



**BASEBALL AUSTRALIA (BA)
NATIONAL INTEGRITY FRAMEWORK:
MEMBER PROTECTION POLICY**

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1. Introduction

- 1.1. BA is committed to ensuring that everyone involved with baseball is treated with respect and dignity and is protected from bullying, intimidation, discrimination, harassment and abuse.
- 1.2. This Policy aims to ensure the core values, good reputation, positive behaviours and attitudes of BA and Members Organisations are maintained and enhanced.
- 1.3. This Policy seeks to ensure that everyone involved in BA is aware of their legal and ethical rights and responsibilities as well as the standards of behaviour expected of them.

2. Application of Policy

This Policy is to be read with the provisions set out in the BA National Integrity Framework (**Framework**). Capitalised terms not defined in this Policy are defined terms in the Framework.

3. Scope

3.1. To whom the Policy applies

This Policy applies to:

- (a) Members;
- (b) Participants; and
- (c) Any other person, including individuals and bodies corporate, who has agreed to be bound by this Policy.

3.2. When the Policy applies

- (a) All Relevant Persons must comply with this Policy (at all times while they are a Relevant Person):
 - (i) in relation to any dealings they have with BA and Member Organisations or their staff, contractors and representatives;
 - (ii) subject to clause 3.2(b), wherever there is a recognised baseball, BA or Member Organisation connection, including participation in programs or events sanctioned by BA and/or Member Organisations, and on social media where there is such a connection;
 - (iii) when dealing in their capacity as a Relevant Person with other Relevant Persons; and
 - (iv) in relation to their membership or standing as a Relevant Person in general.
- (b) The following is not within the scope of this Policy:
 - (i) interactions (including social media interactions) involving a Relevant Person and another Relevant Person where there is no direct or indirect link between

the interaction and any of BA, baseball or a Member Organisation (other than the fact that one or more individuals are Relevant Persons);

- (ii) where alleged Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct or interaction(s) that, while related to the original Prohibited Conduct, no longer directly relates to any of BA, baseball or a Member Organisation (even where such conduct or interaction(s) would otherwise be Prohibited Conduct); and
- (c) Where BA or a Member Organisation (as applicable) determines, in their absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different policy, it may refer the alleged Prohibited Conduct for determination under that other policy.

4. Prohibited Conduct

4.1. Prohibited Conduct

For the purposes of clause 12 of the Framework, a Relevant Person must not, either alone or in conjunction with another or others, breach this Policy by undertaking any of the following conduct against one or more Relevant Persons in the circumstances outlined in clause 3.2:

- (a) Abuse;
- (b) Bullying;
- (c) Harassment;
- (d) Sexual Misconduct;
- (e) Unlawful Discrimination;
- (f) Victimisation; or
- (g) Vilification.

Examples of conduct that may constitute Prohibited Conduct are outlined in Schedule 1.

4.2. Additional matters

Nothing in this Policy prevents the Board from enforcing any other rules and regulations or referring any alleged Prohibited Conduct to a relevant law enforcement agency.

5. Complaints and Disputes Policy

Clauses 13, 14 and 15 of the Framework apply to alleged Prohibited Conduct under this Policy, including in relation to the reporting and investigation of the alleged Prohibited Conduct.

6. Other Obligations

6.1. BA and Member Organisation responsibilities

BA and Member Organisations must:

- (a) publish, distribute and promote this Policy;
- (b) recognise and enforce any decisions and/or disciplinary measures imposed under this Policy;
- (c) ensure that a copy of this Policy is available or accessible to all people and organisations to whom this Policy applies; and
- (d) monitor and review this Policy in accordance with clause 6 of the Framework.

6.2. Relevant Person responsibilities

Relevant Persons bound by this Policy must:

- (a) make themselves aware of the contents of this Policy;
- (b) comply with all relevant provisions of the Policy;
- (c) be accountable for their behaviour; and
- (d) comply with any decisions and/or disciplinary measures imposed under this Policy.

7. Definitions

In this Policy the following words have the corresponding meaning:

Abuse means any type of abuse (including physical, emotional, psychological, sexual and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

Bullying means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

Harassment means any type of behaviour (including one-off incidents) towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

Member means a member of BA admitted in any category of membership in accordance with the provisions of the BA Constitution.

Policy means this Member Protection Policy including any schedules and annexures.

Prohibited Conduct means conduct in breach of clause 4 of this Policy.

Relevant Person means any of the persons identified in clause 3.1.

Sexual Misconduct means:

- (a) **Sexual Harassment**, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated or intimidated; and
- (b) **Sexual Offences**, which include any criminal offence involving sexual activity or actions of indecency.

Unlawful Discrimination includes:

- (a) **Direct Discrimination**, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- (b) **Indirect Discrimination**, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share,

where such personal characteristic is protected by applicable anti-discrimination legislation.

Victimisation means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

Vilification means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender or HIV/AIDS status.

SCHEDULE

Examples - Prohibited Conduct

1. **Abuse** may include:
 - (a) bullying or humiliation;
 - (b) physical abuse and assault including hitting, slapping, pushing, punching or scratching, kicking, destroying property and throwing things, sleep and food deprivation, forced feeding, physical restraint, spitting or biting;
 - (c) sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
 - (d) emotional abuse such as intentional embarrassment in public, name calling, telling someone what to wear, preventing someone from seeing their friends and family, stalking, humiliation and intimidation;
 - (e) verbal abuse such as insults, name calling, continuous criticism, swearing and humiliation, attacks on someone's intelligence, body or parenting, yelling;
 - (f) financial abuse such as restricting access to bank accounts, taking complete control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
 - (g) neglect of a person's needs; and
 - (h) stalking.
2. **Bullying** may include:
 - (a) keeping someone out of a group (online or offline);
 - (b) acting in an unpleasant way near or towards someone;
 - (c) giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing;
 - (d) spreading rumours or lies, or misrepresenting someone (i.e., using their social media account to post messages as if it were them);
 - (e) silly behaviour that goes too far;
 - (f) harassing someone based on their race, sex, religion, gender or a disability;
 - (g) intentionally and repeatedly hurting someone physically;
 - (h) intentionally stalking someone; and
 - (i) taking advantage of any power over someone else,

but does not include legitimate and reasonable:

- (a) management action;
- (b) management processes;
- (c) disciplinary action; or
- (d) allocation of activities in compliance with agreed systems.

3. **Harassment** may include:

- (a) telling insulting jokes about particular racial groups;
- (b) sending explicit or sexually suggestive emails or text messages;
- (c) displaying racially offensive or pornographic images or screen savers;
- (d) making derogatory comments or taunts about someone's race;
- (e) asking intrusive questions about someone's personal life, including his or her sex life;
- (f) harassment or sexual harassment in the workplace by employers, co-workers and other workplace participants;
- (g) harassment in the workplace based on or linked to a person's disability or the disability of an associate; and
- (h) offensive behaviour based on race or racial hatred, such as something done in public that offends, insults or humiliates a person or group of people because of their race, colour or national or ethnic origin.

4. **Sexual Misconduct** may include:

- (a) unwelcome touching;
- (b) staring or leering;
- (c) suggestive comments or jokes;
- (d) showing or sharing sexually explicit images or pictures;
- (e) unwanted invitations to go out on dates;
- (f) requests for sex;
- (g) intrusive questions about a person's private life or body;
- (h) unnecessary familiarity, such as deliberately brushing up against a person;
- (i) insults or taunts based on sex;
- (j) sexually explicit physical contact;

- (k) sending or sharing sexually explicit or suggestive emails, texts or other electronic/social media messages;
- (l) displaying pornographic images or screen savers;
- (m) asking intrusive questions about someone's personal life, including about his or her sex life; and
- (n) criminal offences such as rape, indecent or sexual assault, sexual penetration or relationship with a child under the age of 16 and possession of child pornography.

5. **Unlawful Discrimination** may include unfair treatment based on a person's:

- (a) age;
- (b) disability;
- (c) race, colour, national or ethnic origin or immigrant status;
- (d) sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
- (e) sexual orientation, gender identity or intersex status.

6. **Victimisation** may include:

- (a) dismissal of an employee or disadvantage to their employment;
- (b) alteration of an employee's position or duties to his or her disadvantage;
- (c) discrimination between an employee and other employees;
- (d) repeated failure to select an individual on merit;
- (e) a reduction in future contract value; and
- (f) removal of coaching and other financial and non-financial support.

7. **Vilification** may include:

- (a) speaking about a person's race or religion in a way that could make other people dislike, hate or ridicule them;
- (b) publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
- (c) repeated and serious verbal or physical abuse about the race or religion of another person;
- (d) encouraging violence against people who belong to a particular race or religion, or damaging their property; or
- (e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.