



## **Melbourne Softball Association**

### Member Protection Policy

Melbourne Softball Association (MSA) has adopted the Member Protection Policy of Softball Australia as outlined in this document.

The MSA however has chosen to add further information to the policy regarding LGBTQIA+ members as well as members who are pregnant. These additions can be found respectively in Schedule 2 and 3.

Also included is the Softball Victoria Inclusion Statement of Commitment and we have adopted the tenets of the document.

*Commencement date: June 24th, 2022*



## **SOFTBALL AUSTRALIA LIMITED NATIONAL**

### **INTEGRITY FRAMEWORK**

#### **Member Protection Policy**

Commencement date: December 17, 2021

Policy to be reviewed by Sport Integrity Australia (SIA) and Softball Australia Integrity, Ethics and Governance Sub-Committee  
September - December 2022

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## **1 PREFACE**

Softball Australia's Member Protection Policy is an essential tool in the organisation's risk management strategy. The Policy has been developed in conjunction with Sport Integrity Australia as a resource for the protection of our members, including:

- Member States
- affiliated associations and clubs
- individuals, including players, administrators, coaches and officials

Member protection involves:

- protecting members from harassment, discrimination, vilification, abuse and other forms of inappropriate behaviour
- ensuring the right people are involved in our organisation and in the sport

The safety and well-being of every member of the Australian softball community is integral to the future of our sport. We need to have practices and procedures that create safe, welcoming and enjoyable environments.

We must meet legislative requirements, such as anti-discrimination and child protection laws, identify the potential for any incidents relating to harassment and abuse of our members and develop strategies to reduce the likelihood or severity of its occurrence.

The cooperation of Member States, associations and clubs to effectively communicate and implement the National Integrity Framework and associated policies across all members is critical. Softball Australia takes all matters in relation to member protection seriously and will educate, enforce and assist with its delivery and implementation.

David Pryles  
Chief Executive  
Officer Softball  
Australia Limited

September 2021

## **2 SUMMARY**

Softball Australia Limited (**SA**) is committed to ensuring that everyone involved with Softball is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, unlawful discrimination, victimisation, and vilification.

This Policy seeks to ensure that everyone involved in Softball is aware of their rights and responsibilities. This Policy sets out the standards of behaviour expected of those involved in Softball and the behaviours that are not acceptable (**Prohibited Conduct**).

## **3 DEFINITIONS AND INTERPRETATION**

### **3.1 Defined terms**

Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them in the National Integrity Framework (**NIF**). 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 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.

**Policy** or **MPP** means this Member Protection Policy including any schedules and annexures.

**Prohibited Conduct** means the conduct proscribed at **clause 3** of this Policy.

**Relevant Person** means any of the following persons:

- (a) Individual Member – see ‘Member’;
- (b) Participant;
- (c) Employee;
- (d) Contractor;
- (e) Volunteer means any person engaged by SA or Softball Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, officials, administrators and team and support personnel; and
- (f) any other individual who has agreed to be bound by the Integrity Policies.

**Relevant Organisation** means any of the following organisations:

- (a) SA;
- (b) Member Organisation – see ‘Member’;
- (c) Softball Organisation, which means and includes:
  - (i) Member Organisations - see ‘Member’;
  - (ii) Clubs, which means any club that enters a Team to participate in an Activity; and
  - (iii) Authorised Providers, which means any non-Member organisations authorised to conduct Activities sanctioned by SA or a Member Organisation;
- (d) Team, which means a collection or squad of athletes who compete and/or train in Softball and/or an Activity; and
- (e) any other organisation which has agreed to be bound by the Integrity Policies.

**Sexual Misconduct** means:

- (f) 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
- (g) Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.

**Unlawful Discrimination** includes:

- (h) Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- (i) 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.

### **3.2 Interpretation**

Definitions of Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimisation and Vilification must be read in the context of **Schedule 1**.

## **4 JURISDICTION**

### **4.1 Who the Policy applies to?**

This Policy applies to:

- (g) Relevant Persons; and
- (h) Relevant Organisations.

### **4.2 When the Policy applies**

- (i) All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (whilst they are a Relevant Person or Relevant Organisation), including:
  - (i) in relation to any dealings, they have with Relevant Organisations or their staff, contractors, and representatives;
  - (ii) when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and
  - (iii) in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.
- (j) The following is not within the scope of this Policy:
  - (i) where an interaction (including social media interactions) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection between the interaction and the Softball is the fact that one or more individuals are Relevant Persons or Relevant Organisations<sup>1</sup>;
  - (ii) where Prohibited Conduct occurs in contravention of this Policy, any subsequent conduct or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to any of the Softball (even where such conduct or interaction(s) would otherwise be Prohibited Conduct)<sup>2</sup>; and
  - (iii) where the Relevant Organisation determines, in its absolute discretion, that the alleged Prohibited Conduct would be more appropriately dealt with under a different SA policy, code, rules or regulations.

<sup>1</sup>Such as two Members of a Relevant Organisation getting into a verbal or physical argument at a shopping centre, or two Members sending abusive social media messages to each other that have no direct link to Softball.

<sup>2</sup>Such as where a Member of a Relevant Organisation allegedly breaches this Policy by physically assaulting another Member at a match, but then the personal grievance(s) between those two individuals spills into issues not related to Softball, such as social media abuse or trolling.

## **5 PROHIBITED CONDUCT**

### **5.1 Prohibited Conduct**

A Relevant Person or Relevant Organisation commits a breach this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against one or more Relevant Persons or Relevant Organisations, in the circumstances outlined in **clause 2**:

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

**Schedule 1** sets out examples of what may constitute Prohibited Conduct under this Policy.

## **6 COMPLAINTS, DISPUTES & DISCIPLINE POLICY (CDDP)**

The CDDP applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

## **7 NATIONAL INTEGRITY FRAMEWORK**

The NIF applies to this Policy. When interpreting this Policy, any provisions inconsistent with the NIF apply to the extent of that inconsistency.



## **8 SCHEDULE 1 - Examples of Prohibited Conduct**

1. **Abuse** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - (a) physical abuse and assault including hitting, slapping, punching, kicking, destroying property, sleep, and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
  - (b) 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;
  - (c) emotional abuse such as repeated and intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation;
  - (d) verbal abuse such as repeated or severe insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
  - (e) financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
  - (f) neglect of a person's needs.
2. **Bullying** must be behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:
  - (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, constantly negative and 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) 'fooling around', 'messaging about' or other random or supposedly playful conduct 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:
  - (j) management action;

- (k) management processes;
- (l) disciplinary action; or
- (m) allocation of activities in compliance with agreed systems.

3. **Harassment** must be behaviour of a nature and level of seriousness which includes, but is not limited to:

- (a) telling insulting jokes about 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) sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
- (g) any of the above conduct 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 nationality or ethnicity.

4. **Sexual Misconduct** is behaviour including, but not limited to:

- (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 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** is unfair treatment based on a person's:

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

6. **Victimisation** is behaviour including, but not limited to:

- (a) dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
- (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** is behaviour including, but not limited to:

- (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; and
- (e) encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites or email.

## **9 SCHEDULE 2 - LGBTQIA+ Members**

In alignment with the Victorian Equal Opportunity & Human Rights Commission guidelines for Trans and Gender Diverse Inclusion in Sport and the National Guidelines for the Inclusion of Transgender and Gender Diverse People in Sport, MSA upholds gender-affirming practices to facilitate the participation of transgender and non-binary people<sup>2</sup>

- (a) For single-sex competitions, people can participate in the competition which best reflects their gender identity. This is per the Victorian Equal Opportunity Act, which protects people against discrimination in sport based on gender identity unless an exception criterion for legal discrimination can be applied
- (b) For mixed-gender competitions, people can participate in a manner that best reflects their gender identity.
- (c) Within MSA facilities, people have the right to use changing and bathroom facilities that best reflects their gender identity.
- (d)** The collection of personal information will be conducted inclusively, and any information that is collected will be handled with confidentiality.

Following the federal Sex Discrimination Act (1984), the MSA recognises that being of intersex status is a protected attribute that is separate but equal to gender identity and sexual orientation.

- (a) Women with intersex variations can participate in female-only sporting competitions.
- (b) While separate to gender identity, it is recognised that intersex people may face similar barriers to participation in sport that trans and gender diverse people do. Therefore, the gender-affirming practices outlined above are aimed to also support the participation of intersex people.

<sup>2</sup>Source document – Melbourne University Sport Inclusion Policy  
[LGBTQIA+ Inclusion Policy](#)

## **10 SCHEDULE 3 - PREGNANT MEMBERS**

While the MSA will not prevent pregnant members from taking the diamond at any stage of their pregnancy, we do encourage those members who are pregnant to discuss their circumstances with their health professional team and to make an informed decision based on those discussions.

This information is to be read in conjunction with the Softball Australia Pregnancy Guidelines. <https://cdn.revolutionise.com.au/cups/softballaust/files/bvhrivf1oayec5yd.pdf>



## ***11 Softball Victoria Inclusion Statement of Commitment***

Softball Victoria recognises that inclusion is about making sure Victorian softball members and participants reflect the diversity of our local communities and we are committed to working towards achieving this.

We commit to developing clear strategies and policies to achieve inclusion and remove discrimination, and we commit to establishing clear targets for measuring success.

We commit to promoting a safe and respectful culture where everyone feels welcome and accepted regardless of age, gender, ability, socioeconomic status; cultural, ethnic or religious background, sexual preference, orientation or identity.

We commit to informing, supporting and empowering our members and all others involved in Victorian softball concerning inclusion and diversity issues.

We commit to ensuring our softball activities consider the individual needs of participants and are appropriate to the level of development and skill. Where necessary we will make adaptations and modifications to cater for individual needs.

In making this commitment we recognise that our organisation has an important role to play in leading our community towards ensuring everyone has the chance to participate in softball at the level and in the roles they choose.

We have an opportunity to shape the culture of not only our own sport but the wider community by ensuring Victorian softball is a welcoming, safe and accessible sport for all.

*Given the importance of sport and recreation to a large percentage of the community, we agree that it is of utmost importance to Softball Victoria, its associations and clubs that all members of the community, regardless of age, sex, race, socio-economic status, ability and geographical location have access to the range of opportunities that we provide.*

*Softball Victoria endorses and advocates the adoption of the Play by the Rules vision of making sport inclusive, safe and fair. Further information on Diversity and Inclusion can be found on the Play by the Rules website*

*<https://www.playbytherules.net.au/got-an-issue/inclusion-and-diversity>*