

Caylie Saunders

From: Caylie Saunders
Sent: Wednesday, 30 March 2016 12:14 PM
To: Caylie Saunders
Subject: FW: Royal Commission Hearing: AOC Information

From: President
Sent: Wednesday, 23 March 2016 12:21 PM
To: Andre Sabbah <[REDACTED]>
Cc: Paquerette <[REDACTED]>; Howard Stupp <[REDACTED]>; Kit McConnell <[REDACTED]>; Fiona de Jong <[REDACTED]>
Subject: Re: Royal Commission Hearing Summary

Dear Andre,

Thank you for your prompt response and work on this Framework since we last discussed it in Lausanne.

As we are seeking to address all forms of harassment and abuse and this pilot will form the basis for subsequent frameworks for other Games , including of relevance to child abuse Youth Olympic Games ,and recommendations to International Federations (IFs)and National Olympic Committees (NOCs) I strongly recommend that Paquerette and the Ethics Commission consider an urgent amendment to Article 1.4 of the IOC Code of Ethics to insert in line four " and abuse" as follows :

"rejection of all forms of harassment and abuse , be it physical , professional or sexual , and any physical or mental injuries . "

While this is clear from the definition of "harassment" in Clause 3.2 of this Framework for the Rio 2016 Games , this addition will be an important confirmation of the the IOC Ethics Commissions' role in protecting athletes from sexual abuse going forward.

As for your suggested wording of Clause 6.2 in the latest draft I think it critical to reinstate some of what what you had in the earlier version Clauses 6.2.2 and 6.2.3 that is , after "Athletes/Participants " amend line six and following (or break the clause up) to read:

"or if the IOC believes that the IF or NOC has, in the IOC's opinion , not taken appropriate action , including disciplinary action , to investigate and safeguard the concerned Athlete/ Participant , the IOC shall take action within its own competence to safeguard the concerned Athlete / Participant, including any disciplinary action , if necessary . "

I have no other modifications to the draft and after you hopefully have Paquerette's approval on behalf of the Ethics Commission , we should run this past the other members of the Legal Commission for their comments within one week . At the same time share with the Sports Department with a view to the Framework being submitted by the Sports Department to the IOC Executive Board for approval at its next meeting ,1- 3 June ,2016.

As for the" virtual task force " to develop the recommendations to IFs and NOCs I would like to include AOC CEO , Fiona de Jong as she has been key to most of the good work of the AOC in this space and has much to offer.

In the meantime , I will include reference to these initiatives of the IOC when I appear before the Australian Royal Commission into Institutional Response to Child Abuse on 7 April .

Kind regards,

John Coates
 IOC Vice President
 Chair , IOC Legal Affairs Commission .

Sent from my iPad

On 23 Mar 2016, at 8:50 AM, Pamela Harris <[REDACTED]> wrote:

From: André Sabbah [mailto:[REDACTED]]
Sent: Wednesday, 23 March 2016 3:34 AM
To: John Coates <[REDACTED]>

Cc: Howard Stupp <[REDACTED]>; Viola Maerz <[REDACTED]>
Subject: Royal Commission Hearing Summary

Dear John,

Please find attached the latest version of the draft “IOC framework for safeguarding athletes from harassment and abuse in sport.” This framework relates to the prevention of harassment and abuse during the period of the Olympic Games. As previously discussed, in addition, the IOC (Sports Department) will also develop recommendations for IF’s and NOC’s regarding the prevention of abuse and harassment in general.

There is one issue that remains under discussion, namely, Article 6.2, dealing with the procedure for addressing alleged cases of harassment and abuse.

The version of Article 6.2 that we (IOC Legal) initially suggested, based on our understanding of your suggestions during our meeting in Lausanne, reads as follows:

6.2 Procedure for investigating and cooperation among Sporting Entities

6.2.1 If an alleged incident of harassment and abuse has occurred between persons belonging to the same Sporting Entity (defined as including, but not limited to, the IOC, an IF, and an NOC, the OCOG and other sports organisations, as well as, in certain instances, governments and government organisations), the IOC Welfare Officer shall refer the case to such Sporting Entity to, with the support of the IOC, investigate and to consider taking action within its own competence to safeguard the concerned Athlete/Participant, including any disciplinary action, if necessary.

6.2.2 If an alleged incident of harassment and abuse has occurred between persons belonging to different Sporting Entities, the IOC Welfare Officer shall refer the case to those Sporting Entities, which shall, in the spirit of cooperation, work together and with the IOC to investigate and to consider taking action within their respective competencies to safeguard the concerned Athlete/Participant, including any disciplinary action, if necessary.

6.2.3 Notwithstanding Sections 6.1.5 and 6.1.6 above, the IOC reserves the right, in all instances, to investigate and to take action within own competence regarding an alleged incident of harassment / abuse, particularly if the IOC believes that a Sporting Entity has not, in the IOC’s opinion, taken appropriate action to safeguard an Athlete/Participant from harassment/abuse.

Pâquerette agreed, but suggested simplifying as follows:

6.2. If an alleged incident of harassment and abuse has occurred between persons belonging to the same Olympic Stakeholder holding an IOC accreditation (such as the IOC, an IF, an NOC), this will be dealt with in the sport organisation by its dedicated appropriate mechanism if it exists (the IOC will help for this assessment); in the other cases, including if the facts occurred between persons belonging to different organisations, the IOC Welfare Officer will take care of the situation following the IOC Process in order to safeguard the concerned Athlete/Participant, including any disciplinary action, if necessary.

We had a phone conversation with Pâquerette this morning, asking her to clarify some points (e.g. what happens to cases between members of the OCOG, what is meant with the “IOC Process,” etc...). Based on this conversation, we suggested the following wording (which we also inserted in the attached draft version):

6.2. If an alleged incident of harassment and abuse has occurred between persons belonging to the same International Federation (“IF”) or National Olympic Committee (“NOC”), the incident shall be resolved by such IF or NOC, provided that it has an appropriate procedure for safeguarding Athletes/Participants. In all other cases, including incidents of harassment and abuse that have occurred between persons belonging to other organisations or different organisations, or, if the IF or NOC does not have an appropriate procedure for safeguarding Athletes/Participants, the IOC shall take action within its own competence to safeguard the concerned Athlete/Participant.

We (IOC Legal) feel that this strikes an appropriate balance between allowing an IF or NOC to handle cases entirely within their remit, while at the same time affording the IOC some flexibility in all other cases (including cases between members of an OCOG, or where an IF or NOC does not have an appropriate safeguarding procedure in place). We are waiting for Pâquerette's reply on this suggested wording and would also be grateful to receive your thoughts on whether the suggested wording seems agreeable from an NOC/IF point of view.

Please also let us know if there are any other modifications you would like us to make in the draft.

On a related note, and as mentioned above, the IOC (Sports Department) intends to develop recommendations for IF's and NOC's regarding the prevention of abuse and harassment. We have been informed that a "virtual task force" will be created consisting of representatives from IFs and NOCs. The objective of such virtual task force would be to help to develop and review the recommendations. The IFs and NOCs currently in discussion to make up this virtual task force are as follows:

NOCs: USA / UK / Hong Kong / Aruba
IFs: IIHF / ITF / FISA / FINA

The Sports department would like to know whether the AOC, or you personally, would like to be part of this virtual task force.

We hope that the above information as well as the attached draft of the IOC Framework are of use in regard to the Royal Commission hearing and the AOC and we are at your disposal should you have any questions or concerns.

With kind regards,

Andre

From: André Sabbah
Sent: mardi 22 mars 2016 08:21
To: Viola Maerz
Subject: FW: Royal Commission Hearing Summary

From: President [mailto:REDACTED]
Sent: lundi, 21. mars 2016 23:01
To: Howard Stupp
Cc: André Sabbah
Subject: Fwd: Royal Commission Hearing Summary

Dear Howard ,

As you'll see I'm shortly appearing before the Australian Royal Commission into Institutional response to child abuse to give evidence of the AOC's practices .

Have you or Andre progressed the draft paper on abuse etc we discussed when I was last in Lausanne . If so can I see your latest draft .

Thanks,
John