



**BULGARIAN
ATHLETIC
FEDERATION**

Safeguarding Rules and Disciplinary procedures

Contents:

- 1. Introduction**
 - 2. General**
 - 3. Scope**
 - 4. Prohibited Conduct**
 - 5. Management board**
 - 6. Investigations and Risk Assessment**
 - 7. Sanctions**
 - 8. Appeal**
 - 9. Decisions**
-

1. Introduction

These Safeguarding Rules are based on a risk assessment of an individual being carried out prior to a sanction being imposed by the Bulgarian Athletic Federation. The intention is to reduce the workload involved in dealing with concerns and allegations whilst still ensuring that the environment for athletics is as safe as possible.

The members of the Bulgarian Athletic Federation are athletics clubs. The term “clubs” in these Rules refers to those member clubs.

2. General

The Bulgarian Athletic Federation is committed to uphold the standard of the World Athletics in protecting members and practitioners in the sport of athletics from abuse, harassment and exploitation, ensuring everyone is treated with dignity and respect.

These Rules are aimed at protecting the welfare of those to whom the Bulgarian Athletic Federation’s Safeguarding Policy (“the Policy”) applies from abuse, harassment and exploitation and to establish procedures for concerns, suspicions or allegations to be dealt with. They constitute the safeguarding disciplinary procedure referred to in section 13 of the Policy. The definitions in section 5, prevention arrangements in section 7, reporting arrangements in sections 8 and 9, Code of Conduct in section 10 and training arrangements in section 12 of the Policy apply without being repeated here.

These Rules shall be applied in accordance with the Bulgarian Athletic Federation’s Statutes and mandatory Bulgarian law, including the Non-profit Legal Persons Act, the Physical Education and Sports Act, the Child Protection Act and the Protection Against Discrimination Act. Mandatory law prevails over any inconsistent provision of these Rules or the Policy.

Upon request from the World Athletics for information in relation to a matter falling within these Rules, The Bulgarian Athletic Federation will provide such information in accordance with applicable data protection law and section 8 below.

3. Scope

These Safeguarding Rules (“these Rules”) apply, consistently with section 6 of the Policy, to the following:

- athletes and coaches associated with the Bulgarian Athletic Federation or its clubs;
- members of staff of Bulgarian Athletic Federation and its associated clubs;
- officials on the Management Board of the Bulgarian Athletic Federation;
- anyone who volunteers for Bulgarian Athletic Federation and its associated clubs;
- parents and carers of athletes associated with the Bulgarian Athletic Federation or its clubs who are under the age of 18;
- other individuals who are part of an athlete’s entourage or athlete support staff including managers, medical personnel and family members; and
- anyone else who agrees in writing to be bound by these Rules.

These individuals are referred to in these Rules as “Participants”. Participants are subject to these Rules by virtue of the applicable federation or club rules governing their registration, appointment, accreditation or participation, their contracts or their written agreement. Clubs shall

comply with these Rules and ensure their application within their activities; their member status does not make individual athletes or parents members of the Bulgarian Athletic Federation.

All Participants are bound by these Rules and agree:

- not to engage in prohibited conduct as described in section 3 below;
- to comply with the relevant Bulgarian Athletic Federation's Code(s) of Conduct;
- to comply with World Athletics' safeguarding policy;
- to comply with Bulgarian Athletic Federation's safeguarding policy;
- to be bound by the terms of these Rules even after they are no longer a Participant in so far as any obligations may continue to exist or for any matters that may arise after they are no longer a Participant but have occurred during a period before that date.

It is every Participant's responsibility to understand and comply with the requirements of these Rules. Ignorance of these Rules is no defence to proceedings for violation of them.

4. Prohibited Conduct

The types of conduct set out below are prohibited:

- any criminal offence or breach of any other applicable laws or regulations relevant to safeguarding, including the Child Protection Act and the Protection Against Discrimination Act;
- any conduct that harms, or attempts or threatens to harm the physical or mental welfare or safety of any other person;
- anything which constitutes a breach of the Bulgarian Athletic Federation's Safeguarding Policy, or its club's safeguarding policy or codes of conduct, including discrimination, harassment, sexual harassment and victimisation prohibited by Bulgarian law;
- failure to take action where any misconduct or suspected misconduct is known about;
- failure to report any concern, suspicion or allegation to the Safeguarding Officers ("SGOs") in accordance with sections 8 and 9 of the Policy or to comply with a mandatory reporting obligation under Bulgarian law; and/or
- assisting, aiding, abetting, conspiring, covering up or engaging in any behaviour which might involve a breach or attempted breach of these Rules.

Prohibited conduct may be a criminal offence and/or a breach of other applicable laws. These Rules are intended to supplement such legislation with further rules of conduct for those involved in the sport of athletics.

The SGOs must consider referral to the competent law enforcement or protection authorities when a report is received and throughout any inquiries or investigation. Anyone who becomes aware that a child needs protection must immediately notify the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of the Interior under Article 7 of the Child Protection Act, including where bound by professional secrecy. Reporting to an SGO does not replace that duty. Neither consent, completion of a form, internal handling, mediation nor a Management Board decision may delay mandatory reporting or emergency assistance.

Knowingly making a false report of possible prohibited conduct is also a violation of these Rules. A report made in good faith shall not be treated as false merely because it is not substantiated. No Participant may retaliate against a person for raising a safeguarding concern or assisting an inquiry, investigation or disciplinary procedure.

5. Management board

The Management Board of the Bulgarian Athletic Federation (“the Management Board”) is the body responsible for deciding safeguarding cases referred to it by an SGO and imposing applicable sanctions. It shall meet as often as necessary, including urgently to consider an immediate interim sanction. Meetings and decisions shall comply with the Non-profit Legal Persons Act and the Statutes of the Bulgarian Athletic Federation, including the applicable rules on convening, quorum and voting. A member with a conflict of interest in a case shall disclose it and shall not take part in its consideration or decision; statutory quorum and majority requirements remain applicable.

In urgent cases the Management Board may meet by telephone or an appropriate online platform if the two-way connection establishes each member’s identity and allows participation in the discussion and decision. The chair shall certify remote votes in the minutes. An email decision without a meeting is permissible only under Article 32, para. 5 of the Non-profit Legal Persons Act: all Board members must sign the written record without reservations or objections.

All decisions shall be recorded in writing and minutes of all meetings shall be kept. Written minutes of a remote meeting and its decision shall be prepared within 2 (two) working days after the meeting. The chair and the person preparing the minutes shall certify their accuracy. For an email decision without a meeting, the written record shall be prepared within 2 (two) working days after the email decision process concludes, and the decision is adopted only when the statutory signature requirement is fulfilled.

The Management Board shall also consider applications to vary or lift sanctions. Minutes shall be prepared and kept securely. Safeguarding case records shall be kept confidentially, in written or digital form, for only as long as necessary for safeguarding, enforcement, legal claims and statutory record-keeping, in accordance with applicable data protection law.

6. Investigations and Risk Assessment

Reports or signals concerning possible violations shall be submitted to the SGOs through the reporting mechanisms in section 8 of the Policy. The Safeguarding Concern Reporting Form is attached as Appendix 1 and may be used to record a concern; its completion is not a condition for receiving or acting on a report. The SGOs shall receive, review and evaluate reports, assess the risk and take or coordinate preventive measures within their authority under the Policy. They shall make inquiries into possible violations and may carry out investigations. Where there are reasonable grounds to believe that prohibited conduct has occurred and a sanction may be warranted, or an immediate protective restriction is required, the SGO shall refer the matter promptly to the Management Board with the available information and risk assessment.

The SGOs shall follow the assessment, support, referral and reporting arrangements in sections 2, 3, 8 and 9 of the Policy. Mediation under section 4 of the Policy may be used only where appropriate and voluntary; it shall not replace mandatory reporting, necessary safeguarding measures or the determination of a violation requiring a sanction.

Any SGO or other person investigating must be independent of the incident and free from conflicts of interest. Where necessary, the Management Board may appoint an appropriate independent investigator, as contemplated by the Policy. Internal inquiries shall not obstruct investigations by the competent authorities.

The Management Board may impose an immediate interim sanction before an investigation is completed where the available information and risk assessment establish an immediate risk of harm to others in athletics. If urgency requires action before the Participant can respond, the reasons shall be recorded and the Participant shall receive the decision, the information relied upon and an opportunity to respond as soon as possible. The Management Board shall then promptly review the measure.

The Participant must provide information lawfully requested by an SGO, an investigator acting on behalf of the Bulgarian Athletic Federation or the Management Board about the conduct which has raised concerns. Participants may be interviewed in person or online. This duty does not override legal professional privilege, the right against self-incrimination or other mandatory legal protections. Where a child is involved, the process shall respect the child's best interests, age, maturity and right to express views, with appropriate support and lawful representation.

The Participant must be provided with details of the alleged conduct, the relevant Rules and the information gathered following any investigation and relied upon by the Management Board. They shall be asked to respond to the concerns, allegations or questions raised. Information shall be kept confidential and shared only as necessary with legal or professional advisers, a lawful representative or a support person, or as required or permitted by law. Information identifying a child or another person may be redacted where legally necessary, provided the Participant receives sufficient particulars and substance of the evidence to exercise the right of defence.

The Participant shall have a reasonable opportunity to respond and present evidence after receiving the information to be relied upon. Before a final disciplinary sanction, the Management Board shall hold a disciplinary hearing or meeting, in person or remotely, giving the Participant notice and an opportunity to be heard, with legal representation and an interpreter where needed. Relevant requests to hear witnesses shall be considered. After receiving the response, or after the notified reasonable period expires without a response, the Management Board shall review the information and decide the appropriate course of action. The fair procedure and follow-up steps in section 13 of the Policy apply; an urgent interim measure does not remove these rights.

7. Sanctions

The Management Board has the power to impose a sanction on a Participant who has engaged in prohibited conduct, or a proportionate protective restriction where an assessed risk

requires it (a “Sanction”). A disciplinary finding must be based on the evidence and the Participant’s response. An allegation, criminal charge or ongoing investigation is not itself proof of a violation. When deciding a final sanction, the Management Board may rely only on information disclosed to the Participant and any response. Immediate interim sanctions are subject to section 6 above.

The Management Board also has the power to keep a Sanction already imposed in place. It may vary an interim Sanction to ensure appropriate safeguarding measures are in place. Protective restrictions shall be reviewed when material circumstances change and at reasonable intervals while they remain in force and lifted when no longer necessary.

A Sanction may be one of the following:

- removal from some or all athletics events (including competitions, training, governance activities, social activities, club activities, team and/or media occasions) within the Bulgarian Athletics Federation’s jurisdiction, for an interim period, a set period or an indeterminate period subject to review;
- a financial penalty, only where its legal basis and amount or scale are prescribed by applicable, duly adopted rules binding on the Participant and permitted by law; no financial penalty may be imposed solely on the basis of an assessed risk or as an employment disciplinary penalty;
- training or education requirement(s); or
- any other lawful safeguarding measure appropriate to the situation, within the Bulgarian Athletic Federation’s powers and consistent with the Policy; this does not authorise an otherwise unspecified punitive penalty.

The warning stages in section 13 of the Policy shall be applied to ordinary progressive disciplinary action insofar as lawful and applicable to the Participant’s status. They do not make urgent protective restrictions conditional on earlier warnings. Employment disciplinary penalties and dismissal may be imposed only by the competent employer under the Labour Code, including its statutory grounds, procedure and time limits. These Rules do not create additional employment penalties.

Removal from an elected office or termination of club membership requires the decision of the body competent under the law and Statutes.

Any deprivation of an athlete’s competition rights must comply Physical Education and Sports Act and the Bulgarian Athletic Federation’s applicable competition-rights rules.

A protective Sanction may be considered, subject to an individual risk assessment and the safeguards above, when the Bulgarian Athletic Federation is notified that a Participant:

- has been charged with a criminal offence;
- is being or has been investigated by law enforcement or any other authority relating to social care of children or adults;
- has been convicted of an offence or been warned about behaviour which would potentially harm an individual; and/or

- has behaved in such a way as to be considered a potential risk to anyone involved in athletics.

A Sanction must be reasonable, proportionate to the conduct that has been alleged and must take the following into account:

- whether any Participant or any other person is, or may be, at risk of harm;
- the seriousness of the conduct alleged to have been committed;
- the potential risk of harm the Participant poses to others, both within the athletics' community and the wider population;
- whether a Sanction is necessary or desirable to allow an investigation to be undertaken by Bulgarian Athletic Federation, the police or any other relevant agency or authority to proceed unimpeded having regard for the need for any Sanction to be proportionate; and
- any other relevant circumstances.

In considering whether to impose a Sanction, the above criteria shall be assessed and the decision and reasons recorded, including the findings, the information relied upon and the Participant's response. The decision shall distinguish an established violation from an assessed risk and explain why the measure is necessary and proportionate. For an interim or indeterminate measure, the review arrangements shall also be specified.

When the Sanction has been imposed the Participant must be informed of:

- the decision;
- the reasons for its imposition;
- the terms;
- the date it will take effect;
- when it will end (if an end date has been prescribed or if it will remain in place until the end of an investigation, when that will be considered to have ended); and
- the right to appeal to the General Assembly through the President of the Bulgarian Athletics Federation and the applicable time limit under section 7.

The details of the Sanction will also be sent to the Participant's club and any other agencies, authorities or individuals who it is believed should be made aware of the Sanction to ensure its enforcement. See section 9 below for information regarding decisions and how and to whom they should be communicated.

8. Appeal

A Management Board decision imposing a Sanction may be appealed by the Participant concerned before the General Assembly of the Bulgarian Athletic Federation ("the General Assembly"), through the President of the Bulgarian Athletics Federation. This right under these Rules also applies to Participants who are not federation members and does not restrict the statutory right of interested member clubs or members of a federation body to challenge decisions under Article 25, para. 5 of the Non-profit Legal Persons Act. The decision remains in force during the appeal unless the competent body or court orders otherwise.

For the avoidance of doubt, an appeal may be brought against an interim Sanction and again against a subsequent decision imposing a Sanction within one month of learning of the decision, but no later than one year after it was taken.

A written appeal shall be addressed to the General Assembly and submitted through the President within one month of learning of the decision, but no later than one year after it was taken, consistently with Article 25, para. 5 of the Non-profit Legal Persons Act. The appeal shall identify the decision challenged, the grounds and the relief sought, together with any supporting evidence. The date of learning of the decision and the date of receipt of the appeal shall be recorded.

The President shall register and transmit the appeal and case file without undue delay for consideration by the General Assembly. Transmission is an administrative function and does not permit the President to decide the merits or prevent consideration of the appeal. The General Assembly shall be convened and the appeal included in its notified agenda in accordance with the Non-profit Legal Persons Act and the Statutes.

The General Assembly shall review the decision and the case file, considering whether the Management Board assessed the information fairly, correctly applied these Rules, the Policy, the Statutes and applicable law, and imposed a justified and proportionate Sanction. The appellant shall have an opportunity to submit representations and evidence and, where necessary for a fair review, to be heard. Confidential case information shall be made available only to the extent necessary for deciding the appeal. Voting shall comply with the statutory and Statutes-based rules and the Non-profit Legal Persons Act on conflicts of interest.

The General Assembly may uphold or set aside the original decision, vary the Sanction within its lawful powers, or refer the matter back to the Management Board for further consideration. Any proposed increase in the Sanction requires prior notice to the Participant and an opportunity to respond. A new decision shall not exceed the competence of the General Assembly under the law and the Statutes.

If a Sanction is lifted or varied by the General Assembly or following referral back to the Management Board, the Participant and all those previously informed of the Sanction shall be notified without undue delay and in any event within 15 calendar days, subject to section 9 below.

Appeals shall be considered expeditiously at the earliest lawfully convened General Assembly meeting whose notified agenda includes the appeal. Where necessary because of the seriousness or continuing effects of a Sanction, steps shall be taken to convene an extraordinary General Assembly in accordance with the law and the Statutes. The statutory notice, quorum and voting requirements shall not be shortened or displaced by these Rules.

The General Assembly's decision is final within the Bulgarian Athletic Federation and binding on its bodies, subject to judicial control and other remedies available under Bulgarian law. Nothing in these Rules waives access to the courts, child protection authorities or the Commission for Protection Against Discrimination. Challenges to General Assembly decisions may be brought by the persons entitled under that Non-profit Legal Persons Act before the district court at the Federation's seat, within one month of learning of the decision and no later than one year after it

was taken. A Participant who is not a federation member has the judicial remedies available under the applicable law; these Rules do not confer statutory standing where the law does not provide it.

9. Decisions

All decisions of the Management Board or General Assembly under these Rules shall be reasoned, made in writing and sent promptly to the Participant and other parties entitled to receive them. Receipt shall be documented. The person reporting the concern and the person affected shall be informed of the outcome to the extent consistent with confidentiality, safeguarding needs and applicable law.

Only in exceptional cases will a decision be made public. This requires the agreement of the person harmed, and the agencies involved, where relevant, and an independent lawful basis for disclosure under applicable data protection law. Public disclosure of information identifying a child must comply with the Child Protection Act. Agencies and individuals who need to know the outcome for protection or enforcement shall receive only the information necessary for that purpose, with clear confidentiality requirements. The proposed manner of public disclosure shall be made clear to the parties.

If the Participant is exonerated of all allegations, the decision may be made public only with their consent and in compliance with the safeguards above. The fact that the allegations have been dismissed may be made public only insofar as lawful and without unlawfully identifying a child or another protected person.

A decision or relevant information shall be shared with the competent authorities where Bulgarian law requires it, including for child protection or investigation of a suspected offence. Other authorities or agencies may need to be informed of safeguards imposed even where no disciplinary violation is established. Disclosures shall be limited to what is lawfully necessary and recorded. Confidentiality shall not prevent mandatory reporting.

The Bulgarian Athletic Federation may be required to inform European Athletics and World Athletics about a Sanction imposed, subject to applicable data protection law.

If World Athletics requests the decision, the Bulgarian Athletic Federation shall send it together with any further information requested, to the extent disclosure is lawful, using secure means and complying with applicable requirements for personal data, special-category data, criminal-offence data and international transfers.

APPENDICES:

Appendix 1: Safeguarding Concern Reporting Form.