

# SAFE SPORT UNIFIED CODE CONSULTATIONS

## FINAL REPORT



## Overview

This report sets out the Phase 3 consultations for the Safe Sport Unified Code and concludes 9 months of consultations with experts and the community.

Working Groups representing the three (3) key stakeholders in sporting organisations participated in Phase 3:

1. Athletes (organised by the Athletes' Commission, Singapore National Olympic Council, Singapore Disability Sports Council)
2. Safeguarding Officers and Sport Administrators
3. Organisational Leaders

The Working Groups reviewed and evaluated in detail these elements of the Safe Sport Unified Code:

- Case Management Processes (Receiving, Responding and Resolving)
- Decision Making Framework
- Safe Sport Disciplinary Panel

Where the Focus Groups Consultations in Phase 2 were broader and more conceptual in nature, the Phase 3 consultations were a deep dive into nomenclature, processes and procedures.

We are indebted to the members of the Working Groups for their time in reviewing the extensive documentation, considering the impact of each measure and their candid and open contributions to this final phase of the consultations.

**Safe Sport Taskforce**

October 2021

## Documentation Reviewed

Documents	Content
1 <i>A Safeguarding Framework for Singapore</i> (Dec 2020)	Analysis of safe sport sporting landscape and rationale for Safe Sport Programme
2 <i>Safeguarding Officer Pulse Survey</i> (Dec 2020)	Survey of safeguarding officers on prevalence of misconduct, severity and needs
3 <i>Safe Sport Unified Code Misconduct (v 2.0)</i> (April 2021)	Part I - Definitions of Misconduct, Temporary Measures and sanctions developed from Phase 1
4 <i>Safe Sport Unified Code Community Consultations Interim Report - Phase 2</i> (June 2021)	Findings from Focus Group Discussions across eight (8) stakeholder groups in Phase 2

5 *Safe Sport Unified Code Consultation Phase 3 (July 2021) - [Annex 1](#)*

Part II & III of the Unified Code Consultation paper for 3 Key Stakeholder Working Groups on Case Management

## Phase 3 Consultations

### Working Group Members

Owing to the nature of the subjects examined in Phase 3 of the Consultations, participants were invited to be members of the Working Groups based on the following criteria:

- involvement in the prior phases of the Safe Sport Unified Code Consultations and/or previous review of the proposed framework
- a background knowledge and experience in case management, including but not limited to:
  - acting as a first responder / training in psychosocial support
  - undertaken investigations
  - involved over disciplinary proceedings
  - been an affected person/respondent
- representation across gender, sport, and incidence within their organisations
- ability to critically analyse the concepts and a desire to positively influence and contribute to the framework

Members of the Working Group are set out in [Annex 3](#)

### Terms of Reference

1. To provide stakeholder feedback to the Safe Sport Taskforce on the proposed approach and structure to the following aspects of Part II & Part III of the Unified Code:
  - a. Case Management Procedures including:
    - Thresholds for National Sports Associations (NSAs) & Case Management Unit (CMU)
    - Confidentiality
    - Requests for non-identification
    - Anonymous Reports
    - Measures & Sanctions
  - b. Decision Making Framework
  - c. Safe Sport Disciplinary Panel
2. Read and consider documents outlining structures

3. Meet with Safe Sport Taskforce and Working Group virtually and/or in person for discussions (Minimum of 1 meeting and more if Working Group decides they want to meet on their own)
4. Contribute views and discuss thoughts on proposed approach in an open and respectful manner
5. Maintain discretion and confidentiality around cases discussed (if any)

## Summary

1. The key documents:
  - [Annex 1 – Phase 3 Consultation Paper](#)
  - [Annex 2 – Working Group Consolidated Remarks](#)
2. There was broad agreement for the Case Management processes set out in the consultation paper including:
  - a. operationalising the case management thresholds agreed by the community through the focus group discussions
  - b. confidentiality and safeguards for both the Affected Person and the Respondent in respect of:
    - i. intake - distinction between a disclosure and a formal reporting process was thought to be a positive move in the right direction
    - ii. classification - joint assessment between the Case Management Unit (“CMU”) and the Member Organisation’s Safeguarding Officer was deemed to be important to ensure consistency in management of incidents;
    - iii. guidelines for temporary suspensions and in the event that suspensions are determined out by Disciplinary Committee(s) and Appeal Committee(s), publication of particulars
  - c. establishment of the Safe Sport Disciplinary Panel with independent members to adjudicate through Disciplinary Committees and/or Appeal Committees in the interest of the separation of powers
3. Additional feedback and considerations :
  - a. Nomenclature
  - b. Support available for Affected Persons, including befrienders and augmented psychosocial support services.

*Recommendation 1: Setting up of a Support Network of befrienders and counsellors*
  - c. Improving the Safeguarding Officer network through Lead Safeguarding Officers  

*Recommendation 2: Identifying a group of Lead Safeguarding Officers from the community*

## Annex 1



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# Introduction

1. This paper sets out the structure and approach of Part II & Part III of the Unified Code



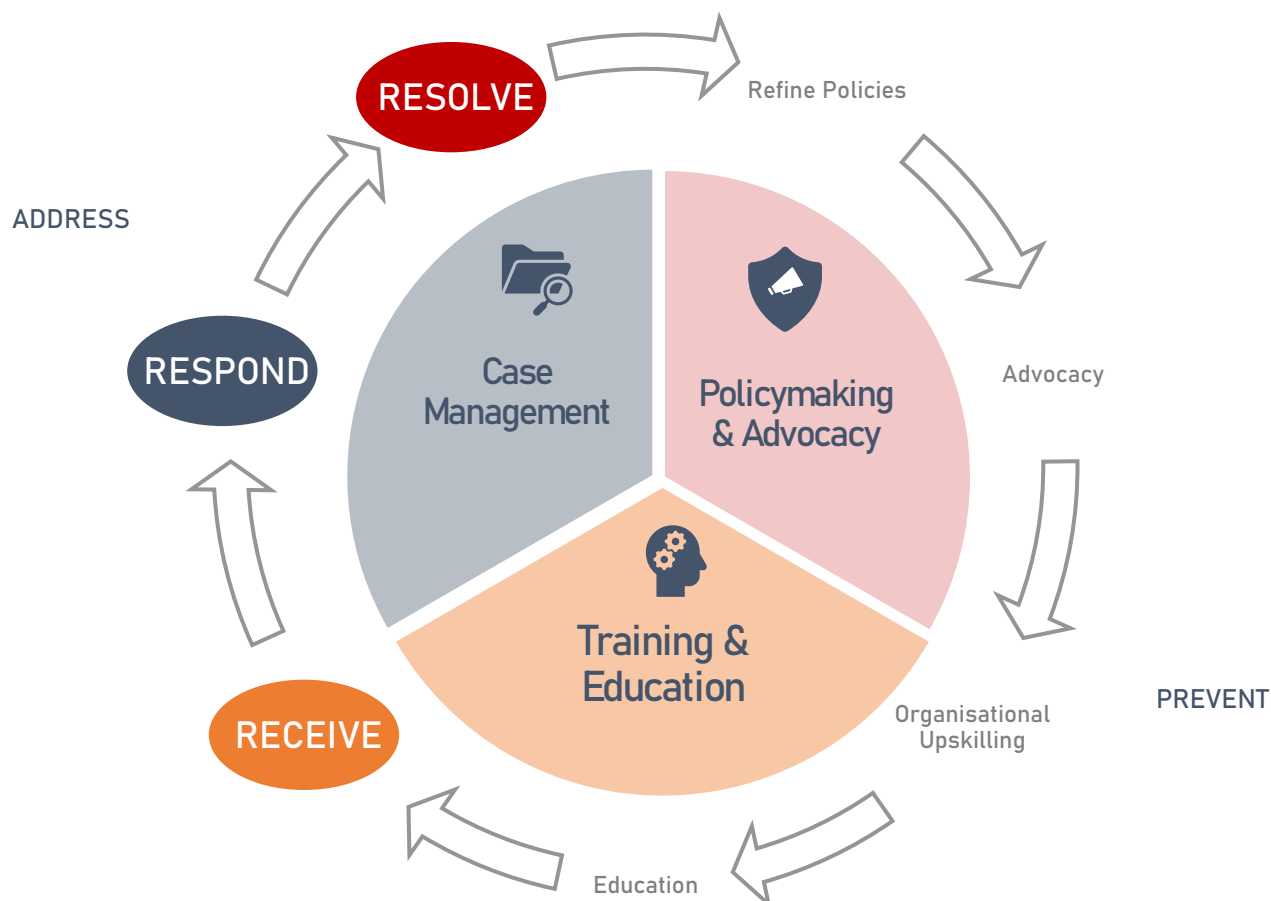
2. Summary of Safe Sport Unified Code Consultation Process:

Status	Process	Expert /Stakeholder Group		Documentation
Completed	Phase 1 (Jan to Mar)	Experts	Ministry of Social and Family Development Legal Ministry of Education Singapore Police Force Singapore Children's Society KK Women's & Children's Hospital AWARE	<i>A Safeguarding Framework for Singapore</i> (Dec 2020)  <i>Safeguarding Officer Pulse Survey</i> (Dec 2020)
		Olympic & Paralympic Movement Leaders	Singapore National Olympic Council (Athlete's Commission, Women in Sport Committee, Medical Commission) Singapore National Paralympic Council Singapore Disability Sports Council	<i>Safe Sport Unified Code – Part 1 Misconduct</i> (v 2.0) (April 2021)
Completed	Phase 2 (April to Jun)	Focus Groups	Safeguarding Officers Athletes & Sportspersons Coaches Disability Sport Community Sport Administrators Parents & Volunteers Organisational Leaders Sport Programme Providers	<i>Safe Sport Unified Code Community Consultations Interim Report</i> (June 2021)
Completed	Phase 3 (July to Sep)	Experts Organisations (NSAs/Multisport Organisations)	Working Groups <ul style="list-style-type: none"> <li>▪ Athletes</li> <li>▪ Safeguarding Officers/Sport Administrators</li> <li>▪ Organisational Leaders</li> </ul>	<i>Safe Sport Unified Code Consultations - Phase 3</i>



## Modus Operandi

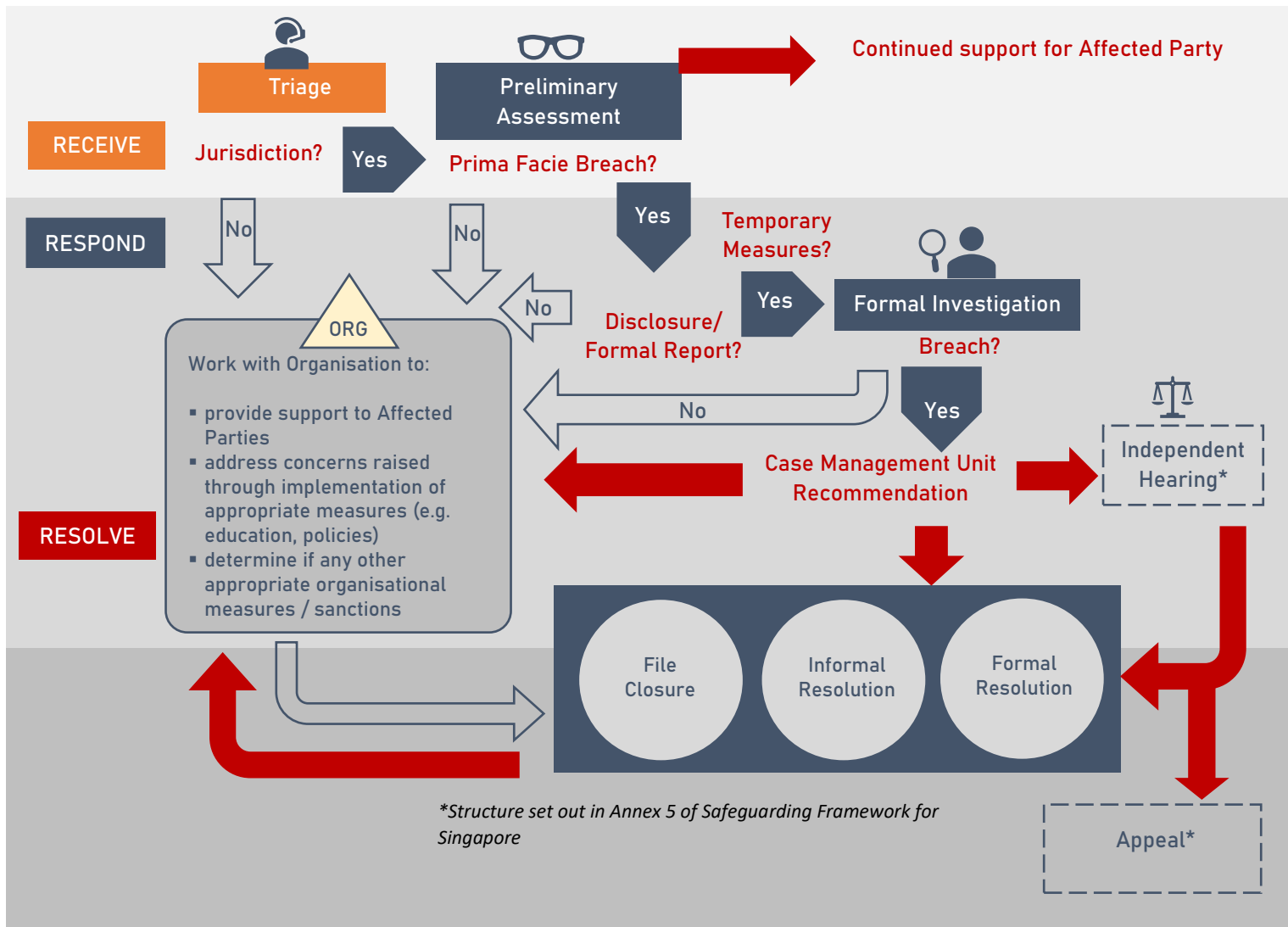
3. Case Management is but one several strategies of ensuring a safe sporting environment and should be viewed in the context of the Safe Sport Programme. Each incident, whilst specific to its particular circumstances, will reflect and inform the need for appropriate refinements in policies, training and educational programmes.



4. The items set out in this paper will inform the structure and approach of the Safe Sport Commission's Case Management Unit ("CMU") in terms of how it:
- Receives;
  - Responds; and
  - Resolves reports made to it.
5. Important features of the case management process are designed to give consideration to the needs and the value of each step of the case management process for the Affected Party whilst balancing the need to ensure due process for the Respondent (i.e., the right to know the evidence against them, the right to be heard and to produce evidence and defend themselves before independent adjudicators.) This approach is reflected in the procedures and/or processes and language and/or terminology used.



### CASE MANAGEMENT OVERVIEW



### Key Considerations

RECEIVE	RESPOND	RESOLVE
<ul style="list-style-type: none"> <li>A. Jurisdiction</li> <li>B. Section 424 of Criminal Procedure Code (CPC) and/or Related Proceedings</li> <li>C. Requests for Non-Identification</li> <li>D. Anonymous Reports</li> <li>E. Temporary Measures</li> </ul>	<ul style="list-style-type: none"> <li>A. Formal Report or Disclosure</li> <li>B. Types of Resolutions</li> <li>C. Standard of Proof for Breach</li> <li>D. Classification - Decision Making Framework</li> <li>E. Continued Support for Affected Party</li> </ul>	<ul style="list-style-type: none"> <li>A. Mandatory Hearing Threshold</li> <li>B. Sanctions Matrix</li> <li>C. Threshold for Appeal Confidentiality</li> </ul>

## RECEIVE

**A. Jurisdiction**

A1. CMU Jurisdiction established if:

- Organisation is member of Safe Sport Programme (“Member Organisation”) (i.e. has delegated authority for investigations to CMU)
- Alleged behaviour falls within the definitions of Misconduct under Safe Sport Unified Code. Breaches of sport specific safeguarding policies which are not Misconduct under the Unified Code will be referred back to the relevant Member Organisation.
- Respondent is bound by Member Organisation (See *Scope & Implementation*)

A2. A large majority of the participants of the eight (8) stakeholder Focus Groups have indicated a strong preference for a hybrid model for management on cases based on the type and severity of Misconduct. The prevailing sentiment is that the hybrid model allows organisations to deal with mild and limited range of misconduct while moderate to severe and particular range (e.g. sexual) should be referred to the CMU. The recommendation for the hybrid model was based on the feedback given, principles of self-governance and current resources, these being the thresholds for case management for the CMU:

- Misconduct which is classified at Moderate (Category B) to Severe (Category A)
- Misconduct which is classified as Mild (Category C) should be recorded and notified to the CMU within forty-eight (48) hours and dealt with by the Member Organisation, unless at the request of the Affected Party and/or the Member Organisation where:
  - there is a conflict of interest;
  - there are reasonable grounds for believing that the matter will not be dealt with fairly.

A3. Where a report is received by the safeguarding officer of the Member Organisation, classification (see *Decision Making Framework* below) shall be made jointly by the Member Organisation’s safeguarding officer and the CMU during the preliminary assessment. Where there is a disagreement, the CMU’s decision shall take precedence.

**B. s.424 of CPC and/or Related Proceedings**

B1. The CMU may be bound by mandatory reporting requirements under domestic law where it becomes aware of certain types of Misconduct. The CMU may, in its discretion and/or in accordance with its legal obligations, report to law enforcement, particulars of any Misconduct which it has become aware of, through the CMU reporting or otherwise.

B2. Where the CMU makes a report to law enforcement, the a formal process is initiated, and the CMU may consider appropriate temporary measures be put in place by the Member Organisation.

B3. The CMU may contact any law enforcement agency to ascertain the status of the relevant authorities’ investigation and determine the extent to which any evidence collected by law enforcement may be

available to CMU in its investigation. The CMU may also provide some or all of its case information, documentation, or evidence to law enforcement.

- B4. At the request of law enforcement or at the CMU's discretion, the CMU may delay its investigation temporarily while a law enforcement agency is gathering evidence. However, the CMU may determine that certain temporary measures are appropriate pending the outcome of such investigations.
- B5. Because the standards of proof for criminal law are different from the standards for finding of Misconduct under the Unified Code, the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a violation of the Unified Code has occurred.
- B6. Conduct may amount to Misconduct under the Unified Code even if the Respondent is not charged, prosecuted or convicted for the conduct that could constitute Misconduct, is acquitted of a criminal charge, or legal authorities decline to prosecute.
- B7. Resolution will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.
- B8. Participating in the Safe Sport Programme's process does not extend or restrict a person's right to file charges or claims regarding the underlying allegations with any other agency, law enforcement, or court.
- B9. Where the Misconduct may be subject to related proceedings under other regulations (e.g. anti-doping policies and codes, National Registry of Coaches' Code of Ethics, International Olympic Committee (Games Time)), the CMU may determine together with the relevant authority on the most appropriate investigative and/or adjudicating body.
- B10. The CMU or the Safe Sport Disciplinary Committee may recognise decisions imposed by other bodies in respect of equivalent offence(s) to Misconduct and may recognise and/or impose appropriate measures and/or sanctions under the Unified Code. Such decisions shall thereafter be recognised by Member Organisations which shall take all necessary action to give effect to such decisions.

### **C. Requests for Non-Identification**

- C1. Subject to its obligations under mandatory reporting laws, an Affected Party and/or Third-Party Reporter may request that personally identifying information not be shared with a Respondent. The CMU seek to honour the request if it is possible to do so whilst protecting the health and safety of the Affected Party and the sporting community.
- C2. The CMU will make reasonable efforts to protect the privacy of individuals, including the Respondent, involved in its process, while balancing the need to gather information to assess a report and to take steps to address Misconduct.
- C3. If the CMU determines it cannot honour an Affected Party's request that personally-identifying information not be shared with the Respondent, the CMU may direct appropriate actions, which may include: (a) imposing a no contact directive or other temporary measures; (b) initiating an investigation; and (c) arranging, imposing, or extending any other appropriate remedial and/or protective measures.

- C4. In such cases, the CMU will make reasonable efforts to protect the privacy of the Affected Party. However, actions that may be required as part of any investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Affected Party's identity may have to be disclosed. In such cases, the CMU will notify the Affected Party that it intends to proceed with an investigation.
- C5. Information will be shared as necessary with CMU, witnesses, and the parties. It may also be necessary for the CMU to notify the relevant organisation (a) of an allegation involving a participant from that organization; (b) if CMU implements a temporary measure; (c) of procedural status updates; and (d) of any sanctions.
- C6. Unless necessary, the CMU does not disclose a Third-Party Reporter's personally identifying information.
- C7. The CMU reserves the right to notify guardians of Affected Parties regarding any health or safety risk.

#### **D. Anonymous Reports**

- D1. Reports may be made anonymously to the CMU. Anonymity means the CMU will not know the personally identifying information of the reporter. It does not mean that the underlying information will be protected.
- D2. An anonymous report may limit the CMU's ability to investigate and respond to a report. As such, the CMU would strongly encourage individuals to provide their name and contact information when reporting.

#### **E. Temporary Measures**

- E1. In imposing any of the Temporary Measure(s), the CMU must have regard to:
- the severity of Misconduct;
  - sufficiency of evidence of the Misconduct; and
  - the risk to Affected Party and community if the Temporary Measures are not applied.

**RESPOND****A. Formal Report or Disclosure***Disclosure*

- A1. Subject to mandatory reporting requirements, a disclosure does not launch any kind of formal process. Where an Affected Party determines that they do not wish to make a formal report, the CMU seeks to honour the request if it is possible to do legally, whilst also protecting the health and safety of the Affected Party and the sporting community.
- A2. If the CMU determines the request can be honoured, the CMU may (a) refer the Affected Party to support services and/or law enforcement (b) assist the individual in activating the formal reporting process and/or (c) take other appropriate steps to address the reported conduct and minimise or prevent its recurrence in the sporting community. Those steps may include offering appropriate training, providing targeted educational interventions or prevention programmes, and/or providing or imposing other remedies tailored to the circumstances as a form of alternative resolution.

*Formal Report*

- A3. Where a third party-reporter and/or Affected Party determine they wish to make a formal report, the CMU:
- formally investigates the matter; and
  - may implement the Temporary Measures set out in the Unified Code pending the outcome of such formal investigations

**B. Types of Resolutions**

- B1. **Close the File** – CMU may close a matter as a result of insufficient evidence, an Affected Party elects not to participate in the resolution process, or other factors as determined by CMU. Upon receipt of new information or evidence, or a change in circumstances, the CMU may reopen the matter for further investigation.
- B2. **Informal Resolution** - A Respondent may, at any time before a matter is final, elect to resolve allegations of Misconduct by an Informal Resolution. The CMU, in consultation with the Affected Party, will determine if an Informal Resolution will be appropriate. An Informal Resolution is not a settlement but does constitute a final and binding disposition of the matter. An Informal Resolution and the related measures and sanctions will be kept on record.
- B3. **Formal Resolution** - This occurs after the formal investigations have been completed and a Decision has been issued by the Safe Sport Disciplinary Committee.

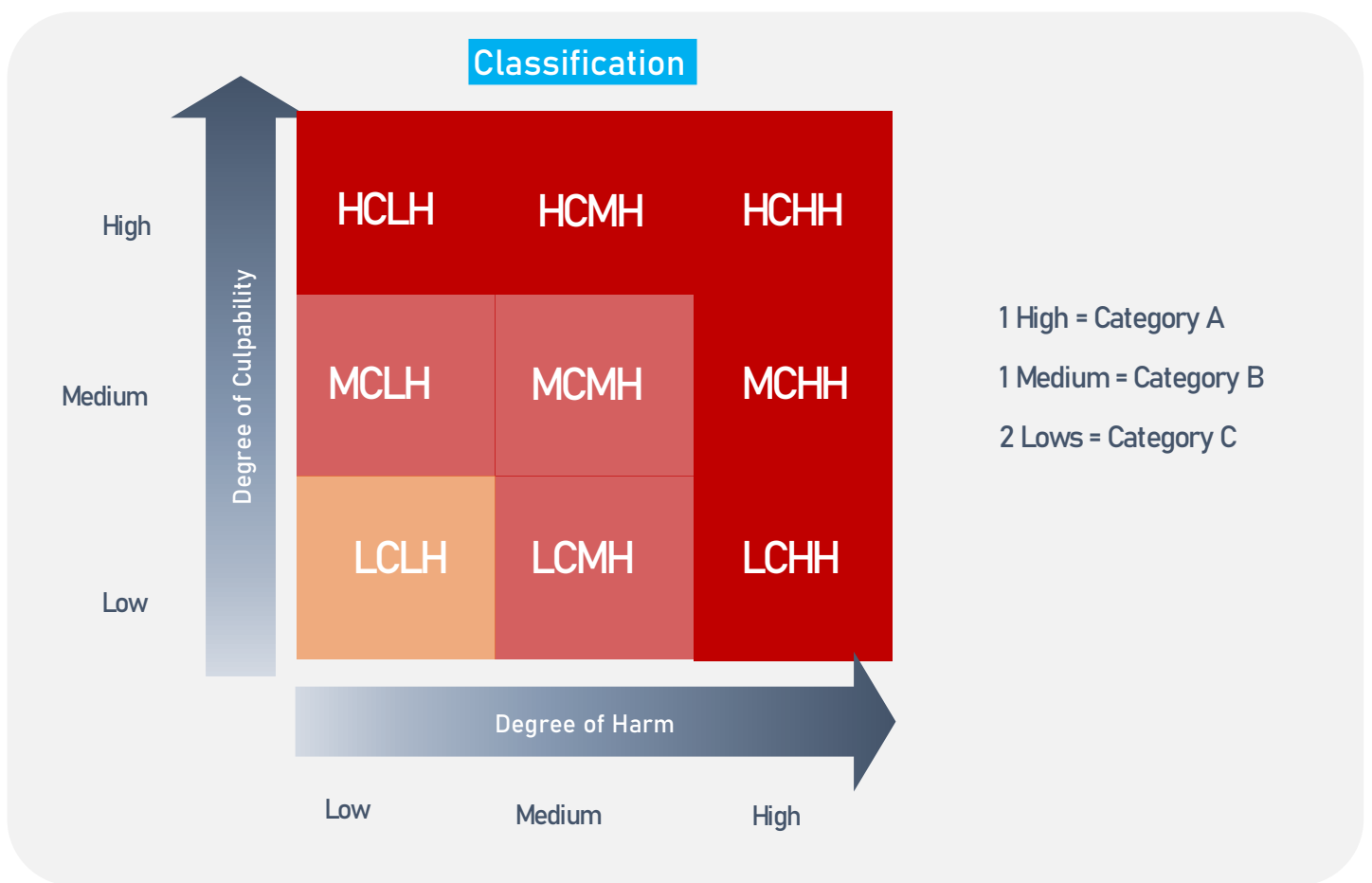
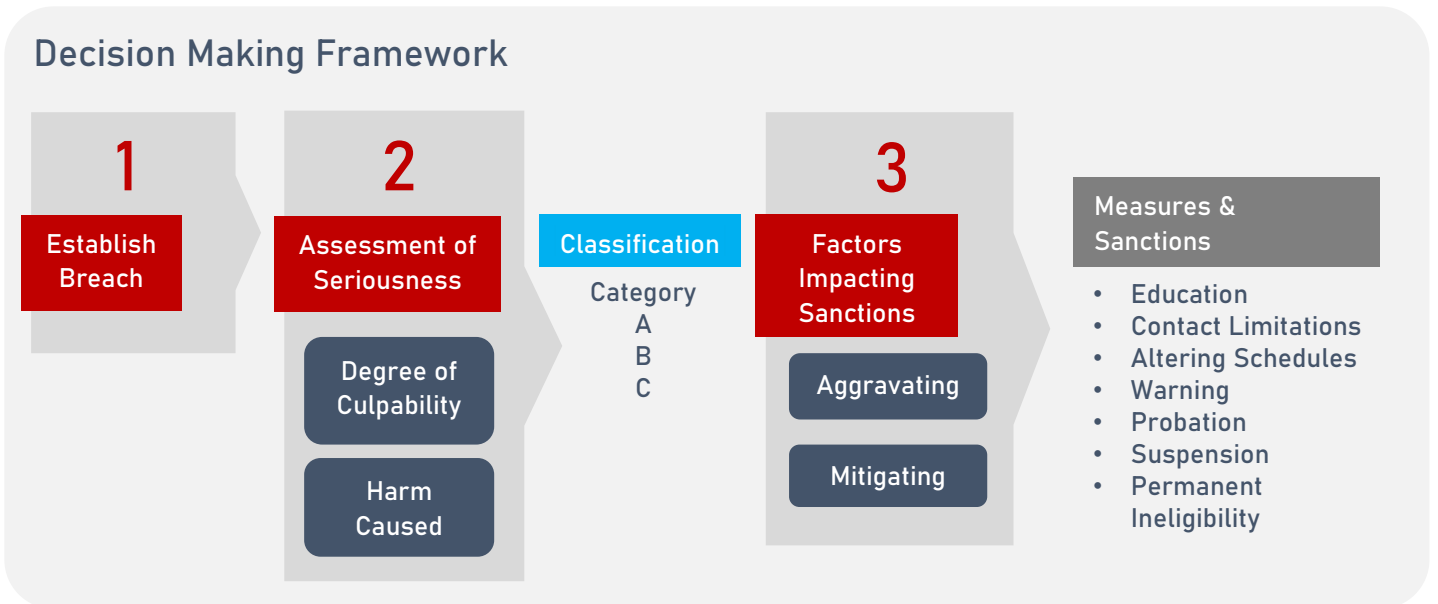
**C. Standard of Proof for Breach**

- C1. The standard of proof shall be the on the balance of probabilities, that is the occurrence of the event was more likely than not.

D. Decision Making Framework

D1. The Decision Making Framework shall be applied by:

- the CMU to guide it in its recommendations; and
- the Safe Sport Disciplinary Committee in coming to a decision on the appropriate measures and/or sanctions



# Decision Making Framework

## Step 1

### Establish Breach

Has there been Misconduct of the Unified Code on the balance of probabilities?

## Step 2

### Assessment of Seriousness

What is the level of seriousness based on the degree of culpability and the harm caused? (*Factors listed are non-exhaustive*)

#### Degree of Culpability

- frequency and severity of the misconduct:
  - number of occasions and/or period of time
  - nature of the actions - sexual, physical and/or psychological
  - the manner in which misconduct was committed including part of body used and/or violated
- the vulnerability of the affected party including but not limited to:
  - part of victim's body involved/affected
  - ability of victim to defend herself/himself
  - existence of power imbalance/exploitative relationships
  - specific targeting of a particularly vulnerable child/adult
- level of premeditation / degree of planning (e.g. grooming)
- use of threats (including blackmail), alcohol/drugs on concerned person to facilitate the misconduct
- whether the misconduct was completed or amounted to an attempt
- whether the conduct was directed at more than one person
- any other relevant factors

#### Harm Caused

- the effect on concerned person including:
  - mental or emotional state
  - physical injuries suffered
  - impact based on age and development
- whether the conduct unreasonably interfered with affected party's educational or work performance and/or sport programs or activities;
- level of exploitation (e.g. sexual images of victim recorded, retained, solicited or shared)
- the effect on other participants
- any other relevant factors

#### Classification

Category A, B or C

## Step 3

### Factors Impacting Sanctions

#### Aggravating Factors

- steps taken to prevent the affected party from reporting an incident, obtaining assistance and/or from assisting or supporting the investigations
- attempts to dispose of or conceal evidence
- failure of Respondent to respond to previous warnings and/or comply with previous directions
- presence of others, especially other children
- commission of Misconduct whilst under the influence of alcohol or drugs
- the duty of care owed by the Respondent
- any other aggravating factors

#### Mitigating Factors

- no previous disciplinary warnings, relevant convictions, and/or sanctions
- Respondent's voluntary disclosure of the offense(s), acceptance of responsibility for the misconduct, and/or cooperation in the process
- previous good character and/or exemplary conduct
- age and/or lack of maturity where it affects the responsibility of the Respondent
- mental disorder or learning disability, particularly where linked to the commission of the Misconduct
- demonstration of steps taken to address offending behaviour
- any other mitigating factors

#### Measures & Sanctions



## E. Continued Support for Affected Party

- E1. As highlighted in the paper on the Safeguarding Framework for Singapore, this is an important feature of the Safe Sport Programme through:
- Separation of the investigations function and continued support for the Affected Party. One of the case manager's responsibilities is to ensure continued support and referral to augmented support services where appropriate. We would recommend curating a list of professionals with which the case manager can work with closely to ensure continuity of care.
  - Partnership with organisations (e.g. Singapore National Olympic Councils Athletes' Commission and Women in Sport Committee) as befrienders and counsellors to support the Affected Party through the resolution process.

## RESOLVE

### A. Mandatory Hearing Threshold

- A1. A matter which is formally investigated and deemed by the CMU to be classified as at Category A and B and/or meriting a period of suspension, shall proceed to Formal Resolution.
- A2. The composition of the Safe Sport Disciplinary Panel is set out at in *Annex 5 – Safe Sport Tribunal Concept Paper, A Safeguarding Framework for Singapore* (which is reproduced below in the Annex to this paper).

### B. Sanctions Matrix

- B1. Mapping of sanctions against classification of different types of Misconduct will be done in consultation with experts from Phase 1 .

### C. Threshold for Appeal

- C1. The Safe Sport Commission or the Respondent may appeal against the Safe Sport Disciplinary Committee's decision together with a deposit. If the Safe Sport Commission or the Respondent does not make such an appeal in writing within 14 (fourteen) days, the decision shall be final.
- C2. A Respondent who is suspended under a Decision who elects to appeal remains suspended under the terms of the Safe Sport Disciplinary Committee's decision until the appeal has been dealt with.
- C3. The grounds for appeal shall be where:
- there is error in application of the law (the Disciplinary Committee in the first instance applied wrong principles)
  - error in central finding of fact (exercise of judgement/discretion by Disciplinary Committee at first instance was manifestly wrong)

- sanction was manifestly excessive or wrong in principle
- sanction was unduly lenient
- decision should be overturned in the interests of natural justice

#### **D. Confidentiality**

- D1. Except where a Formal Resolution has taken place, documents and/or evidence related to the response and resolution procedure are confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law and/or authorised by the CMU.
- D2. Where Formal Resolution has taken place, the full written decision, the formal investigation report and any documents and/or evidence attached (including interview statements of a witnesses; any audio recordings or transcripts of those recordings created as part of the investigative process, including any hearing transcripts) are confidential. Such confidentiality excludes the parts thereof which are reflected in the Safe Sport Disciplinary Committee's summary decision, or where required by the law and/or authorised by the Safe Sport Commission to be disclosed. Violation of this provision, including by an advisor and/or representative for an involved party, may constitute an Abuse of Process.
- D3. The CMU may disclose such relevant parts of the summary decision, including whether a violation was found, the nature and severity of the Misconduct, to those parties or organisations with a need to know so that the outcome can be properly effectuated and/or understood.
- D4. Additionally, subject to the Abuse of Process (including the prohibition on identifying a Affected Party), the CMU does not impose any restrictions on Affected Party's or Respondent's ability to discuss the incident, their participation in the CMU's process, or the outcome of that process. Any misrepresentation of the process, the underlying facts, or the outcome of a matter by a person and/or entity may constitute an Abuse of Process.
- D5. CMU may maintain a publicly-available searchable database of participants who have been sanctioned by or whose eligibility has in some way been restricted.

## Annex

(reproduction of *Annex 5 – Safe Sport Tribunal Concept Paper* from *A Safeguarding Framework for Singapore*)

*[Updated: All references to Tribunal have been replaced with either Disciplinary Panel / Disciplinary Committee/ Appeal Committee, as the case may be]*

### Introduction

1. This annex sets out the concept for the Safe Sport Disciplinary and Appeal Committees (“Committees”) based on the considerations set out in Section 6.25 to 6.30.
2. The Committee’s authority would be designated by the Safe Sport Programme and delegated from sporting organisations through their participation in the Safe Sport Programme.
3. *[Updated: Further to the Focus Group Discussions in Phase 2, the Committees will have both general (hear a matter at first instance) and appellate (hear an appeal from a first instance decision) jurisdiction]*
4. The “Safe Sport Disciplinary Panel” refers to members of the Disciplinary and Appeal Committees constituted under the disciplinary regulations (to be developed) for the Safe Sport Programme.
5. The central tenet of the disciplinary framework is the independence of its members - it shall be independently appointed and shall exercise its functions independently, including independently of (a) the parties to the proceedings (b) sports organisation whose jurisdiction responsibility falls, and (c) the Safe Sport Commission. Members on the Safe Sport Disciplinary Panel should not be office holders or employees of any of the above.

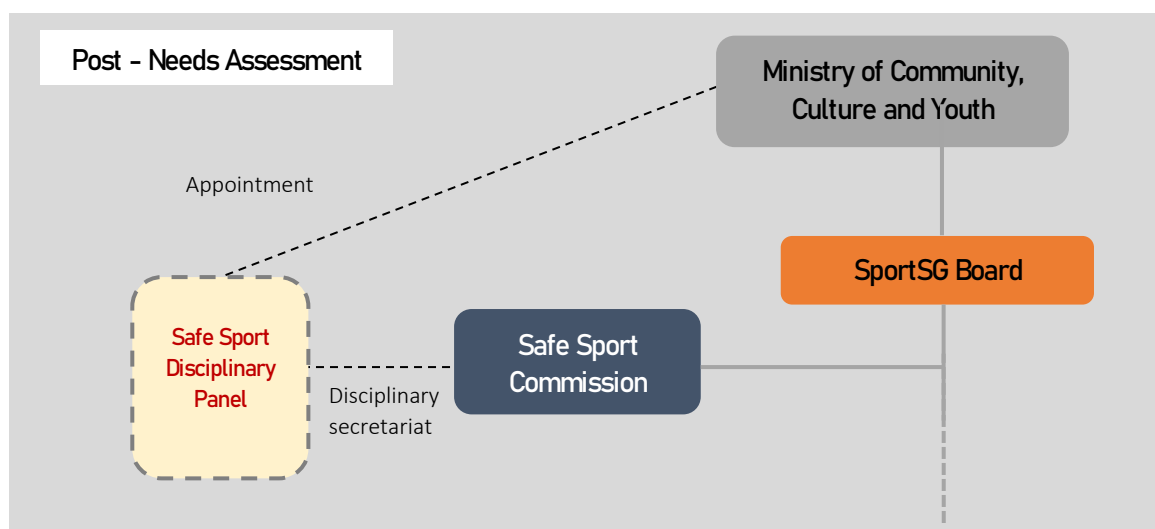
### Elements of the Proceedings involving the Safe Sport Disciplinary Panel

6. The Safe Sport disciplinary regulations should set out the following:
  - a. **Standard of Proof** – on the balance of probabilities (consistent with general sport disciplinary procedures).
  - b. **Inquisitorial Process** (as opposed to adversarial) – hearings should be inquisitorial in nature. This so that the Disciplinary Committee is not arbitrating between the sporting organization and the Respondent as the Disciplinary Panel’s legitimacy extends to the interest of sport itself. Therefore, the Disciplinary Panel’s role will be to ensure that the truth prevails by asking questions and has wider discretions in the procedures.
  - c. **Principles of Natural Justice** – the Respondent shall have the right to know the evidence against him/her, shall have the right to be heard, to be represented, to produce evidence and defend himself/herself before independent adjudicators.
  - d. **Appeal**
    - Right of appeal - Either the Safe Sport Commission or Respondent may appeal against the decision of the Disciplinary Panel in the first instance
    - Grounds of Appeal & Thresholds
      - i. there is error in law (the Disciplinary Committee in the first instance applied wrong principles)

- ii. error in central finding of fact (exercise of judgement/discretion by Disciplinary Committee at first instance was manifestly wrong)
  - iii. sanction was manifestly excessive or wrong in principle
  - iv. sanction was unduly lenient
  - v. decision should be overturned in the interests of natural justice
- e. De Novo - Appeal Committee has power to hear the matter anew and/or in part (as natural justice requirement)
7. **Secretariat** - the administration of regulations will be provided by a Disciplinary Officer from the SS Commission who will be responsible for coordinating the exchange of documentation and assist in presenting the case for a breach.
8. **Resource person (s) or subject matter expert (s)** - may also be called upon to provide information to assist the Safe Sport Tribunal.

## Appointment to Safe Sport Disciplinary Panel

9. Nominations for the appointment to Safe Sport Disciplinary Panel may be made by National Sports Associations, sports organisations who are members of the SS Programme and/or the SS Commission. MCCY, at the recommendation of SS Commission shall consider all such nominees for appointment against an appointment criteria.

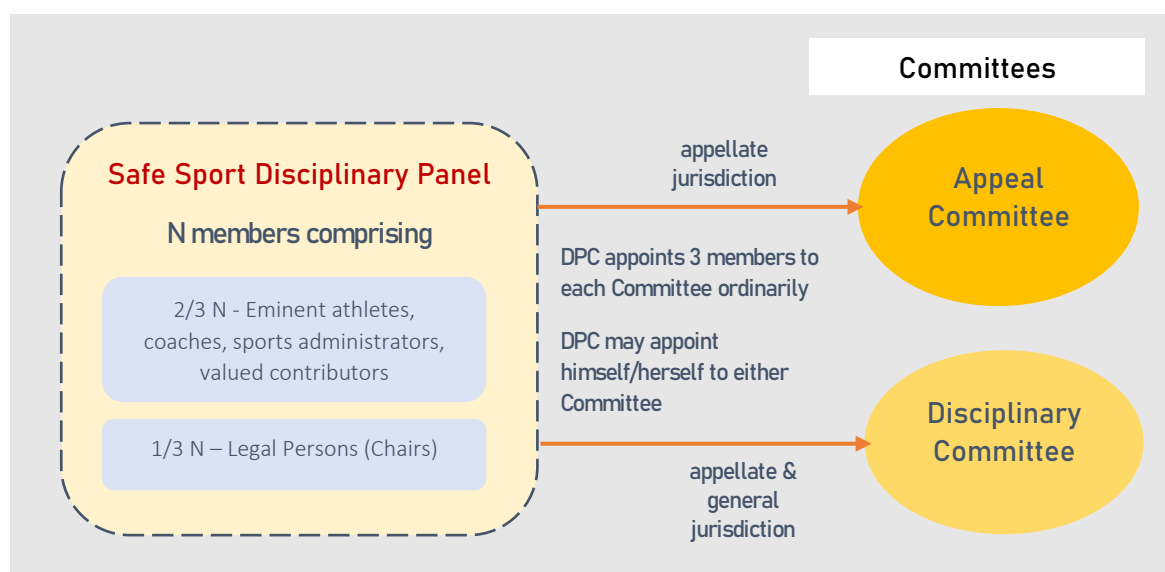


10. N (number) of persons shall be appointed to a Safe Sport Disciplinary Panel for a term of 2 years. The appointment of the Safe Sport Disciplinary Panel will not be dissimilar to the appointment to the Anti-Doping Singapore Disciplinary Committee.
11. The “N” shall be determined after the needs and assessment analysis taking into account the projected number of cases.
12. Composition of Safe Sport Disciplinary Panel members:
- 2/3<sup>rd</sup> N shall comprise any of the following:
    - eminent athlete (e.g. current and/or former members Athlete’s Commission)
    - eminent and experienced coach / official
    - experienced sports administrator
    - valued contributor to the sporting community (e.g. parent, award recipient)

- 1/3<sup>rd</sup> N shall comprise legally trained persons with previous experience in sport or related disciplinary hearings (“Legal Person(s)”)

## Safe Sport Disciplinary Panel Chair

13. One of the Legal Persons should be appointed as Safe Sport Disciplinary Panel Chair (“DPC”). The DPC’s role is to be the senior member of the Safe Sport Disciplinary Panel and shall exercise his/her role with impartiality.
14. The DPC’s role will include:
  - a. specifying chairs and members to the Safe Sport Disciplinary Committees and/or Appeal Committees taking into considerations conflicts of interest, the subject matter at hand etc.
  - b. ensuring the expeditious disposal of disciplinary and other cases together with full and reasoned decisions expeditiously;
  - c. mentoring and assessing the performance of and training of members of the DPC;
  - d. at his/her own volition or at the request issuing practice directions and sanctioning guidelines, memoranda relating to the SS Programme’s disciplinary processes and procedures;
  - e. at his/her own volition or, when requested, to provide input and advice to SS Commission on its discipline (and other relevant) regulations, on certain aspects of discipline policy relating to procedures etc.; and
  - f. hearing first instance and appeal cases at his/her sole discretion as a chair of a panel specified by him/her.
15. The proposed organisation of through a DPC is in line with the principles of best practice in today’s sport governance on disciplinary integrity.<sup>1</sup>



<sup>1</sup> The Quinlan Report for the British Horseracing Authority (2016), <https://www.guildhallchambers.co.uk/news/1925/>

## Disciplinary Committees and/or Appeal Committees Composition & Responsibilities

16. Disciplinary Committees and Appeal Committees should ordinarily comprise three members from the Safe Sport Disciplinary Panel but shall be at the discretion of the DPC. (e.g. Where an appeal is on a point of law, the TPC may appoint 2 Legal persons to the Appeals Committee.)
17. At least one member of the Disciplinary Committee shall be of the same gender as the person affected by the allegations against the Respondent.
18. As appeal hearings are less common, there is no need to appoint a separate appeals panel. The Safe Sport Disciplinary Panel members may be appointed for either first instance or appeal hearings. A Safe Sport Disciplinary Panel member who is not appointed to hearing will be available for appointment to the appeal.
19. The DPC shall appoint the Legal Person to chair the Disciplinary Committee or Appeal Committee at the hearings. The Legal Person is to take charge of the conduct of the hearings and will be responsible for giving pre-hearing directions (if any) and draft written decisions.
20. The Safe Sport Disciplinary Panel members are to be conversant with the disciplinary regulations for Safe Sport Programme so panel members understand the procedures and will help with a more consistent decision making.

## Annex 2



## Phase 3 – Working Group Consolidated Remarks



## Phase 3 – Working Group Consolidated Remarks

### Safe Sport Taskforce

#### **Nomenclature**

Participants provided their views for the nomenclature used to represent the different parties involved in an incident.

The terms which were determined as being clear and neutral were as follows:

- Report Provider - Person who reported the incident  
(considered terms - reporting person/party, incident reporter, informer, source)
  
- Affected Party - Person affected by the incident  
(considered terms – victim, complainant, injured party)  
  
 “Concerned Person” , which is used by the International Olympic Committee” was widely perceived across the groups as confusing as it could also refer to the alleged perpetrator.
  
- Respondent - Person who is alleged to have committed the misconduct  
(considered terms – accused, perpetrator, alleged person/part, person of interest, person involved)

### RECEIVE

#### A. Jurisdiction

Para	Comment	Safe Sport Taskforce
A	Are there any “statute of limitations” period beyond which reports will not be accepted? E.g., Respondent has left the Member Organisation	<p>If the individual was a participant under the jurisdiction of any member organisation:</p> <ul style="list-style-type: none"> <li>▪ at the time that the Unified Code was in force;</li> <li>▪ and when the incident occurred</li> </ul> <p>the fact that an individual has since left the member organisation should not impact the CMU’s ability to look into a concern in order to address inappropriate behaviours</p>

		<p>within the sporting environment:</p> <ul style="list-style-type: none"> <li>▪ for the benefit for the community</li> <li>▪ to support the affected party</li> <li>▪ hold accountable persons responsible</li> </ul>
A1	<p>What happens if the misconduct belongs to Category A or B, but the organisation is not a Member of the Safe Sport Programme (i.e. signatory to the Unified Code)?</p>	<p>The Safe Sport Commission will not have jurisdiction.</p> <p>In line with the SNOC-SportSG constitutional review of the National Governing Principles with National Sports Associations and National Governing Bodies, adoption of the Unified Code will become a requirement for terms of membership of SNOC and funding from SportSG from 2022.</p>
A1	<p>It is possible for freelancers and coaches to operate outside the governance of NSAs, e.g. condo coaches, private medical/wellness practitioners, etc. How can athletes be protected under the Unified Code from this group of individuals?</p> <p>As freelancers make up big portion of our sporting ecosystem, it is necessary to ensure that they are held accountable to their actions and that any inappropriate behaviours by this group of stakeholder should not endanger the safety of the students /trainees that are under them.</p>	<p>Currently, these coaches will be</p> <ol style="list-style-type: none"> <li>(1) the members of the National Registry of Coaches (NROC), who would be required to be abide by the Coach's Code of Ethics which will include reference to the Unified Code; and</li> <li>(2) coaches which fall under the jurisdiction and governance of Member Organisations of the Safe Sport Programme</li> </ol> <p>The Unified Code also covers all relevant participants over which the Member Organisations have jurisdiction and governance (e.g., medical practitioners, physiotherapists, volunteers) through participation.</p> <p>The other freelance coaches / fitness instructors who do not fall under these categories are not required to comply with the Unified Code. SportSG is working towards the regulation of sport and physical exercise &amp; activity coaches / instructors under guidance and advice from MCCY.</p>
A2	<p>Will the CMU be updated on the outcome of a member organisation's investigations into a misconduct that belongs to a Category C?</p>	<p>Yes. A central case management system will assist Member Organisations and the Safe Sport Commission to:</p> <ul style="list-style-type: none"> <li>▪ maintain good record-keeping</li> <li>▪ identify hotspots/areas for intervention in terms of training/education and refine policies</li> <li>▪ safeguard against serial perpetrators who may operate across different sport or organisations</li> </ul> <p>Every report received by the member organisation (regardless of classification) should recorded in the central case management system.</p>
A2	<p>In the event of any cases [Category A,</p>	<p>CMU may exercise discretionary jurisdiction where:</p>

	B & C], should all response points be from CMU to prevent conflict of interest? This is of concern as stakeholders (e.g., coach, athlete, staff) can be linked to the NSA and the CMU is the most neutral and fair party.	<ul style="list-style-type: none"> <li>▪ there is conflict of interest</li> <li>▪ there are reasonable grounds that incident will not be dealt with fairly</li> </ul>
A2	Does the CMU have any overriding discretion in the case of unsatisfactory outcomes in Category C incidents?	Good governance is the responsibility of Member Organisations. The Safe Sport Commission's Case Management Unit ("CMU") will work Member Organisations to support the managing incidents which are not moderate or severe are given the appropriate

### Safe Sport Taskforce

#### Case management process (e.g., submission of report, interview, update of case)

During the Working Group sessions, these other points were raised

##### Case management

- Offence classification should be assessed by the CMU or done jointly with the NSAs.
- The CMU should make contact for incidents of higher priority within 1-2 days.

##### Safeguarding officers (SOs)

- SOs preferred to limit their roles to that of a first responder as they are not equipped and/or appropriately trained to handle conduct investigations.
- SOs might also be overwhelmed with other roles they hold concurrently in their NSAs.
- The Interim Report arising out of the focus groups reflected hesitation of participants towards SOs due to their links to the respective NSAs. SOs in the consultations expressed that they felt pressured by the NSA leadership to influence investigations.
- Sport Administrators and Safeguarding Officers supported the idea of a group of Lead Safeguarding Officers to mentor new Safeguarding Officers, lead communities of practice and/or become the reporting point for other NSAs. As such, the Leading SOs would be from neutral grounds (e.g., crosses over different sports). Having a group of lead SOs would help to prevent bias and encourage reporting. It can also help in sharing best practices and supporting other SOs.

##### Receiving Disclosures/Reports

- Mode of receiving reports may be: Face-to-face, calls or online submissions

- If online submissions are used, they should be easy to navigate (e.g., drop-down lists, multiple selection). The submissions should be comprehensive and do not require the affected parties to relive the incidents by having to repeat the incident to another party again.

#### Confidentiality and Access to Centralised Case Management System

- Restricted to Case Management Unit
- Designated SO only has access to cases reported through them
- Good record keeping and administration is a priority, and a Case Management System will support Safeguarding Officers in making reports.

### B. s.424 of CPC and/or Related Proceedings

Para	Comment	Safe Sport Taskforce
B1	If CMU reports a misconduct to any law enforcement agency, will the Member Organisation's SO/Affected Party be informed with the option of withdrawing the report?	The Affected Party should be fully informed prior to disclosure if the misconduct falls under s.424 of the CPC.
B4	In the event of a delayed investigation, how will the Affected Party be supported and what will be the action required on the Respondent?	The need for and type of continual support (e.g. therapy, counselling, befriending) for the Affected Party will be assessed by the CMU. This support has no bearing with the investigation process and is available regardless of whether the Affected Party makes a Disclosure of Formal Report. The CMU will also decide if there is a need to impose temporary sanctions with respect to the Respondent during the investigation based on the guidelines set out at E1.

### C. Requests for Non-Identification

Para	Comment	Safe Sport Taskforce
C1	Are there any guidelines where the	This is done on a case-by-case basis and subjected to s.424

	Affected Party's identity will not be disclosed? This is important to protect the Affected Party in smaller/close-knit Member Organisations.	of the CPC.
C2	Is there a distinction between "privacy" and "personally identifying information" to protect both Respondent and Affected Party?	<p>At the preliminary assessment stage, personally identifying information may be redacted at the request of the Affected Party.</p> <p>Privacy relates to the publication of sensitive information. Balancing of the needs of the Affected Party and the proportionality for the Respondent are important principles that drive these considerations,</p> <p>Where formally investigated and sanctioned, most participants agreed that publication of suspensions should include the name of the Respondent and the duration of the suspension, which is similar to the current practice for listing of members who are suspended / debarred or terminated under the NROC.</p>
C2	How are respondents' (e.g., coaches) reputation safeguarded from false allegations?	<p>Where formally investigated and allegations established to be unfounded, a statement should be published to the effect that Respondent has been cleared of all wrongdoings.</p> <p>Action may be taken for false reporting, which is an act amounting to misconduct under the Unified Code.</p>

#### D. Anonymous Reports

Para	Comment	Safe Sport Taskforce
D	Would anonymous reports generally be given less priority/treated as frivolous?	<p>There may be legitimate reasons for making an anonymous report (e.g. persons which are a risk to the children/young persons/vulnerable adults) and the preliminary assessment process is one of the safeguards against frivolous reporting. In the area of sexual harassment and assault, studies have shown that the number of false reporting is extremely low. Under the Unified Code, false reporting is regarded as misconduct in and of itself.</p>

## E. Temporary Measures

Para	Comment	Safe Sport Taskforce
E1	<p>Is there any publication of temporary measures? E.g., if a coach is suspended while investigations are ongoing, will the public be aware?</p> <p>There is also a need to consider the repercussions if investigations eventually determine that there was no misconduct. For example, will coaches be compensated if they cannot work during suspension period?</p>	<p>For coaches, currently NROC publishes its list of members facing suspension, debarment and termination of membership. Actions taken are based on the NROC Handbook. It includes the name and term of suspension. For members who are suspended temporarily due to investigations, it is stated clearly and it would be reviewed once the investigations are completed.</p> <p>Matters related to employment and income are to be determined by the employer in accordance with the Employment Act by Ministry of Manpower and/or their employment contract / employees' handbook. This is not within the jurisdiction of the Safe Sport Commission.</p> <p>Under the Unified Code, weighing the factors set out in E1 ensures that there are guidelines in place for imposing temporary suspensions and these will be made on a case-by-case basis.</p>
E1	<p>Temporary Measures should only be implemented if a Prima Facie Breach is established. This is reflected in the flow chart but would be good to add into E as well.</p>	<p>Noted on clearer articulation.</p>

## RESPOND

## A. Formal Report or Disclosure

Para	Comment	Safe Sport Taskforce
A1	What are some examples where it is legally not possible for CMU to honour the Affected Party's request to not make a formal report?	The CMU has the legal obligation to make a formal report for behaviours which fall under s.424 of the CPC. This will enable the police to assess if a crime has been committed and prevent the perpetrator from committing further offences.
A1	Does CMU have the overriding discretion to proceed with a formal process even if a Affected Party chooses not to make a report?	The CMU has a legal obligation under s.424 of the CPC unless it has a reasonable excuse. As such this would necessitate assessment on a case-by-case basis.
A1	Is the CMU empowered to commence formal investigations without a formal report?	Yes. This may be the case where based on a Disclosure there is a prima facie breach of Unified Code and will be done in conjunction with the Member Organisation.

## B. Types of Resolutions

Safe Sport Taskforce

No comments raised.

## C. Standard of Proof for Breach

Safe Sport Taskforce

No comments raised.



## D. Decision Making Framework (“DMF”)

Para	Comment	Safe Sport Taskforce
D1	How is character/exemplary conduct defined?	It is common in disciplinary proceedings for testimonials to be provided to reflect a person’s good standing in the community and that the incident might be a single lapse in judgement. The Safe Sport Disciplinary Committee and Appeal Committee (where applicable) has the discretion to decide how much weight they want to accord such testimony (e.g. based on who is giving the testimonial and the examples given).
D1	Should prior antecedent, including Category C incidents that are handled by the individual sporting organisation(s), factor into the assessment of seriousness?	Prior antecedent is a factor in the aggravating & mitigating stage rather than when assessing the factors particular to the incident in question. However, if the antecedent is related to the incident in question (e.g., where a prior warning was given for Grooming has led to sexual misconduct for the same Person Concerned), it should be a consideration for culpability for the incident in question.
D1	How is “lack of maturity’ defined?	It is defined objectively using a person’s age. A person is deemed a minor if he/she is below 18 years old. The assessment of “maturity” based on age is only used as a mitigating factor for sanctions and is separate from the classification of the seriousness of the misconduct.
D1	What if there is no known diagnosis for “mental disorder or learning disability”? Who will undertake the costs of such and assessment?	A formal assessment by a qualified person, acknowledged by CMU, would be required. If a Respondent raises this as a point of mitigation.

## E. Continued Support for Affected Party

Para	Comment	Safe Sport Taskforce
E1	It is important to provide continued support in terms of training continuity.	Temporary Measures (Page 14 of Unified Code) include - changing of training times, providing chaperones etc. But noted that this should be included specifically so even if no Temporary Measures are imposed.
E1	It is important to curate a list of professionals that the case manager can work closely with to ensure continued support for the Affected	The CMU is establishing a Support Network consisting of clinical psychologists, counsellors, and befrienders to provide continued and/or enhanced psychosocial support to

	<p>Party. This should exclude the sport psychologists as they are not trained for this role.</p>	<p>the Affected Party and Respondent.</p> <p>A group of participants highlighted that athlete befrienders should be made available for affected parties who are athletes as they would be able to relate and render more appropriate support.</p>
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## RESOLVE

## A. Mandatory Hearing Threshold

## Safe Sport Taskforce

See Comments in RECEIVE – A. Jurisdiction

## B. Sanctions Matrix

Para	Comment	Safe Sport Taskforce
B1	Can records within CMU be deemed as 'spent'?	<p>Under the Registration of Criminal Acts in Singapore, certain incidents can be considered 'spent' and the Respondent no longer needs to declare his previous misconduct if he/she had stayed free from further incident for five consecutive years. This relates to conduct which is criminal in nature.</p> <p>Under the Unified Code, concerns related to breaches of a code of conduct, records (warnings, will be maintained in the CMU system in case the incident becomes a precursor for more serious misconduct in the future.)</p> <p>Majority of the participants in the working groups agreed that publication of suspensions is important and that by default, only the name and period of suspension should be published.</p>
B1	What are the sanctions for athletes?	<p>The Unified Code's jurisdiction concerns participation in the activities to which the Member Organisations have jurisdiction over (e.g. training, competitions and events). This applies to all participants under each Member Organisation, whether athletes, coaches, sport administrators and/or organisational leaders.</p>

## C. Threshold for Appeal

Para	Comment	Safe Sport Taskforce
C1	What is the deposit sum for appeal?	To be determined. The appropriate sum should not become a barrier for a valid appeal.
C1	Can the Affected Party also make an appeal?	<p>No. The Safe Sport Disciplinary Committee and Appeal Committee (if applicable) is not adjudicating a dispute between the Affected Party and the Respondent. To this extent, disciplinary proceedings are similar in terms of the parties' respective roles to criminal proceedings whereby a victim may not appeal against a court's decision in a criminal matter. However, victims do have a right of appeal if they commence civil proceedings.</p> <p>Where the Safe Sport disciplinary proceedings differ from criminal proceedings they are:</p> <ul style="list-style-type: none"> <li>▪ burden of proof (balance of probabilities v beyond a reasonable doubt)</li> <li>▪ nature (inquisitorial vs adversarial)</li> <li>▪ outcome (accountability v punishment)</li> </ul> <p>The sporting organisation through the CMU represents the interest of the Affected Party by enforcing the Code. Therefore, the Safe Sport Commission may appeal against the decision of the Disciplinary Committee.</p>
C1	Is the appeal decision final?	Yes. The decision shall be final after the appeal process is completed.
C1	Is the Appeal Committee different from the Disciplinary Committee panel?	Yes. The makeup of Appeal Committee (1 legal representative and 2 sporting community members) will be similar to that of the Disciplinary Committee. Members presided for the Disciplinary Committee will not be involved in the appeal proceedings.

## D. Confidentiality

Safe Sport Taskforce
No comments raised.

## SAFE SPORT DISCIPLINARY PANEL

Para	Comment	Safe Sport Taskforce
15	Is there a minimum qualification or experience required to be part of the Disciplinary Panel?	<p>The Legal Members must be a legal practitioner (of at least 7 years standing), a former senior legal practitioner, judicial officer, judicial commissioner, and/or judge.</p> <p>The Ordinary Members must have extensive experience in sport and be independent of Member organisations.</p>
15	Will the members of the Disciplinary Committee and Appeal Committee (where applicable) be made known to the parties before the hearing?	The Disciplinary Committee and Appeal Committee members will be made known to all parties before the hearing. Applications against the composition of the hearing panel may be made on the grounds that there may be breach to the principles of natural justice.
15	Will the Disciplinary Panel members be compensated for their time?	To be determined. The members of the tribunal may be offered a small honorarium.

## Annex 3



Working Group Members

## Working Group Members

### Athletes

*Working Group members organised by Singapore National Olympic Council, Athletes' Commission and Singapore Para Athletes Commission*

Name	Sport	Remarks
Shayna Ng	Bowling	<ul style="list-style-type: none"> <li>National Athlete</li> <li>Member, Athletes' Commission, Singapore National Olympic Council</li> </ul>
Nurul Taha	Boccia	<ul style="list-style-type: none"> <li>Paralympian, National Athlete</li> <li>Member, Athletes' Council, International Paralympic Committee</li> <li>Member, Singapore Para Athletes Commission</li> </ul>
Kerstin Ong	Athletics	National Athlete
Koh Jian Ying	Water Polo	National Athlete
Sara Merican	Football	National Athlete
Marsha Sharin	Windsurfing	National Athlete
Sheik Farhan	Silat	National Athlete
Leon Kwek	Basketball	National Athlete
Terry Tay	Gymnastics	National Athlete

### Sport Administrators and Safeguarding Officers

Name	Role/Designation	Organisation
Edwin Ker *	Executive Director	Singapore Swimming Association
Gabriel Choong *	Manager, Performance Pathways	National Youth Sports Institute
Jeevita Pillai	Sport Psychologist	National Youth Sports Institute
Joanna Goh *	Senior Executive *	Academies and Clubs, ActiveSG, SportSG
Joyce Koh	Sport Psychologist	SportSG / Singapore Sport Institute
Kelly Fan *	Executive Director	Singapore Disability Sports Council

Lee Wung Yew*	Academy Officer	PESTA, Ministry of Education
Lim Jia Min *	Safe Guarding Officer	ActiveSG Basketball Academy, Academies & Club, SportSG
Mahipal Singh *	General Manager	Singapore Cycling Federation
Malik Aljunied	Chief Executive Officer	<ul style="list-style-type: none"> <li>▪ Taekwondo Federation</li> <li>▪ Singapore National Olympic Council</li> </ul>
Ong Kaifen *	Assistant Director, Sport	Singapore Sports School
Samuel Nicholas Chu *	Safe Guarding Officer	Archery Association of Singapore
Sharon Teo #	Athlete's Commission	Volleyball Association of Singapore

*\*appointed safeguarding officer*

*#experienced in provision of psychosocial support services*

## Organisational Leaders

Name	Role/Designation	Organisation
Belinda Neo	Treasurer	Singapore Athletics Association
Chiang Chai Liang	<ul style="list-style-type: none"> <li>▪ Vice-President</li> <li>▪ Sport Executive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Archery Association of Singapore</li> <li>▪ Nanyang Technological University</li> </ul>
Gobinathan Nair	Director General	Southeast Asia Regional Anti-Doping Organisation
Joscelin Yeo #	<ul style="list-style-type: none"> <li>▪ Vice-President</li> <li>▪ Member</li> </ul>	<ul style="list-style-type: none"> <li>▪ Singapore Swimming Association</li> <li>▪ Women in Sport Committee, Singapore National Olympic Council</li> </ul>
Mark Chay	<ul style="list-style-type: none"> <li>▪ Chairperson</li> <li>▪ Director of Secretariat</li> </ul>	<ul style="list-style-type: none"> <li>▪ Athletes' Commission, Singapore National Olympic Council</li> <li>▪ Global Esports Foundation</li> </ul>
Martin Tudor Ellis Williams* #	Vice President	Singapore Rugby
Yazeen Buhari	General Secretary	Football Association of Singapore
Zason Chian Lit Khoon	Vice-President	Singapore Canoe Federation

*\*appointed safeguarding officer*

*#experienced in provision of psychosocial support services*