to which the Covered Individual is subject, to have committed a violation which would constitute a violation under this Policy, the IKF shall recognise the applicable conviction/decision imposed.

Where appropriate, the IKF reserves the right to open a separate safeguarding procedure against the Covered Individual in relation to their IKF related activities.

ARTICLE 10 –Duty to inform

National Federations shall promptly inform the IKF of any allegations (where possible) and/or sanction(s) imposed on any person under their jurisdiction relating to any conduct falling within the scope of Article 2 of this Policy.

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