

INTERNAL GUIDELINES FOR PROTECTIVE TEMPORARY SUSPENSIONS OF PARTICIPANTS IN GYMNASTICS

INTRODUCTORY EXPLANATION

In order to protect all gymnastics stakeholders and respect the rights and dignity of the accused individual, the GEF has adopted guidelines for issuing temporary suspensions in accordance with its Operational Rules and the FIG 2018 Policy and Procedures for Safeguarding and Protecting Participants in Gymnastics in cases of allegations of abuse and/or harassment.

*The temporary suspension of a gymnastics participant does not imply any wrongdoing on their part. Its aim is to **protect the integrity of the sport, individuals who might be at risk of harm, the investigation process and the reputation of the organization responsible.***

By carefully weighing relevant risk factors, temporary suspensions serve as a preventative measure, which can be reviewed, modified or lifted in the event of new circumstances and/or information.

The Guidelines have been approved by the GEF Council and will be regularly reviewed.

PREAMBLE

Best practices in applying temporary suspensions for individuals undergoing investigation for significant wrongdoing are crucial for protecting participants in gymnastics and maintaining the integrity and fairness of the investigatory process within sports organizations or any other entities. These practices are grounded in principles of good governance, risk management and procedural fairness. Their main purposes are to protect (1) the integrity of the sport, (2) individuals who might be at risk of harm, and (3) the process and the reputation of the organization responsible.

Key best practices and their justifications include:

- 1. Clear Policies and Procedures:** Organizations should have clear, written policies and procedures that outline the circumstances under which temporary suspensions may be applied. This ensures transparency and consistency in their application.
- 2. Procedural Fairness:** The principle of '*audi alteram partem*' (let the other side be heard) should be respected as much as possible. The individual should be duly informed of the allegations against them (or at least their nature) in due time, save in exceptional circumstances where to do so might create a risk of harm to others.
- 3. Proportionality:** The decision to suspend (and the extent of any suspension) should be proportionate to, *inter alia*, the nature of the alleged wrongdoing and the potential risks involved if the individual continues in their role. This is to prevent the risk of harm to participants and the organization or its stakeholders.
- 4. Risk Assessment:** Suspensions should be based on a risk assessment, considering factors such as the potential for ongoing harm, the seriousness of the allegations, and the necessity to prevent tampering with evidence or influencing witnesses.

5. **Timeliness:** Investigations should to the extent possible be conducted promptly to minimize the period of suspension, and all concerned should cooperate with investigations. Extended periods of uncertainty can be harmful to all parties involved.
6. **Confidentiality:** Respect for the confidentiality of the process protects the rights of all involved. Information about the investigation should be disclosed only to those who need to know, and only to the extent necessary to achieve the intended protective purpose. Access to exceptional or sensitive information should be limited to protect witnesses and/or victims of harassment and/or abuse and the pending investigation or disciplinary authorities.
7. **Review Mechanism:** An internal mechanism should be available to review the provisional suspension decision for valid reasons, especially if new information comes to light or if the investigation is unduly delayed. The scope of review of the appeal body should be limited to assess whether the temporary suspension is disproportionate or unreasonable.
8. **Communication:** Clear communication with the participant about the reasons for suspension as well as subsequent steps to be expected is essential for maintaining trust and respect.

Implementing these best practices ensures that temporary suspensions are applied fairly, transparently, and effectively, balancing the rights of the individual with the needs and responsibilities of all participants and the organization.

THE FIG AND ITS APPLICABLE RULES

At the time of adoption of these guidelines, no provisions under FIG rules (other than Anti-Doping Rules) specifically provide for temporary suspensions to be taken at the international level by the FIG or the GEF if a participant in gymnastics is the subject of disciplinary proceedings or is under investigation at the national or international level. In certain such cases, where allegations of harassment or psychological or physical abuse are involved, measures should be taken to protect participants, the alleged perpetrator, and the sport and the FIG's reputation. In accordance with generally accepted best practice, such individuals should temporarily refrain or else be restricted from carrying out any official duties or roles within sports governing bodies (whether at the FIG, Continental or National Federation level) until a final decision is taken.

The FIG Policy and Procedures for Safeguarding Participants (the FIG Safeguarding Policy) provides specific procedural rules for safeguarding cases. As part of the initial assessment process provided for under Part 2 of the FIG Safeguarding Policy, the GEF may temporarily suspend a participant. No maximum duration or other requirements are provided for such suspensions (in contrast to the 30-day limit with respect to provisional measures under Art. 7 of the FIG Code of Discipline), indicating the intended protective nature of this provision. As no FIG rule provides for how such temporary suspensions should be applied, these guidelines fill this regulatory gap.

Given the critical importance of protecting all participants in gymnastics and the credibility of the FIG, GEF and the governance of global gymnastics, this risk management measure should apply in principle to all investigations and disciplinary proceedings that involve allegations of abuse. They may also be applicable in other cases.

Such provisional measures are not exceptional in integrity matters. For instance, a provisional suspension until final adjudication of the case is provided for under the Code of Ethics of Swiss Olympic

(association also subject to Swiss Law)¹ and under the World Anti-Doping Code². It is important to note the seeking or imposition of a temporary suspension does not of itself imply any wrongdoing on the part of the participant on whom it is being imposed.

PROCEDURE

The following steps would be involved in the GEF temporary suspension process. In the event of a discrepancy between these Guidelines and applicable FIG rules, the latter prevail.

- 1) Upon receipt of notification by a National Federation, the FIG or another authority, or on its own initiative, the GEF Safeguarding Section will review the documentation in its possession and assess the nature of the allegations that are the subject of disciplinary proceedings or investigation.
- 2) If the investigation or disciplinary proceedings involve allegations of harassment and/or abuse (whether physical or psychological), then a recommendation may be submitted to the GEF Director for the individual in question to be temporarily suspended under Part 2 of the FIG Safeguarding Policy.
- 3) The Director will determine whether to pronounce a temporary suspension for a gymnastics participant undergoing investigation or disciplinary proceedings, and the scope of such suspension (i.e., from some or all gymnastics activities and/or subject to conditions), by careful consideration of all relevant factors, including but not limited to the following in order to ensure reasonableness, proportionality, and due process:
 - i. **Seriousness of the Allegations:** Assess the gravity of the alleged wrongdoing. More severe allegations, such as those involving safety, financial misconduct, or ethical breaches, may warrant immediate suspension.
 - ii. **Risk to the FIG and Stakeholders:** Evaluate whether the individual's continued involvement poses a risk to the organization, its members, or stakeholders. Consider whether their presence could lead to further harm, financial loss, or reputational damage.
 - iii. **Potential for Interference:** Consider whether the individual could interfere with the investigation process. This includes the risk of tampering with evidence, influencing witnesses, or exerting undue influence over the proceedings.
 - iv. **Legal and Regulatory Requirements:** Ensure compliance with any applicable laws, regulations, or governing body rules that may mandate suspension under certain circumstances.
 - v. **Operational Impact:** Consider the impact of the suspension on the organization's operations. While operational disruption is not a primary concern compared to ethical considerations, it should still be factored in.
 - vi. **Past Conduct and Disciplinary History:** Review the individual's past conduct and any disciplinary actions. A history of similar allegations or misconduct might influence the decision towards suspension.
 - vii. **Public Perception and Confidence:** Evaluate how the individual's continued involvement could affect public trust and confidence in the organization, especially if the allegations are public. Consider the likelihood and impact of allegations becoming public.

¹ In particular, Article 5.9 of the Swiss Olympics *Statuts en matière d'éthique pour le Sport Suisse* (2022) provides that : *"Swiss Sport Integrity peut, à la demande d'une partie ou d'office, prendre toutes les mesures provisoires qu'elle juge nécessaires ou appropriées, y compris la suspension provisoire d'une personne de ses fonctions liées au sport pour la durée de la procédure conformément aux présents Statuts"*.

² The World Anti-Doping Code is implemented in all countries and sports.

- viii. **Procedural Safeguards:** Ensure that any decision to suspend is in line with the organization's policies and procedures, providing the accused with a fair opportunity to respond to the allegations.
 - ix. **Evidence and Preliminary Findings:** While a full investigation may be necessary to establish facts, any preliminary evidence or findings that suggest a high likelihood of wrongdoing may support a decision to suspend.
 - x. **Consistency:** Ensure that the decision aligns with how similar cases have been handled in the past or are being handled, to maintain consistency and fairness in the organization's disciplinary actions.
- 4) Upon receipt of the GEF Safeguarding Section's recommendation, the GEF Director³³ may, following a review of the file, issue a decision to temporarily suspend the participant from some or all gymnastics-related activities (with or without conditions) and notify accordingly those with a need to know, which may include but will not necessarily be limited to the FIG, the National Federation, Continental Unions (if applicable) and affected individuals.

The decision to impose a temporary suspension should be balanced, considering the need to protect the FIG and its stakeholders while respecting the rights and dignity of the individual involved. These criteria should guide the decision-making process to ensure that any action taken is justified, proportionate, and in accordance with principles of good governance and ethical practice.

The existence of a temporary suspension will be appropriately communicated (or not) bearing in mind the interests to be protected. Any communication will adequately highlight the protective and temporary nature of the measure considering ongoing proceedings, and the lack of any disciplinary finding or associated sanction.

- 5) Temporary suspensions may be reviewed at any time on application by the suspended participant to the GEF Director due to new circumstances or information that may materially affect the analysis above. If a new fact is brought to its attention, the GEF Safeguarding Section will determine whether it impacts its initial recommendation and if so, submit a new recommendation to the GEF Director. At the request of the suspended individual, temporary suspensions issued by the GEF Director may further be reviewed by a sole member of the GEF Appeal Tribunal. This review will be limited to determining whether the temporary suspension is either (i) disproportionate or (ii) unreasonable. In the event the measure is found to be either of these, its scope will be reviewed by the Director who will either (i) modify the scope of the suspension so that it is neither disproportionate nor unreasonable, or (ii) lift the suspension.
- 6) Once a final disciplinary decision is issued and notified by a GEF disciplinary authority, any temporary suspension will automatically cease, and be superseded by any measures (or lack thereof) pronounced by the disciplinary authority.

³ For the sake of speed and clarity, the GEF Director will be the authority to issue temporary suspensions in accordance with Art. 3.2 of the GEF Operational Rules which provide "*The Director has the following duties: [...] To take the necessary actions based on reports received by the Safeguarding Section, the Disciplinary Section and the Compliance Section.*"