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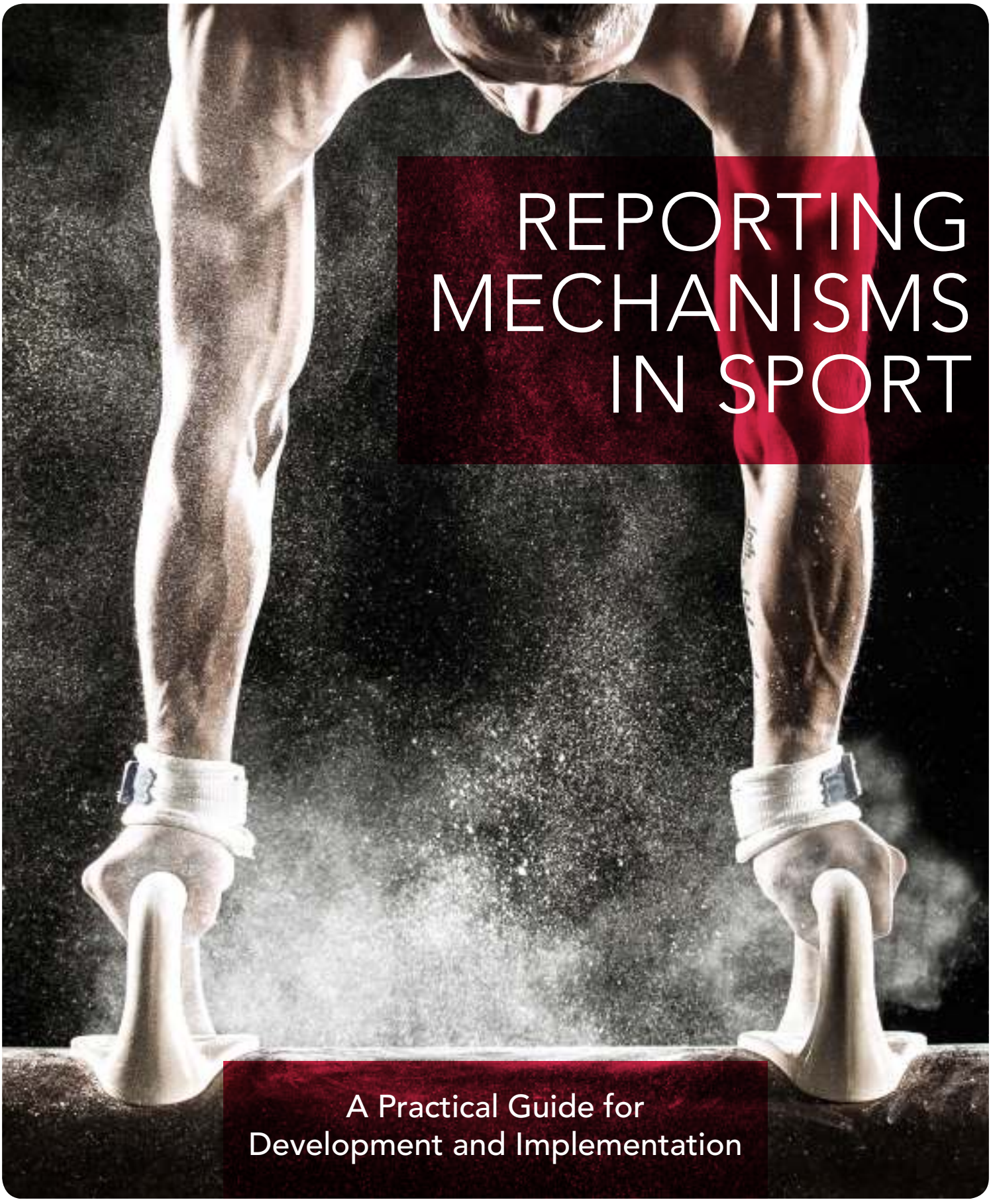

# REPORTING MECHANISMS IN SPORT

## A Practical Guide for Development and Implementation

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UNITED NATIONS OFFICE ON DRUGS AND CRIME

# Reporting Mechanisms in Sport

## A Practical Guide for Development and Implementation

UNITED NATIONS
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# Glossary

### IMPARTIALITY

A principle of justice holding that decisions should be based on objective criteria, rather than on the basis of bias or prejudice

### INVESTIGATION

Formal examination of a report, seeking to establish facts

### REPORTING

The act of bringing perceived wrongdoing to the attention of someone with authority or in a position to take action

*Notes:* There is currently no internationally accepted definition or term to denote this practice; alternative terms are whistle-blowing, raising concern, alerting and disclosure.

Someone with authority can be a superior in an organization

### OPEN REPORTING

When an individual openly reports or discloses information, or states that they do not require their identity to be kept secret, or do not endeavour to ensure that it is

### CONFIDENTIAL REPORTING

When the identity of an individual who has disclosed information is known by the recipient but will not be disclosed without the individual's consent, unless required by law

### ANONYMOUS REPORTING

When a report is received without the reporting person disclosing their identity

### REPORTING INTERFACE

The means by which a reporting person makes a report through a reporting mechanism. Examples include face-to-face, telephone, email, online and digital app reporting interfaces

### REPORTING MECHANISM

A system designed to receive and handle reports

*Note:* It is preferable that a person who perceives wrongdoing can talk to their coach or another person in a leadership position within the organization about the incident. However, in cases where the person who perceives wrongdoing lacks trust in their coach or the management of their organization, it is always better that the matter is reported through a reporting mechanism, rather than the person remaining silent

### REPORTING PERSON

An individual or entity making a report

## WRONGDOING IN SPORT

Any act (or if an obligation to act is not fulfilled, an omission) that is in breach of national and/or international law and sport rules or is an infringement of the integrity and ethics of sport, including:

- Corruption, including fraud, bribery, abuse of position (including conflicts of interest) and money-laundering
- Competition manipulation
- Doping
- Abuse, harassment, discrimination and violence
- Practices that violate or pose a threat to human rights and endanger or may endanger the environment and public health and safety
- Any other conduct that may be criminal

*Note:* Such acts or omissions should be clearly defined in an organization's regulations

# INTRODUCTION

## Why a guide on reporting mechanisms in sport?

Strengthening the integrity of sport is vital for the values inherent to sport and the Olympic Movement: friendship, respect and excellence. Committing to integrity in sport requires frameworks for reporting, identifying and resolving issues of wrongdoing in sport. The establishment of reporting mechanisms by all sports organizations is a fundamental provision of the Olympic Movement Code on the Prevention of the Manipulation of Competitions,[1] the Council of Europe Convention on the Manipulation of Sports Competitions[2] and the World Anti-Doping Code.[3] This Guide provides information on good practice for sports organizations with regard to receiving and handling reports of wrongdoing, including competition manipulation, harassment, doping and corruption.

Corruption undermines society, and has negative consequences on all spheres of life. In sport, corruption and other wrongdoing sends a devastating message, in particular to young people, by undermining the capability of sport to be a force for good. Types of corruption in sport are similar to those in other areas (e.g., active and passive bribery, extortion, blackmail and money-laundering) and they take place at a range of levels (from small scale to multinational crime syndicates). Nevertheless, certain types of corruption are unique to sport (e.g., competition manipulation).[4] They jeopardize the core values of sport and its social, cultural and educational values, and undermine its economic role.

Effective reporting mechanisms in sport are a crucial part of the fight against corruption in sport, both as a means of detecting and deterring corruption. Reporting mechanisms are the most important way of detecting fraud and corruption and often provide the initial lead or compounding evidence in investigations of any wrongdoing.[5] The deterrent effect stems from the ability of reporting mechanisms to provide athletes and other stakeholders with a means to take action to safeguard the integrity of their sport and send a message to all stakeholders that corruption in sport will not be tolerated.

Reporting mechanisms are needed in all sports organizations. However, planning and implementing effective reporting mechanisms is not always straightforward. This Guide aims to facilitate the implementation of effective reporting mechanisms in sport and is part of International Olympic Committee (IOC) and United Nations Office on Drugs and Crime (UNODC) efforts to support relevant stakeholders in strengthening integrity in sport. The need to do so was recognized at the international level with the adoption of resolution 7/8 on corruption in sport, by the Conference of the States Parties to the United Nations Convention against Corruption at its seventh session, held in Vienna from 6 to 10 November 2017. The resolution represents a significant milestone in addressing corruption in sport, not least in that it was supported

[1] Articles 2.5, 3.4 and 3.5 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions provide that individuals bound by the Code have a duty to report wrongdoing, while sports organizations have an obligation to establish confidential and anonymous reporting mechanisms, available at: www.olympic.org/prevention-competition-manipulation/regulations-legislation.

[2] Article 7, paragraph 2, provides, among other things, that each party shall encourage sports organizations to adopt and implement the appropriate measures in order to ensure arrangements to report without delay instances of suspicious activity linked to the manipulation of sports competitions to the relevant public authorities or national platform and effective mechanisms to facilitate the disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistleblowers.

[3] World Anti-Doping Code available at: www.wada-ama.org/en/resources/the-code/world-anti-doping-code.

[4] Competition manipulation is defined in article 2.2 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions as: "An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue benefit for oneself or for others."

[5] See Association of Certified Fraud Examiners, *Report to the Nations on Occupational Fraud and Abuse* (Austin, Texas, United States of America, 2018); Ethics and Compliance Initiative, *Global Business Ethics Survey: Measuring Risk and Promoting Workplace Integrity* (Arlington, Virginia, United States, 2016); and A. J. Brown and S. Lawrence, "Strength of organizational whistleblowing processes: analysis from Australia" (Griffith University, Brisbane, Australia, 2017).

unanimously by all States parties to the Convention against Corruption. It covers a wide range of issues, including competition manipulation, and encourages States parties, bearing in mind in particular articles 8 (a), 12 (II) and 33 of the Convention and in conformity with national legislation and in the context of sport, to consider establishing and developing, where appropriate, confidential complaint systems, whistle-blower protection programmes, including protected reporting systems, and effective witness protection measures, and to increase awareness of such measures.

In the same resolution, concern is expressed that corruption can undermine the potential of sport and its role in contributing to the achievement of the Sustainable Development Goals and targets contained in the 2030 Agenda for Sustainable Development. In particular, this Guide contributes directly to the target of Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Recent cases of corruption, competition manipulation, doping, harassment and conflict of interest are opposed to the values of integrity in sport. Without integrity, sport cannot be a pillar of local and global communities. Hence, the information in this Guide also contributes to the targets of Sustainable Development Goal 3 (to ensure healthy lives and promote well-being for all at all ages), Sustainable Development Goal 10 (to reduce inequality within and among countries) and Sustainable Development Goal 11 (to make cities and human settlements inclusive, safe, resilient and sustainable).

## Who is the Guide for?

In providing guidance for planning and operating effective reporting mechanisms in sport, the primary audience of this Guide includes sports organizations at the national and the international levels, including national and international federations, National Olympic Committees (NOCs) and IOC. In addition, a broader range of stakeholders, such as athletes unions, sports clubs, sponsors, government officials and regulatory agencies, can use the information in this Guide to help develop reporting mechanisms to support the integrity of sport.

The size, geographical scope and jurisdiction of an organization determine how a reporting mechanism can be effectively embedded. At the local level, sports clubs may face the challenge of resourcing the impartial operation of a reporting mechanism. Recipients of reports and investigators require time and reporting systems need adequate data security mechanisms to safeguard confidentiality.

Apart from challenges relating to resourcing, organizations may also face challenges with regard to maintaining confidentiality and protecting reporting persons, and coordinating awareness of and learning from reporting wrongdoing in sport. Internationally, organizations face the additional challenge of operating a reporting mechanism across countries, i.e., across jurisdictions, languages and cultures that have different reporting legislation and law enforcement capacity.

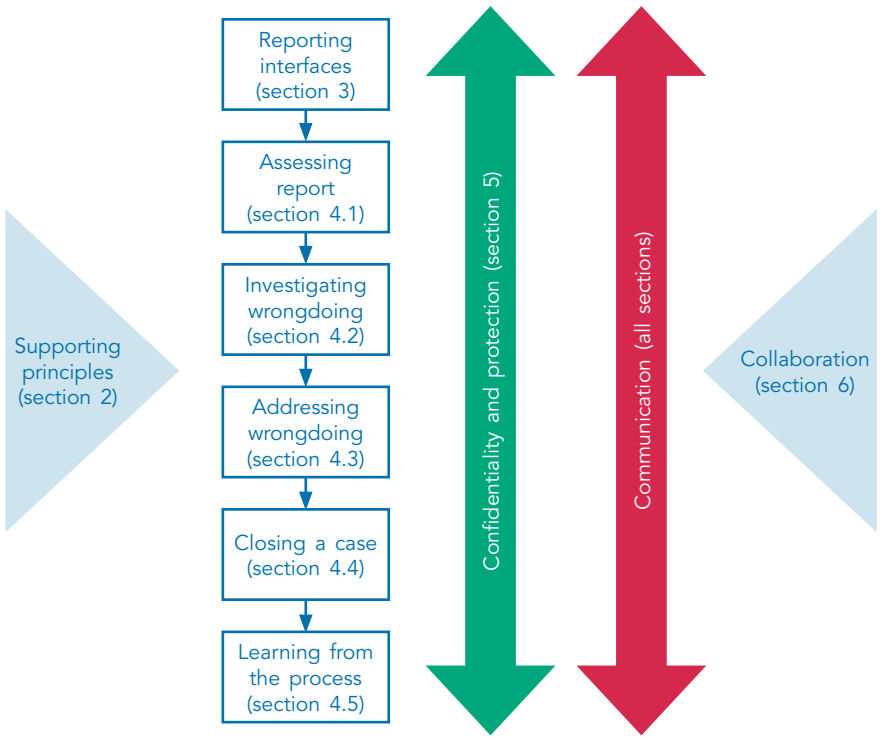
## What does the Guide do?

The Guide leads readers through a reporting process to highlight what is involved in the various steps of an effective reporting mechanism (see box 1). The guidance provided is based on research and good practices identified during an Expert Group Meeting (EGM) in February 2019.

The guidance takes into account existing experience in operating reporting mechanisms in the context of anti-doping efforts in sports, and in operating reporting mechanisms outside of sport. Although the primary mandate for producing this Guide stems from efforts to fight competition manipulation, there was a wide consensus at the EGM that the Guide should take a wider perspective in providing guidance for operating effective reporting mechanisms in sport. Therefore, the Guide has a broader scope and its focus is on the reporting of wrongdoing in sport.

The Guide builds on recent work on reporting mechanisms in sport, including a 2016 report by UNODC and IOC,[6] a study on criminal law provisions in European Union member States with regard to competition manipulation,[7] relevant work by the World Anti-Doping Agency[8] and the Council of Europe,[9] UNODC guidance on the protection of reporting persons,[10] the report of the Association of Summer Olympics International Federations' Governance Task Force[11] and recent academic research on reporting mechanisms.

## BOX 1. OVERVIEW OF A REPORTING MECHANISM




[6] "Criminal law provisions for the prosecution of competition manipulation" (Lausanne, Switzerland, IOC, 2016) available at: www.olympic.org/prevention-competition-manipulation/regulations-legislation.

[7] KEA European Affairs, *Match-fixing in Sport: A Mapping of Criminal Law Provisions in EU27* (Brussels, European Commission, 2012).

[8] See, for example, https://speakup.wada-ama.org.

[9] See, for example, the explanatory report to the Council of Europe Convention on the Manipulation of Sports Competitions, available at: https://rm.coe.int/16800d383f.

[10] *Resource Guide on Good Practices in the Protection of Reporting Persons* (Vienna, 2015) available at: www.unodc.org/documents/corruption/Publications/2016/V1602591-RESOURCE_GUIDE_ON_GOOD_PRACTICES_IN_THE_INVESTIGATION_OF_MATCH-FIXING.pdf.

[11] Available at: www.asoif.com/governance-task-force.

# 1. SUPPORTING PRINCIPLES

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Effective reporting mechanisms can build a culture of trust, transparency and professionalism, while ineffective mechanisms can lead to a culture of fear and secrecy and escalating criminality.[12] At the same time, effective reporting mechanisms rely on a positive organizational culture, embodied by the supporting principles of commitment, trustworthiness and impartiality.

## 1.1 Commitment

The effectiveness of reporting mechanisms stands or falls with the commitment of those who lead sports organizations. Box 2 describes what leadership commitment means.

### BOX 2. LEADERSHIP COMMITMENT TO GOOD REPORTING MECHANISMS

Leadership commitment is expressed by endorsing the following and denouncing opposition to:

- Encouraging open communication and the reporting of wrongdoing
- Ensuring that those responsible for implementing and operating reporting mechanisms in sport have adequate resources and mandates
- Supporting due process and the impartiality of reporting mechanisms
- Safeguarding the confidentiality of the process
- Ensuring that any reprisals against reporting persons are redressed and that those who retaliate against reporting persons are held to account
- Ensuring that wrongdoing identified through a reporting mechanism is appropriately remediated and sanctioned
- Supporting a continuous evaluation and improvement of reporting mechanisms
- Ensuring that the reporting mechanism is clearly and simply communicated to the widest audience possible
- Promoting reporting behaviour in general and reporting persons as integrity role models

Reporting mechanisms cannot be effective without the allocation of appropriate financial resources to fund their operation. This can be a challenge for sports organizations. Innovative ways to meet this challenge include:

- The allocation of a percentage of sponsorship or television rights contracts, or of sports betting revenue to the operation of the reporting mechanism
- The pooling of financial resources with other sports or non-sports organizations (see boxes 3 and 4)
- For sports events where the main corporate sponsor has a reporting mechanism, the technology and expertise of the sponsor's compliance team can be used during the event, as part of the sponsorship contract

[12] ACCA, "Effective speak-up arrangements for whistle-blowers: a multi-case study on the role of responsiveness, trust and culture" (London, Association of Chartered Certified Accountants, 2016); and K. Kenny, W. Vandekerckhove and M. Fotaki, *The Whistleblowing Guide: Speak-up Arrangements, Challenges and Best Practices* (Chichester, Wiley, 2019).

### BOX 3 POOLING RESOURCES NATIONALLY: DENMARK

In 2016, Anti Doping Denmark started to develop a reporting mechanism for doping. At the same time, the Danish National Olympic Committee (NOC) and the Danish Football Federation set up their own reporting mechanism for competition manipulation. However, this mechanism did not meet proper security and data protection standards.

In the meantime, the Danish Government appointed Anti Doping Denmark to act as the secretariat for the new national programme to combat manipulation in sport. Anti Doping Denmark proposed to the Danish NOC and the country's sports federations that it run a dedicated and common reporting mechanism for competition manipulation in parallel to the anti-doping reporting mechanism.

This reporting mechanism is linked directly to Anti Doping Denmark, which validates reports and informs the relevant authority or organization (e.g., a law enforcement agency or a sports organization). Three designated Anti Doping Denmark employees are the only people cleared to have access to the reports. The technological aspects of the online reporting interfaces are outsourced to a private company that specializes in secure reporting systems.

Anti Doping Denmark is a public authority under the supervision of the Ministry of Culture of Denmark. This ensures that the reporting mechanism complies with European Union and national data protection laws. Furthermore, this status helps to inspire trust among other public sector institutions that are involved in investigations and prosecutions.

*Source:* WHISTLE, "Implementation of whistleblowing policies by sports organizations in the EU". Available at https://sportwhistle.eu/wp-content/uploads/2019/06/Policy-recommendations-report_WHISTLE.pdf.

### BOX 4. POOLING RESOURCES INTERNATIONALLY: INTERNATIONAL OLYMPIC COMMITTEE

In 2015, IOC launched an online Integrity and Compliance Hotline for the reporting of competition manipulation and other wrongdoing.

In order to fulfil the legal requirements under the Olympic Movement Code on the Prevention of the Manipulation of Competitions, a number of international federations, rather than establishing their own reporting mechanisms, currently include in their rules and promote reporting through the IOC Hotline.

This pooling of resources is possible because of the existence of a network of integrity single points of contact within all international federations.

Effective reporting mechanisms require specific competencies for the impartial assessment and investigation of reports, and for the evaluation and improvement of the reporting mechanism. Sports organizations need to recruit people with the necessary competencies or carry out internal training, or outsource parts of their reporting mechanism (see section 3).

Leadership responsibility for effective reporting mechanisms should also encompass making the reporting mechanism safe and responsive. Sports organizations need to review their staff and athlete contracts to ensure that they include clauses that safeguard confidentiality and the sanctioning of retaliation against reporting persons (see section 3).

## 1.2 Trustworthiness

There are two main reasons why people do not report perceived wrongdoing: fear of reprisal and the belief that reporting is futile.[13] Hence, the trustworthiness of reporting mechanisms depends on the ability of a sports organization to demonstrate that reporting wrongdoing can be done safely and that doing so results in enhancing integrity in sport.

Undoubtedly, the general ethical climate at the top of an organization, in particular the commitment shown (see section 1.1) is crucial to the trustworthiness of a reporting mechanism. If the leadership of a sports organization has been or is perceived to have been involved in corrupt activity or other wrongdoing, the sports organization will not be seen as trustworthy and people will not report wrongdoing to it. If this is the case, involving other organizations (for example, athletes unions or a sports organization at a higher level) in the process of receiving and assessing reports can provide the required trustworthiness (see section 4).

The transparency of the process (who handles reports and how reports are handled) is another determinant of trustworthiness. This is where managing expectations starts. Confidentiality and protection (see section 5) are issues around which there is a lot of anxiety. Being transparent about how confidentiality is kept during the process and about the limitations of what organizations can do to ensure confidentiality and protection, enhances the trustworthiness of a reporting mechanism.

## 1.3 Impartiality

Reports of alleged wrongdoing need to be handled impartially by people who have the required competence and have received the necessary training. The assessment of reports and any subsequent investigations need to be carried out free from undue interference and influence. When assessing a report and carrying out any subsequent investigation, objective criteria need to be used, which means that the report must be approached without bias or prejudice with regard to the reporting person or the alleged wrongdoer.

Impartiality implies that a report is considered on the merits of the information received without guessing or making assumptions about the motive of the reporting person. Impartiality also implies that the rights of persons named in the report (accused persons and witnesses and victims of wrongdoing) are respected.

The way in which people express their concern when reporting wrongdoing and to whom they feel comfortable reporting wrongdoing can differ depending on the wrongful behaviour they are reporting (for example, bribery versus sexual harassment), and their personal characteristics (for example, gender, ethnicity or religion). The impartiality of reporting mechanisms implies that those who plan and operate the reporting mechanism must be sensitive to these differences and can respond to them appropriately.

To protect the reporting person and possible victims (e.g., in cases of sexual harassment) and to ensure that no conflict of interest arises, it must be possible to outsource the handling of a report.

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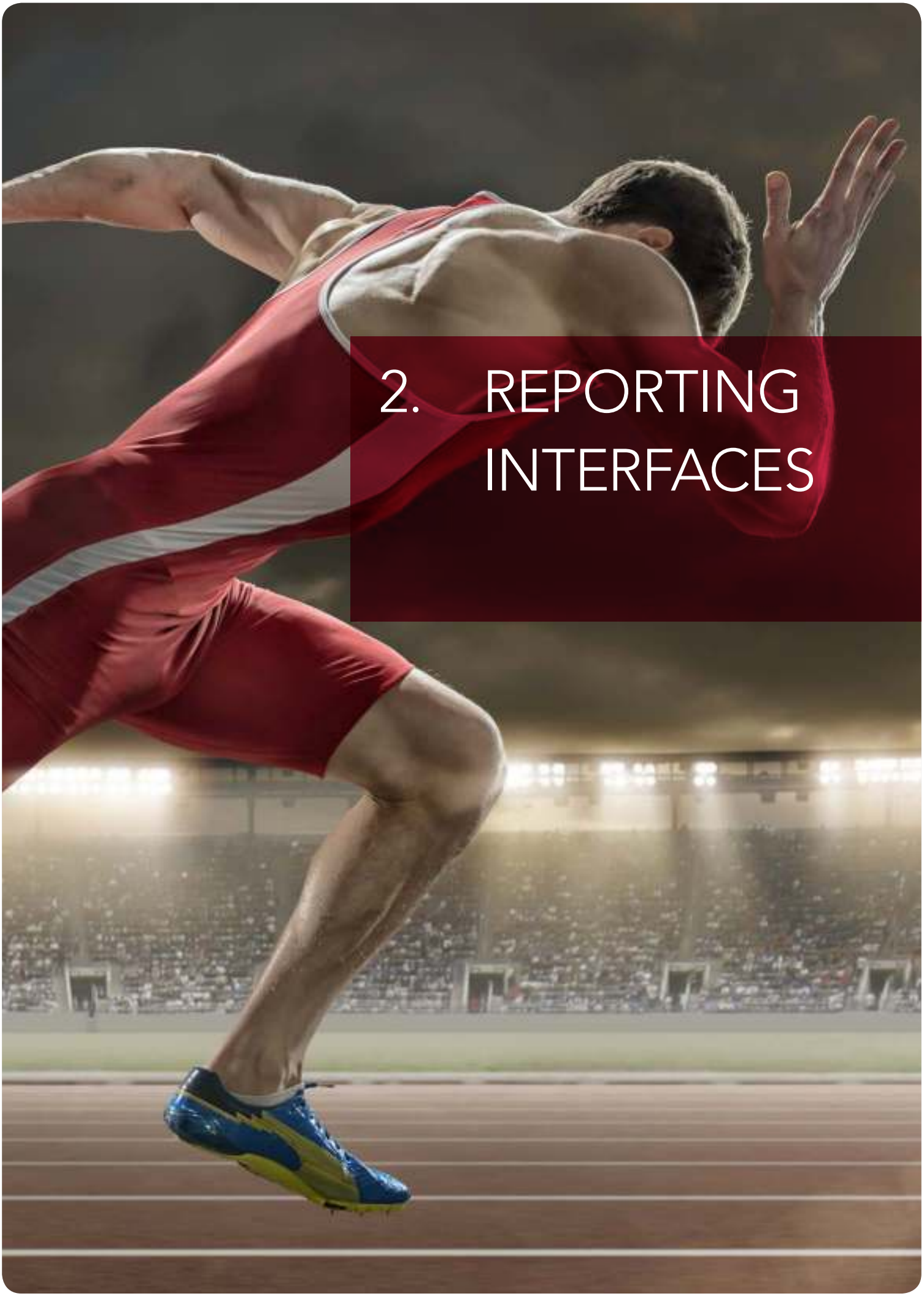
[13] K. Erickson, L. B. Patterson and S. H. Backhouse, "'The process isn't a case of report it and stop': Athletes' lived experience of whistleblowing on doping in sport." Sport Management Review (2018); and L. Whitaker, S. H. Backhouse, and J. Long, "Reporting doping in sport: national level athletes' perceptions of their role in doping prevention", *Scandinavian Journal of Medicine & Science in Sports*, vol. 24, No. 6 (December 2014).



# 2. REPORTING INTERFACES

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The reporting of wrongdoing often starts with people talking about their concerns to their immediate manager or supervisor. If nothing happens or they get an unsupportive reaction, people usually look to report their concerns elsewhere, in a more formal manner (for example, through a reporting mechanism).[14] Reporting mechanisms can have several interfaces for receiving reports of wrongdoing. These interfaces should be of good quality, so that they are straightforward for people to use and to ensure that reports are handled properly (see section 3).

This chapter provides guidance on key aspects of good reporting interfaces: the use of different interfaces, the provision of information about the reporting mechanism, the provision of reporting mechanisms in multiple languages and the range of issues that can be reported.

## 2.1 Using different interfaces

Cultures differ on what kind of interface for reporting wrongdoing people are comfortable with (for example, a face-to-face meeting, a live telephone call, a recorded message phone call, an online platform, an email or a digital app).[15] Equally, specific situations or the role of a reporting person can influence someone's preference for a reporting interface. Hence, whether people will report wrongdoing can depend on the interface available and the trustworthiness of the organization operating the reporting mechanism (see section 1.2).

Because of personal and cultural differences, good reporting mechanisms provide a range of interfaces, allowing reporting persons to decide which one to use. Furthermore, good reporting mechanisms allow confidential and anonymous reporting. Hence, a good reporting mechanism:

- Uses different interfaces
- Allows confidential and anonymous reporting

When providing a telephone interface, it is good practice to provide a dedicated phone number that is available 24 hours a day, 7 days a week. Many organizations find it more practical and efficient to use an external provider for such services. In such cases, sports organizations should ensure that the external provider has the capacity to provide the necessary confidentiality safeguards.

Many organizations also have a human interface. These individuals are appointed by an organization and are specifically trained to advise and support those who have witnessed or experienced wrongdoing. These individuals may be internal (employees or delegates) or external (a lawyer or an ombudsman). They can give accurate information and can enhance an organization's capacity to follow up on a report of wrongdoing.

The use of online reporting interfaces is becoming increasingly popular. Technology is available to create a secure reporting interface that allows two-way anonymous communication between the reporting person and the receiver of a report. Online reporting interfaces are easier to operate around the clock in multiple languages than telephone lines.

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[14] Most of this research was carried out in industry sectors other than sports (e.g., the most recent research on this is A. J. Brown, *Whistleblowing in the Australian Public Sector* (ANU Press, 2008); and W. Vandekerckhove and A. Phillips, "Whistleblowing as a protracted process: a study of UK whistleblower journeys", *Journal of Business Ethics* (2017)). However, research on reporting in sport suggests that the same sequenced process takes place in sport: see Erickson, Patterson and Backhouse, "The process isn't a case of report it and stop".

[15] H. Park, and others, "Cultural orientation and attitudes toward different forms of whistleblowing: A comparison of South Korea, Turkey, and the UK" *Journal of Business Ethics*, vol. 82, No. 4 (November 2008); and "Effective speak-up arrangements for whistle-blowers".

An example of the use of different reporting interfaces is the reporting mechanism for competition manipulation in Denmark, which uses three interfaces: online, a digital app and telephone (see box 5).

BOX 5. USING DIFFERENT INTERFACES: #STOPMATCHFIXINGDK

## Stop Matchfixing

You can help fight match-fixing and other unethical conduct in Danish sport!

If you are aware of or suspect that someone is taking part in, or intends to take part in, the manipulation of match play or breaching match-fixing regulations, you can report this information to Stop Matchfixing.

The information you share could help prevent or investigate any result discrepancies or potential misconduct in sport.

You can share your information in three ways:

- **Encrypted online form/mailbox**
  Send your information by filling in an encrypted online form. Stop Matchfixing will prompt you to create a mailbox containing the form, as a secure and easy way to communicate with Anti Doping Danmark – anonymously, if you wish.

- **Stop Matchfixing App** – which can be downloaded from Google Play and App Store
  You can also send encrypted information via the app. Here, Stop Matchfixing also will prompt you to create a mailbox containing the form, as a secure and easy way to communicate with Anti Doping Danmark –anonymously, if you wish.

- **Stop Matchfixing Hotline +45 70 70 70 94**
  IP telephony ensures that your telephone number cannot be traced, unless you willingly disclose it in your report.

*Source:* Stop Matchfixing. Available at https://stopmatchfixing.whistleblowernetwork.net.

## 2.2 Information for reporting persons

Good reporting mechanisms provide adequate information about how to make a report safely and how reports are handled. Such information includes:

- What information may be relevant to report
- How to make a secure report
- Whether the report is confidential or anonymous
- How reports will be processed
- What communication can be expected during the process
- How the reporting person may be protected
- Where the reporting person may seek further advice or support

A reporting person may experience stress and anxiety before and after the decision to report wrongdoing (see section 5.1), especially if they are closely related to or directly involved in the wrongdoing (e.g., if they are a member of a team that is involved in competition manipulation or doping, or if they are a witness to or involved in sexual abuse). This needs to be taken into account when preparing information for reporting persons about how to make a report and how reports are handled.

Boxes 6, 7 and 8 give examples of how World Rugby approaches the provision of information to reporting persons.

BOX 6. PROVIDING INFORMATION TO REPORTING PERSONS: WORLD RUGBY ON THE HANDLING PROCESS

**7. What happens when I submit a Confidential Report via the Confidential Reporting Protocol?**

Receipt of your report will be acknowledged in writing and a time period specified for a response. Normally this will be within 14 days although certain enquiries may take longer subject to the circumstances involved.

We will review the content of your Confidential Report in detail, taking care to ensure the confidentiality and security of the report. Following such review, we will take one of the following steps:

1. We may determine that no further steps are required to be taken on foot of your report. In this case, we will not action your report any further and your report will be deleted within 6 weeks of its receipt;
2. We may determine that the content of your report is such as to justify opening an investigation (whether on its own or when read in conjunction with other information or evidence available to us) into any matters identified in your report or to be used in connection with an investigation which has already been opened (combination with other info);
3. We may determine that further information or clarification is required before we can identify appropriate next steps. In this case, we may need contact you to clarify or expand on the information you have provided. We look forward to your continued assistance if this is necessary.

Where we proceed under step 3 outlined above, we will re-assess any further information or clarification you provide, in conjunction with your original report, and following such further review, will assess which of the three steps should then be taken.

Where we proceed under step 2 outlined above, we may share information with World Rugby's Member Unions (who may have responsibility for conducting investigations), law enforcement authorities, regulatory or other appropriate bodies in connection with any investigation. In certain circumstances, we may be under a legal requirement to disclose information contained in a Confidential Report to competent law enforcement authorities.

*Source:* World Rugby. Available at https://integrity.worldrugby.org.

BOX 7. PROVIDING INFORMATION TO REPORTING PERSONS: WORLD RUGBY ON CONIDENTIALITY

**8. How are Confidential Reports protected?**

All Confidential Reports will be dealt with on a confidential basis (irrespective of whether you submit your report anonymously or are asked to include your name, your information) and your identity will not be disclosed without your agreement. World Rugby treats Confidential Reports with the greatest of care and confidence. It is expected that you will observe the same standards of confidentiality whilst your matter is being dealt with.

Our Confidential Mailbox and Online Reporting Tool are administered and maintained by our Integrity Office and access to reports submitted via these mechanisms is limited to members of our Integrity Office.

Your Confidential Report will only be disclosed to third parties in the circumstances described above (see "*What happens when I submit a Confidential Report via the Confidential Reporting Protocol?*").

*Source:* World Rugby. Available at https://integrity.worldrugby.org

BOX 8. PROVIDING INFORMATION TO REPORTING PERSONS: WORLD RUGBY ON ANONYMOUS REPORTING

**10. May I submit a report anonymously?**

Persons submitting information have the right to do so anonymously should they so wish. If you wish to submit a report anonymously, you may do so by emailing our Confidential Mailbox or by using our Online Reporting Form. If you intend to submit an anonymous report via the online reporting form, please ensure you do not include your name on the form. If you intend to submit an anonymous report by emailing our confidential mailbox, please ensure that your email is sent from an email account which is not capable of identifying you.

To further enhance your security and anonymity, please follow these instructions:

- In the event that you would like to remain anonymous, do not submit any information that can be traced back to you.
- Make sure that the internet connection is secure which is displayed by the lock symbol in your browser.
- Note that an intranet connection, in particular, may jeopardize your anonymity.

*Source:* World Rugby. Available at https://integrity.worldrugby.org

## 2.3 Languages

Good reporting interfaces make the information about their reporting mechanism available in different languages, where relevant.

Good reporting interfaces allow people to make reports in different languages. For example, by offering translation services through telephone and online interfaces.

Examples of good practice in this area include the Tennis Integrity Unit app (6 languages), the UEFA Integrity app (7 languages) and the World Rugby website, which provide information and a reporting interface in 13 languages.

A particular challenge at the international level is choosing which languages to cater for. This challenge is compounded by issues relating to jurisdiction, confidentiality, capacity and resources for appropriate and efficient follow-up.

## 2.4 Access to reporting interfaces

Another major challenge relating to reporting interfaces is ensuring that reporting persons have access to the appropriate reporting interface. Currently, the World Anti-Doping Agency (WADA) reporting mechanism has a higher profile and higher visibility than mechanisms for reporting competition manipulation or other wrongdoing.

An example of good practice in getting a reporting interface "into the hands" of players, referees, officials and others who need it is the approach taken by the Union of European Football Association (UEFA) (see box 9) and the International Cricket Council (see box 10). In both cases, to make it as easy as possible to locate and download the integrity apps, QR codes have been created that can be distributed in a number of ways.

BOX 9. UEFA INTEGRITY APP QR CODES

BOX 10. INTERNATIONAL CRICKET COUNCIL INTEGRITY APP QR CODES

## 2.5 Broad-scope mechanisms

Mechanisms for reporting wrongdoing in sport are often issue-specific, e.g., the WADA anti-doping reporting mechanism (see box 11). Developing separate mechanisms for each issue can increase the cost of promoting and raising awareness of reporting mechanisms. Moreover, because wrongdoing can involve a combination of wrongful behaviours, reporting persons can face a difficult choice with regard to what the appropriate reporting mechanism is.

Hence, where possible, sports organizations should avoid creating reporting mechanisms that are specific to one type of wrongdoing. Careful thought needs to be given to deciding how many reporting mechanisms can exist alongside the WADA reporting mechanism. One solution is the development of a reporting mechanism that allows for the reporting of a broad range of wrongdoing.

Box 12 gives an example of the reporting scope of the Athletics Integrity Unit. Box 13 gives an example of the reporting scope of the International Olympic Committee.

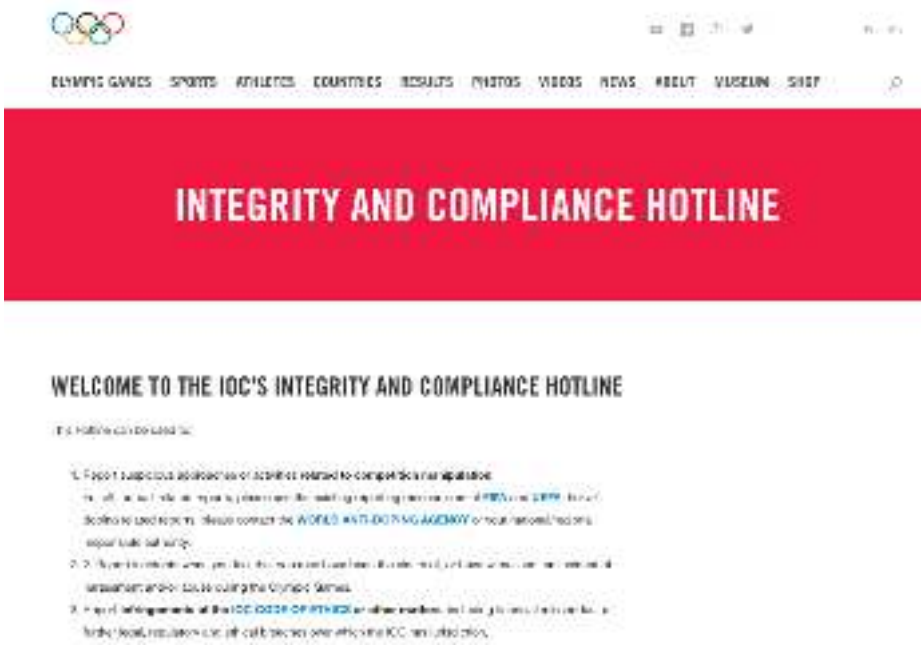
BOX 11. NARROW-SCOPE REPORTING MECHANISM: WADA SPEAK UP!

*Source:* WADA. Available at https://speakup.wada-ama.org

## BOX 12. BROAD-SCOPE MECHANISM: THE ATHLETICS INTEGRITY UNIT (AIU)

*Source:* Athletics Integrity Unit. Available at www.athleticsintegrity.org/make-a-report

## BOX 13. BROAD-SCOPE MECHANISM: THE INTERNATIONAL OLYMPIC COMMITTEE




*Source:* International Olympic Committee. Available at https://secure.registration.olympic.org/en/issue-reporter/index.

# 3. KEY STAGES IN DEALING WITH REPORTS

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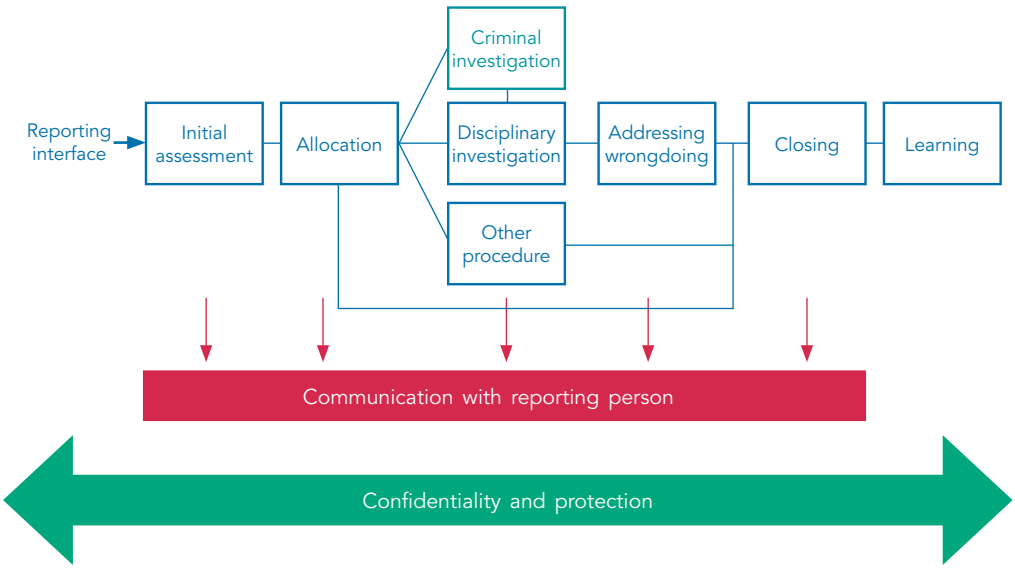
This chapter provides guidance on how to handle reports.

When a report is received through a reporting interface (see section 2), it must be handled well. The handling of reports should be divided into five stages: assessing the report (initial assessment, classification and jurisdiction), investigating wrongdoing, addressing wrongdoing, closing a case and learning from the process.

Box 14 shows a diagram of these stages, which are discussed in this chapter.

BOX 14. STAGES IN HANDLING REPORTS




## 3.1 Assessing a report

When a report is made, an acknowledgment of receipt should be given to the reporting person, by telephone, in person or through an automated message through online or digital app interfaces. Good reporting mechanisms specify a timeframe for further communication with the reporting person. An example is given in box 15.[16]

BOX 15. ACKNOWLEDGEMENT OF RECEIPT

"I am writing to let you know that I have received your report regarding [insert wording from the report].

Thank you for reporting your concerns. I will attempt to respond to you within 10 days.

I may need to speak to you in the future. In the meantime, if you have anything further to add or if you have any further questions, please do not hesitate to contact me."

*Source:* IOC-INTERPOL Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity, 2016.

[16] See *IOC-INTERPOL Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity*, 2016, p. 69, available available at: www.olympic.org/prevention-competition-manipulation/capacity-building-partnership-with-interpol.

### 3.1.1 Initial assessment

The timeframe set in the acknowledgment of receipt gives those operating the reporting mechanism the time to conduct an initial assessment of the report, make a number of decisions and classify the report for further handling. The initial assessment and related decisions will have a substantial impact on the quality of the whole handling process. Good reporting mechanisms carry out the initial assessment with the aim of building trust and being able to work with the reporting person. Box 16 gives examples of questions that may be asked and actions that may be taken in the initial assessment stage of good reporting mechanisms.

The initial assessment leads to three decisions:

- Who will communicate with the reporting person?
- What are the measures needed to maintain confidentiality and ensure protection? (see section 4)
- How will the report be classified? (see section 3.1.2)

These decisions are logged in the case file.

At this stage, it is important to clarify the structure of the communication process for the duration of the case with the reporting person. This can help to manage expectations.

### 3.1.2 Classification and jurisdiction

Reports of wrongdoing can be classified in the following ways:

- Disciplinary investigation
- Criminal investigation
- Other procedure (e.g., grievance or management appeal procedure)
- Log report and close case

When a report is classified as a disciplinary investigation, a decision needs to be made about who will carry out the investigative process that might lead to a formal disciplinary process. This can be done in-house or outsourced to a private investigator or a forensic auditor. Factors that will determine this decision are:

- Available in-house expertise
- Complexity of the suspected wrongdoing
- In-house ability to protect evidence
- If the in-house investigation can be carried out without undue interference or conflict of interest (e.g., if the alleged wrongdoer is the investigator's direct or indirect manager)

In addition, the timeframe for and scope of the investigation need to be decided.[17]

[17] See IOC-INTERPOL, *Handbook on Protecting Sport from Competition Manipulation* (Lausanne, Switzerland, 2016); and UNODC, *Resource Guide on Good Practices in the Investigation of Match-Fixing* (New York, 2016).

## BOX 16. OVERVIEW OF QUESTIONS AND ACTIONS IN THE INITIAL ASSESSMENT STAGE OF A REPORTING MECHANISM

| Questions for initial assessment | Possible actions |
|---|---|
| What is the urgency of the report?<br>• Is the wrongdoing a one-off event, a reoccurring event or an anticipated event?<br>• Is there harm to individuals?<br>• Is there harm to the integrity of a particular sporting event? | All reports need to be handled in a timely manner (filter but don't filter out). However, some reports may need to take priority when it comes to further handling (e.g., when the report involves high-level management, a severe breach of law or immediate harm to individuals). |
| Does the report include enough information to answer the other questions in this table? | If not, you will need to contact the reporting person and ask for more information. However, the reporting person cannot be asked to do detective work.<br>Communication with reporting persons should always be carried out with a high level of empathy. However, for safeguarding reasons, this communication should be carried out by someone who is professionally trained for this specific task. |
| Is the reported wrongdoing under the jurisdiction of your organization?<br>• Is the wrongdoing covered in your rules?<br>• Does your organization have jurisdiction over the entity or individual mentioned in the report? | If it is a criminal matter, you are required to alert the relevant authorities and hand over the matter to them.<br>If it is not a matter of wrongdoing but of dissatisfaction and it will not be classified as another procedure or investigated, then this should be communicated to the reporting person, preferably in a conversation explaining why no further action can be taken. At this point, the reporting person might have further information. In any case, the report should be logged in the system.<br>Other more suitable procedures might be available in the organization. For example, a grievance or management appeal procedure (see section 3.1.2). |
| Have similar reports been made previously? | A report might not have enough information on its own, but when considered in parallel with information in other reports, a more viable case may appear. This is why it is important to log every report. Good handling of reports requires you to filter, but not filter out. |
| What are the risks to maintaining confidentiality?<br>• Is the reporting person the only one who has access to the specific information?<br>• Does the reporting person work in a small team? | The reporting person might have already spoken to someone about their concern or they might be in a position where it is easy for others to guess who made the report (see section 4).<br>The employment history of the reporting person might be relevant to getting a proper understanding of the situation and potential risks.<br>Investigators should be informed of these risks. |
| Has there already been retaliation against the reporting person? | If there has, the report may be influenced by anxiety and frustration relating to the reprisal. Communication with the reporting person is needed to separate the facts about the wrongdoing from those relating to the retaliation. |

In good reporting mechanisms, due care is given in investigative processes to specific sensitivities with regard to ethnic or religious minorities and gender aspects (e.g., by ensuring someone of the same gender as the reporting person is part of the investigating team). This applies to safeguarding issues and to investigations of other types of wrongdoing (e.g., when underage athletes report competition manipulation). In deciding the investigation approach, good reporting mechanisms try to "work with" the reporting person. At this point, it is important that the reporting person has enough trust and confidence in the investigators.

When the reported wrongdoing has criminal elements, national requirements with regard to the referral of case information to law enforcement need to be followed. Sports organizations must have up-to-date knowledge of these requirements and should identify a single point of contact within the relevant law enforcement agency to whom wrongdoing can be swiftly referred. Interpol can provide assistance in finding a trustworthy and appropriate entry point to law enforcement at the national level.[18] Sports organizations need to appoint a person to liaise with the law enforcement agency that carries out the criminal investigations. It is possible that a disciplinary investigation will be carried out in parallel to a criminal investigation. For this reason, good reporting mechanisms stipulate that the person overseeing disciplinary investigations should be the person who liaises with the law enforcement agency.

The global nature of sport and the potential of a reported wrongdoing to be a criminal matter present challenges relating to responsibilities, jurisdiction and coordinated disciplinary and criminal proceedings. Usually, the sports regulations that apply to a competition are those of the federation or organization responsible for that particular competition, while jurisdiction over the crime or wrongdoing usually rests with the national authority of the country in which the crime or wrongdoing takes place. However, particularly in the case of competition manipulation, wrongdoing involves athletes competing internationally, money flowing across borders, websites and organized crime. Therefore, certain principles of jurisdiction should be considered when determining which sports organization has jurisdiction. These include:

- Whether an athlete competes internationally or an official works on an international basis and which regulations apply (e.g., those of the international and/or national federation or the competition organizing committee). During the Olympic Games, IOC regulations apply to wrongdoing committed throughout the duration of the competition. However, once the Games are over, the regulations of the international sports federation, national federation or NOC apply. This may mean that an additional sanction can be applied.
- Whether a sports organization has stipulated in its regulations that they remain competent to sanction players and officials who breached the regulations at the time they were officially affiliated with the sports organization, even if they have since transferred to another jurisdiction. In the rules of most international federations, specific regulations outline the requirements of mutual recognition by national federations with regard to sanctions imposed by the international federation.

When the decision is made to reclassify a report of wrongdoing (for example, as a matter for a grievance or dispute resolution procedure), a good reporting mechanism will make this referral for the reporting person rather than asking the reporting person to go elsewhere to start the procedure.

Good reporting mechanisms communicate classification decisions to the reporting person. In order to maintain confidentiality, good reporting mechanisms only share information that might identify the reporting person on a need-to-know basis, with the informed consent of the reporting person and in compliance with data protection laws.

[18] See: www.interpol.int/en/Crimes/Corruption/Corruption-in-sport.

### BOX 17. IMPARTIAL INITIAL ASSESSMENT AND CLASSIFICATION: TRANSPARENCY INTERNATIONAL AND THE CZECH HOCKEY FEDERATION

In Czechia, Transparency International (TI-CZ) is an active player in the field of sports integrity. In 2015, TI-CZ signed a cooperation agreement with the Czech Hockey Federation with regard to mediation services between the federation and individuals, and the operation of a reporting mechanism.

The reporting mechanism offers email and telephone interfaces. TI-CZ acts as a mediator between the reporting person and the sports organization. Two lawyers from TI-CZ receive reports and maintain communication with the reporting person. After an initial assessment, the case is handed over to the sports organization, with advice on how to further handle the report. The federation generally respects the advice.

If a reported wrongdoing concerns high-level management of the sports organization, TI-CZ is not obliged to transfer the case to the sports organization. It can go to the police.

As well as operating a reporting mechanism, TI-CZ also provides a helpdesk for athletes, providing advice on integrity issues. The Czech office of the non-governmental organization has a local website dedicated to these operations: www.korupcniviceboj.cz.

*Source:* WHISTLE, "Implementation of whistleblowing policies by sports organizations in the EU". Available at https://sportwhistle.eu/wp-content/uploads/2019/06/Policy-recommendations-report_WHISTLE.pdf/.

### BOX 18. LEGAL CONSIDERATIONS PRIOR TO CLASSIFICATION: THE IOC INTEGRITY AND COMPLIANCE HOTLINE

**Does the IOC share reports with third parties?**

To manage the Hotline, the IOC is assisted by a network of professional service providers who provide services such as hosting, general IT infrastructure services, email and other communications service, or maintenance services, and may process personal information transmitted through the Hotline. Some of these service providers may be located outside of Switzerland or the European Economic Area. In all such cases, the IOC will ensure that the data recipient undertakes to keep the transmitted information confidential and secure.

Where necessary for the investigation, the IOC may share reports received through the Hotline, in whole or in part, with its affiliates or other entities within the Olympic Movement, such as the relevant International Federation(s) and National Olympic Committee(s), law enforcement authorities or other third parties.

When sharing a report, the IOC will exercise due care to minimize the information that is disclosed to third parties in order not to expose the author of a report, or third parties to any negative consequences. As a general rule, reports will be shared in anonymous format. If you have decided to communicate your name or other personally identifiable information as part of your report, this personal information will only be shared, with your express consent or, in exceptional circumstances as determined by the IOC, for instance where such consent cannot be obtained in due time and the IOC considers that such disclosure is legally required, indispensable to prevent or terminate an unlawful activity or irreparable harm being caused to you or any third parties.

**How does the IOC process any personal information in relation to reports?**

In cases where a report includes any personally identifiable information, of the author and/or of third parties, such personal information will be processed by the IOC for the assessment of the report and for the purposes of implementing investigations and other follow-up measures decided by the IOC as well as for the protection of the author of a report or other concerned third parties.

Information contained in reports will usually be processed in the European Economic Area or in Switzerland. However, the IOC may also transfer such information for the purposes indicated herein to recipients mentioned in the paragraph " Does the IOC share reports with third parties?", some of which may be based in countries that do not provide in their laws for a level of protection of your privacy equivalent to the one applied within the European Economic Area and Switzerland.

The IOC will implement technical and organizational measures in order to protect information contained in reports against the risks of damage, destruction, loss or unauthorized access, in accordance with applicable laws.

Personal information collected through the Hotline will be processed in accordance with the present document and the terms of the IOC's Privacy Policy available here https://www.olympic.org/privacy-policy, in that order of precedence.

As a Swiss organization, the IOC is under the jurisdiction of the Swiss Federal Data Protection and Information Commissioner, Office of the Federal Data Protection and Information Commissioner FDPIC, Feldeggweg 1, CH - 3003 Bern, info@edoeb.admin.ch.

*Source:* The International Olympic Committee. Available at https://secure.registration.olympic.org/en/legal/terms-of-service/section/hotline.

## 3.2 Investigating wrongdoing

The way that an investigation is carried out may risk exposing the identity of the reporting person. For example, if the reporting person has talked about their concern with someone else (e.g., other athletes or colleagues in their sports club) before reporting it through the reporting mechanism. This risk can be mitigated if the investigator is informed of the reporting person's actions as a result of a confidentiality risk assessment carried out during the initial assessment (see section 3.1.1).

An investigation can be protracted. Although the timeframe will have been communicated to the reporting person, further communication with the reporting person at regular intervals (for example, every two weeks) is needed to maintain trust and the "work with" approach. Details of the investigation (e.g., what witnesses have said or what evidence has been collected) cannot be shared because this would jeopardize the disciplinary process. However, requests for further information from the reporting person or checks to see how they are doing can be important signals for a reporting person that the investigation is ongoing.

Good reporting mechanisms log investigative actions in the case file.

## 3.3 Addressing wrongdoing

Good reporting mechanisms ensure that when wrongdoing is found, appropriate measures are taken to stop it in accordance with organizational policies or sport rules.

This includes:

- Sanctioning wrongdoers in accordance with disciplinary procedures and sport rules
- Considering ways of reducing any harm that may have been caused to people through the wrongdoing

Good reporting mechanisms log these measures in the case file and communicate the outcome of the investigation in an appropriate way to the reporting person.

If the investigation does not find the evidence needed to conclude that wrongdoing has occurred or is occurring, this is logged in the case file. It is also communicated and explained to the reporting person.

## 3.4 Closing a case

Good reporting mechanisms have planned steps for closing a case of reported wrongdoing. These steps include:

- Ensuring that all handling stages have been carried out according to planned and documented procedures and in compliance with legal requirements
- Ensuring that all decisions and actions are logged in the case file
- Recording the date of closure and who made the decision to close the case

Data protection laws may require you to remove personal data from the case file at this point. You need to check national requirements in relation to relevant laws in the country of operation.

Given that the information processed is sensitive and that leaks or unauthorized disclosure may have adverse consequences for the reporting person, the persons accused and the organization handling the report, special care must be taken with regard to the technical and organizational measures needed to mitigate the risks and ensure data security. ISO 27001[19] is an international standard for information security management. Sports organizations can use this standard for guidance or get certification. Alternatively, sports organizations can use a private provider that is ISO 27001 certified.

## 3.5 Learning from the process

It should be considered how information from a closed case can be retained, in accordance with privacy and data protection regulations. From an intelligence perspective, discovering patterns in closed cases, even when an investigation did not find wrongdoing, can build organizational knowledge about integrity issues relevant to sports.

Closed cases can serve as a learning tool for:

[19] www.iso.org/isoiec-27001-information-security.html

- Preventing wrongdoing by alerting persons in authority of the need for change in organizational policy or sport rules
- Improving the reporting mechanism
- Raising awareness about different types of wrongdoing and how to report wrongdoing in sport

At regular intervals, sports organizations should review their reporting mechanism. Closed cases can provide information and insights that can help improve:

- Reporting interfaces
- Initial assessment
- Classification of reports
- The investigation process
- Communication with reporting persons

Closed cases can also be used to develop awareness-raising activities that target a specific club, competition, sport or country.

Good practice in raising awareness of reporting wrongdoing includes, at a minimum, raising awareness of:

- The difference between a report of wrongdoing, a complaint and a grievance[20]
- The available interfaces to report wrongdoing
- What reporting persons can expect from the reporting mechanism in terms of process and communication
- What reasonable belief entails in terms of facts and evidence
- Information on procedures relating to confidentiality and anonymity

[20] Complaints and grievances do not necessarily contain elements of wrongdoing (as defined in the glossary of this Guide) and may relate to personal or contractual issues. However, the categories of wrongdoing report, grievance or complaint overlap. For example, a grievance about not being selected may have racism as an underlying wrongdoing. It is therefore necessary for organizations to search for patterns in grievances and reports of wrongdoing.

# 4. CONFIDENTIALITY AND PROTECTION

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Sports organizations that operate a reporting mechanism bear the responsibility for ensuring that the identity of the reporting person, alleged wrongdoers and other persons named in a report remains confidential to the fullest extent possible.

In many countries, there is legislation on the protection of reporting persons.[21] However, most of the protection offered through this legislation is *post-hoc*; after the reporting person has experienced retaliation, they can use the legislation to seek redress in court or in an appropriate forum. Furthermore, reporting persons in sport may find this legislation does not apply to them or their specific circumstances. For example:

- In some countries, legislation on protecting reporting persons only covers employment relationships, but athletes are not always employees.[22]
- In some countries, the protection offered through legislation is restricted to misconduct by government officials, which means the scope of the law is too limited to effectively protect reporting persons in sport.

However, countries may have laws that cover aspects of protection for reporting persons, such as stipulations in labour or anti-corruption laws.

Nevertheless, the number of countries that have dedicated legislation on the protection of reporting persons is steadily increasing. New whistle-blowing legislation and standards[23] put the onus on organizations to ensure to the fullest extent possible that reporting persons remain free of reprisal. Keeping the identity of the reporting person confidential is the best way to provide protection for reporting persons. However, organizations should also have measures, e.g., a non-retaliation policy, which apply if the reporting person is identified (e.g., through their own behaviour).

### BOX 19. "DO THE RIGHT THING" POLICY OF THE ASIAN FOOTBALL CONFEDERATION.

The policy states that AFC will apply strict sanctions against any football bodies or individuals who seek to punish the football-lover for their disclosure. The burden of proof will be on the football body or individual who has punished the football-lover – they will have to prove that the action taken (e.g., sanction, removal from a list/panel/committee, demotion, sacking, undesirable relocation, etc.) was not taken as retribution against the football-lover.

*Source:* AFC Policy available at: http://www.the-afc.com/afc/documents/PdfFiles/afc-do-the-right-thing-policy-34574

There might be limitations to what organizations can do to maintain confidentiality. Good reporting mechanisms are aware of these limitations and communicate them to reporting persons.

[21] See for example T. Devine, "International best practices for whistleblower statutes", in *Developments in Whistleblowing Research 2015*, D. Lewis and W. Vandekerckhove, eds. (London, International Whistleblowing Research Network, 2015), pp. 7–19; International Bar Association, *Whistleblower Protections: A Guide* (April 2018); and Council of Europe resolution 444 (2019) and recommendation 435 (2019) of 3 April 2019, document CG36(2019)14final.

[22] Sports athletes at colleges in the United States are on scholarships, which do not qualify as employment contracts. See A. Epstein, "The NCAA and whistleblowers: 30–40 years of wrongdoing and college sport and possible solutions", *Southern Law Journal*, vol. 28, No. 1 (spring 2018), pp. 65–84.

[23] See for example the 2019 amendments to the Australian Corporations Act 2001 (Cth); and the European Parliament legislative resolution of 16 April 2019 on the proposal for a directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018)0218 – C8-0159/2018 – 2018/0106(COD)).

Factors that limit confidentiality include:

- Previous communication between the reporting person and other parties, such as a coach, a fellow athlete, a manager or a teammate
- Situations where only very few people know about the wrongdoing (for example, only the wrongdoer and the reporting person)
- In disciplinary proceedings, where making witness statements anonymous (if allowed) would mean that details relating to who was where at what time are taken out of the statement (because it might identify the witness), thereby weakening the case
- When criminal elements are found during an internal investigation and the case needs to be handed over to criminal justice authorities
- When the investigation team needs to be expanded to include specific specialists as the investigation develops and its complexity increases (for example, the addition of forensic auditors or private investigators)

Factors differ from case to case. Good reporting mechanisms map the limitations specific to each case as soon as a report is made, as part of the initial assessment, and only disclose details relating to the identity of the reporting person, witnesses and alleged wrongdoers on a strict need-to-know basis. Additional protection measures can be decided at this stage, in communication with the reporting person.

When reprisal has occurred, sports organizations need to consider what they can do to reduce the harm to the reporting person (e.g., reviewing performance evaluations, reversing management decisions and the re-allocation of training) and prevent the recurrence of retaliation (e.g., sanctioning those responsible for the retaliation).

# 5. COLLABORATION

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## 5.1 Support for reporting persons

For the reporting person, reporting wrongdoing involves uncertainty at every stage of the process.[24] Before making a report, people are often not sure whether what they have observed is serious enough to report, whether they need further evidence or what will happen once they make a report.

After the report has been made, the reporting person may continue to face uncertainty. Assessing the report and investigating the suspected wrongdoing can take time, during which the reporting person might start to experience reprisal or fear that there is a cover-up.

Athletes are asked to report wrongdoing but they remain very vulnerable. It is often the case that athletes are in a precarious financial position, have short-term contracts or do not have employment contracts, have short-term careers, have low ethical empowerment and are members of sports organizations where there is focus on individual performance and group loyalty.[25]

All of this means that the reporting of a wrongdoing can be a very stressful period for the reporting person.[26] And without appropriate support, there is the risk that inappropriate escalation may cause the act of reporting to become less effective (for example, when a reporting person hears nothing after making a report and decides to go to the press because they believe there is a cover-up).

Organizations with good reporting systems collaborate with other organizations that provide impartial advice and support to reporting persons and those who consider reporting wrongdoing. Such support functions include giving advice and information, stress and life coaching, and legal support.[27] It is unlikely that a single sports organization can carry out all these functions. Hence, a network of organizations that offer support functions should be coordinated at the national or the international level.[28] Sports organizations and other stakeholders (e.g., sponsors, athlete unions and national anti-corruption centres) should consider pooling their finances to set up independent advice services.

## 5.2 Communities of practice

Good practices for reporting mechanisms in sport need to emerge from within the sector. However, safeguarding reporting persons and remedying wrongdoing in sport involve many actors. Therefore, it is advisable that those involved in reporting mechanisms meet to share successes and difficulties.

These actors include integrity officers of sport clubs and sports organizations (competition organizers, national federations and international federations), NOCs, IOC, law enforcement

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[24] Erickson, Patterson and Backhouse, "The process isn't a case of report it and stop"; and *Resource Guide on Good Practices in the Protection of Reporting Persons.*

[25] P. A. Adler and P. Adler, "Intense loyalty in organizations: A case study of college athletics". *Administrative Science Quarterly,* vol. 33, No. 3 (1988); B. K. Richardson and J. McGlynn, "Blowing the whistle off the field of play: An empirical model of whistle-blower experiences in the intercollegiate sport industry", *Communication and Sport,* vol. 3, No. 1 (March 2015); and K. Erickson, S. H. Backhouse and D. Carless, "I don't know if I would report them: Student-athletes' thoughts, feelings and anticipated behaviours on blowing the whistle on doping in sport", *Psychology of Sport and Exercise,* vol. 30 (May 2017).

[26] Brown and Lawrence, "Strength of organizational whistleblowing processes".

[27] K. Loyens and W. Vandekerckhove, "Whistleblowing from an international perspective: a comparative analysis of institutional arrangements", *Administrative Sciences,* vol. 8, No. 3 (September 2018).

[28] See Council of Europe recommendation 435(2019) of 3 April 2019 and document CG36(2019)14final.

agencies, anti-corruption centres, athletes' unions, civil society organizations and the academic community.

Furthermore, experts on reporting mechanisms from outside of sport and persons who have reported wrongdoing may be a useful source of comparative analysis of good practices and resolving difficulties in running effective reporting mechanisms.

## 5.3 Raising awareness and building capacity

Reporting wrongdoing is not something that an athlete or another sport stakeholder will need to do often. Therefore, it is useful to create consistency in the information distributed across the different levels of organization in a specific sport. In this way, athletes and other stakeholders will receive consistent and recognizable messages about reporting wrongdoing from their club and competition organizers, at both national and international levels.

Furthermore, undertaking campaigns to raise awareness of the reporting of wrongdoing signals a collective commitment to the integrity of sport, and thus makes the trustworthiness of reporting mechanisms in sport less dependent on a single sports organization.

Actors that are involved in reporting mechanisms need to understand what is required of them and what good practice in handling reports is. Hence, capacity-building efforts are needed for integrity officers, sport clubs, NOCs and national and international federations. These should include gender-specific aspects of reporting.

## 5.4 Coordination with criminal justice authorities

Wrongdoing often involves criminal elements, especially when reported behaviour relates to corruption, competition manipulation or abuse. Historically, sports organizations and criminal justice authorities have been reluctant to collaborate, mainly to avoid accusations of a conflict of interest, but this is changing.[29]

Law enforcement agencies have jurisdiction over criminal matters, have experience in investigating organized crime and have additional powers to make arrests or carry out searches and seizures. However, they are unlikely to have a full understanding of the rules and nuances of a particular sport.

A sports federation can benefit a criminal investigation because:[30]

- They are experts on the rules and regulations of their particular sport.
- They know the identity of players involved in alleged wrongdoing and may have other information about relevant individuals or competition organizations that is supportive or dismissive of any allegations.
- They can provide an expert view and give evidence.
- They are the gateway to other information that may be useful to investigations, such as names, telephone numbers and addresses.

[29] *Resource Guide on Good Practices in the Investigation of Match-fixing*, pp. 26–28.
[30] Ibid., pp. 27–28.

Sports organizations with good reporting mechanisms assign someone from the sport to cooperate and liaise with law enforcement agencies. The best person for this is the person mandated to oversee the reporting mechanism, for the following reasons:

- This person has a duty to keep the identity of reporting persons confidential.
- This person is best placed to judge, for the purposes of due process and the independence of the investigation, when is the best time to hand over an internal investigation or pre-investigation (triage decision) to the relevant law enforcement agency.

Establishing a single point of contact between law enforcement agencies and sports organizations is a first step for effective cooperation. For the sake of continuity and in order to support the mandate of the liaison officer, it is good practice to formalize the cooperation with a written agreement, such as a memorandum of understanding.[31]

The sports disciplinary framework and the criminal justice system can be complementary. When the burden of proof in the criminal justice system is too high, it can be more efficient to use the sports disciplinary framework to sanction individuals and remove them from a sport (if they are within the jurisdiction of the sport). Sports organizations that have open, trust-based relationships with law enforcement can liaise with this partner to find the most appropriate sanctioning entity, and work with that entity to manage the case.

[31] Ibid., p. 28.

# 6. CONCLUSION

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The Guide provides sports organizations with the means to design and operate effective reporting mechanisms. The effective handling of reports of wrongdoing is critical to maintaining the integrity of sport.

The reporting mechanisms on which this Guide focuses are designed to address and handle a wide range of wrongdoing. The Guide also details the supporting principles that sports organizations must apply for these reporting mechanisms to function properly and what the application of these principles means in practice.

Furthermore, the Guide outlines the different types of reporting interfaces that can be used and the different stages of the report handling process, setting out good practice in both areas. The Guide also underlines the importance of ensuring and maintaining confidentiality and protection to reporting mechanisms, pinpointing a number of issues that sports organizations need to be aware of and should approach carefully.

As the Guide explains, progress in combating corruption in sport is being made, including in the use of reporting mechanisms to achieve this goal. However, challenges remain. Sport is a force for good in society but sports organizations cannot maintain the integrity of sport by themselves. It is hoped that this Guide will inspire new collaborations and bring confidence to existing ones among sports organizations and between sports organizations and other actors, so that we may continue to learn how to make our sports organizations platforms for excellence in sport.

# ANNEXES

# I. Summary

## Supporting principles

Good reporting mechanisms are supported by leadership that demonstrates commitment, trustworthiness and impartiality.

## Reporting interfaces

Good reporting mechanisms:

- Use a combination of at least two different interfaces
- Allow both confidential and anonymous reporting
- Provide adequate information about how to make a report safely and how reports are handled
- Are easily accessible, in terms of finding reporting interfaces, the languages in which reports can be made and the range of issues that can be reported

## Communicating with the reporting person

Good reporting mechanisms communicate with the reporting person throughout the handling process in order to maintain trust.

## Assessing a report

Good reporting mechanisms make an initial assessment of every report, deciding:

- Who will communicate with the reporting person
- What measures are needed to maintain confidentiality and ensure protection
- How the report will be classified for further handling

When reports are classified as appropriate for investigation, decisions are made with regard to who will carry out the investigation and the timeframe and scope of the investigation.

## Investigating wrongdoing

Good reporting mechanisms use investigative approaches that:

- Safeguard the confidentiality of the reporting person
- Are impartial
- Secure evidence and log investigative actions in a case file

## Addressing wrongdoing

Good reporting mechanisms, in accordance with organizational policies or sport rules:

- Ensure that when wrongdoing is found, appropriate measures are taken to stop it
- Sanction wrongdoers
- Consider ways of reducing any harm that the wrongdoing may have caused

## Closing cases and learning from reports

Good reporting mechanisms use closed cases as a means to:

- Learn about integrity issues in their organization
- Improve the reporting mechanism

## Confidentiality and protection

Good reporting mechanisms:

- Assess the risk of retaliation against the reporting person as soon as a report is made
- Are aware of the limitations relating to confidentiality and the protection that the organization can offer, and communicate these openly and honestly to the reporting person

## Collaboration

Good reporting mechanisms seek collaboration with other actors to:

- Strengthen support for reporting persons
- Learn about good practice from other actors
- Provide learning to other actors about good practice
- Enhance coordination with criminal justice authorities

# II. Case studies

The following case studies are based on real cases of reported wrongdoing in sport. They are simplified versions of media accounts of the respective cases. Details may have been altered. Learning points are based on the simplified versions and they do not necessarily relate to the real cases.

## Confidentiality lost

Luke, a football referee, was approached by an assistant referee, Hendrik, to fix matches. Luke reported this to his Referees Association, of which Hendrik was also a member. Hendrik was arrested and accused of competition manipulation.

However, as the investigation took Luke's report as the central piece of information, it wasn't difficult for Hendrik to work out that it was Luke who had reported him. Luke was isolated and people called him a spy.

Learning points:

- Although Luke had a duty to report the wrongdoing, the investigation could have masked the fact that Luke's report was central to its approach. Could other evidence have been collected instead of relying so much on Luke's report?
- The risk of loss of confidentiality should have been communicated to Luke.
- When confidentiality was lost, and if Luke agreed, the Referees Association could have made Luke an integrity champion.
- More action is required with regard to raising awareness of the harm of competition manipulation and the benefit of reporting.

## Lack of communication

An athlete reports systemic doping practices to an anti-doping authority. She hears nothing back from the authority. After four months, she reports the malpractice again, with new information and asks what happened to her previous report.

The authority replies that it is considering the evidence. Five months pass without a response from the authority. The athlete reports the malpractice again. Again, she hears nothing back. As a result, she is getting increasingly scared for her and her family. After three years without a reply from the authority, she starts recording conversations and gathers together all the information that she has.

One day, she passes on her information and evidence to a journalist and leaves the country. When the journalist breaks the story, it makes headlines.

Learning points:

- The organization should have communicated with the athlete, provided her with a clear timeframe and done more to work with her.

## Flawed investigation process

Chris was approached on two occasions by James to manipulate a competition match, but Chris refused both times. James was becoming increasingly insistent and Chris feared what might happen the next time that he said no. Chris reported the events through an online portal.

The investigation was not carried out well. Some conversations were not noted and some documents were lost. The ensuing court case hinged on Chris' statement but James walked free. A week later, James sued Chris for slander.

Learning points:

- The organization handling the report should review its investigation process. More care should have been given to secure the evidence.
- It is perhaps not wise to start a court case if the evidence is insufficient, as this can put the reporting person and witnesses at risk.
- The sports organization should make Chris, if Chris agrees, an integrity champion. Even if the court did not find James guilty, Chris did the right thing in making a report based on reasonable belief.
- It is necessary to find ways to reduce the harm done to Chris.

## Confidentiality kept

Adele reported a former teammate who had offered her money to influence the result of a game that involved her team. During the investigation, systematic competition manipulation was uncovered.

The investigators searched for other evidence in addition to Adele's report. It took some time to collect the evidence, but the confidentiality of Adele's identity was preserved.

Learning points:

- The investigation took an approach that helped maintain confidentiality.
- Adele was informed that this approach would take longer.

## Taking action

During a team meeting, a club official suggested it would be good if the team won no more than four games during the year. Cath suspected that this was the club's strategy to become eligible for priority draft pick for next season. Cath found it unacceptable but didn't say anything.

While enjoying some free time with Jill and Simone, the issue came up in conversation. The three of them decided to report what the club official had suggested. However, they did not want to report it to someone at the club because it was a club official who had suggested deliberately losing games. Instead they reported it to the national governing body who in turn informed the police.

The police investigation concluded that there was no evidence of competition manipulation. Nevertheless, the coach and the general manager were found guilty by the national governing body of "acting in a manner prejudicial to the interests of the competition". Both were suspended and fined. Cath and her team won nine games that season.

Learning points:

- The national governing body referred the information to the police. Jill and Simone were informed about this.
- Although the criminal investigation was not able to find evidence of competition manipulation, the national governing body also carried out a disciplinary investigation.
- The national governing body corrected the wrongdoing by disciplining the wrongdoers.

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