



**Member
Protection
Role
Statements
and Fact
Sheets**

*Reviewed and approved by
SNSW Board
August 2019*

TABLE OF CONTENTS

Member Protection Officer	3
Member Protection Information Officer	4
Member Protection Websites	5
Fact Sheet – CHILD PROTECTION	7
Our commitment to protecting Children or Young People (CYP)	8
How does the Children Protection Statement apply to Positions of Authority (PPA)	8
What are the requirements of and commitment to Persons in Positions of Authority	10
What support will be provided to persons in positions of authority	11
Recruitment and screening procedures for roles with direct contact with or permitting access to CYP	12
Fact sheet – CODE OF CONDUCT	12
Commitment to the Codes of Conduct	12
Exceptions	13
Softball NSW values	13
Codes of Conduct	14
Adhering to role boundaries	14
Use of language and tone of voice	15
Use of electronic communications	15
Giving gifts to children or young persons	16
Photographs of children or young persons	16
Physical contact with a child or young person	16
Sexual misconduct and relationships	17
Overnight stays and sleeping arrangements for children and young persons	17
Use, possession and supply of alcohol or drugs	18
Transporting children	18
Pregnancy	18
Gender Identity	19
Smoking	19
Cyber Bullying	20
Social Networking	20
Coaches Code of Conduct	20
Officials Code of Conduct	21
Players Code of Conduct	22
Administrator Code of Conduct	23
Parents Code of Conduct	23
Spectator Code of Conduct	24
Fact Sheet – COMPLAINTS	24
Improper complaints and victimisation	25
Mediation	25
Complaint Procedure	26
Informal Procedure	26
Formal approaches	27
Sanctions	28
Hearing Tribunal procedures	29
Appeal Procedure	31
Grievance Resolution Procedure	33

MEMBER PROTECTION OFFICER

SNSW Member Protection Officers play a lead role in implementing and communicating a range of member protection services, legislation, policy, procedures and guidelines. MPO's are important in our organisation to ensure members are supported and have access to information to make informed decisions as well as ensuring the Member Protection Policies are applied consistently.

The safety and well-being of every member in our softball community is integral to the future of our sport. We need to ensure practices and procedures that create safe, welcoming and enjoyable environments. Our MPO's are committed to the health, safety and wellbeing of our members, value diversity and will foster an inclusive sporting environment for all our members.

KEY RESPONSIBILITIES

Ensure the safety and wellbeing of our members

Create and maintain a member and child-safe culture and a culture of inclusion and safety that is understood, endorsed and put into action by all

Ensure processes are aligned with the Member Protection Policy and any other relevant policies and legislation

Promote the Member Protection Policy and any other relevant policies and legislation and ensure all are applied consistently

Ensure complaints, grievances and allegations are handled in accordance with the procedures provided in the Member Protection Policy

Deal with any breaches or complaints in a sensitive, fair, timely and confidential manner

Investigate formal and informal complaints and provide written advice to the CEO of Softball NSW

Ensure our members have access to key resources and information

Promote and model appropriate standards of behaviour at all times and are committed to communicating honestly and openly with members about member protection issues

Promote training opportunities for all member protection issues

Listen and act as a sounding board for stakeholders

Build internal/external communications that build collaborative and consistent practice

Monitor, evaluate and review the Member Protection Policy as needed.

Ensure a database of Member Protection Information Officers (MPIO's) is maintained and kept up-to-date

Member Protection Information Officer

What is member protection?

Member protection is a term used by the sport and recreation industry to describe the practices and procedures that need to be put in place within organisations to protect their members. This includes both individual members such as players, coaches and officials, and member organisations such as clubs, state associations and the national body. It involves the following:

- Protecting members 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.
- Promoting education.
- Promoting positive behaviour

What is a Member Protection Information Officer (MPIO)?

Member Protection Information Officers (MPIO) are the first point of contact within your softball club/association for any person concerned about the well-being of themselves or other members. MPIOs provide confidential, impartial and timely information and support. They provide information about complaint resolution options available to address the individual's concerns.

MPIO's can also provide information and advice to sport administrators and complaint handlers with regard to the Softball Australia Ltd Member Protection Policy, which has been adopted by Softball NSW Inc.

What is the value of an MPIO to sport?

The MPIO will play a key role in ensuring our sport is safe, fair and inclusive. MPIOs do this through ensuring club members and administrators know their rights and responsibilities and are aware of relevant policies, procedures and guidelines that support the protection of members. Such policies may include but are not limited to the Member Protection Policy, complaints policy and procedures, child protection policies, harassment and discrimination policies.

What DO Member Protection Information Officers do?

- Listen
- Act as an impartial support person
- Provide information about member protection issues to any member or person involved – ie: complainant, respondent, MPO, mediator/tribunal
- Provide information about the Member Protection Policy and the options available to resolve a complaint
- Provide information about relevant laws and the right to complain externally
- Discuss the possible strategies the individual can use to deal directly with the other person
- Provide contact details for counselling or other referrals as appropriate or as requested
- If a conflict of interest is identified seek advice from your committee President
- Keep up-to-date with relevant information, policies, legislation etc
- Be accessible, approachable and able to maintain confidentiality

What DON'T Member Protection Information Officers do?

- Give advice on what the complainant should do
- Mediate or investigate complaints
- Take sides or judge
- Offer to counsel the complainant
- Intervene in the complaint
- Investigate the complaint
- Breach confidentiality
- Offer to be an advocate on the complainant's behalf



<https://www.playbytherules.net.au/>



Office
of Sport

<https://sport.nsw.gov.au/>

SPORTAUS

<https://www.sportaus.gov.au/>



<https://www.sportaus.gov.au/ais>



<http://homeplate.softball.org.au/>



<https://www.clearinghouseforsport.gov.au/>



<https://www.kidsguardian.nsw.gov.au/>



<http://www.antidiscrimination.justice.nsw.gov.au/>

The following information has been extracted from the Softball Australia Member Protection Policy – Version 9, which was adopted by Softball NSW in February 2019. Key points of this policy are highlighted below. For more detailed information please refer to the Member Protection Policy.

FACTSHEET - CHILD PROTECTION

Our Commitment to protecting Children or Young People (CYP)

- committed to the safety and wellbeing of Members and all CYP who access any Softball facilities, activities, programs, events or services
- committed to providing CYP with positive and nurturing experiences
- support families and communities to promote CYP's healthy development and wellbeing
- strive to ensure that CYP are protected and not exploited, abused or harmed during their involvement with any Softball activities, programs, events or services
- listen to CYP and address any concerns that they raise
- ask for consent from Children, Young People and their parents/carers before seeking out or providing information about them to any other individuals or organisation. Softball Entities may not however, ask for consent to disclose information to police, regulatory authorities or relevant statutory child protection agencies if they have concerns about the safety and wellbeing of a specific CYP.
- committed to supporting parents and carers to protect their CYP
- committed to communicating honestly and openly with parents and carers about the wellbeing and safety of their CYP
- promote and distribute information about the Child Protection Commitment Statement to CYP and parents/carers as part of an introduction to Softball facilities, activities, services and programs
- be transparent in decision-making with parents and carers as long as doing so does not compromise the safety of CYP or breach any confidentiality obligation

Does the Child Protection Commitment Statement apply to persons in Positions of Authority (PPA)?

All PPA must:

- adhere to the Child Protection Commitment Statement
- follow and adhere to the complaints procedures with respect to any breaches of this Policy

What are the requirements of and commitment to Persons in Positions of Authority (PPA) in relation to protecting Children or Young People (CYP)?

- provide the necessary support to enable them to fulfil their roles
- put in place an appropriate structure that supports and develops them, as applicable, in their roles
- provide appropriate guidance and development

- ensure that there is access to a Senior Person to make decisions in relation to any action required to protect CYP from Child Abuse
- work to ensure that there are safeguards in place to protect CYP
- understand the rights of CYP, as appropriate to their role
- a working knowledge of CYP's rights should inform decisions about how to behave with and act on behalf of CYP
- respect the cultural and religious practices of families who access Softball facilities, services, programs or events
- while the importance of culture and religion in the lives of CYP and families is recognised, the right of CYP to protection from harm should take precedence over any cultural or religious belief
- understand and appropriately respond to the special needs of CYP with developmental delays or disabilities including working alongside primary carers of such CYP
- acting in ways that communicate effectively with and are supportive of CYP with developmental delays or disabilities
- recognising the additional vulnerability to exploitation and harm that CYP with developmental delays or disabilities experience.
- facilitating opportunities for CYP to provide their views and feedback
- treating children as individuals and respecting their unique abilities and vulnerabilities
- expressing attitudes and engaging in behaviour that respect and support CYP
- appropriately act on any concerns raised by CYP and/or their parents/carers
- any formal complaints or allegations made against any PPA will be fully considered and investigated. Any alleged crimes against CYP or other family members will be reported to the police in accordance with the policies and procedures of the relevant Softball Entity. PPA's are expected to follow the Formal complaints procedure in response to concerns raised by CYP and/or their parent
- strive to understand the definitions, indicators and impact of Child Abuse, including Grooming
- identify and prevent Child Abuse from occurring
- act to protect CYP from further Child Abuse
- PPA should know and follow laws and regulations in place in the jurisdiction in which they operate.
- co-operate with police and/or other formal investigations to the best of their ability to safeguard CYP
- always follow any Codes of Conduct implemented by Softball Entities that set out the rules for behaviour acting with each other and around CYP
- not harm or exploit CYP who access Softball services, activities programs or events, nor contravene any laws or regulations regarding the safety and wellbeing of CYP
- It is a serious breach of the CPCS and possibly the law, if any PPA— whether participating in a program, event, service or activity, or working in a paid or volunteer capacity—Harm or exploit CYP who are involved in any Softball activities, services, events or programs.

Breaches of this include, but are not limited to, any PPA who:

- sexually assault CYP
- physically assault CYP
- verbally abuse, denigrate or bully CYP
- sexually harass CYP
- engage in grooming behaviour of CYP
- take, reproduce and/or distribute photos of CYP without their consent or the consent of their guardians
- publish any material containing images of CYP
- access, download, store or distribute any form of child pornography
- support CYP and their families as directed by Senior

What support will be provided to persons in positions of authority (PPA)?

- receive training to keep CYP safe from Child Abuse. All Softball Entities will aim to provide training opportunities regularly and as appropriate to the various roles of PPA
- be clear about what is expected of them regarding the welfare and safety of CYP through clarifying applicable procedures at regular opportunities and, where possible, encouraging standing agenda items at regular forums to discuss best practice procedures
- be aware of the appropriate recruitment, screening and employment practice in relation to individuals with specific roles in working, coaching or volunteering with CYP and families
- receive guidance and supervision in relation to their role with CYP and families
- make joint decisions with Senior Persons about initiating action to protect CYP from Child Abuse
- receive appropriate and timely debriefing and/or counselling opportunities if required following stressful or challenging situations involving CYP and/or their families. This should be conducted at State and/or Associate Member level.

Entity	Role/responsibility
Softball Australia	<ul style="list-style-type: none"> • Promote the Child Protection Commitment Statement and its expectations. • Support policy review annually or at such times as are governed by legislation, regulations, Sport Australia directions or organisational learnings that promote a change to the CPCS and relevant policy or procedural guidelines. • Strive to ensure that adequate resources are allocated to allow for the development of the CPCS, and all relevant policy and procedure creation and review, inclusive of effective implementation. • Develop opportunities for regular discussion at all levels to support a culture of openness and continued improvement and accountability to child protection and member welfare. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS and its expectations

State Associations	<ul style="list-style-type: none"> • Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation. • Strive to ensure that the CPCS is implemented and adhered to among Associate Members and their Members, staff and officials. • Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practices in accordance with the expectations of the CPCS. • Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS. • Proactively share resources and experience in the development of child-safe initiatives in Softball as they are identified. • Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and member welfare. For example, in team meetings or regular forums, include member welfare as a regular agenda item
Other Members	<ul style="list-style-type: none"> • Strive to ensure that all PPA understand their obligations in accordance with the CPCS and any relevant policy and procedural documentation. • Strive to ensure that the CPCS is implemented and adhered to among its Members, staff and support personnel. • Strive to ensure that the development and implementation of required internal policy/work procedures and guidelines are in place to support child protection practice in accordance with the expectations of the CPCS. • Strive to ensure that adequate resources are allocated to allow effective implementation of the CPCS. • Advocate and promote child rights, empowering and engaging CYP in support of the CPCS. • Proactively share resources and experience in the development of child-safe initiatives in Softball as they are identified. • Develop opportunities for regular discussion at all levels to support a culture of continuous improvement and accountability of child protection and member welfare. For example, in team meetings or regular forums—include as a regular agenda item.

Recruitment and screening procedures for roles with direct contact with or permitting access to CYP

- Recruitment and screening procedures seek to ensure that all Softball Entities recruit people who are suitably qualified and committed to providing professional, safe and enjoyable activities and services to CYP. There are specific recruitment and screening procedures that must be consistently followed by all Softball Entities when recruiting roles that have direct contact with or permit access to CYP in Softball.
- The identity and qualifications of each shortlisted applicant for any position requiring direct contact with or access to CYP may be confirmed by the relevant Softball Entity requesting

proof of identity and proof of qualifications documents from the applicant that are relevant to their role and their suitability to work with CYP.

- Subject to relevant legislation and the relevant rules, human resources and/or employment processes of the relevant Softball Entity or unless the law provides otherwise, all Softball Entity boards and employees must have a satisfactory Working With Children Check in the appropriate jurisdiction in which they spend the majority of their working time. In addition, at the discretion of the relevant Softball Entity, applicants may be required to satisfy a number of background checks. These may include (but are not limited to) the following:
 - a national criminal history record check
 - a signed declaration
 - a reference check
 - any other relevant background checks to assess a person's suitability to work with CYP.If the applicant has already commenced in a role with a Softball Entity and the results of any background or screening checks are unsatisfactory, the Softball Entity may terminate the individual's position (whether employed or voluntary) without notice.
- Record keeping and sharing of information—Working With Children Check and/or national criminal history record checks - all Softball Entities must comply with relevant laws in relation to record keeping. Softball Entities should maintain:
 - records of all employees and volunteers
 - a register of Working With Children Check and/or national criminal history record check for all persons for whom checks have been obtained. This register must detail application and approval or rejection details, expiry dates and any other identifying and useful information.

FACT SHEET - CODES OF CONDUCT

Commitment to the Codes of Conduct

The Codes should be read in conjunction with:

- the specific requirements of any role as defined in any position description statement, if applicable
- relevant policy and procedure documents, including the Child Protection Commitment Statement
- the complaint procedures
- other Softball Australia policies and guidelines available on the Softball Australia website
- all applicable laws in the relevant jurisdiction
- general community expectations in relation to appropriate behaviour between adults and CYP.

All Softball Entities may consider a failure to observe the Codes as misconduct and may take appropriate disciplinary action in accordance with relevant rules and regulations including this Policy.

Exceptions

There may be exceptional situations where the Codes do not apply, for example, in an emergency situation. It is crucial however that, where possible, authorisation is sought from a Senior Person prior to taking action that contravenes the Code(s) or a Senior Person is advised as soon possible of any incident which breaches the Code(s).

Softball NSW values

It is important within Softball in NSW that values drive behaviours and conduct. Our key principles that drive conduct and behaviour are:

INTEGRITY and RESPECT - Recognising the contribution that people make to Softball, treating them with dignity and consideration, as well as caring for the property and equipment they use. Fairness should be employed in decision-making out of respect to all.

TEAMWORK - Collaboration and working together to achieve outcomes and resolve issues. Supporting one another on and off the Softball course is essential.

ENJOYMENT - Softball should be enjoyable for all those participating in it. Efforts should be recognised and rewarded so as to fuel the passion for everyone in Softball and enjoy along the way.

EXCELLENCE - Members should strive for best practice in everything they do—seeking the highest of standards in order to achieve the best possible outcomes for themselves, their Associate Member and Softball.

Codes of Conduct

The Codes should be followed at all times and by all Members and all people involved in any way with Softball.

General Code of Conduct

Members and all people involved in any way with Softball will:

- respect the rights, dignity and worth of others—treat others as you would like to be treated yourself
- be ethical, considerate, fair, courteous and honest in all dealings with other people and organisations
- be professional in, and accept responsibility for your actions
- be aware of and follow—at all times—Softball’s laws, standards, rules, policies and procedures and promote those laws, standards, rules, policies and procedures to others
- operate within the rules and spirit of the sport, including the national and international guidelines that govern Softball
- understand the possible consequences of breaching the Codes and/or this Policy
- report any breaches of the Codes to the appropriate PPA
- refrain from any form of Abuse, Harassment, Discrimination and Victimisation towards others

- raise concerns regarding decisions of PPA through the appropriate channels and in a timely manner
- provide a safe environment for the conduct of activities in accordance with any relevant Softball Australia policy
- show concern, empathy and caution towards others that may be sick or injured
- be a positive role model to all
- respect and protect confidential information obtained through Softball activities or services; whether individuals and/or organisational information
- maintain the required standard of accreditation and/or licensing of professional competencies, as applicable to the role
- ensure that any physical contact with others is appropriate to the situation and necessary for the person's skill development
- refrain from intimate relations with persons over whom you have a position of authority
- agree to abide by the Codes
- maintain a duty of care towards others
- be impartial and accept the responsibility for all actions taken.

Adhering to role boundaries

Persons in Positions of Authority (PPA) should act within the confines of their duties at all times, subject to a direction by a relevant Senior Person. With the exception of parents/carers of their own Children or Young Person (CYP) and/or PPA who are expressly authorised by the relevant parents/carers of the CYP to engage in specific activities with their CYP, PPA should not:

- provide unauthorised transportation
- engage in activities with CYP who are Members outside of authorised services, programs, events or activities
- seek contact with CYP who are Members outside authorised services, programs, events or activities
- accept an invitation to attend any private social function at the request of a CYP who has participated, or is participating, in authorised services, programs, events or activities.

For the purpose of this provision, express authority should be specific authority for particular activities. If any PPA becomes aware of a situation in which a CYP requires assistance that is beyond the confines of that person's role they should at the earliest opportunity:

- refer the matter to an appropriate support agency, as well as to the relevant Softball Entity
- refer the CYP to an appropriate support agency
- contact the CYP's parent or guardian as appropriate (which may be undertaken in consultation with the relevant Softball Entity)
- seek advice from a Senior Person.

Use of language and tone of voice

Language and tone of voice used in the presence of CYP should:

- provide clear direction, boost their confidence, encourage or affirm them
- not be harmful—therefore, avoid language that is intended to be, or is received or likely to be received by the individual it is directed at or any other person as:
 - discriminatory, racist or sexist
 - derogatory, belittling or negative, for example, by calling a CYP a ‘loser’ or telling them they are ‘too fat’
 - threatening or frightening
 - profane or sexual.

Use of electronic communications

Other than between CYP, wherever possible, social media messages (such as text, email, Facebook or Instagram) sent to a CYP by a PPA should be copied to their parent or carer.

Where a parent or carer is not included in a communication that communication should:

- be restricted to issues directly associated with delivering services, activities or programs, such as advising that a scheduled Softball activity, program or event (such as training) is cancelled
- limit personal or social content to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature
- not promote unauthorised social activity or arrange unauthorised contact
- not request a CYP to keep a communication a secret from their parents or carers
- not be involved with a CYP using internet chat rooms or similar forums such as social networking sites, game sites or instant messaging.

Giving gifts to Children or Young Persons

Other than parents/carers of CYP giving gifts to their own child or children, the giving of gifts by PPA to CYP to whom services are provided is subject to:

- obtaining prior authorisation from a Senior Person permitted to authorise giftgiving from a Softball Entity
- parents or other responsible adults being made aware of any gift given.

Photographs of Children or Young Persons

Subject to all relevant Softball Australia policies:

- CYP to whom a service is delivered are to be photographed while involved in a relevant Softball Entity’s service, activity, event or facility only if:
 - prior approval has been granted by the relevant CYP or the parents/guardian of the relevant CYP and by the relevant Softball Entity
 - the context is directly related to participation in Softball
 - the CYP is appropriately dressed and posed
 - the image is taken in the presence of other PPA

- except in the case of CYP and/or their parents/carers distributing photos of themselves or their own children to each other or to others, images are not to be distributed (including an attachment to an email) to anyone outside PPA other than the child photographed or their parent/carer, without knowledge and approval of a Senior Person
- images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required
- images are not to be exhibited on Softball Entities' websites without parental/carer knowledge and approval, or such images must be presented in a manner that de-identifies the CYP. Any caption or accompanying text may need to be checked so that it does not identify a CYP if such identification is potentially detrimental.

Physical contact with Children or Young People

Any physical contact with CYP must be appropriate to the delivery of Softball services, events, programs or activities, such as when fitting sporting equipment like goggles, and appropriately correcting technique and based on the needs of the CYP (such as to assist or comfort a distressed young person) rather than on the needs of PPA.

Under no circumstances should any PPA have contact with CYP participating in a Softball facility, service, program, activity or event that:

- involves touching:
 - of genitals
 - of buttocks
 - of the breast area
 unless that is part of delivering medical or allied health services to which:
 - the relevant PPA are qualified to deliver
 - the relevant medical intervention has the express prior consent of the relevant CYP and the parents/guardians of the relevant CYP involved
- would appear to a reasonable observer to have a sexual connotation
- is intended to cause pain or distress to the CYP
- is overly physical—for example, wrestling, horseplay, tickling or other roughhousing
- is unnecessary— for example, assisting with toileting when a CYP does not require assistance
- is initiated against the wishes of the CYP, except if such contact may be necessary to prevent injury to the CYP or to others, in which case:
 - physical restraint should be a last resort
 - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the CYP to prevent harm to themselves or others
 - the incident must be reported to a Senior Person as soon as possible
- PPA are required to report to a Senior Person any physical contact initiated by a CYP that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the CYP, PPA and any other Participants.

Sexual misconduct and relationships

Under no circumstances is any form of sexual behaviour to occur between, with, or in the presence of, CYP participating in any Softball environment. Engaging in sexual behaviour while participating in Softball services, events, programs or activities is prohibited even if the CYP involved may be above the legal age of consent.

‘Sexual behaviour’ needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- ‘contact behaviour’, such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution
- ‘non-contact behaviour’, such as flirting between adults and CYP, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

Consensual intimate relationships (whether or not of a sexual nature) between a PPA and an adult Participant should where possible be avoided as they can have harmful effects on the Participant involved and on other Members and on our organisation’s public image.

The PPA may wish to seek advice or support from a Member Protection Information Officer or equivalent if they feel harassed.

Overnight stays and sleeping arrangements for CYP

Overnight stays are to occur only with the authorisation of appropriate Softball Entity Senior Persons and of the parents/carers of the CYP involved.

Practices and behaviour by our PPA during an overnight stay must be consistent with the practices and behaviour expected during delivery of Softball facilities, services, programs, events and activities at other times.

Standards of conduct that must be observed by PPA during an overnight stay include but are not limited to:

- providing CYP with privacy when bathing and dressing
- observing appropriate dress standards when CYP are present—such as no exposure to adult nudity
- not allowing CYP to be exposed to pornographic material, for example, through movies, television, the internet or magazines
- not leaving CYP under the supervision or protection of unauthorised person
- not involving sleeping arrangements that may compromise the safety of CYP, such as unsupervised sleeping arrangements, or an adult sleeping in the same bed as a CYP unless authorised to do so by a relevant Softball Entity, as appropriate
- the right of CYP to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay

Use, possession or supply of alcohol or drugs

While on duty or carrying out their roles, a Member including but not only PPA must not:

- use, possess or be under the influence of an illegal or illicit drug
- use or be under the influence of alcohol
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs
- supply alcohol or drugs to a CYP participating in any Softball facility, service, program, event or activity.

Use of legal drugs other than alcohol is permitted, provided such use does not interfere with PPA's ability to care for CYP involved in our services, programs, events or activities.

Transporting children

CYP are to be transported by PPA [other than by their parent(s)/carer(s)] only in circumstances that are directly related to the delivery of Softball services, events, programs or activities. For example, CYP should not be given casual lifts unrelated to Softball services, events or activities by PPA.

Children are to be transported by PPA only with prior authorisation from a relevant Softball Entity Senior Person and from the CYP's parent/carer. Gaining approval involves providing information about the proposed journey, including:

- the form of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat
- the reason for the journey
- the route to be followed, including any stops or side trips
- details of anyone who will be present during the journey other than PPA.

Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in Softball should be removed.

All Softball Entities will take reasonable care to ensure the safety, health and wellbeing of pregnant women and their unborn children. Pregnant women are advised that there may be risks involved and are encouraged 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 to which they choose to participate in Softball activities.

All pregnant women are encouraged to talk with their medical advisers and make themselves aware of the facts about pregnancy and participating in Softball activities and ensure that they make informed decisions about their participation. Pregnant women will be required to sign a disclaimer only if all other participants are required to sign one in similar circumstances.

If a pregnant woman feels she has been harassed or discriminated against on the basis of her pregnancy by another person or organisation bound by this Policy, she may make a formal complaint.

Gender identity

Softball NSW is committed to providing a safe, fair and inclusive environment where people of all backgrounds can contribute and participate. People who identify as Transgender or transsexual should be treated fairly and with dignity and respect at all times.

Any unlawful discrimination or harassment of a person who identifies as Transgender or transsexual or who is thought to be Transgender or transsexual will not be tolerated. If a Transgender or transsexual person feels he or she has been harassed or discriminated against on the basis of their gender identity by another person or organisation bound by this Policy, they may make a formal complaint.

Excluding Transgender and transsexual people from participating in events and activities has significant implications for their health, wellbeing and involvement in community life. In general, their participation in Softball on the basis of the gender with which they identify is supported. It is recognised that 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, advice will be sought on the application of those laws in the particular circumstances.

Drug testing procedures and prohibitions also apply to people who identify as Transgender. 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.

Smoking

In NSW, the Smoke-Free Environment Act 2000 bans smoking in enclosed public places and certain outdoor public areas – including spectator areas at sports grounds or other recreational areas used for organised sporting events.

Major sporting facilities are included under the definition of a public sports ground and are required to comply with the law. Other outdoor sporting facilities, such as Local Council playing fields, are also covered by the law. Smoking is only banned when an organised sporting event is being held.



For more detailed information go to <https://www.health.nsw.gov.au> and look under Tobacco and Smoking.

Softball NSW do not allow members to smoke while undertaking Softball duties and asks that Members refrain from the practice when engaged in official Softball events.

The NSW Softball Centre, Blacktown International Sportspark is a non-smoking venue.

Cyber Bullying

Softball NSW regards Bullying and Harassment in all forms as unacceptable. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools have increased the potential for people to be bullied through unwanted and inappropriate comments. Softball NSW will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

Frustration with a Softball member, PPA or a Softball Entity should never be communicated on social networking websites. These issues should instead be addressed—in a written or verbal statement to Softball NSW.

Social networking websites

Softball NSW acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote Softball and celebrate the achievements and success of the people involved in Softball. All people bound by this Policy must conduct themselves appropriately when using social networking sites to share information related to Softball.

Social media postings, blogs, status updates and tweets by members:

- must not use offensive, provocative or hateful language or photographs/images
- must not be misleading, false or injure the reputation of another person
- should respect and maintain the privacy of others
- should promote Softball in a positive way

Coaches Code of Conduct

A coach appointed by Softball NSW must meet the following requirements in regards to their conduct during any activity held by or under the auspices of Softball NSW

- 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
- Endeavour to ensure players' time spent with you is a positive experience
- Respect the talent, developmental stage and goals of each individual player
- 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
- Be reasonable in your demands on your players' time and ensure there is an appropriate balance between sporting involvement, education and career objectives
- Implement clear rules for players in training and general conduct
- 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
- Make a commitment to providing a quality service to your players, your affiliated club, association and state, and to Softball Australia, by continually improving your coaching knowledge and skill
- Maintain and improve your NCAS accreditation
- Seek continual self-improvement through performance appraisal and ongoing education
- 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
- Ensure physical contact with players is appropriate to the situation and necessary for the player's skill development.
- Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse
- Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media
- Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment
- 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
- 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
- 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.

Officials Code of Conduct

An official appointed by Softball NSW must meet the following requirements in regard to their conduct during any activity held by or under the auspices of Softball NSW

- 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
- Place the safety and welfare of the players/participants above all else
- Be fair and impartial
- Avoid any situation which may lead to a conflict of interest
- Be courteous, respectful and open to discussion and interaction
- Refrain from any form of personal abuse. This includes verbal, physical and emotional abuse
- Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media

- Refrain from any form of sexual harassment. This includes explicit, implicit, verbal and non-verbal sexual harassment
- Make a commitment to providing a quality service to softball, to your affiliated club, association and state, and to Softball Australia by continually improving your officiating knowledge and skill
- Maintain and improve your accreditation
- Seek continual self-improvement through performance appraisal and ongoing education
- 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
- 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
- Value the individual in sport
- Do not tolerate acts of aggression
- Encourage inclusivity and access to all areas of officiating
- Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

Player's Code of Conduct

A player or participant in any activity held by or under the auspices of Softball NSW must meet the following requirements in regard to conduct during that activity

- Be a positive role model for softball at all times and value the individual
- Participate within the competition conditions and rules and in the spirit of fair play
- Accept victory and defeat with dignity
- Comply with umpires' decisions in a professional and respectful manner
- Cooperate with all official requests to promote softball in a professional manner
- 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
- Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media
- 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
- 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
- Refrain from initiating a relationship with your coach
- Do not tolerate acts of aggression
- Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner
- Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

Administrator's Code of Conduct

An administrator for Softball NSW must meet the following requirements in regard to conduct during that activity

- Be a positive role model for softball at all times and value the individual
- 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
- Refrain from making derogatory, demeaning or discriminatory remarks about any administrators, players, coaches or other players. This should include when using social media
- 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
- Be fair, considerate, impartial and honest in all dealing with others
- 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
- Do not tolerate acts of aggression
- Perform any duties and responsibilities where you are a representative of Softball Australia in a mature, fair and professional manner
- Resolve conflicts fairly and promptly through established procedures
- Maintain a safe environment for you and others
- Be aware of, and maintain an uncompromising adherence to Softball Australia standards, policies, regulations and procedures
- Be aware of your legal responsibilities
- Refrain from engaging in any behaviour that is in breach of Softball Australia's Member Protection Policy.

Parent/Guardian Code of Conduct

A parent or guardian of any person involved with Softball NSW, a Member State or an affiliated association or club must meet the following requirements in regard to conduct during that activity.

- Remember that your child participates in sport for their own enjoyment, not yours
- Focus on your child's efforts and performance rather than winning or losing

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

Spectator's Code of Conduct

A spectator involved with Softball NSW, a Member State or an affiliated association or club activity must meet the following requirements in regard to conduct during that activity.

- Applaud good performance and efforts from all players and teams. Congratulate all players on their performance regardless of the game's outcome
- Respect the decisions of officials and coaches and teach young people to do the same
- Never ridicule or scold a young player for making a mistake. Positive comments are motivational
- Condemn the use of violence in any form, whether it is by other spectators, coaches, officials or players
- Show respect for your team's opponents. Without them there would be no game
- Encourage players to follow the rules and the officials' decisions
- 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)
- Respect the rights, dignity and worth of every person regardless of their gender, ability, cultural background or religion.

FACT SHEET - COMPLAINTS

Softball NSW aims to support people associated with our sport to make and resolve any complaints they may have in a fair, timely and effective way.

Any person (a complainant) may report a complaint about a person, people or organisation if they feel they have been discriminated against, harassed or bullied against or there has been a breach of the Member Protection Policy.

We will keep all complaints confidential. We will not provide information about the complaint to another person without the complainant's consent, except if the law requires us to disclose this information or if it is necessary to properly receive the complaint.

To ensure fairness for everyone involved, we will provide the full details of the complaint to the person or people against whom the complaint has been made and ask for their response. As a result, it may be difficult for us to resolve complaints made anonymously. If a complaint relates to behaviour or an incident that occurred at the:

- State level, or involves people operating at the State level, then the complaint should be reported to and handled by the relevant State association in the first instance
- Association level, or involves people operating at the Association level, then the complaint should be reported to and handled by the relevant Association in the first instance
- Club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance

Only matters that relate to, or which occurred at the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant may indicate his or her preferred option and the CEO (Or nominee) of Softball NSW should consider whether there is an appropriate way to handle the particular complaint. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially.

Improper complaints and victimisation

Softball NSW aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the CEO (or nominee) of Softball NSW, considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or intended to cause distress to the respondent, the matter may be referred to an Independent Tribunal for review and appropriate action, including possible disciplinary action against the Complainant.

Mediation

Softball NSW aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a Complainant wishes to resolve the complaint with the help of a mediator, the CEO (or nominee) of Softball NSW, will, in consultation with the complainant, arrange for an independent mediator where possible. We will also allow lawyers to participate in the mediation process.

Complaints Procedures

Informal Procedures

Step 1: Talk with the other person (If safe, reasonable and appropriate)

If you feel confident to do so, you can approach the other person to discuss the issues and try to resolve the problem directly

Step 2: Contact a Member Protection Officer or Senior Person

We encourage you to talk with one of our Member Protection Information Officers (MPIOs) if:

- The first step is not possible or reasonable
- You are not sure how to handle the problem by yourself
- You want to talk confidentially with someone and find out what options are available to resolve the problem; or
- The problem continues after you approached the other person

An up to date list of MPIOs for softball is available by request from integrity@ausport.gov.au

The MPIO or Senior Person will:

- Take confidential notes about your complaint
- Try to find out the facts of your complaint
- Ask how you would like the problem to be resolved and if you need support
- Provide different options for you to resolve the problem
- Act as a support person, if you wish
- Refer you to an appropriate person (eg a mediator) to help you resolve the problem, if necessary
- Inform the relevant government authorities and/or police, if required by law to do so
- Maintain confidentiality

Step 3: Decide how to resolve the problem

- After talking with the MPIO or Senior Person, you may decide:
- There is no problem
- The problem is minor and you do not wish to take the matter forward
- To try and resolve the problem yourself, with or without a support person
- To resolve the problem with the help of someone impartial, such as a mediator
- To resolve the matter through a formal process

Formal approaches

Step 4: Making a formal complaint

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- Make a formal complaint in writing to the CEO and/or Member Protection Officer (Softball NSW)
- Approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice

After receiving a formal complaint, and based on the material you provide, the CEO (or nominee), will decide whether:

- He or she is the most appropriate person to receive and handle the complaint
- The nature and the seriousness of the complaint requires a formal resolution procedure
- To refer the complaint to mediation
- To appoint a person to investigate the complaint
- To refer the complaint to a hearing tribunal
- To refer the matter to the police or other appropriate authority; and /or
- To implement any arrangements that will apply until the complaint process is complete

Step 5: Investigating the complaint

For formal complaints Softball NSW may conduct its own internal investigation into the circumstances surrounding the allegation(s). Following an internal investigation into a formal complaint to establish the facts and the position of the parties to a formal complaint, Softball NSW may determine that it is appropriate to appoint an Investigator to review the circumstances of the formal complaint and conduct an independent investigation.

Where an Investigator is appointed, the following steps should be followed:

Any internal or independent investigation process conducted must occur concurrently with any external organisation process, as long as the internal or independent investigation process is placed on hold should an external organisation request the Involved Organisation to do so. In conducting an independent investigation, the steps below should be followed:-

- a) The Involved Organisation will provide a written brief to the Investigator to ensure that the terms of engagement and scope of the Investigator's role and responsibilities are clear.
- b) The Complainant should be interviewed by the Investigator and the formal complaint and any key information arising from the interview(s) documented in writing by the Investigator. The Complainant is entitled to have a support person present during any interview that takes place, subject to the support person never being admitted as a lawyer or barrister.
- c) The key details of the formal complaint should be conveyed to the Respondent(s). The Respondent(s) must be given sufficient information to enable them to properly respond to the formal complaint.
- d) The Respondent(s) should be interviewed by the Investigator and given the opportunity to respond to the allegations. The Respondent's response to the formal complaint should be documented in writing by the Investigator. The Respondent is entitled to have a support

person present during any interview, subject to the support person never having been admitted as a lawyer or barrister.

- e) If, in the process of the independent investigation, there continues to be a dispute regarding the facts, then statements from witnesses and other relevant evidence should be obtained (if possible) by the Investigator to assist in reaching conclusions and preparation of a report and recommendations.
- f) The Investigator must make a finding, on the balance of probabilities, as to whether the formal complaint, or each of the allegations in the formal complaint (as appropriate) is:
 - (i) substantiated (there is sufficient evidence to support the formal complaint)
 - (ii) inconclusive (there is insufficient evidence either way)
 - (iii) unsubstantiated (there is sufficient evidence to show that the formal complaint is unfounded or not enough evidence to substantiate the formal complaint)
 - (iv) mischievous, vexatious or knowingly untrue
- g) A report documenting the formal complaint, the investigation process, evidence, finding(s) and, if requested, recommendations, should be given to the Involved Organisation which may, in consideration of the report of the Investigator, either:
 - (i) take disciplinary action against either the Respondent, Complainant or any other person/persons involved in the formal complaint in accordance with 'Sanction' below
 - (ii) refer the formal complaint to a Hearing Tribunal (which will take place in accordance with the Hearing Tribunal procedure (item 4.4 below)) to determine what, if any, further action to take
 - (iii) take no further action and close the formal complaint under this Policy.
- h) Within 14 days of the Involved Organisation receiving a report of an Investigator, a report must be provided to the Complainant(s) and the Respondent(s) that summarises the investigation process and documents key points that were found to be substantiated, inconclusive, unsubstantiated or mischievous. Where the Report relates to one or more Children or Young Persons, as either the Complainant or a witness, the Report may be redacted to the extent required to protect the identity of the Children or Young Persons. Each party to the formal complaint must be provided an opportunity to provide a written response to the Report, should they wish.
- i) All parties to the formal complaint receiving a copy of the Report of the Investigator must maintain strict confidentiality of the Report, other than where necessary to disclose the contents of the Report in order to obtain legal advice or as required by law. Any disclosure of the Report other than in accordance with this item is a breach of this Policy and may result in disciplinary action being taken against the party making the disclosure.

Sanction

Where the Involved Organisation deems disciplinary action is required as a result of the independent investigation, the steps detailed below must be followed.

The Involved Organisation must refer the report it receives to a Hearing Tribunal. Prior to holding a meeting to consider the Report and any sanctions to be imposed as a result of the Report, the Hearing Tribunal must:

- a) provide the Complainant and Respondent(s) an opportunity to respond in writing to the Report
- b) notify each of the parties to the formal complaint that the Hearing Tribunal will be meeting to consider the formal complaint, and any disciplinary measures to be imposed as a result of the formal complaint being proved
- c) inform the Complainant and Respondent:
 - that they are entitled to provide submissions and evidence to the Hearing Tribunal, either in writing, in person at the meeting or both
 - that the Hearing Tribunal will make a decision based on all of the information before it
 - that any disciplinary measures imposed by the Hearing Tribunal may only be appealed in accordance with the appeal procedure
 - that they are not entitled to be represented by a lawyer or barrister at the meeting
 - of the date, time and location of the Hearing Tribunal meeting at which the Report will be considered.

Once the Hearing Tribunal holds a meeting to consider the Report, and any evidence provided by the parties, it may impose any disciplinary measures available under this Policy.

Hearing tribunal procedure

Where an Involved Organisation refers a formal complaint under this Policy to a Hearing Tribunal the process is as follows:

Appearance

Persons appearing before the Hearing Tribunal shall be entitled to call witnesses, but must state their case in person unless the Hearing Tribunal has permitted representation through an advocate. If an advocate is permitted such advocate is not entitled to be legally trained or qualified. For the avoidance of doubt persons appearing before a Hearing Tribunal are not entitled to legal representation in the Hearing Tribunal proceedings. They and their witnesses shall be given a full opportunity to be heard. In their absence, or in the absence of their witnesses, a decision may be made by default. Before making a decision in default of appearance, the Hearing Tribunal must satisfy itself that the party concerned was aware of the time, date and place of hearing and had been requested to appear.

Procedure at Proceedings

Hearing Tribunal proceedings shall be conducted as follows:

- a) The Hearing Tribunal chairperson shall announce the opening of the proceedings, stating the Hearing Tribunal's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.

- b) The procedure to be followed at proceedings shall be clearly explained by the Hearing Tribunal chairperson. The Hearing Tribunal chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- c) The matter(s) the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- d) The Hearing Tribunal will consider the evidence presented. The Hearing Tribunal may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Hearing Tribunal at this time. If the Hearing Tribunal finds an offence has not been committed or not proved it will advise the referring authority and dismiss the charge, accordingly.
- e) If the Hearing Tribunal finds an offence has been committed or proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the referring authority with such recommendations, as it considers appropriate. The Hearing Tribunal chairperson will declare the proceedings closed.
- f) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Hearing Tribunal chairperson. A referring authority must advise persons found guilty of an offence under these Regulations of their rights of appeal.
- g) Every decision of a Hearing Tribunal under this Policy shall be conveyed in writing to the parties concerned. It shall be incumbent on such State to give effect to the decision immediately and to notify the referring authority that such has been done. The referring authority may deal with a failure to give immediate effect to such decision at that authority's discretion.

Penalties

Penalties which may be imposed include:

- A reprimand
- Suspension of such activities, on such terms and for such period as the Hearing Tribunal thinks fit
- Exclusion from a particular activity, event or events
- Expulsion
- Fines, imposed in such manner and in such amount as the Hearing Tribunal thinks fit
- Such combination of any of the above penalties as the Hearing Tribunal thinks fit
- Additional Service, requiring the Member to undertake an activity-based penalty, imposed in such manner as the Hearing Tribunal deems fit.

During proceedings the subject(s) of the proceedings may be suspended, on such terms and for such period as the relevant referring authority thinks fit, and shall remain under suspension unless the relevant referring authority decides otherwise.

Reporting

Unless the decision of a Hearing Tribunal is unanimous, a separate report may be made to the referring authority by the minority. The decision of the majority however, shall be deemed to be the decision of the Hearing Tribunal. Where voting is equal, the Hearing Tribunal chairperson may exercise a casting vote. A decision of a Hearing Tribunal cannot be altered by the referring authority.

Effect of Penalty

Where an Individual Member is suspended under this Policy, all rights and privileges of that Member shall be forfeited, either partially or completely, during the period of suspension. In the case of complete suspension, a member shall also forfeit all rights during the currency of the suspension. Partial suspension shall prevent a Member's participation in State or Softball Australia activities, but shall not interfere with his rights as a member.

Appeal procedure

If a Complainant or a respondent(s) is not satisfied with the outcome of a Hearing Tribunal - an appellant may appeal a decision arising from:

- an Independent Investigation that results in the imposition of a sanction
- a Hearing Tribunal
- an Involved Organisation's decision conducted or imposed

An appeal is permitted only on one or more of the following grounds:

- the decision was affected by actual bias
- there was no material on which the decision could reasonably be based

The Notice of Appeal must set out the ground(s) of appeal relied upon by the appellant and an outline of the appellant's submissions in relation to the appeal, together with the notice of the Tribunal's decision. The procedure for an appeal is as follows:

- There will be a Softball Appeals Panel comprised of persons appointed by Softball Australia and/or members of State/Territory Associations.
- A Member who or which has received a penalty or an adverse finding from a Hearing Tribunal may within 14 days from the date of receiving the determination in writing, appeal to the Softball Appeals Panel. For the avoidance of doubt there is only one appeal from a Hearing Tribunal regardless of whether that Hearing Tribunal was appointed by the Board or by a State.
- Appeals under this clause will be determined in accordance with this procedure.
- An appeal must be lodged in writing with the relevant State. The appeal must set out the:
 - ground(s) on which the appeal is made, and
 - reasons or circumstances supporting the alleged ground(s) of appeal, and
 - must be accompanied by a non-refundable appeal fee of \$500.

- Nothing prevents the withdrawal of an appeal at any time in writing to the relevant State. If the appellant seeks to withdraw an appeal after an appeal hearing has commenced the appeal may only be withdrawn with the consent of the Appeal Panel chairperson. Once an appeal is withdrawn a new appeal in respect of the same matter cannot be lodged.
- On receipt of an appeal, the relevant State must as soon as practicable convene a Softball Appeals Panel and forward the appeal documents to the nominated chairperson of the convened Panel.
- A Softball Appeals Panel shall be constituted by up to three persons which must include the following:
 - up to two persons with a thorough knowledge of Softball, and
 - one person with a working knowledge or experience of the relevant rules/laws relating to the complaint (for example anti-discrimination) who will chair the Appeals Tribunal.

No member of the Softball Appeals Panel may be a party to or directly interested in the matter under consideration.

- The chairperson of an appointed Softball Appeals Panel shall, as soon as practical after receiving the appeal documents, investigate and consider the matter and determine whether the:
 - the appeal should be dismissed as:
 - it does not set out a valid ground of appeal
 - there are sufficient grounds for the appeal to proceed, or
 - the matter is trifling in nature or has no merit, or
 - the appeal warrants further review and determination in accordance with these Regulations

The chairperson has complete discretion in undertaking this review and there is no further appeal against a decision to dismiss.

- If the Softball Appeals Panel determines the matter warrants further review, it shall as soon as practicable, having regard to timing, serve a notice in writing on all relevant parties:
 - stating that the parties may address the Softball Appeals Panel at a hearing to be held as soon as practicable, being not earlier than four days from the date of the notice;
 - stating the date, place and time of that hearing; and
 - informing the parties that they may do any one or more of the following:
 - attend that meeting (either personally or by their representative who may not be legally trained or qualified) and bring such witnesses as they wish to rely upon in respect of the matter the subject of appeal; and/or
 - give the Softball Appeals Panel, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.

- The Softball Appeals Panel may conduct a hearing convened in such manner as it sees fit, but shall:
 - give to all relevant parties and their witnesses every opportunity to be heard
 - give due consideration to any written statements received from any relevant party
 - allow relevant parties to be present along with their adult representative; and may request or require such parties or other witness to attend the hearing or provide such evidence as is available to enable the Softball Appeals Panel to properly consider the matter.

- Persons appearing before the Softball Appeals Panel are not entitled as of right to:
 - Legal representation before the Softball Appeals Panel. The Appeals Panel may grant a right to legal representation to a party where that party has made written application to the Softball Appeals Panel for such representation. Such application must be received by the chairperson of the Softball Appeals Panel within seven days from the date of the notice served.
 - Legal representation will only be permitted by the Softball Appeals Panel where the party seeking legal representation can demonstrate to the Softball Appeals Panel that the matter is serious, complex or the consequences for that party proceeding without legal representation are significant from a livelihood or business perspective. The onus is on the party seeking legal representation to prove that such representation should be permitted.
 - The Softball Appeals Panel may refuse or grant such application in its absolute discretion. The Softball Appeals Panel's decision in respect to legal representation is final and there is no appeal from such decision.

- Following consideration of all information which the Softball Appeals Panel considers relevant and which is available, the Softball Appeals Panel shall arrive at a finding. The Softball Appeals Panel can impose new penalties or vary an existing penalty. A decision of the Softball Appeals Panel may be by a majority decision. A decision of the Softball Appeals Panel is final.
- The Softball Appeals Panel shall notify all relevant parties, including Softball Australia and the relevant State and/or Association of its decision as soon as practicable.
- A Softball Appeals Panel has no power to award costs. That is, each party will be responsible for their own costs of the appeal.

Grievance resolution procedure

Mediation is a process that allows the people involved in a grievance or formal complaint to talk through the issues with an impartial person—the mediator—and work out a mutually agreeable solution. Mediations should be applied in the first instance to resolve any matter or grievance that does not involve a breach of rules or other matter attracting investigation or disciplinary action. The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved to talk through the issues and makes sure that the process is as fair as possible for all concerned.

Mediation may occur either before or after an investigation of the formal complaint. Serious allegations should not be mediated, even if both parties would like to attempt mediation. Mediation may be recommended only if:

- a) both parties have had a chance to tell their version of events
- b) the Involved Organisation dealing with the grievance or formal complaint does not believe that any of the allegations warrant any form of disciplinary action
- c) mediation looks like it may work

There are some situations where mediation will not be appropriate, including:

- a) when the people involved have completely different versions of the incident when one or both parties are unwilling to attempt mediation
- b) when the issues raised are sensitive in nature
- c) when there is a real or perceived power imbalance between the people involved
- d) matters that involve serious, proven allegations

The Involved Organisation should, in consultation with the Complainant and the Respondent(s), appoint a mediator to help resolve the grievance or formal complaint. The Involved Organisation's choice of mediator will be final.

The mediator will talk with the Complainant and Respondent(s) about how the mediation will take place and who will participate. At a minimum, the mediator will prepare an agenda of issues to be discussed. The mediator may require the parties to sign a formal mediation agreement setting out the parties' agreement to the rules and process for the mediation. The parties involved must respect and comply with the terms of the agreement.

All issues raised during mediation will be treated confidentially. All Softball Entities respect the rights of the Complainant and the Respondent(s) to pursue an alternative process outside the Softball rules framework if the grievance or Formal complaint is not resolved.

For the avoidance of doubt, neither party is entitled to be represented by a legal practitioner at mediation.

At the end of a successful mediation the mediator will prepare a further document that sets out the agreement reached between the Complainant and Respondent(s) and they should sign it as their agreement. The parties involved must respect and comply with the terms of the agreement.

If the grievance or formal complaint is not resolved by mediation, the Complainant may:

- a) write to the Involved Organisation to request reconsideration of the grievance or formal complaint via either an independent investigation or a Hearing Tribunal. The Involved Organisation is not obliged to reconsider the grievance or Formal complaint. There is no right of appeal where the Involved Organisation determines not to reconsider the grievance or Formal complaint
- b) approach an external agency such as an anti-discrimination commission or equal opportunity commission to resolve the matter

If a grievance or Formal complaint has not been resolved through the mediation procedure outlined above it shall be deemed concluded unless the grievance or Formal complaint is also a potential disciplinary or judiciary matter.

If a person lodges a grievance or Formal complaint to Softball NSW under the Member Protection and/or Complaints Handling Policy they are not permitted to lodge the same grievance or Formal complaint or related grievance or complaint to Softball Australia. For the avoidance of doubt a grievance can be raised only under one policy or the other.

There is no right of appeal arising from the grievance procedure under the State or National policy.