

GUIDELINES FOR THE CLASSIFICATION OF SEVERITY OF NON-ACCIDENTAL VIOLENCE IN SPORT

Definitions

Affected Party	An individual who reports or experiences an act or acts of alleged or proven Misconduct
Misconduct	Acts and/or behaviours set on in Article 4 of the Unified Code which relate to sexual, psychological and physical abuse and harassment
Respondent	A Person against a report is made alleging Misconduct

Severity

The classification of severity is used to determine the seriousness of Misconduct which are based on:

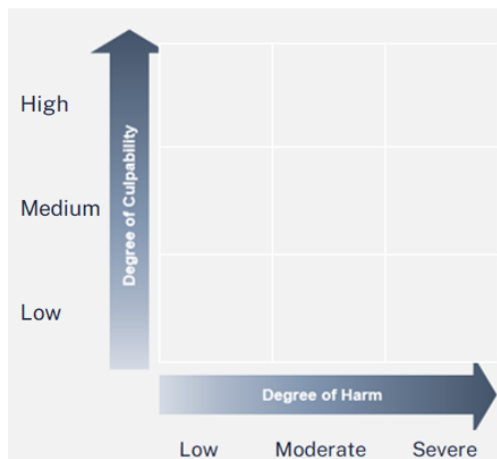
a) **Main Factors**

(1) *Degree of Culpability*

- Culpability is a measure of the Respondent’s responsibility for the act of Misconduct
- These may be by acts of commission or omission (e.g., neglect).
- The degree of culpability may be rated as Low, Medium or High.

(2) *Degree of Harm*

- This means the severity and type of injury caused to the Affected Party
- The degree of harm may be rated as Low, Moderate or Severe.



b) **Sub Factors**

See Sub Factors set out in pages 2 and 3

Guide to Using the Sub Factors

- Whilst there have been descriptors prescribed to the level of severity in each sub-factor, it is a combination of different sub-factors which paints the picture for classification.
- The guidelines are formulaic only to the extent of providing a consistent approach but should not be used as a mathematical exercise.
- For example, if four out of five of the sub-factors are rated as a Moderate, it does not necessarily mean that the main factor must be rated as a Moderate.

Note on Psychological Harm as part of the Assessment of Seriousness

- Assessing Psychological Harm
 - Experts agree that psychological harm can be subjective and that time of reporting is not a significant factor in determining the level of psychological harm.
 - Level of psychological harm is case specific and dependent on many factors (e.g., access to psychological support, trauma history).
 - Only a percentage of people who experience a traumatic event develop Post Traumatic Stress Disorder (PTSD). Research shows that the risk of developing PTSD is also dependent on the trauma type, with the highest being sexual abuse such as rape (19%)¹.
- Psychological harm in sexual offence sentencing²
 - In assessing psychological harm, a factual basis is undertaken (without necessity for expert evidence for psychological harm).
 - It is assumed that there is a basic level of psychological harm inherent in a sexual offence.
- Although there is growing acceptance and research on the impact of conduct which results only in psychological harm in sport (e.g. IOC Consensus Statement 2016), recognition that these types of behaviours should be censured and/or sanctioned is still in its nascent stages.

¹ Kessler, R.C., et al. (2017). Trauma and PTSD in the WHO mental health surveys. *European journal of psychotraumatology*, 8(sup5), 1353383.

² UK Sentencing Council - *Sexual Offences Guidelines* (2022)

Degree of Culpability

*All Sexual Misconduct (except Sexual Harassment) will have a starting point of Medium Culpability.

Sub-factors	Low	Medium*	High
Premeditation	<ul style="list-style-type: none"> Sudden provocation; acted on impulse; opportunistic. Opportunity was not intentionally created No pre-planning of the target person(s), place, method and time. 	<ul style="list-style-type: none"> Some application of the mind to detail and/or to a number of the following domains: target person(s), place, method and time. 	<ul style="list-style-type: none"> Significant application of the mind to detail and/or in most or all of the following domains: target person(s), place, method and time.
Intention	<p>No intention to cause harm</p> <ul style="list-style-type: none"> Genuine but mistaken motivation to act in the interest of the Affected Party. <p>and/or</p> <ul style="list-style-type: none"> Unaware that the misconduct will result in physical or psychological harm (e.g., intended as humour). 	<p>Negligence</p> <ul style="list-style-type: none"> Failure to act in a way that a reasonable person would have, resulting in physical or psychological harm. <p>or</p> <p>Knowingly / Rashly</p> <ul style="list-style-type: none"> Knew or should have known the risk of causing physical or psychological harm. 	<p>Intentionally</p> <ul style="list-style-type: none"> Intentional and deliberate in causing physical or psychological harm. Includes attempted harm that is very likely to cause physical or psychological harm if successful (e.g., attempting to punch a person but missed)
Intensity	<p>Frequency - One-off incident and/or</p> <p>Duration - One-off incident</p>	<p>Frequency - Few incidents and/or</p> <p>Duration - Short period of time (days to weeks).</p>	<p>Frequency - Many incidents. and/or</p> <p>Duration - Long period of time (months to years).</p>
Power Imbalance	<ul style="list-style-type: none"> Non-existence of a Power Imbalance relationship (as defined in the Unified Code). 	<ul style="list-style-type: none"> Affected Party is in a Power Imbalance relationship (as defined in the Unified Code) Respondent does not necessarily have to be in a supervisory, evaluative or duty of care over the Affected Party (e.g., Senior-junior athlete) but there might be a disparity in age, size, strength, or mental capacity Inclusive of contract-related vulnerabilities (e.g., athlete which livelihoods or funding are tied to meeting of targets contingent upon Respondent's influence) 	<ul style="list-style-type: none"> Affected Party is in a Power Imbalance relationship (as defined in the Unified Code) where Respondent clearly has a supervisory, evaluative, or a duty of care over the Affected Party (e.g., Coach-Athlete).
Incapacitation	<ul style="list-style-type: none"> Affected Party was not under the influence of substances. 	<ul style="list-style-type: none"> Affected Party was under the influence of substances that impaired his/her cognitive ability (i.e., unable to make an informed decision). 	
Disability	<ul style="list-style-type: none"> Affected Party does not have a disability or condition which makes it difficult for him/her to seek help. 	<ul style="list-style-type: none"> Affected Party has a disability or condition which makes it difficult for him/her to seek help or understand the Respondent's requests or actions. <p><i>*Definition of disability: person with diminished intellectual disability due to developmental or cognitive delay, or physical disability that affects the person's ability to communicate or to care for self and protect self from harm.</i></p>	
Use of Aggravated Means	<ul style="list-style-type: none"> No use of aggravated means to facilitate the misconduct. 	<p>Use of aggravated means, including, but not limited to the use of:</p> <ul style="list-style-type: none"> Physical force, threats, intimidation, deception, or coercion. Weapons. Alcohol/drugs. Exploitative methods (e.g., grooming behaviours, sharing or exposure to graphic sexual images). 	

Degree of Harm

Sub-factors	Low	Moderate	Severe
Physical Harm	<ul style="list-style-type: none"> Harm is transient and/or superficial. Affected Party requires no or limited medical attention. Examples include redness, swelling, minor bruises, scratches, and abrasions. 	<ul style="list-style-type: none"> Harm is temporary Affected Party requires some medical attention that does not involve surgical procedures. Examples include extensive bruises, abrasions and minor fractures. 	<ul style="list-style-type: none"> Harm is extensive, permanent and/or irreversible. Affected Party requires immediate and/or extensive medical attention that involves significant surgical procedures to rectify. The injuries may result in death, serious disfigurement, or significant impairment of normal functioning. Examples include chronic physical pain, scarring, fractures, damage to organs and bodily parts, disability, contraction of diseases.

The inclusion of psychological harm as a sub-factor serves several purposes:

- To recognise the psychological impact of non-accidental violence on affected parties
- To remedy through interventions such as provision of psychosocial support
- To raise awareness through education of the long-term effects non-accidental violence can have

USING THE GUIDELINES AS PART OF ASSESSMENT OF SERIOUSNESS

When using these Guidelines to supplement the assessment of degree of harm for the purposes of assessing the seriousness of non-accidental violence, the totality of the circumstances should be taken into account.

The degree of psychological harm experienced by an Affected Party at the point of reporting can be subjective as it depends on multiple factors such as the Affected Party's predisposing factors (e.g., history of trauma) and level of psychological support received before the report is made. As such, discretion should be exercised in this respect.

Sub-factors	Low	Moderate	Severe
Psychological Harm	<ul style="list-style-type: none"> Effect of harm has no or negligible effect to daily functioning. Affected Party is able to return to normal daily functioning very quickly. 	<ul style="list-style-type: none"> Effect of harm is limited to a few domains of daily functioning. Examples of domains include, physical health, sport, school, work, cognitive level, emotional health, relationships Symptoms subside after some time and Affected Party is able to return to normal daily functioning. 	<ul style="list-style-type: none"> Effect of harm is extensive and affects most or all domains of daily functioning. Examples of domains include, physical health, sport, school, work, cognitive level, emotional health, relationships. Symptoms are intensive and continue to persist, and Affected Party has difficulties returning to normal daily functioning. <p>Additional symptoms (<i>not necessary to be present to be rated as severe, but to be rated as severe if present</i>)</p> <ul style="list-style-type: none"> Presents with suicidal ideation or self-harming behaviours. Clinically diagnosed with mental health conditions (e.g., Post Traumatic Stress Disorder, Depression, Eating disorder).