



Member Protection Policy

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Preface

Softball Victoria's Member Protection Policy is an essential tool in the organisation's risk management strategy. This Policy has been developed in conjunction with Softball Australia, Australian Sports Commission and State Government of Victoria's Department of Planning & Community Development as a resource for the protection of our members, including:

- 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 in the Victorian 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 affiliated associations and clubs to effectively communicate and implement this Policy across all members is critical.

Softball Victoria takes all matters in relation to member protection seriously and will educate, enforce and assist with its delivery and implementation.



Part A – Member Protection Policy

1 Purpose of this Policy

- 1.1 This Member Protection Policy (**Policy**) aims to ensure ethical and informed decision-making and responsible behaviour within our sport. It outlines Softball Victoria's commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse.
- 1.2 This Policy informs everyone involved in softball of their legal and ethical rights, responsibilities and required standards of behaviour. It provides guidelines for all Softball Victoria members and those who participate in the activities of Softball Victoria, our affiliated associations and clubs.
- 1.3 The Policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Softball Victoria will take disciplinary action against any person or organisation bound by this Policy who is in breach of this Policy.
- 1.4 This Policy, which has been endorsed by the Board of Softball Victoria, shall commence on 1st September 2010 and will operate until replaced. This Policy and/or its attachments may be amended from time to time by resolution of the Softball Victoria Board.
- 1.5 This Policy is available on the Softball Victoria website at www.victoria.softball.org.au or from the administrative office of Softball Victoria.
- 1.6 For information on the rights, responsibilities and requirements for people involved in our sport at the local level please refer to the member protection policies of the relevant affiliated association or club.
- 1.7 This policy ensures provision of opportunities for people of all abilities to participate in the sport and develop to their full potential.

2 Policy application

- 2.1 This Policy applies to the following organisations and individuals, whether they are in a paid or unpaid voluntary capacity:
 - affiliated associations and clubs
 - persons appointed or elected to boards, committees and sub-committees of Softball Victoria and affiliated associations and clubs
 - employees of Softball Victoria and affiliated associations and clubs
 - officials appointed or elected by Softball Victoria and affiliated associations and clubs, including:



- team management personnel such as managers and physiotherapists
- umpires, scorers and other officials
- Coaches who:
 - are appointed by Softball Victoria, and affiliated association and club
 - have an agreement with Softball Victoria, and affiliated association and club to coach at a facility owned or managed by such organisation
- players who enter any competition, tournament, activity or event (including camps, training sessions, functions etc) which are held or sanctioned by Softball Victoria, and affiliated associations and clubs
- any other person or organisation who or which is a member of or affiliated with Softball Victoria and affiliated associations and clubs
- any other person or organisation, such as a parent/guardian, spectator or sponsor who agrees in writing or otherwise (whether on a ticket, entry form, etc) to be bound by this Policy

2.2 *Affiliated Associations and clubs are required to adopt and implement this Policy and to provide proof to Softball Victoria of the approval of the policy by their Board in accordance with its constitution. Associations must also undertake to ensure that affiliated clubs and individual members are made aware of and are bound by this Policy.*

2.3 If disciplinary action against an individual has commenced, this Policy will continue to apply, even after the individual has stopped their association or employment with Softball Victoria, affiliated association and or club.

3 Responsibilities of the Organisation

3.1 *Softball Victoria and affiliated associations and clubs must:*

- *adopt, implement and comply with this Policy*
- *make such amendments to their Constitution, rules or policies necessary for this Policy to be enforceable*
- *publish, distribute and promote this Policy and the consequences of breaches*
- *promote and model appropriate standards of behaviour at all times*
- *promptly deal with any breaches or complaints made under this Policy in a sensitive, fair, timely and confidential manner*



- *apply this Policy consistently*
- *recognise and enforce any penalty imposed under this Policy*
- *ensure that a copy of this Policy is available or accessible to the persons and organisations to whom this Policy applies*
- *use appropriately trained people to receive and manage complaints and allegations and display the names and contact details in a way that is readily accessible*
- *monitor and review this Policy at least annually*

4 Individual Responsibilities

4.1 Individuals bound by this Policy are responsible for:

- making themselves aware of this Policy and complying with the standards of behaviour
- complying with our screening requirements and State of Victoria Working with Children checks
- placing the safety and welfare of children above other considerations
- being accountable for their behaviour
- following the procedures outlined in this Policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour
- complying with any decisions and/or disciplinary measures imposed under this Policy

5 Policy Position Statements

5.1 **Child Protection**

5.1.1 Softball Victoria acknowledges that our staff, members and volunteers make a valuable contribution to the positive experiences of children involved in our sport. Softball Victoria aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

- prohibiting any form of abuse against children
- ensuring people have completed a satisfactory Working with Children Check as required by law.
- providing opportunities for our junior members to contribute to and provide feedback on our programs



- carefully selecting and screening people over the age of 18 years who work with, coach or have regular unsupervised contact with children
 - promoting and enforcing our codes of behaviour, particularly for roles associated with children
 - responding to all reports and complaints of abuse promptly, seriously and confidentially
 - making information about child protection available, particularly for roles associated with children
 - adopting practices that reduce risks and provide the greatest opportunity for ensuring a child safe environment
- 5.1.2 Anyone who reasonably suspects that a child has been or is being abused by someone within our sport, must report their suspicions immediately to the police or relevant government agency, the designated Member Protection Information Officer (MPIO) or Softball Victoria CEO.
- 5.1.3 Descriptions of the types of activity that may be abuse are defined in *Part A Clause 9 Definitions*. If anyone suspects that a child is being abused by their parent/s, they are advised to contact the relevant government department for youth, family and community services in their area.
- 5.1.4 A person will not be victimised for reporting possible child abuse and the privacy of all persons concerned will be respected. Our procedures for handling allegations of child abuse are outlined in *Part D Attachment D4 Procedure for handling allegations of child abuse*.

Images of Children

- 5.1.5 Images of children cannot be used inappropriately or illegally. Softball Victoria requires that individuals and organisations *as defined in Part A Clause 2.1 Policy application*, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child who is not their own and ensure that the parent or guardian knows how the image will be used.
- 5.1.6 We also require the privacy of others to be respected and disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.
- 5.1.7 If Softball Victoria uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent or guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. We will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport.
- 5.1.8 Affiliated associations and clubs are required to do likewise.



5.2 Anti-Discrimination and Harassment

- 5.2.1 Softball Victoria opposes all forms of harassment, discrimination and bullying. This includes:
- treating or proposing to treat someone less favourably because of a particular characteristic
 - imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic
 - any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers
- 5.2.2 Harassment, discrimination and bullying based on personal characteristics such as those listed in *Part A Clause 9 Definitions* are illegal.
- 5.2.3 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, they should follow the complaints procedure outlined in Part D Attachment D1 Complaints Procedure of this Policy. This will explain what to do about the behaviour and how Softball Victoria will deal with the problem.

5.3 Sexual Relationships

- 5.3.1 Softball Victoria takes the position that sexual relationships between coaches and the adult athletes that they coach should be avoided. We take the view that such relationships, while not necessarily constituting unlawful harassment, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the sport's public image. Such relationships tend to be intentionally or unintentionally exploitative because there is usually a disparity between coaches and athletes in terms of authority, power, maturity, status and dependence.
- 5.3.2 Softball Victoria's policy position is similar to other organisations who disallow professionals such as teachers, doctors and counsellors to have sexual relationships with their clients or students. Should a sexual relationship develop between an athlete and coach, Softball Victoria will consider whether any action is necessary. Factors that may be relevant in this consideration are the age and maturity of the athlete relative to the coach, the financial or emotional dependence of the athlete on the coach, and the likelihood of the relationship having any adverse impact on the athlete and/or other athletes. If it is determined that the sexual relationship is inappropriate, action may be taken to stop the coaching relationship with the athlete. Action may include transfer, a request for resignation or dismissal from coaching duties.
- 5.3.3 Given there is always a risk that the relative power of the coach has been a factor in the development of such relationships, they should be avoided by coaches at all levels. In the event that a player attempts to initiate an intimate relationship,



the coach must take personal responsibility for discouraging such approaches, explaining the ethical basis for such actions.

5.3.4 The coach or player may wish to approach the Softball Victoria's MPIO or complaints officer or other designated person if they feel harassed. Our complaints procedure is outlined in *Part D Attachment D1 Complaints Procedure* of this Policy.

5.3.5 The law is always the minimum standard for behaviour within Softball Victoria.

5.4 Sexual Harassment

5.4.1 Sexual Harassment is often, but need not involve, behaviour which:

- involves blackmail, in that the harassment is accompanied by a direct or implied threat, promise or benefit. For example, a coach who implies that a player's selection to a team is dependent on compliance with a sexual proposition
- creates a hostile or sexually permeated environment, in that the harassment consists of crude remarks, jokes, and the display of offensive material or makes the environment uncomfortable

5.4.2 Some examples of what may be considered sexual harassment may include:

- uninvited touching, kissing, embracing, massaging
- staring, leering, ogling
- smutty jokes and comments
- persistent or intrusive questions about people's private lives
- repeated invitations to go out, especially after prior refusal
- the use of promises or threats to coerce someone into sexual activity
- the display of sexually explicit material eg Internet use, computer screen savers, calendars, posters
- getting undressed in front of others of the opposite sex
- invading the privacy of others while showering or toileting
- photographing others while undressing, showering or toileting

5.4.3 Sexual harassment may be a criminal offence, for example indecent assault, rape, obscene telephone calls or letters. If you believe that a criminal offence may have been committed you should seek advice from the relevant authority that administers the relevant law (eg Victorian Equal Opportunity & Human Rights Commission) or legal advice and/or notify the police. You can do this without divulging the name or identity of the complainant.



5.4.4 Sexual harassment includes harassment based on actual or assumed homosexuality, heterosexuality, bi sexuality or trans sexuality.

5.4.5 Examples of sexual harassment include:

- jokes in which sexuality is a significant characteristic of the joke
- hostile comments about assumed sexual practices or social activities

5.4.6 In severe cases, such as threats or acts of violence against a homosexual person, sexual harassment may be a criminal offence. If you believe that a criminal offence may have been committed you should seek advice from the relevant state or territory authority that administers the relevant law (eg Victorian Equal Opportunity & Human Rights Commission) or legal advice and/or notify the police. You can do this without divulging the name or identity of the complainant.

5.4.7 Sexual behaviour of any kind between an adult and a minor must be reported to the appropriate authorities. Sex with a child is a criminal offence.

5.5 Racial Harassment

5.5.1 Racial harassment includes harassment based on colour, descent, national or ethnic origin, cultural activity and religion.

5.5.2 Examples of racial harassment include:

- jokes in which race is a significant characteristic of the joke
- hostile comments about dietary, dress, 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
- parodying accents

5.6 Disability Harassment

5.6.2 Disability harassment includes harassment based on physical, mental or psychological disability or harassment of an associate or aide of a person with a disability. Disability is defined in many ways and includes the presence in the body of an organism, such as HIV or hepatitis that may cause disease.

5.6.3 Examples of disability harassment include:

- jokes where a particular disability is a significant characteristic of the joke
- interfering with a disability aid eg a hearing aid or seeing eye dog
- obstructing a person in a manner that compounds his or her disability eg putting obstacles in the path of a person with a vision impairment



- mocking a person's disability
- hostility based on assumed AIDS or HIV infection

5.7 Abuse

5.7.2 Abuse may be a form of harassment. It includes:

- physical abuse eg assault
- emotional abuse eg blackmail, repeated requests or demands, excluding someone or 'bastardisation' practices
- neglect eg failure to provide the basic physical and emotional necessities of life
- abuse of power, which the harasser holds over the harassed. Power disparity might include a coach–player, manager–player, employer–employee and doctor–patient. People in such positions of power need to be particularly wary not to exploit that power

5.7.3 Examples of abusive behaviour include:

- bullying and humiliation of players by coaches and other team officials
- verbal abuse and insults directed by players or parents at opposing participants
- verbal and/or physical abuse of umpires by players and coaches

5.7.4 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to our complaints procedure outlined in Attachment D1 of this Policy. This will explain what to do about the behaviour and how Softball Victoria will deal with the problem.

5.8 Pregnancy

5.8.1 Softball Victoria is committed to providing an inclusive sporting environment for pregnant women involved in its activities.

5.8.2 Softball Victoria expects everyone bound by this Policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation in our sport that disadvantage them. We will not tolerate any unlawful discrimination or harassment against pregnant women.

5.8.3 Descriptions of some of the types of behaviour which could be regarded as pregnancy discrimination or harassment are provided in clause 9.

5.8.4 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to our complaints procedure outlined in *Part D Attachment D1 Complaints Procedure* of this Policy. This will explain what to do about the behaviour and how Softball Victoria will deal with the problem.



- 5.8.5 While many sporting activities are safe for pregnant women to participate in, there may be particular risks that apply to some women during pregnancy. Those risks will depend on the nature of the particular sporting activity and the particular pregnant woman's circumstances.
- 5.8.6 Softball Victoria will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved, and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, are of utmost importance in their decision making about the extent and manner in which they participate in our sport.
- 5.8.7 Softball Victoria recommends that pregnant women wanting to participate in our sport consult with their medical advisers, ensure they are aware of the facts about pregnancy in sport and ensure that they make informed decisions about participation in particular sporting activities. We will not require women to undertake a pregnancy test. We will only require pregnant women to sign a disclaimer if we require other participants to sign one in similar circumstances.

5.9 Gender Identity

- 5.9.1 Softball Victoria is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. Softball Victoria expects everyone who is bound by this Policy to treat people who identify as transgender or transsexual fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. We will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.
- 5.9.2 Descriptions of some of the types of behaviour which could be regarded as transgender or transsexual discrimination or harassment are provided in clause 9.
- 5.9.3 If any person feels they are being harassed or discriminated against by another person or organisation bound by this Policy, please refer to our complaints procedure outlined in *Part D Attachment D1 Complaints Procedure* of this Policy. This will explain what to do about the behaviour and how Softball Victoria will deal with the problem.
- 5.9.4 Softball Victoria recognises that the exclusion of transgender or transsexual people from participation in sporting events has significant implications for their health, well-being and involvement in community life. In general Softball Victoria will support transgender or transsexual persons participating in our sport of the sex with which they identify.
- 5.9.5 Softball Victoria also recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, Softball Victoria will seek advice on the application of those laws in the particular circumstances.



- 5.9.6 Softball Victoria is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual person intends competing at an elite level, we will encourage them to obtain advice about the IOC's criteria which may differ from the position taken by Softball Victoria.
- 5.9.7 Drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

6 Complaints Procedures

Complaints

Softball Victoria aims to provide an easy to use, confidential and trustworthy procedure for complaints based on the principles of natural justice. Any person (the complainant) may report a complaint about a person/s or organisation bound by this Policy if they reasonably believe that a person/s or organisation has breached this Policy. A complaint should be reported to the MPIO, and Softball Victoria, affiliated association or club CEO.

- 6.1 The lowest level at which a matter can be dealt with in the first instance is preferred. Therefore, if a complaint relates to behaviour or an incident that occurred at the:
- association or club level, then the complaint should be reported to and handled by the relevant association or club in the first instance
- 6.2 Only matters that relate to or occur at the State level and the most serious cases from affiliated association or club level should be referred to Softball Victoria.
- 6.3 A complaint may be dealt with informally or formally. The complainant usually decides this unless the MPIO and CEO considers that the complaint falls outside this Policy and would be better dealt with another way and/or the law requires the complaint or allegation to be reported to an appropriate authority.
- 6.4 All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our complaint procedures are outlined in *Part D Attachment D1 Complaints Procedure*.
- 6.5 Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection, criminal or other relevant legislation.

Vexatious Complaints & Victimisation

- 6.6 Softball Victoria aims to ensure our complaints procedure has integrity and is free of unfair repercussions or victimisation. If at any point in the complaint process the MPIO and CEO considers that a complainant has knowingly made an untrue complaint or the complaint is vexatious or malicious, the matter may be referred to the state hearing Tribunal for appropriate action, which may include disciplinary action against the complainant.



6.7 Softball Victoria will also take all necessary steps to make sure that people involved in a complaint are not victimised for coming forward with a complaint or for assisting to resolve any issue. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

Mediation

6.8 Softball Victoria aims to resolve complaints with the minimum of fuss. Complaints may be resolved by agreement between the people involved with no need for disciplinary action. Mediation allows those involved to be heard and to come up with mutually agreed solutions.

6.9 Mediation may occur either before or after an investigation of a complaint. If a complainant wishes to resolve the complaint with the help of a mediator, the MPIO/other designated person will, in consultation with the complainant, arrange for a neutral third party mediator where possible.

6.10 The complainant and the respondent involved in a formal complaint may also seek the assistance of a neutral third person or a mediator. Our mediation procedure is outlined in *Part D Attachment D2 Mediation* of this Policy.

Tribunals

6.11 A Tribunal may be convened to hear a formal complaint or alleged breach of this Policy:

- referred to it by the MPIO and/or CEO
- referred to it or escalated by an Association or club because of the serious nature of the complaint or because it is unable to be resolved at the Association or club level
- for an alleged breach of this Policy

6.12 Our Tribunal hearings procedure is outlined in *Part D*

6.13 *Attachment D5* of this Policy.

6.14 A respondent may lodge one appeal only to the Appeals Tribunal in respect of a decision of a hearing Tribunal. The decision of the Appeal Tribunal is final and binding on those involved in the appeal.

6.15 Our appeals procedure is outlined in *Part D*

6.16 *Attachment D5* of this Policy.

6.17 Every organisation bound by this Policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this Policy.

7 Breach of this Policy

7.1 It is a breach of this Policy for any person or organisation to which this Policy applies to do anything contrary to this Policy, including but not limited to the following:



- breach the Code of Conduct and role-specific Codes of Conduct
- bring the sport and/or Softball Victoria, affiliated association and or club into disrepute
- fail to follow Softball Victoria's policies and procedures for the protection, safety and welfare of children
- appoint or continue to appoint a person to a role that involves working with children and young people contrary to this Policy
- discriminate against or harass any person
- victimise another person for reporting a complaint
- engage in a sexually inappropriate relationship with a person that the person supervises, or has influence, authority or power over
- disclose to any unauthorised person or organisation any Softball Victoria information that is of a private, confidential or privileged nature
- make a complaint they knew to be untrue, vexatious, malicious or improper
- fail to comply with a penalty imposed after a finding that the individual or organisation has breached this Policy
- fail to comply with a direction given to the individual or organisation during the discipline process

8 Disciplinary measures

- 8.1 If an individual or organisation to which this Policy applies breaches this Policy, one or more forms of discipline may be imposed. Any disciplinary measure imposed under this Policy must be consistent with contractual and employment rules and requirements, be fair and reasonable, based on the evidence and information presented and the seriousness of the breach, determined in accordance with our Constitution, Regulations, Policies including this Policy and/or the rules of the sport.
- 8.2 Subject to contractual and employment requirements, if a finding is made by a Tribunal that an individual has breached this Policy, one or more of the following forms of discipline may be imposed:
- a direction that the individual make a verbal and/or written apology
 - a written warning
 - a direction that the individual attend counselling to address their behaviour
 - a withdrawal of any awards, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by Softball Victoria



- a demotion or transfer of the individual to another location, role or activity
- a suspension of the individual's membership or participation or engagement in a role or activity
- termination of the individual's membership, appointment or engagement
- a recommendation that Softball Victoria terminate the individual's membership, appointment or engagement
- in the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently
- a monetary fine
- any other form of discipline that the Tribunal considers appropriate.

Discipline of an organisation

8.3 If a finding is made that a Softball Victoria affiliated association or club has breached its own Member Protection Policy (including the Codes of Conduct), one or more of the following forms of discipline may be imposed by the hearing Tribunal:

- a written warning
- a monetary fine
- a direction that any rights, privileges and benefits provided to that affiliated association or club by the state body or other peak organisation be suspended for a specified period
- a direction that any funding granted or given to it by Softball Victoria and or affiliated association cease from a specified date
- a direction that Softball Victoria cease to sanction events held by or under the auspices of that affiliated association or club
- a recommendation to Softball Victoria Board that its membership of Softball Victoria be suspended or terminated in accordance with the relevant rules
- any other form of discipline that the state body or peak organisation considers to be reasonable and appropriate

Factors to consider

8.4 The form of discipline to be imposed on an individual, affiliated association or club will depend on factors such as:

- the nature and seriousness of the breach
- if the person knew or should have known that the behaviour was a breach
- the level of contrition



- the effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences
- if there have been relevant prior warnings or disciplinary action
- ability to enforce discipline if the person is a parent or spectator (even if they are bound by this Policy)
- any other mitigating circumstances

9 Definitions

- 9.1 These definitions set out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words.
- 9.2 State of Victoria specific definitions and more detail on some of the words listed below can be sourced from the relevant State of Victoria child protection commission or equal opportunity and anti-discrimination commissions.

Abuse is a form of harassment and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of abusive behaviour include bullying, humiliation, verbal abuse, assault and insults.

Affiliated club means those clubs or organisations which are a member of or affiliated with a member association.

Affiliated Association means those associations or organisations which are a member association.

ASC means the government agency established under the *Australian Sports Commission Act 1989* and includes the Australian Institute of Sport (AIS).

CEO means the chief executive officer of an organisation however described. It may include the chief executive officer, executive member, president, general manager or other similar title.

Child means a person who is under the age of 18 years. See also the definition of **Young people/person**.

Child abuse relates to children at risk of harm, (usually by adults, sometimes by other children, and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:

- physical abuse by hurting a child or a child's development eg hitting, shaking or other physical harm, giving a child alcohol or drugs, giving bad nutritional advice, or training that exceeds the child's development or maturity
- sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature eg sexual intercourse,



masturbation, oral sex, pornography, including child pornography or inappropriate touching or conversations

- emotional abuse by ill-treating a child eg humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child
- neglect eg failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury

Code/s of conduct means the code/s that specifies the behaviour and conduct of all persons (including but not limited to coaches, officials, players, administrators, parents/guardians and spectators) involved in the activities of Softball Victoria, and affiliated associations and clubs.

Complaint means a complaint made under Part D of this Policy.

Complainant means the person making a complaint.

Discrimination means treating or proposing to treat someone less favourably than someone else because of a particular characteristic, in the same or similar circumstances in certain areas of public life. This is **direct discrimination**. The law also covers **indirect discrimination**. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across Australia are:

- age
- culture
- disability
- family/carer responsibilities
- gender identity/transgender status
- homosexuality and sexual orientation
- irrelevant medical record
- irrelevant criminal record
- political belief/activity
- pregnancy and breastfeeding
- race
- religious belief/activity
- sex or gender



- social origin
- trade union membership/activity

Some states and territories include additional characteristics such as physical features or association with a person with one or more of the characteristics listed above.

Some examples of discrimination are:

- age: a club refuses to allow an older person to coach a team simply because of their age
- breastfeeding: a member of the club who is breastfeeding her baby in the club rooms is asked to leave
- disability: a junior player is overlooked because of their mild epilepsy
- family responsibilities: a club decides not to promote an employee because he has a child with a disability, even though the employee is the best person for the job
- gender identity: a transgender contract worker is harassed when employees refuse to call her by her female name
- homosexuality: an athlete is ostracised from her team after she tells a team mate that she is a lesbian
- marital status: a player is deliberately excluded from team activities and social functions because she is single
- pregnancy: a woman is dropped from her squad when she becomes pregnant.
- race: an Italian referee is not permitted to referee games with a high proportion of Italian players on one team because of his race
- sex: specialist coaching is only offered to male players in a mixed team

Harassment is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment is sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic. See the list of characteristics under **Discrimination**.

It does not matter whether the harassment was intended. The focus is on the impact of the behaviour. The basic rule is that if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.



Under this Policy, discrimination and harassment are not permitted in the following situations:

- during employment (including volunteer and unpaid employment)
- when providing sporting goods and services including access to sporting facilities
- when providing education and accommodation
- selection or otherwise of any person for competition or a team (domestic or international)
- entry or otherwise of any player or other person to any competition
- obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership)

Some exceptions to state and federal anti-discrimination law apply. Examples include:

- holding a competitive sporting activity for females only who are 12 years of age or over where strength, stamina or physique is relevant
- not selecting a participant if the person's disability means he or she is not reasonably capable of performing the actions reasonably required for that sporting activity

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment eg a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public. Some states and territories also prohibit public acts that vilify on other grounds such as homosexuality, gender identity, HIV/AIDS, religion and disability. See the definition of **Vilification**.

Hearings Tribunal means the Tribunal of Softball Victoria, affiliated association or club established to hear and determine alleged breaches and appeals under this Policy.

Junior(s) means a person under the age of 18 years who is participating in an activity conducted by Softball Victoria, an affiliated association or club.

Mediator means a person appointed to mediate complaints made under this Policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.



Member protection is a term used by the Australian sport industry to describe the practices and procedures that protect members – both individual members such as players, coaches and officials, and the member organisations such as Member States and affiliated associations and clubs. Member protection involves:

- protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
- adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors
- providing education

Member Protection Information Officer (MPIO) means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of this Policy. The MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this Policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The MPIO may support the complainant in any appropriate action they decide to take.

Member State means the member states of Softball Australia in accordance with the Softball Australia Constitution.

Natural justice incorporates the following principles:

- a person who is the subject of a complaint must be fully informed of the allegations against them
- a person who is the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence
- all parties need to be heard and all relevant submissions considered
- irrelevant matters should not be taken into account
- no person may judge their own case
- the decision maker/s must be unbiased, fair and just
- the penalties imposed must not outweigh the offence

Police check means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.

Policy means this Member Protection Policy.

Respondent means the person who is being complained about.

Role-specific codes of conduct means standards of conduct required of certain roles. Refer to Part B – Codes of Conduct.

Sexual harassment means unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual



harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

Sexual offence means a criminal offence involving sexual activity or acts of indecency including but not limited to:

- rape
- indecent assault
- sexual assault
- assault with intent to have sexual intercourse
- incest
- sexual penetration of a child under the age of 16
- indecent act with a child under the age of 16
- sexual relationship with a child under the age of 16
- sexual offences against people with impaired mental functioning
- abduction and detention
- procuring sexual penetration by threats or fraud
- procuring sexual penetration of a child under the age of 16
- bestiality
- soliciting acts of sexual penetration or indecent acts
- promoting or engaging in acts of child prostitution
- obtaining benefits from child prostitution
- possession of child pornography
- publishing child pornography and indecent articles

Softball Victoria means Victorian Softball Association Incorporated.

Softball Victoria Constitution means the Constitution of Victorian Softball Association Incorporated as amended from time to time.

Softball Victoria values mean the values in the Softball Victoria strategic plan as amended from time to time.



Victimisation means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation eg anti-discrimination, or under this Policy, or for supporting another person to make a complaint.

Vilification involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

Young people/person means people in the 13 – 18 year age group.



Part B – Codes of Conduct

Attachment B1 – General Code of Conduct

Attachment B2 – Coach's Code of Conduct

Attachment B3 – Official's Code of Conduct

Attachment B4 – Player's Code of Conduct

Attachment B5 – Administrator's Code of Conduct

Attachment B6 – Parent's/Guardian's Code of Conduct

Attachment B7 – Spectator's Code of Conduct



B1: General Code of Conduct

In addition to Softball Victoria's values and the codes of conduct for specific roles, all members, parents, guardians, spectators and others involved with Softball Victoria, an affiliated association or club must meet the following requirements in regard to their conduct in any role or during any activity held by or under the auspices of Softball Victoria, an affiliated association or club.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 3 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players.
- 4 Be professional in your appearance and manner and accept responsibility for your actions.
 - Display high standards in language, manner, punctuality, preparation and presentation
 - Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
 - Maintain high standards of personal appearance and behaviour
 - Encourage others to demonstrate the same qualities
- 5 Be fair, considerate, impartial and honest in all dealing with others.
- 6 Make a commitment to providing quality service.
- 7 Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
- 8 Be aware of, and maintain an uncompromising adherence to Softball Victoria standards, policies, regulations and procedures.
- 9 Operate within the rules of softball including national and international guidelines which govern Softball Victoria, and affiliated associations and clubs.
- 10 Understand your responsibility if you breach, or are aware of any breaches of this Code.
- 11 Do not use your involvement with Softball Victoria, an affiliated association or club to promote your own beliefs, behaviours or practices where these are inconsistent with those of Softball Victoria, an affiliated association or club.
- 12 Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.



- 13 Provide a safe environment for the conduct of the activity.
- 14 Show concern and caution towards others who may be sick or injured.
- 15 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B2: Coach's Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as a coach appointed by Softball Victoria, an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Victoria, an affiliated association or club.

- 1 Respect the rights, dignity and worth of, and refrain from any discriminatory practices against, any person regardless of age, gender, ethnic origin, religion or ability.
- 2 Endeavour to ensure players' time spent with you is a positive experience.
- 3 Respect the talent, developmental stage and goals of each individual player.
- 4 Treat each player as an individual and help them reach their full potential.
 - Provide training programs that are planned and sequential and suitable for the age, experience and ability of the players
 - Be fair, considerate and honest with players
- 5 Be reasonable in your demands on your players' time and ensure there is an appropriate balance between sporting involvement, education and career objectives.
- 6 Implement clear rules for players in training and general conduct.
- 7 Be professional in your appearance and manner and accept responsibility for your actions.
 - Display high standards in language, manner, punctuality, preparation and presentation
 - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
 - Encourage your players to demonstrate the same qualities.
- 8 Make a commitment to providing a quality service to your players, your affiliated club, association and to Softball Victoria, by continually improving your coaching knowledge and skill.
 - Maintain and improve your NCAS accreditation
 - Seek continual self-improvement through performance appraisal and ongoing education
- 9 Operate within the rules and spirit of the sport.
 - Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies



- Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies
- 10 Ensure physical contact with players is appropriate to the situation and necessary for the player's skill development. Inappropriate physical contact is a form of sexual harassment.
- 11 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.
- 12 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 13 Refrain from initiating a relationship with a player and also discourage, in a sensitive manner, an attempt by a player to initiate a sexual relationship with you.
- 14 Provide a safe environment for training and competition. Ensure that equipment and facilities meet safety standards and are appropriate for the age and ability of the players.
- 15 Show consideration and caution towards sick and injured players.
- Provide a modified training program where appropriate
 - Allow further participation in training and competitions only when appropriate
 - When necessary, follow the advice of a reputable doctor or physiotherapist when determining when a sick or injured player is ready to recommence training or competition
- 16 Be a positive role model for softball and your players.
- 17 Do not tolerate acts of aggression.
- 18 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B3: Official's Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as an official appointed by Softball Victoria, an affiliated association or club you must meet the following requirements in regard to your conduct during any activity held by or under the auspices of Softball Victoria, an affiliated association or club.

- 1 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 2 Place the safety and welfare of the players/participants above all else.
- 3 Be fair and impartial.
- 4 Avoid any situation which may lead to a conflict of interest.
- 5 Be courteous, respectful and open to discussion and interaction.
- 6 Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse.
- 7 Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 8 Make a commitment to providing a quality service to softball, to your affiliated club, association and to Softball Victoria by continually improving your officiating knowledge and skill.
 - Maintain and improve your accreditation
 - Seek continual self-improvement through performance appraisal and ongoing education
- 9 Be professional in your appearance and manner and accept responsibility for your actions.
 - Display high standards in language, manner, punctuality, preparation and presentation
 - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
 - Encourage others to demonstrate the same qualities
- 10 Operate within the rules and spirit of the sport.
 - Abide by and respect the policies governing softball and sport generally and the organisations and individuals administering those policies



- Reject the use of performance enhancing drugs in sport and abide by the anti-drugs policies of the relevant national and international sporting organisations and government regulatory bodies
- 11 Value the individual in sport.
- 12 Do not tolerate acts of aggression.
- 13 Encourage inclusivity and access to all areas of officiating.
- 14 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B4: Player's Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as a player or participant in any activity held by or under the auspices of Softball Victoria, an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Participate within the competition conditions and rules and in the spirit of fair play.
- 3 Accept victory and defeat with dignity.
- 4 Comply with umpires' decisions in a professional and respectful manner.
- 5 Cooperate with all official requests to promote softball in a professional manner.
- 6 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 7 Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players.
- 8 Be professional in your appearance and manner and accept responsibility for your actions.
 - Display high standards in language, manner, punctuality, preparation and presentation
 - Display control, respect, dignity and professionalism to all involved with softball, including opponents, coaches, officials, umpires, scorers, administrators, the media, parents and spectators
 - Maintain high standards of personal appearance and behaviour
 - Encourage others to demonstrate the same qualities
- 9 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 10 Refrain from initiating a relationship with your coach or other official.
- 11 Do not tolerate acts of aggression.
- 12 Perform any duties and responsibilities where you are a representative of Softball Victoria, your affiliated association and or club, in a mature, fair and professional manner.
- 13 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B5: Administrator's Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as an administrator for Softball Victoria, an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Be a positive role model for softball at all times and value the individual.
- 2 Respect the rights, dignity and worth of all people, and refrain from any discriminatory practices against any person regardless of age, gender, ethnic origin, religion or ability.
- 3 Refrain from making derogatory, demeaning or discriminatory remarks about any umpires, administrators, players, coaches or other players.
- 4 Be professional in your appearance and manner and accept responsibility for your actions.
 - Display high standards in language, manner, punctuality, preparation and presentation
 - Display control, respect, dignity and professionalism to all involved with softball, including coaches, officials, umpires, scorers, administrators, the media, parents and spectators
 - Maintain high standards of personal appearance and behaviour
 - Encourage others to demonstrate the same qualities
- 5 Be fair, considerate, impartial and honest in all dealing with others.
- 6 Refrain from any form of sexual innuendo or harassment towards any player, coach or official. This includes explicit, implicit, verbal and non-verbal sexual harassment.
- 7 Do not tolerate acts of aggression.
- 8 Perform any duties and responsibilities where you are a representative of Softball Victoria, affiliated association and or club, in a mature, fair and professional manner.
- 9 Resolve conflicts fairly and promptly through established procedures.
- 10 Maintain a safe environment for you and others.
- 11 Be aware of, and maintain an uncompromising adherence to Softball Victoria, affiliated association and or club standards, policies, regulations and procedures.
- 12 Be aware of your legal responsibilities.
- 13 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B6: Parent/Guardian Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as a parent or guardian of any person involved with Softball Victoria, an affiliated association or club you must meet the following requirements in regard to your conduct during that activity.

- 1 Remember that your child participates in sport for their own enjoyment, not yours.
- 2 Focus on your child's efforts and performance rather than winning or losing.
- 3 Never ridicule or yell at your child and other children for making a mistake or losing a competition.
- 4 Show appreciation for good performance and skilful plays by all players, including opposing players.
- 5 Respect the decisions of officials and coaches and teach young people to do the same.
- 6 Do not physically or verbally abuse anyone associated with the sport (player, coach, umpire etc).
- 7 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.
- 8 Refrain from engaging in any behaviour that is in breach of Softball Victoria's Member Protection Policy.



B7: Spectator's Code of Conduct

In addition to Softball Victoria's values and general Code of Conduct, as a spectator involved with Softball Victoria, an affiliated association or club activity must meet the following requirements in regard to your conduct during that activity.

- 1 Applaud good performance and efforts from all players and teams. Congratulate all players on their performance regardless of the game's outcome.
- 2 Respect the decisions of officials and coaches and teach young people to do the same.
- 3 Never ridicule or scold a young player for making a mistake. Positive comments are motivational.
- 4 Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players.
- 5 Show respect for your team's opponents. Without them there would be no game.
- 6 Encourage players to follow the rules and the officials' decisions.
- 7 Do not use violence, harassment or abuse in any form (ie do not use foul language, sledge or harass players, coaches, umpires, officials or other spectators).
- 8 Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.



Part C – Screening/Working with Children Check Requirements

Background

- 1 Child protection is about keeping children safe from harm and abuse. Child abuse is illegal, and all states and territories have their own systems and laws that cover screening and/or the reporting and investigation of cases of child abuse.
- 2 Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with children as paid employees or volunteers.
- 3 In Victoria laws require individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work in a paid or volunteer capacity with children. This is done by checking certain criminal history and other matters. In some states this also involves reviewing relevant findings from disciplinary proceedings. There are also requirements placed on organisations.
- 4 New requirements and amendments will be added to this Policy as they are introduced.
- 5 Please be aware that state and territory WWCC requirements may also apply to individuals who visit states with screening laws. For example, if Softball Victoria, an affiliated association or club takes players U18 into New South Wales for training camps, competition or other activities, those travelling with the teams must comply with NSW law.
- 6 The state WWCC requirements apply regardless of our state, association or club Member Protection Policy.
- 7 The following attachments provide:
 - Screening requirements (Attachment C1 – Screening Requirements)
 - Member Protection Declaration (Attachment C2 – Member Protection Declaration)
 - summary information Victorian WWCC requirements and where to obtain more information and relevant forms (Attachment C3 – Working with Children Child Protection Requirements)



Attachment C1 – Screening Requirements

This attachment sets out the screening process for people in Softball Victoria who work, coach, supervise or have regular unsupervised contact with people under the age of 18 years. Softball Victoria and affiliated associations and clubs will:

- 1 Identify positions that involve working, coaching, supervising or regular unsupervised contact with people under the age of 18 years of age.
- 2 Obtain a completed Member Protection Declaration (MPD) (Attachment C2) from all people who are or seek to work in positions identified above.
- 3 Seek an explanation if a person does not provide MPD or if a MPD indicates they do not meet the requirements set out in the MPD. We will then assess whether the person may be unsuitable to work with people under the age of 18 years of age. If we are not satisfied with the explanation given they will not be appointed to the role/position.
- 4 Check a person's referees (verbal or written) about their suitability for the role.
- 5 Obtain consent for a national police check from all people who are or seek to work in positions identified above.
- 6 Request a national 'part exclusion' police check from the relevant police jurisdiction. This check excludes irrelevant records. If the police check indicates a relevant offence, the person will be given the opportunity to provide an explanation. We will then assess whether the person may be unsuitable to work with people under the age of 18 years of age. If we are not satisfied with any explanation given they will not be appointed to the role/position.
- 7 If a person does not agree to a national police check, we will then assess whether they may be unsuitable to work with people under the age of 18 years of age. If we are not satisfied with that assessment they will not be appointed to the position.
- 8 Once all checks are completed, decide whether to offer the person the position.
- 9 Where it is not practical to complete all checks prior to the person commencing in the position, appointment to the position will be conditional on the satisfactory outcome of all checks.
- 10 All information collected as a result of the checks will be treated as confidential and private and not used for any purpose other than screening those people seeking to work with people under the age of 18 years of age.
- 11 If a person is not appointed to a position, all information collected as a result of the checks will be returned to them on request or destroyed within 28 days of the date of the decision or any appeal period.
- 12 Information collected about persons appointed to a position will be kept on file in a secure location.



Attachment C2 – Member Protection Declaration

Softball Victoria has a duty of care to all those associated with the sport at the state level and to the individuals and organisations to whom our Member Protection Policy applies. As a requirement of our Member Protection Policy, Softball Victoria must enquire into the background of those who undertake any work, coaching or regular unsupervised contact with people under the age of 18 years of age.

I (Name) of
..... (Address) born/...../.....

Sincerely declare:

- 1 I do not have any criminal charge pending before the courts.
- 2 I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence or other crimes eg narcotics, driving offences.
- 3 I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence eg narcotics, driving offences.
- 4 I am not currently serving a sanction for an anti-doping rule violation under an ASADA approved anti-doping policy applicable to me.
- 5 I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
- 6 To my knowledge there is no other matter that Softball Victoria may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
- 7 I will notify the President or CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above have changed.

Declared in the State/Territory of
On/...../..... (Date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years of age)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:

Signature:

Date:



Attachment C3 – Working with Children Child Protection Requirements

The following information was updated in April 2009. It is subject to change at any time.

Victoria

The Working with Children (WWC) Check creates a mandatory minimum checking standard across Victoria. The *Working with Children Act 2005* requires that some people who work or volunteer in child-related work require a WWC Check. The check involves a national police records check and a review of relevant findings from prescribed professional disciplinary bodies (currently only the Victorian Institute of Teaching). There is an exemption for volunteers whose own children are involved in the particular activity; however they should still be required to complete the screening process.

A person who has no criminal or professional disciplinary history will be granted an *assessment notice*. This notice will entitle the person to undertake child-related work in Victoria and is valid for five years (unless revoked). A person deemed unsuitable to work or volunteer with children will be given a *negative notice* and cannot work in child-related work in Victoria.

For more information:

- www.justice.vic.gov.au/workingwithchildren or 1300 652 879

Part D – Complaint Handling Procedures

Attachment D1 – Complaints procedure

- 1 All complaints will be kept confidential and will not be disclosed to another person without the complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the complaint.
- 2 Individuals and organisations may also pursue their complaint externally under anti-discrimination, child protection or other relevant legislation.
- 3 If you wish to remain anonymous, Softball Victoria may have difficulty assisting you to resolve your complaint. Procedural fairness (natural justice) means that the Softball Victoria is required to provide the person/s you have complained about with full details of the complaint so they have a fair chance to respond.

Informal approaches

Step 1: Talk with the other person (where this is reasonable and appropriate)

- 4 In the first instance, you (the Complainant) should try to sort out the problem with the person or people involved (respondent) if you feel able to do so.

Step 2: Contact a Member Protection Information Officer (MPIO) (see Part D Attachment E4 for a list of current Officers).

- 5 Talk with a MPIO if:
 - the first step is not possible/reasonable



- you are not sure how to handle the problem by yourself
- you want to talk confidentially about the problem with someone and obtain more information about what you can do
- the problem continues after you tried to approach the person or people involved

6 The MPIO will:

- take confidential notes about your complaint
- try to find out the facts of the problem
- ask what outcome/how you want the problem resolved and if you need support
- provide possible options for you to resolve the problem
- act as a support person if you so wish
- refer you to an appropriate person (eg a mediator) to help you resolve the problem
- inform the relevant government authorities and/or police if required by law to do so
- maintain confidentiality

Step 3: Outcomes from initial contact

7 After talking with the MPIO you may decide:

- there is no problem
- the problem is minor and you do not wish to take the matter further
- to try and work out your own resolution, with or without a support from the MPIO or other appropriate person
- to seek a mediated resolution with the help of a third person, such as a mediator
- to seek a formal approach.

Formal approaches

Step 4: Making a formal complaint

8 If your complaint is not resolved or informal approaches are not appropriate or possible, you may:

- make a formal complaint in writing to the CEO of relevant club, affiliated association or Softball Victoria



- approach a relevant external agency, such as an anti-discrimination commission, for advice
- 9 On receiving a formal complaint and based on the material you have provided, the CEO will decide whether:
- they are the most appropriate person to receive and handle the complaint
 - the nature and seriousness of the complaint warrants a formal resolution procedure
 - to appoint a person to investigate the complaint
 - to refer the complaint to mediation
 - to refer the complaint to a hearings Tribunal
 - to refer the matter to the police or other appropriate authority
 - to implement any interim arrangements that will apply until the complaint process set out in these procedures is completed
- 10 In making the decision(s) outlined above, the CEO will take into account:
- whether they have had any personal involvement in the circumstances which means that someone else should handle the complaint
 - your wishes, and the wishes of the respondent, regarding the manner in which the complaint should be handled
 - the relationship between you and the respondent (for example an actual or perceived power imbalance between you and the respondent)
 - whether the facts of the complaint are in dispute, and
 - the urgency of the complaint, including the possibility that you will be subject to further unacceptable behaviour while the complaint process is underway
- 11 If the CEO is the appropriate person to handle the complaint they will, to the extent that these steps are necessary:
- put the information they've received from you to the person/s you are complaining about and ask them to provide their side of the story
 - decide if they have enough information to determine whether the matter alleged in your complaint did or didn't happen, and/or
 - determine what, if any, further action to take. This action may include disciplinary action in accordance with this Policy



Step 5: Investigation of the complaint

- 12 A person appointed under Step 4 will conduct an investigation and provide a written report to the CEO who will determine what further action to take.
- 13 If the complaint is referred to mediation, it will be conducted in accordance with Attachment D2 or as otherwise agreed by you and the respondent and the mediation provider.

If the complaint is referred to a hearings Tribunal, the hearing will be conducted in accordance with

- 14 Attachment D5.
- 15 If the complaint is referred to the police or other appropriate authority, the relevant club, affiliated association or Softball Victoria will use its best endeavours to provide all reasonable assistance required by the police or other authority.
- 16 Any costs relating to the complaint process set out in this Policy eg investigation and/or mediation and/or hearings Tribunal, are to be met by Softball Victoria or the relevant association or club, unless otherwise stated in the relevant Attachment.

Step 6: Reconsideration of initial investigation or appeal

- 17 If, under the formal complaint process, mediation is unsuccessful, you may request that the CEO reconsider the complaint in accordance with Step 4.
- 18 You or the respondent(s) may be entitled to appeal. The grounds and process for appeals under this Policy are set out in *Part D*
- 19 *Attachment D5* .

Step 7: Documenting the resolution

The CEO or person appointed by the CEO will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place.

If the complaint was dealt with at:-

- a club/affiliated association level the original document will be forwarded to the state office for storage and a copy will be stored with club/affiliated association documents.
- If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at state level, the original document will be stored at the state office
- If the matter is of a serious nature, or if the matter was escalated to and/or dealt with at the national level, the original document will be stored at the national office with a copy stored at the state association office.

External approaches

- 20 There are a range of other options available depending on the nature of your complaint. If you feel that you have been harassed or discriminated against, you can



seek advice from the Victorian Equal Opportunity & Human Rights Commission without being obliged to make a formal complaint. If the commission advises you that the problem appears to be harassment within its jurisdiction, you may lodge a formal complaint with the commission.

- 21 Once a complaint is received by an anti-discrimination commission, it will investigate. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The Tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, loss of earnings or medical and counselling expenses incurred.
- 22 If you do lodge a complaint under anti-discrimination law, you may use an appropriate person eg an MPIO, as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.
- 23 You could also approach another external agency such as the police.



Attachment D2 – Mediation

- 1 Mediation is a process during which people in conflict are helped to communicate with each other to identify the areas of dispute and to make decisions about resolving it. This attachment outlines the general procedure of mediation that will be followed by Softball Victoria, relevant affiliated association or club.
 - 1.1 If mediation is chosen, the MPIO or other designated person will, under the direction of Softball Victoria, relevant affiliated association or club, and in consultation with the complainant and the respondent(s), arrange for a mediator.
 - 1.2 The mediator's role is to assist the complainant and respondent(s) reach an agreement on how to resolve the problem. The mediator, in consultation with the complainant and respondent(s), will choose the procedures to be followed during the mediation. At a minimum, an agenda of issues for discussion will be prepared by the mediator.
 - 1.3 The mediation will be conducted confidentially and without prejudice to the rights of the complainant and the respondent(s) to pursue an alternative process if the complaint is not resolved.
 - 1.4 At the end of a successful mediation the mediator will prepare a document that sets out the agreement reached which will be signed by them as their agreement.
 - 1.5 If the complaint is not resolved by mediation, the complainant may:
 - write to the CEO to request that they reconsider the complaint in accordance with Step 4
 - approach an external agency such as an anti-discrimination commission
- 2 Mediation will **not** be recommended if:
 - the respondent has a completely different version of the events and will not deviate from these
 - the complainant or respondent are unwilling to attempt mediation
 - due to the nature of the complaint, the relationship between the complainant and the respondent(s) or any other relevant factors, the complaint is not suitable for mediation
 - the matter involves proven serious allegations, regardless of the wishes of the complainant



Attachment D3 – Investigation process

- 1 If an investigation needs to be conducted to gather more information the following steps will be followed:

Softball Victoria, relevant affiliated association or club, will provide a written brief to the investigator clarifying terms of engagement and roles and responsibilities. The investigator will:

- interview the complainant and record the interview in writing
- convey full details of the complaint to the respondent(s) so that they can respond
- interview the respondent to allow them to answer the complaint, and record the interview in writing
- obtain statements from witnesses and other relevant evidence to assist in a determination, if there is a dispute over the facts
- make a finding as to whether the complaint is:
 - substantiated (there is sufficient evidence to support the complaint)
 - inconclusive (there is insufficient evidence either way)
 - unsubstantiated (there is sufficient evidence to show that the complaint is unfounded), and/or
 - mischievous, vexatious or knowingly untrue
- provide a report to the CEO documenting the complaint, investigation process, evidence, finding and, if requested, recommendations

- 2 We will provide a report to the complainant and the respondent documenting the complaint, the investigation process and summarising key points that are substantiated, inconclusive, unsubstantiated and/or mischievous.
- 3 The complainant and the respondent will be entitled to support throughout this process from their chosen support person eg MPIO or other person.
- 4 The complainant and the respondent may have the right to appeal against any decision based on the investigation. Information on our appeals process is in *Part D*
- 5 *Attachment D5.*



Attachment D4 – Procedure for handling allegations of child abuse

- 1 An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. It is not the responsibility of anyone working in Softball in Victoria in a paid or unpaid capacity to decide whether or not child abuse has taken place. However, there is a responsibility to act by reporting the matter to the appropriate authorities. The following outlines the key steps to follow. More information can be obtained from State of Victoria agencies.

Step 1 – Initial receipt of an allegation

- 2 If a child or young person discloses an allegation involving harm or abuse to them or another child, then it is crucial that you:
 - stay calm
 - listen, be supportive and do not dispute what the child says
 - reassure the child that what has occurred is not the fault of the child
 - be honest with the child and explain that other people may need to be told in order to stop what is happening
 - ensure you are clear about what the child has said but do not elicit detailed information, ask leading questions or offer an opinion
 - act promptly to accurately record the discussion in writing
 - do not discuss the details with any person other than those detailed in these procedures
 - do not contact the alleged offender

Step 2 – Report allegations

- 3 Immediately report any allegation or disclosure of child abuse or situation involving a child at risk of harm, to the police and/or government child protection agency. You may need to report to both.
- 4 Contact the relevant child protection agency or police for advice if there is any doubt about whether the complaint should be reported eg the allegation may relate to poor/inappropriate practice.
- 5 If the child's parent/s is suspected of committing the abuse, you should report the allegation to the relevant government agency.
- 6 If the allegation involves anyone to whom this policy applies, then also report the allegation to the CEO of Softball Victoria so that they can manage the situation. They will contact the parents following advice from the authorities, deal with any media enquiries and manage Steps 3 and 4.



Step 3 – Protect the child and manage the situation

- 7 The CEO will assess the risks and take interim action to ensure the child's safety. Action Softball Victoria may implement includes redeployment of the respondent to a non-child related position, supervision of the respondent or removal/suspension from their duties until the allegations are finally determined.
- 8 It is not the MPIO's role to undertake action such as redeploying someone and seeking legal advice if the respondent is a paid employee.
- 9 The CEO will consider the kind of support that the child and parents may need eg counselling.
- 10 The CEO will also address the support needs of the alleged offender.
- 11 The CEO will also put in place measures to protect the child and the alleged offender from victimisation and gossip.
- 12 If the respondent is stood down, it should be made clear to any persons aware of the incident that this does not mean the respondent is guilty and a proper investigation will be undertaken.

Step 4 – Internal action

- 13 Where there is an allegation made against a person to whom this Policy applies, there may be three types of investigations:
 - criminal, conducted by police
 - child protection, conducted by child protection authority
 - disciplinary or misconduct, conducted by Softball Victoria
- 14 Irrespective of the findings of the child protection and/or police inquiries, Softball Victoria will assess the allegation to decide whether the respondent should be reinstated, banned, have their employment or position terminated or any other action.
- 15 The decision will be made by the CEO of Softball Victoria, taking into account all available information, including the findings of the police, government agency and/or court. This may be a difficult decision particularly where there is insufficient evidence to uphold any action by the police.
- 16 If disciplinary action is to be taken, the procedures outlined in *Part A, Clause 8 Disciplinary Measures* of this Policy will be followed.
- 17 If disciplinary action is taken, Softball Victoria will advise and provide a report to the relevant government authority should this be required.



Attachment D5 – Hearings & Appeals Tribunal procedure

- 1 The process outlined below will be followed by Hearings and Appeals Tribunals established by Softball Victoria, relevant affiliated association or club, to hear member protection complaints.

Preparation for Tribunal Hearing

- 2 A Tribunal panel will be constituted following the rules outlined in Softball Victoria, relevant affiliated association or club Constitution and or Bylaws, to hear a complaint that has been referred to it. It is preferable that the Tribunal include at least one person with knowledge or experience of the relevant laws/rules.
- 3 The Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the complaint.
- 4 The Tribunal will be scheduled as soon as practicable, but must allow adequate time for the respondent to prepare their case for the hearing.
- 5 The Tribunal will not include any person who has any actual or perceived conflict of interest or bias regarding the matter.
- 6 The CEO will inform the respondent in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegation
 - details of the complaint, and details of all allegations and the clause of any policy or rule allegedly breached
 - the date, time and venue of the Tribunal hearing
 - that they can make either verbal or written submissions to the Tribunal
 - that they may arrange for witnesses to attend the Tribunal in support of their position (statutory declarations of witnesses not available or from character witnesses may also be provided to the Tribunal)
 - an outline of any possible penalties that may be imposed if the complaint is found to be true, and
 - that legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present
- 7 A copy of any information that has been given to the Tribunal, including investigation report findings, will also be provided to the respondent.

In accordance with any relevant clauses in the Constitutions and or Bylaws of Softball Victoria, relevant affiliated association and or club the respondent may not be allowed to participate in softball activities and events at national, state, association and or club levels, pending the determination of the investigatory or disciplinary proceedings.



- 8 The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
- that the person has a right to appear at the Tribunal hearing to support their complaint
 - details of the complaint, including any relevant rules or Policies the respondent is accused of breaching
 - the date, time and venue of the Tribunal hearing
 - that they can make either verbal or written submissions to the Tribunal
 - that they may arrange for witnesses to attend the Tribunal in support of their position (or provide statutory declarations from witnesses unable to attend), and
 - that legal representation will not be allowed. If the respondent is a minor, they should have a parent or guardian present
- 9 A copy any information that has been given to the Tribunal, including investigation report findings, will also be provided to the complainant.
- 10 If the complainant believes the details of the complaint are incorrect or insufficient they should inform the CEO as soon as possible so that the respondent and the Tribunal Panel members can be properly informed of the complaint.

Tribunal Hearing procedure

- 11 The following people will be allowed to attend the Tribunal Hearing:
- the Tribunal members
 - the respondent(s)
 - the complainant
 - any witnesses called by the respondent
 - any witnesses called by the complainant
 - any parent/guardian or support person required to support the respondent or the complainant
- 12 If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for their absence, the Tribunal Hearing will continue subject to the Tribunal Chairperson being satisfied that all Tribunal notification requirements have been met.
- 13 If the Tribunal Chairperson considers that a valid reason for the non-attendance of the respondent(s) has been presented, or the Tribunal Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal will be rescheduled to a later date.



- 14 The Tribunal Chairperson will inform the CEO of the need to reschedule, and the CEO will organize for the Tribunal to be reconvened.
- 15 The Tribunal Chairperson will read out the complaint, ask the respondent(s) if they understand the complaint and if they agree or disagree with the complaint.
- 16 If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures.
- 17 If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made.
 - reference may be made to brief notes
 - the complainant may call witnesses
 - the respondent(s) may question the complainant and witnesses
- 18 The respondent(s) will then be asked to respond to the complaint.
 - reference may be made to brief notes.
 - the respondent may call witnesses
 - the complainant may ask questions of the respondent and witnesses
- 19 Both the complainant and respondent may be present when evidence is presented to the Tribunal. Witnesses may be asked to wait outside the hearing until required.
- 20 The Tribunal may:
 - consider any evidence, and in any form, that it deems relevant
 - question any person giving evidence
 - limit the number of witnesses presented to those who provide any new evidence
 - require the attendance of any witness it deems relevant
 - act in an inquisitorial manner in order to establish the truth of the issue/case before it
- 21 Video evidence, if available, may be presented. The arrangements must be made entirely by the person/s wishing to offer this type of evidence.
- 22 If the Tribunal considers that at any time during the Tribunal Hearing that there is any unreasonable or intimidatory behaviour from anyone the Chairperson may stop further involvement of the person in the hearing.
- 23 After all of the evidence has been presented the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has been substantiated on the balance of probabilities (ie more probable than not). As the seriousness of the



allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. The respondent will be given an opportunity to address the Tribunal on disciplinary measures which might be imposed. Disciplinary measures imposed must be reasonable in the circumstances.

24 All Tribunal decisions will be by majority vote.

25 The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed, or may advise those present that the decision is reserved and will be handed down in written form.

26 Within 48 hours, the Tribunal Chairperson will:

- forward to Softball Victoria, relevant affiliated association or club CEO a copy of the Tribunal decision including any disciplinary measures imposed
- forward a letter to the respondent(s) reconfirming the Tribunal decision and any disciplinary measures imposed. The letter should also outline, if allowed, the process and grounds for an appeal. Where the matter is of unusual complexity or importance, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours

27 The Tribunal is not required to provide written reasons for its decision

Appeals procedure

28 A complainant or a respondent(s) who is not satisfied with the decision of a MPIO, the outcome of mediation or a Tribunal decision can lodge one appeal to Softball Victoria on one or more of the following bases:

- that a denial of natural justice has occurred
- that the disciplinary measure(s) imposed is unjust and/or unreasonable
- that the decision was not supported by the information/evidence provided to the MPIO/Mediator/Tribunal

29 A person wanting to appeal in accordance with clause 28 must lodge a letter setting out the basis for their appeal with the CEO within 30 days of the relevant decision

30 An appeal fee of \$100.00 shall be included with the letter of intention to appeal.

31 If the letter of appeal and/or the appeal fee is not received by the CEO within the prescribed time period the right of appeal lapses.

32 The letter of appeal and copy of the Tribunal decision report will be forwarded to the Board to review and decide whether there are sufficient grounds for the appeal to proceed. The Board may request attendance of any person to the meeting they believe are required to make an informed decision.

33 If the appellant has not shown sufficient grounds for appeal in accordance with *Part D Attachment D5 Clause 28*, then the appeal will be rejected. The appellant will be notified with reasons by the CEO and the appeal fee will be forfeited.



If the appeal is accepted an Appeal Tribunal, a different panel to the Tribunal, will be constituted following the rules outlined in Softball Victoria, relevant affiliated association or club Constitution and or Bylaws, to rehear the complaint and the appeal fee will be refunded. It is preferable that the Appeal Tribunal include at least one person with knowledge or experience of the relevant laws/rules.



Part E – Reporting documentation

- 1 To assist in consistency and accuracy in following procedure and reporting on the issues covered by Softball Victoria's, affiliated association's and club's Member Protection Policy, the following documents are to be used:
 - E1 Confidential Record of informal complaint – to be used by MPIOs or others who receive a complaint or allegation
 - E2 Confidential Record of Formal Complaint – to be used when a formal complaint is received by Softball Victoria, an affiliated association or club
 - E3 Confidential Record of Child Abuse Allegation – to be used by MPIOs or others who receive complaints/allegations of child abuse
 - E4 Record of Mediation – to be used by those who conduct a mediation
 - E5 Record of Tribunal Decision
 - E6 Record of Interview Pertaining to Policy Breach
- 2 The following are general principles to be followed when completing a report of a complaint.
 - Treat all complaints seriously.
 - Deal with complaints promptly, sensitively and confidentially.
 - Maintain a calm attitude.
 - Ask the complainant if they will consent to you taking notes.
 - Write the description of the complaint /problem using the complainants own words (as much as is possible).
 - Find out the nature of the relationship between the complainant and the person complained about (for example, coach/competitor, team members, etc) and if there is any relevant history.
 - Take a note of the facts and do not pre-judge the situation.
 - Ask the complainant whether they fear victimisation or other consequences.
 - Find out what outcome the complainant wants and if they need any support.
 - Ask the complainant how they want the complaint to be dealt with under this policy.
 - Keep the complaint confidential and do not disclose it to another person without the complainant's consent except if disclosure is required by law (for example, a report to government authorities) or if disclosure is necessary to effectively deal with the complaint.



Attachment E2 – Confidential record of formal complaint

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's contact details	Phone: Email:	
Complainant's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role/status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official	
Location/event of alleged issue		
Description of alleged issue		



<p>Nature of complaint (category/basis/grounds)</p> <p>Can tick more than one box</p>	<p><input type="checkbox"/> Harassment or <input type="checkbox"/> Discrimination</p> <p><input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods</p> <p><input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse</p> <p><input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimization</p> <p><input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision</p> <p><input type="checkbox"/> Other</p>
<p>Methods (if any) of attempted informal resolution</p>	
<p>Formal resolution procedures followed (outline)</p>	
<p>If investigated: Finding -</p>	
<p>If went to hearing Tribunal:</p> <p>Decision</p> <p>Action recommended</p>	
<p>If mediated:</p> <p>Date of mediation</p> <p>Were both parties present</p> <p>Terms of Agreement</p> <p>Any other action taken</p>	



If went to appeals Tribunal:	
Decision	
Action recommended	
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: / /
Signed by:	Complainant: Respondent:

This record and any notes must be kept in a confidential place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the state level, the original must be forwarded to the state body and a copy kept at the club/region level (whatever level the complaint was made).



Police contacted	Who: When: Advice provided:
Government agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police and/or government agency investigation	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential place and provided to the relevant authorities (police and government) should they require them.



Attachment E4 – Member Protection Information Officers

Victoria	Paul Walshe



Attachment F – Victorian Code of Conduct for Community Sport

Victorian Code of Conduct for Community Sport

Developed by State Government of Victoria's Department of Planning and Community Development, and released by Sport and Recreation Victoria in 2010. Adopted by Softball Victoria 24/6/2010.

Every person: spectator, player, club member, official, participant, administrator, coach, parent or member of the community involved with the sport, should work to ensure:

- inclusion of every person regardless of their age, gender or sexual orientation
- inclusion of every person regardless of their race, culture or religion
- opportunities for people of all abilities to participate in the sport and develop to their full potential
- respect is shown towards others, the club and the broader community
- a safe and inclusive environment for all
- elimination of violent and abusive behaviour
- protection from sexual harassment or intimidation.

This Code applies to community sport, training and club sanctioned activities.

What kinds of behaviours breach the Code?

The following behaviours are considered breaches of the Code:

- Violent or abusive behaviour towards another person.
- Vilification of any kind towards another person.
- Discrimination against another person based on their age, gender or sexual orientation.
- Discrimination against another person based on their race, culture, religion or any other irrelevant personal characteristic.
- Sexual harassment or intimidation of another person.
- Victimization of another person for exercising their rights through the Code of Conduct.
- Failure to maintain a safe environment.

If any of these behaviours take place within a sport or recreational context, the relevant State Sporting Association, league, association or club is able to impose penalties or sanctions. For this to occur, the breach must be confirmed through an appropriate assessment process at the appropriate level.