

## **HARASSMENT-FREE BASEBALL**

### **ANTI-HARASSMENT and COMPLAINTS PROCEDURES POLICY**

#### **AUSTRALIAN BASEBALL FEDERATION, INC**

##### **POLICY STATEMENT**

**The Australian Baseball Federation Incorporated (ABF), is the recognised, controlling body for the sport of Baseball within Australia and for its representative participants when overseas. This status is recognised by the Australian Sports Commission, the Australian Olympic Committee, and other National Sporting Organisations and Government Agencies throughout Australia. This status is also recognised by the International Olympic Committee, the International Baseball Association, other International Sporting Organisations and various Professional Baseball Leagues and Associations throughout the world including United States Major League Baseball.**

1. The ABF is committed to fostering a harassment-free environment for all its participants in the sport of Baseball in Australia. The ABF does not condone or otherwise tolerate any general or specific types of harassment against any of its participants as defined within this Anti-Harassment and Complaints Procedures Policy.
2. ABF participants include individuals who participate as athletes, coaches, instructors, teachers, administrators, officials, parents or volunteers. Every ABF participant in the sport of Baseball, in whatever role, has the right to participate in an environment that is fun, safe, healthy and to be treated with respect, dignity and fairness.
3. Harassment in the sport of Baseball has the effect of limiting or denying participants these rights. The ABF's Anti-Harassment and Complaints Procedures Policy provides ABF participants with both general and specific definitions of harassment. This policy also clearly defines both a formal and informal complaints procedure that all ABF participants have easy access to.

##### **HARASSMENT**

4. Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or persons because of that person or persons particular characteristics (including the person or persons' level of empowerment relative to the harasser). This behaviour will be unwelcome and the sort of behaviour that a reasonable person would recognise as unwelcome.

5. This definition refers not only to harassment based on particular characteristics, such as gender, disability or race but, also to harassment sustained by a disparity in the relative power of the harasser and the person harassed. This might simply be regarded as abusive behaviour.
6. Harassment and abuse can have the following effects, as they can:
  - interfere with an individual's health, both physical and emotional;
  - reduce productivity and effectiveness;
  - reduce job and sporting opportunities;
  - undermine self-esteem;
  - diminish work, academic and athletic performance;
  - create significant family and personal problems;
  - result in complete withdrawal from sport and social activities;
  - create a hostile or unpleasant environment;
  - lower morale in the ABF;
  - increase turnover of staff and volunteers;
  - increase the ABF's liability, insurance and legal costs; and
  - diminish the reputation and image of the ABF in the community.
7. Various examples of harassment may include, but are not limited to:
  - bullying and humiliation of athletes by coaches;
  - verbal or physical abuse and insults directed by players, parents, coaches or officials at opposing teams;
  - verbal or physical abuse of umpires by players, parents or officials;
  - on-field intimidation of players, coaches or umpires; and
  - practical jokes, or the spreading of false and malicious rumours which cause embarrassment, shame or endangerment to others.

## **UNLAWFUL HARASSMENT**

8. Harassment is illegal behaviour, and is legislated against at state/territory and federal levels throughout Australia. People engaging in harassment can have legal action taken against them under these laws. The ABF acknowledges with this policy that it has a legal and moral responsibility to ensure harassment does not occur in the course of any of its activities, and will take punitive or disciplinary action against a person found in breach of this policy.

## **UNWELCOME, COMMON FORMS of HARASSMENT**

### **Harassment on Grounds of Sexuality**

9. Harassment on grounds of sexuality includes that based on actual or assumed homosexuality, heterosexuality, bi-sexuality or transexuality. Examples include:
  - jokes in which sexuality is a significant characteristic or the "butt" of the joke;

- hostile comments about assumed sexual or social activities; and
  - hostility based on an assumed AIDS or HIV infection.
10. Harassment of a sexual nature may also amount to unlawful sexual assault. This type of sexual harassment should be reported to the police.

### **Harassment on Grounds of Race or Cultural Diversity**

11. Harassment on grounds of racial or cultural differences includes that based on colour, descent, national or ethnic origin, cultural activity, and sometimes religious diversity. Examples include;
- jokes in which race is the significant characteristic or the “butt” of the joke;
  - hostile comments about food eaten, dress, or religious or cultural practices;
  - inferences that all members of a racial or cultural group have particular negative characteristics, such as laziness, drunkenness, greed or sexual promiscuity; and
  - parodying accents.

### **Harassment on Grounds of Disability**

12. Harassment on grounds of disability includes that based on physical, mental, or psychological disability. Examples include:
- obstructing a person in a manner that compounds their disability;
  - mocking a person’s disability;
  - creating a hostile environment for a disabled person; and
  - jokes where a particular disability is a significant characteristic or the “butt” of the joke.

### **ABUSIVE BEHAVIOUR GENERALLY**

13. Harassment is not always based on race, gender, disability or sexuality. Harassment commonly consists of an abuse of power which the harasser holds over those harassed. Examples of relationships that involve a power disparity are coach-athlete, manager-athlete, superordinate-subordinate or doctor-patient. People in a position of power in these relationships need to be particularly wary of not exploiting power. Harassment also, unfortunately can occur on grounds of age, religion and other unique individual characteristics.
14. Other forms of abusive behaviour can include a person or persons knowingly spreading false and/or malicious rumours with the intent to damage or vilify others.

## **APPLICATION of this ANTI-HARASSMENT and COMPLAINT PROCEDURES POLICY**

15. This policy applies to behaviour occurring both within and outside the course of the ABF's business, activities and events, when the behaviour involves individuals associated with the ABF and negatively affects relationships within the sport of Baseball and/or the work environment.
16. This policy applies to all ABF athletes, coaches, employees, administrators, officials, volunteers and members of the organisation. Disciplinary action can and will be taken against a person found in breach of this policy.

## **RESPONSIBILITIES**

17. The ABF is responsible for taking all reasonable steps to prevent harassment in the organisation and for ensuring this policy is well known throughout the organisation. This means the ABF will take whatever steps are necessary to ensure that everyone in the organisation knows:
  - what harassment means;
  - that it is against the law; and
  - that it will not be tolerated.
18. The **Executive Director** of the ABF, has the ultimate responsibility for ensuring that the organisation is harassment-free and will accept the day-to-day responsibility for the implementation of this policy.
19. ABF administrators, officials, managers, supervisors and coaches have a direct responsibility to make sure that members, employees, volunteers and athletes know about this policy and adhere to it.
20. The ABF is responsible for ensuring that this policy and procedures are monitored and reviewed regularly.
21. It is the responsibility of all employees, officials, coaches, volunteers, athletes and members to:
  - comply with this policy;
  - offer support to anyone who is being harassed and let them know where they can get help and advice;
  - maintain complete confidentiality if they provide information during the investigation of a complaint; and
  - avoid gossiping or spreading rumours about harassment as such behaviour can result in legal action for defamation.

## **INTIMATE RELATIONSHIPS**

22. The ABF takes the view that intimate relationships between coaches and adult athletes, while not necessarily constituting unlawful behaviour, can have harmful effects on the individuals involved and on other athletes and coaches, and on the Baseball's public image. Such relationships can tend to be exploitive because of the disparity between athletes and coaches in terms of authority, status and dependence. The ABF takes the position that intimate relationships between athletes and coaches should be avoided by coaches working at all levels.
23. Should a sexual relationship develop between a coach and an athlete, the ABF will investigate whether any action against the coach is necessary. If it is determined that the sexual relationship is inappropriate, action may be taken to terminate the services of the coaching relationship with the athlete. Action may include transfer, or a request for the resignation of the coach from coaching duties/employment.
24. In the event that an athlete attempts to initiate a sexual relationship with a coach, the coach must take personal responsibility for discouraging such approaches. The coach should approach the ABF's **Harassment Contact Officer (HCO)** if he/she feels harassed.
25. The law is always the minimum standard for behaviour within the ABF and therefore sex with a minor, of either the same or opposite sex, is a criminal offense.

## **HARASSMENT COMPLAINTS**

26. The ABF will deal promptly, seriously and confidentially with any complaints about breaches of this policy.
27. The ABF will ensure that the appropriate complaints procedures are developed to handle harassment complaints. These will be both formal and informal mechanisms for dealing with complaints.
28. In the first instance, advice and assistance can be provided by the HCO. The HCO is an appointment made by the **Executive Directors of the ABF, who are the President, the Vice President and the Executive Director** of the Board of the ABF.

29. The name and contact details for the current ABF HCO are:

..... name

.....

..... address

..... phone contact(s)

**INFORMAL COMPLAINTS/RESOLUTION**

- 30. Informal resolution of complaints is the most common avenue for finding a resolution. Informal solutions may occur to the complainant while he or she is talking to the HCO. Informal resolutions should be documented by the HCO and counter-signed by the complainant.
- 31. The second level of informal resolution can involve mediation from a third party, at the suggestion of the HCO and agreement of the complainant. These resolutions should also be documented by the HCO, or the third party and counter-signed by the complainant.

**FORMAL RESOLUTION**

- 32. The complainant may decide in the first instance, or after the failure of informal resolution to go the stage of lodging a formal written complaint to the HCO.
- 33. Upon receiving the written complaint, the HCO will attempt to sort the matter out between the complainant and the alleged harasser by mediation, unless this is clearly inappropriate in the circumstances. If mediation fails or is not attempted, the HCO will organise a fair investigation of the complaint. The purpose of this investigation will be to determine whether harassment has occurred, and if so, what action should be taken to resolve the matter.
- 34. A complainant can withdraw a complaint at any time. This does not however absolve the ABF from its obligation to pursue a complaint of harassment of a serious nature. The ABF has a legal responsibility to maintain a harassment-free environment. With this in mind, the ABF maintains the right to pursue and take necessary disciplinary action against an alleged harasser even if the complaint is withdrawn by the complainant.

**RIGHT to APPEAL**

- 35. After an internal investigation of a complaint has occurred, a decision has been reached and action recommended, both parties to the complaint have a right to appeal the decision and recommendation if a matter of procedure, bias or fairness is called into question. Formal appeals will be handled by an appeals panel made up of members other than those who originally handled the investigation or any original review panel.

**DISCIPLINARY ACTION**

- 36. The ABF can take disciplinary action against any person in the ABF who is found to have breached this policy and therefore guilty of harassment. The ABF can also take disciplinary action against anyone who victimises a person who has complained of harassment. The discipline will depend on the severity of the case and could involve a reprimand, warning, counselling, compulsory education, a fine, suspension, dismissal or withdrawal of coaching/officiating accreditation, or exclusion from participation in the sport of Baseball entirely.
- 37. The ABF will take similar disciplinary action against any person in the ABF who is found to have made false, vexatious or frivolous charges of harassment.
- 38. Apart from internal resolution of harassment complaints, a complainant may at any time contact relevant state/ territory or federal bodies or agencies to lodge a complaint of harassment.

**The President of the Australian Baseball Federation, on behalf of the Board of Directors endorses this Anti-Harassment and Complaints Procedures Policy.**

..... **signature**

..... **position held**

..... **date**

..... **witness name**

..... **witness signature**

..... **date**

**Draft # 1 D Knapp 24/10/98**

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**AUSTRALIAN BASEBALL FEDERATION, INC.**