



# **MALAYSIA ATHLETICS SAFEGURADING POLICY**

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## 1. Introduction

Malaysia Athletics is responsible for promoting athletics within Malaysia and for making it a safe environment for children and adults to develop their talents and achieve their goals; these should be fun and enjoyable experiences. This Safeguarding Policy (“this Policy”) establishes the responsibilities of Malaysia Athletics and all its affiliation athletics associations to ensure that **children and adults** are able to participate in athletics safely.

Upholding this Policy and promoting the best practice principles contained within it will enable the Malaysia Athletics to provide and create safe, happy and inspiring environments for their communities to enjoy and participate in athletics.

Abuse may be carried out by men or women, or children. It happens in every area of the world, in every sport and organization. No area can consider itself to be exempt or protected from its impact. Abuse, harassment and exploitation occur when there are power imbalances between individuals. When one individual is in a more powerful position, they can take advantage of that and abuse, harassment or exploitation may occur. The more vulnerable an individual, whether because of age, disability, finance or status the more likely they are to be subject to abuse, harassment or exploitation.

## 2. Policy Statement of Commitment and Principles

Malaysia Athletics believes that **everyone** in athletics should be treated with respect and dignity and has the right to participate free from any abuse, harassment or exploitation. Malaysia Athletics will protect everyone within the scope of this Policy from such behaviour. Malaysia Athletics believes that this right is regardless of the individual’s race, colour, age, disability, sex, gender identity, sexual orientation, ethnicity, religion or belief. Malaysia Athletics is committed to preventing abuse, harassment or exploitation towards those who fall within the scope of this Policy and to creating safe environments for **all** to participate and enjoy the sport to the best of their abilities. Athletes, coaches (by which term we include all athlete support staff), officials, volunteers and board members are all protected by this Policy; they must all understand their rights as well as their duties in this arena.

The principles on which this Policy is based are:

- **Everyone** has the right to be treated with dignity and respect, and to be free from discrimination whether it is based on sex, race, age, ethnicity, ability, sexual orientation, gender identity, beliefs, religious or political affiliation.

- **Everyone** has the right to participate, enjoy and develop personally through athletics in a safe, inclusive environment free from all forms of abuse, harassment or exploitation.
- **Everyone, both children and adults**, has the right to have their voices heard particularly if raising a concern about their own or another person's welfare. **Everyone** should know who to ask for help when they have a concern about an individual's behaviour.
- **Everyone** is responsible for the care and protection of children making decisions in their best interests, as their welfare is paramount.

In order to achieve this Malaysia Athletics will:

- acknowledge their board members' responsibility to implement and enforce this Policy and will appoint a "Safeguarding Champion" to incorporate the principles of this Policy into all aspects of their programmes;
- have a named member of staff or volunteer who is responsible for leading on safeguarding a "Safeguarding Officer";
- ensure everyone knows this named member of staff or volunteer is the individual they can turn to if they are worried or have a concern about another person and their behaviour;
- ensure that everyone is aware of their rights and the process that will be followed if a concern is raised;
- produce and implement policies and procedures including codes of conduct, rules and disciplinary procedures and keep them up to date as appropriate;
- provide support and guidance to anyone who needs it following a concern, complaint or allegation being made;
- educate and train all members of staff and volunteers about how to deal with concerns and complaints;
- deal with all concerns, allegations and complaints in a fair, transparent, timely and efficient manner ensuring all complainants are updated regularly;
- carry out all investigations and adjudications in a manner that ensures an appropriate level of independence to ensure there is no bias in the resulting report or risk assessment;
- deal with all information about concerns, complaints or allegations confidentially (to the extent permitted by law) and securely;
- recruit appropriate people to roles, whether staff or volunteers, carry out background checks, follow up on references and ensure that only suitable people are appointed; and
- work with local agencies, Non-Governmental Organisations and community groups providing support and guidance for social services to ensure that everyone is kept safe.

### 3. Obligation of Affiliated Member

All affiliated State Athletics Association members, Malaysia Athletics Associate Members and any other bodies operating under the jurisdiction of Malaysia Athletics (“Affiliates”) shall adopt and implement this Safeguarding Policy in its entirety or establish an equivalent safeguarding framework that meets or surpasses the standards outlined herein.

### 4. Definitions

#### **Abuse, harassment and exploitation**

Abuse, harassment and exploitation are described below. They can be perpetrated by both men and women and is often where one party is in a position of power over the other. Where one individual has power over another in a relationship it can lead to situations where abuse is easier to occur. Vulnerable individuals need to be protected and those in authority should ensure that appropriate safeguarding measures are put in place. It is also important to understand that coaches, officials or volunteers may be abused by others.

**Psychological abuse** is an unwelcome act including vilification, belittling, rejection, confinement, isolation, verbal assault, humiliation, intimidation, infantilization or any other behaviour which may diminish an individual's sense of identity, dignity or self-worth. This is at the centre of most types of abuse as when these occur so does psychological abuse. This can often be seen as bullying or cyber-bullying.

**Physical abuse** is any intentional or unwanted act for example kicking, beating, biting or burning which causes injury or physical harm. It can include the forced consumption of alcohol or systematic doping practices. It can also be any forced or inappropriate physical activity such as training which is unsuitable for the age or physique of the athlete. Forced or excessive training may escape notice in a sporting environment as the ambitions of both athletes and coaches, as well as peer pressure, may induce one or both to impose or take on excessive training loads and/or competition commitments. Dialogue among athletes and coaches aimed at setting mutually agreed and achievable performance goals can help define tolerable and acceptable training demands. It is up to coaches to temper ambitions that may run counter to an athlete's health and wellbeing.

**Sexual abuse** is any conduct of a sexual nature, either contact (penetrative or non-penetrative) or non-contact, where consent is not given, cannot be given, is coerced or manipulated. This can

involve individuals looking at or making sexual images, watching sexual activities, encouraging others to behave in sexually inappropriate ways, or grooming a person in preparation for abuse.

**Grooming** is the process (whether online or in person) whereby an individual builds a relationship with an athlete encouraging them to trust them so that the groomer can manipulate and exploit them for their own advantage. Grooming an athlete's family, entourage and friends often leads those individuals to believe that the groomer is dependable and trustworthy enabling the groomer to have access to the athlete. By manipulating the athlete and exploiting the relationship they will make the athlete believe they have to comply with the groomer's demands. The power a groomer has over the athlete is used to isolate them from friends and family who might otherwise warn or caution them from complying with the groomer's demands.

**Harassment** is unwanted or unwelcome behaviour which offends or makes the person feel humiliated or intimidated. Power harassment is where someone in a position of power over another individual, usually in a workplace, uses that power to physically or psychologically harass another person in a lower position. Power harassment can include exclusion, inappropriate work assignments (too little, too much or of a lower level that acceptable) as well as intrusive behaviour.

**Sexual harassment** is any unwanted or unwelcome conduct of a sexual nature, whether verbal, non-verbal or physical. Examples of verbal sexual harassment include unwanted or degrading intimate questions relating to body, clothes or one's private life, jokes with a sexual innuendo and proposals or demands for non-consensual sexual acts. These may be unwanted text messages, telephone calls, letters or other forms of communication with sexual content. Non-verbal examples may include staring, gesticulation, or sharing photographs or pictures with sexual allusions. Examples of physical sexual harassment are unnecessary physical contact with a sexual nature such as pinching, attempting to kiss or caress or touching.

**Exploitation** is when someone exercises control over another person and/or their assets for their own "personal gain" and without the fully informed consent of the person. Personal gain may be psychological, reputational or commercial and constitutes exploitation when the rights of a person are sold or negotiated without express and fully informed consent of the other person. Examples in athletics may be fraudulent misrepresentation of an athlete's age or nationality, acting on behalf of an athlete fraudulently or taking an unreasonable share of the proceeds of sponsorship or funding arrangements. Exploitation comes in many different guises. Examples include sexual exploitation, financial exploitation and signing up athletes to long term contracts while they are still children.

**Neglect** is the failure to provide a minimum level of care either physical or emotional which causes harm, allowing harm to be caused or creating an imminent danger of harm. This usually relates to the care given by parents or caregivers to children but is also relevant to other people who have a duty of care towards another person such as a coach or team leader towards an athlete. This can include the failure to provide adequate water in high temperatures, adequate clothing in cold temperatures, suitable food, accommodation or safe travel arrangements.

Abuse, harassment and exploitation may be based on race, religion, colour, beliefs, ethnic origin, sex, gender identity, sexual orientation, age, disability, socio-economic status and athletic ability or a combination of any of these characteristics. It can be a single isolated incident or a series of events, in person or online, deliberate, unsolicited or coercive. Bullying, hazing and negligence all other aspects of harassment, abuse or exploitation and should be treated in the same way under the terms of this Policy.

Any of these forms of abuse, harassment or exploitation may include an aspect of financial abuse. It may be that an individual may be coerced into signing contracts or agreements which benefit others financially but are not necessarily of financial benefit to themselves. Any element of coercion may be abuse, harassment or exploitation if the individual is a child, if the individual has not authorised someone to act on their behalf or if the individual has not been adequately advised by an independent professional such as an accountant or lawyer on the impact of the terms of the agreement.

There may be times when actions which might not be abusive to one person may be abusive or harmful due to the vulnerability of the individual who is being abused. This may be due to the person's age, ability or other form of vulnerability.

Abuse, harassment and exploitation often result from an abuse of authority by someone in a position of trust, meaning the improper use of power by someone in a position of influence, power or authority by an individual against another person. This is often when there is an age difference but it can also happen between peers – people of similar ages. There can be abuse between athletes or indeed coaches, officials or any others involved in athletics. This is sometimes referred to as peer-on-peer abuse. It should be dealt with in the same way as any other type of concern. Abuse can also be perpetrated by family members such as parents, partners and siblings.

**Child** - a “child” or “children” refers to an individual or group of individuals who have not yet reached the age of 18 years old.

**Safeguarding** - is the process of protecting vulnerable persons, children and adults from abuse, harassment and exploitation. Creating a safe and welcoming environment where everyone is respected and valued is at the heart of safeguarding. Everyone involved with athletics has a role to play in making sure they actively prevent abuse, harassment and exploitation, listen to accounts from children and adults of their experiences and respond safely and fully if there is a problem.

Where any term in this Policy is not defined, reference shall be made to the relevant provisions of Malaysian law and international safeguarding guidance.

## **5. Scope of this Policy**

This Policy applies to Malaysia Athletics, its athletes, officials, staff and any other person associated with Malaysia Athletics. This includes officials, volunteers, members of an athlete's entourage, parents, carers and anyone associated with athletics within Malaysia. All those to whom this Policy applies must comply with the Policy. Any breaches of this Policy by these individuals will be subject to potential disciplinary action.

## **6. Reporting of Safeguarding Concerns**

Malaysia Athletics is committed to maintaining a culture of safety and accountability in all its activities. Any suspicion, allegation, or concern relating to abuse, neglect, harassment, exploitation, or misconduct involving children or vulnerable adults must be taken seriously and responded to promptly.

Malaysia Athletics recognises that many of its personnel—including coaches, volunteers, team officials, and medical staff—may fall within the category of persons having the “care of a child” under Malaysian law, including the Child Act 2001. These individuals may have legal obligations to report harm to the relevant authorities.

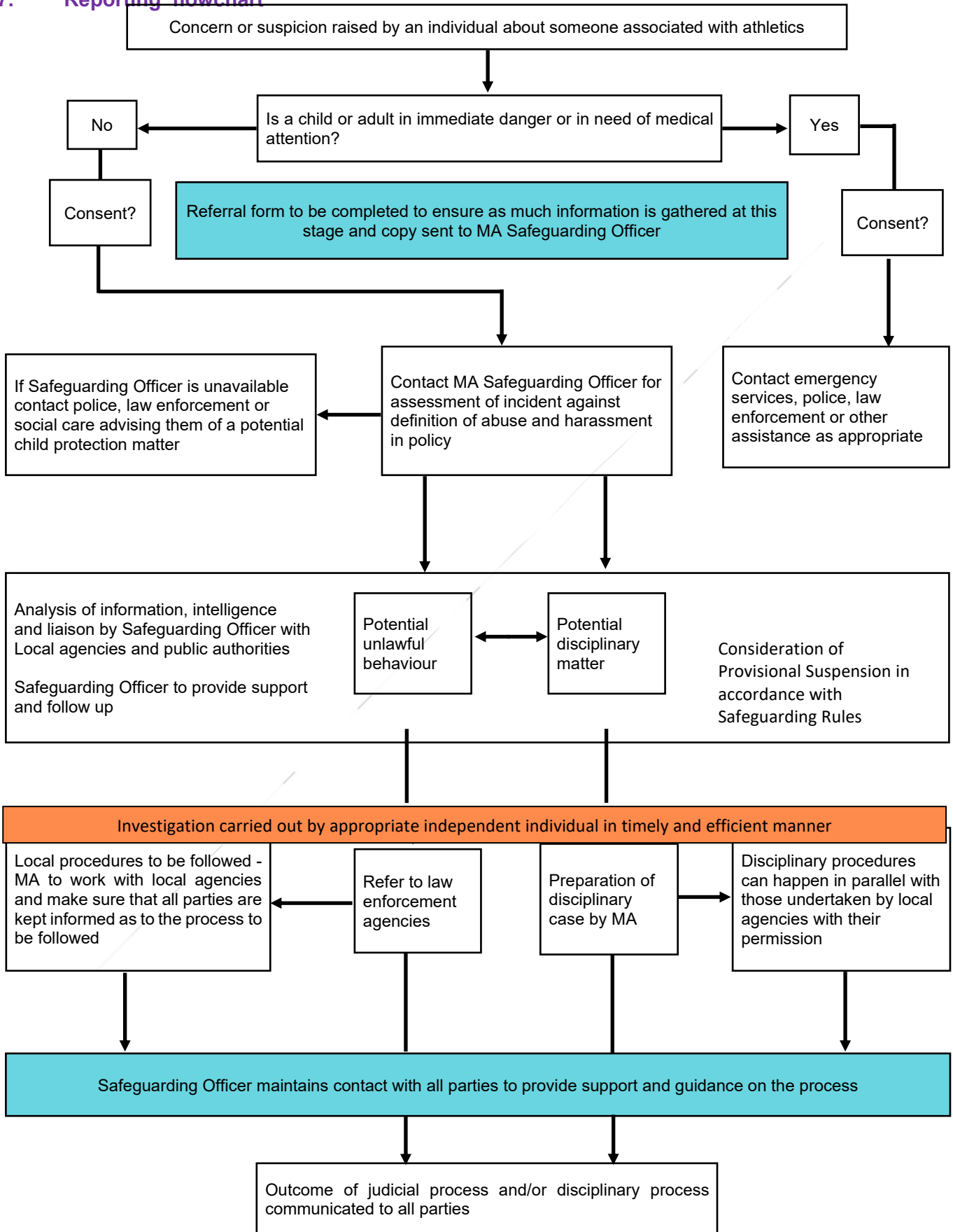
All safeguarding concerns must be reported to the designated Safeguarding Officer of Malaysia Athletics. Where there is a risk of significant harm or a suspected criminal offence, reports should also be made directly to the Royal Malaysia Police (PDRM), the Department of Social Welfare (JKM), or other authorised child protection agencies.

Malaysia Athletics will respect the confidentiality of all parties involved to the extent permitted by law, in accordance with the Personal Data Protection Act 2010 (Act 611), and will protect individuals who report concerns in good faith from retaliation or adverse consequences.

Further guidance, reporting procedures, and referral pathways are provided in the Malaysia Athletics

Safeguarding Procedures Manual, which forms a supporting framework to this Policy.

**7. Reporting flowchart**



## **8. Codes of Conduct**

The Malaysia Athletics has the following codes of conduct:

- coaches;
- athletes; and
- [any others which Malaysia Athletics has decided to have].

All these codes of conduct are about treating others with respect, dignity, equality and integrity and are based on the principle that everyone has value and is worthy of respect. They are designed to provide everyone associated with athletics with the behaviour that is expected of them by Malaysia Athletics. These codes should form part of any training programme for these groups to ensure that everyone is aware of the existence of the codes, the expectations of Malaysia Athletics and the possibility of disciplinary action if they are not adhered to. The codes have been developed following consultation with the groups involved and will be regularly reviewed.

Codes of conduct will be made available to the relevant groups and displayed on any noticeboards, websites or on paperwork such as membership renewal forms.

If an individual is aware of any other individual breaching the relevant code of code then this should be referred to the Safeguarding Officer as a concern for investigation and potential disciplinary action. Breaches of any of the codes of conduct may be dealt with under disciplinary procedures if there are no specific safeguarding rules in use by Malaysia Athletics.

## **9. Recruitment**

All applicants for any roles, whether staff or volunteers that work closely with children will be required to undertake background checks/criminal records checks. All applicants will be required to attend an interview, provide two references and once appointed will attend an induction session. An interview will include questions about the individual and their experience as well as their knowledge of safeguarding. References will be verified for their veracity and should be from an employer, either current or previous, and another individual who has experience of the applicant's work with children or in sport. Induction sessions will ensure that the successful applicant is aware of their role and responsibilities as well as information about safeguarding policy and procedures.

## **10. Training and Education**

All members of staff of Malaysia Athletics, volunteers and officials will be given safeguarding training relevant to their role within the organisation. Those working with children will be given specialist training specifically relating to their responsibilities for the children in their care.

Safeguarding training should be undertaken regularly at least annually.

## **11. Disciplinary Procedure**

Breaches of this Policy and Malaysia Athletics's Safeguarding Rules will be dealt with under Malaysia Athletics's Disciplinary Procedures and should be referred to for further guidance.

## **12. Safeguarding Officer Response Timelines Policy**

To ensure all safeguarding concerns are addressed promptly and effectively, Malaysia Athletics establishes the following timelines for the Safeguarding Officer.

### **(1) Initial Screening**

The Safeguarding Officer must conduct an initial review and risk assessment within 48 hours of receiving any report or concern.

### **(2) Referral to Case Management Group (CMG)**

If the concern is serious or involves potential abuse, harassment, or exploitation, it must be escalated to the Case Management Group within 5 working days.

### **(3) Urgent Cases**

If there is a risk of immediate harm to a child or vulnerable person, the Safeguarding Officer must:

- (a) Report the matter to the police or social welfare authorities immediately, and**
- (b) Notify the Malaysia Athletics Secretary-General or President within 24 hours.**

### **(4) Follow-Up and Support**

The Safeguarding Officer must stay in contact with the person who made the report and provide

updates as necessary throughout the process.

Note: These timelines are minimum standards. In all cases, urgent matters must be addressed promptly to ensure the safety and well-being of those involved.

### **13. Review of this Policy**

This Policy will be reviewed on an annual basis.

### **14. Monitoring**

The monitoring of this Policy and the implementation of it will be carried out regularly as appropriate by Malaysia Athletics or an independent safeguarding authority with the necessary expertise to do this task.

## **PART TWO**

### **1. Code of Conduct for Malaysia Athletics**

The following rules apply to **everyone** associated with athletics:

- Respect everyone, value everyone's worth and treat everyone with dignity. Celebrate difference and promote inclusion. Treat everyone equally and avoid having "favourites".
- Discrimination against anyone on the basis of race, colour, gender identity, sexual orientation, age, disability, religion, ethnicity, marital status, beliefs or socioeconomic status is unacceptable and will not be tolerated.
- Co-operate with everyone involved in athletics and promote an environment free from harassment, abuse and exploitation.
- Zero tolerance of the use of any prohibited substance to enhance performance. Promote clean competition and report any suspected prohibited drug use to the appropriate authority.
- Listen to those reporting concerns and report those concerns, misconduct or injuries to the appropriate person swiftly.
- Comply with Malaysia Athletics's safeguarding policy and other rules and policies of the Malaysia Athletics.
- Lead by example, behave appropriately and be a good role model particularly when in charge of children.
- Challenge those who do not obey the rules or behave inappropriately.
- Listen courteously to those who are teaching, coaching or providing advice, support or guidance.
- Be responsible for one's own behaviour, conduct and actions. Be punctual, well prepared and correctly equipped.
- Follow the instructions of coaches (by which we mean all athlete support staff), officials, managers and other volunteers.
- Be appreciative of everyone's time, effort and skills. Encourage and support everyone's athletic endeavours.

### **2. Coaches and other athlete support staff**

- Be appropriately qualified with any background criminal checks completed.
- Coaching should always be age appropriate and meet the needs of the athlete in terms of experience and ability.

- There must always be a suitable number of coaches, appropriate to the number and age of athletes involved, in a training session or event.
- It is not appropriate to allow an intimate relationship to develop between coaches and athletes. Strict boundaries between a coach and an athlete should be maintained; if this is allowed to blur it causes difficulties for both individuals as well as teammates and others in the community.
- An intimate relationship between a coach (or any other athlete support staff or adult) and an athlete under the age of 18 may be illegal and should never be allowed to develop.
- It is strongly recommended that coaches and officials are not allowed to develop intimate relationships between themselves and/or athletes over 18 years of age.
- Avoid being alone with a child athlete; do not take them in a car on their own; do not take them to a coach's home; do not share a bedroom with a child.
- If it is necessary when training a child-athlete to touch them, an explanation must be given to them and they must be asked for their consent before the coach touches them. If possible, the child's parents, designated care-givers or another responsible adult should be involved in this discussion.
- If it is necessary to supervise changing areas, then adults should do so in same-sex pairs.
- Ensure equipment is properly maintained and that athletes are aware of their responsibility for ensuring their own safety. Make sure athletes are taught how to manage dangerous athletics equipment and always follow these rules.
- Make sure athletes understand the expectations coaches have of them as well as what they, as athletes, can expect to receive from coaches.
- If a coach is asked by an athlete, who is already being coached by someone else, to provide further coaching, it is correct to contact that coach to discuss the matter.
- Encourage good working relationships based on mutual respect and trust with all athletes.
- Avoid being critical, demeaning or sarcastic or acting in a way which might affect an athlete's self-esteem.

### **3. Athletes**

- Maintain strict relationship boundaries with a coach or any other adult associated with athletics. It is not appropriate to allow a relationship to develop between a coach or an official (or indeed any other athlete support staff) and an athlete.
- Always report any concerns, injuries, misconduct or distress to the appropriate person in the club or to a parent or carer.
- Be aware of how to handle dangerous athletics equipment.
- Keep coaches informed if it is necessary to leave an athletics training session or event before it is completed.

- Know the rules of competition, follow them, play fairly and pursue athletic excellence.
- Uphold the values of sportsmanship - fairness, respect and generosity towards others - on and off the field of play.

#### **4. Parents and carers of athletes**

- Inform the appropriate individuals of any relevant medical information about your child.
- Attend your child's athletics training or events where possible and take an active interest.
- Be positive and encourage; be aware that your attitude and behaviour affect your child and other children's attitudes.
- Know where your child is and who they are with at all times.
- Avoid asking a coach to give your child a lift in a coaches 'car, particularly if there is no other athlete joining.
- Avoid allowing your child to visit a coach's house unless a parent or carer is also present.
- Be pro-active with your child's athletics participation; check the qualification of coaches, club policies and any other professionals your child is involved with such as medical professionals or team managers.
- Inform coaches or volunteers if your child will be absent from training or events.
- Make sure coaches are aware of any other coaching your child is receiving as a matter of courtesy as well as to ensure that all coaches can provide your child with the best support between them.

## **PART 3**

### **SAFEGUARDING RULES FOR MALAYSIA ATHLETICS**

#### **1. General**

World Athletics is committed to protecting all those to whom the World Athletics' Safeguarding Policy applies from abuse, harassment and exploitation, ensuring everyone is treated with dignity and respect.

These Rules are aimed at protecting the welfare of those to whom Malaysia Athletics's safeguarding policy applies from abuse, harassment and exploitation and to establish procedures for concerns, suspicions or allegations to be dealt with.

It should be noted that from time to time World Athletics may request information from Malaysia Athletics in relation to a particular matter which falls under the scope of these Rules then if so, Malaysia Athletics will need to provide such information accordingly.

#### **2. Scope**

These Safeguarding Rules ("these Rules") apply to the following:

- members of staff of Malaysia Athletics and its associated clubs;
- officials on the Board of Malaysia Athletics;
- anyone who volunteers for Malaysia Athletics and its associated clubs;
- parents of members of Malaysia Athletics and its associated clubs who are under the age of 18;
- 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.

These individuals are referred to in these Rules as "Participants". Associated Affiliates of Malaysia Athletics are all those associations which are within the jurisdiction of Malaysia Athletics.

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 relevant Malaysia Athletics's Code(s) of Conduct;
- to comply with World Athletics' safeguarding policy;
- to comply with Malaysia Athletics'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 before that date.

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**

The types of conduct set out below are prohibited:

- any criminal offence or breach of any other applicable laws or regulations;
- any conduct that harms, or attempts or threatens to harm the physical or mental welfare or safety of any other person;
- anything which constitutes a breach of World Athletics' safeguarding policy or Malaysia Athletics' safeguarding policy or its associated affiliation's safeguarding policy or codes of conduct;
- failure to take action where any misconduct or suspected misconduct is known about;
- failure to report any concern, suspicion or allegation in accordance with Malaysia Athletics or its associated affiliation's safeguarding policy; and/or
- assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Rules.

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.

The Malaysia Athletics must consider whether any prohibited conduct should (or must) be referred to the local law enforcement agency. Such a referral should be considered when the report is first received by Malaysia Athletics and whilst the matter is investigated.

Knowingly making a false report of possible prohibited conduct is also a violation of these Rules.

### **4. Case Management Group**

Malaysia Athletics will establish a group of individuals who are able to consider cases which arise under these Rules ("the Case Management Group"). The Case Management Group will meet as often as is necessary and will have written Terms of Reference explaining what their purpose and role is as well as outlining how often they will meet, the format of the meeting and the individuals involved. The Case

Management Group is able to meet either in person, via email, remote platforms (such as Zoom, Teams or Google Meet) or by telephone and may have to do so quickly to consider urgent matters. The Case Management Group will consider all instances of potentially prohibited conduct, whether any sanctions should be imposed and any applications from individuals requesting their sanction to be varied or lifted. Minutes of all meetings and decisions will be kept securely and confidentially for at least [ten] years whether in written or digital format.

## **5. Investigations and Risk Assessment**

If Malaysia 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 need to be investigated and the Participant must be referred to the Case Management Group. The Malaysia Athletics or Case Management Group will appoint an appropriate person to investigate who must be independent of the incident. The Case Management Group has the power to impose an interim sanction on a Participant alleged to have engaged in prohibited conduct prior to an investigation being conducted if the Case Management Group believes that the Participant poses in immediate risk of harm to others in athletics.

The Participant must provide information requested by, or on behalf of, the Malaysia Athletics (for example by an investigator acting on behalf of Malaysia Athletics) and/or the Case Management Group about the conduct which has raised concerns. On occasion, Participants may be interviewed (in person or online) to obtain information directly from them.

The Participant must be provided with details which Malaysia Athletics or the Case Management Group has gathered following any investigation that may have been carried out and asked to respond to the concerns, allegations or questions raised as a result of the investigation. The Participant will be provided with the information to be relied on by the Case Management Group in determining what to do. All of this information must be kept confidential by the Participant. They may only share it with professional advisors if it is entirely 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 Case Management Group. Following receipt of the response from the Participant all the information will be put to the Case Management Group to review and decide on the appropriate course of action.

## 6. Sanctions

The Case Management Group has the power to impose a sanction on a Participant who may have engaged in prohibited conduct (a “Sanction”). When considering whether to impose a Sanction on someone who is considered a potential risk of harm to others involved in athletics, the Case Management Group may only consider information provided to the Participant and their response.

The Case Management Group also has the power to keep a Sanction already imposed in place. If there is already an interim Sanction imposed, it may be that the terms of the Sanction are varied to ensure the appropriate safeguarding measures are in place.

A Sanction 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;
- a financial penalty;
- training or education requirement(s); or
- any other safeguarding measure which is considered to be appropriate to the situation.

A Sanction may be imposed when Malaysia Athletics is notified that a Participant:

- 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 behaviour which would potentially harm an individual; and/or
- has behaved in such a way as to be considered a potential risk to anyone involved in athletics.

A Sanction must be reasonable, proportionate to the conduct that has been alleged and must 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 Malaysia Athletics, 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 a Sanction or not the above criteria should be assessed, a note made of the decision and the basis of the criteria upon which the Sanction has been imposed.

When the Sanction has been imposed the Participant must be informed of:

- the decision;
- the reasons for its imposition;
- the terms;
- the date it will take effect;
- when it will end (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 Sanction within [21 days] of the date of the Sanction.

The details of the Sanction will also be sent to the Participant's club and any other agencies, authorities or individuals who it is believed should be made aware of the Sanction to ensure its enforcement. See section 8 below for information regarding decisions and how and to whom they should be communicated.

## 7. Appeals

A decision of the Case Management Group may be challenged by way of an appeal by Malaysia Athletics or the Participant who is the subject of the Case Management Group's decision. The decision of the Case Management Group shall remain in place whilst any appeal is being considered.

For the avoidance of doubt an appeal may be brought by either the Malaysia Athletics or the Participant against a decision of the Case Management Group to impose an interim Sanction and again following a further decision of the Case Management Group to impose a Sanction for a set period of time or an indefinite period.

Notice of appeal must be sent to Malaysia Athletics and received within [21] calendar days of the decision by the Case Management Group. Within [14] calendar days of receipt of notice to appeal Malaysia Athletics will appoint an appeal panel with no members of the Case Management Group on it ("the Appeal Panel").

If Malaysia Athletics decides to appeal the decision of the Case Management Group the Participant must be informed by a Notice of Appeal. Malaysia Athletics must also notify the appropriate person

within the organisation that the decision will be appealed. The Board of Malaysia Athletics may on occasion be required to give permission for the decision to be appealed.

The Appeal Panel will usually consider the appeal on the papers. It will usually be a consideration of whether or not the original Case Management Group 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 no reasonable decision-maker could have come to (either in respect of liability, sanction, safeguards or any other relevant matter). In very exceptional cases will the Appeal Panel rule that the appeal shall be a hearing in person. It is only in very exceptional cases that a hearing will be re-heard and considered to be a completely new hearing with new panel members and if the hearing has been held in person the witnesses will need to be heard again by the new panel.

The original decision may be upheld or a new decision may be issued to replace the original decision either increasing or decreasing the original Sanction or the matter may be referred back to the Case Management Group for further consideration.

If the Sanction is lifted or varied by the Appeal Panel or following referral back to the Case Management Group, the Participant shall 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.

Appeals will be held expeditiously and unless all the parties agree, or fairness dictates otherwise, the appeal hearing will be started no later than [30] calendar days after the appointment of the Appeal Panel.

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.

## **8. Decisions**

Any decisions (whether by the Case Management Group or an Appeal Panel) will be made in writing and sent to all the parties involved.

Only in very extreme cases will the decision be made public. This may only be done with the agreement of the individual who has been harmed by the prohibited conduct and other agencies involved in the matter. Any agencies and individuals who need to know the decision will be informed of the outcome

of the matter but with clear rules about confidentiality and disclosure of the information. The manner in which any public disclosure is made must be made clear to the parties to the hearing.

If the Participant is exonerated of all the charges 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 charge has been dismissed may be made public.

It may be necessary to share the decision with other authorities or agencies if Malaysia Athletics 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.

Malaysia Athletics may be required to inform the relevant Area Association and World Athletics about any Sanction imposed.

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