

BASEBALL PEI POLICY

Abuse Policy

1.1 Definitions

- The following terms have these meanings in this Policy:
 - “*Abuse*” – Child/Youth Abuse or Vulnerable Adult Abuse as described in this Policy.
 - “*Discipline Chair(s)*” – An individual or individuals appointed to be the first point-of-contact for all discipline and complaint matters reported to Baseball PEI, per the organization’s *Discipline and Complaints Policy*
 - “*Individuals*” – All categories of membership defined in Baseball PEI, as well as all individuals engaged in activities with Baseball PEI, but not limited to, athletes, coaches, mission staff, chefs de missions, medical personnel, officials, volunteers, helpers, guides, committee members, parents or guardians, and Directors and Officers.
 - “*Vulnerable Individuals*” – A person under the age of 18 years old and/or a person who, because of age, disability or other circumstance, is in a position of dependence on others or is otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority
 - “*Workplace*” – Any place where business or work-related activities are conducted. Workplaces include but are not limited to, Baseball PEI’s work-related social functions, work assignments outside Baseball PEI’s offices, work-related travel, and work-related conferences or training sessions;
 - “*Harassment*” – comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading, or malicious.
 - “*Workplace Harassment*” – Vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work/training function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan or imposing discipline for workplace infractions.
 - “*Sexual harassment*” – unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature.
 - “*Violence*” – the exercise of physical force by a person that causes or could cause physical injury; an attempt to exercise physical force against an Individual that could cause physical injury to the Individual; or a statement or behaviour that an Individual may reasonably interpret as a threat to exercise physical force against the Individual



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1.2 Purpose

- Baseball PEI is committed to a sport environment free from abuse, harassment, and violence. The purpose of this Policy is to stress the importance of that commitment by educating Individuals about abuse, outlining how Baseball PEI will work to prevent abuse, and how abuse or suspected abuse can be reported to and addressed by Baseball PEI.

1.3 Zero Tolerance Statement

- Baseball PEI has zero-tolerance for any type of abuse. Individuals are required to report instances of abuse or suspected abuse to Baseball PEI to be immediately addressed under the terms of the applicable policy.

1.4 Scope and Application

- This Policy applies to all Individuals, relating to conduct that may arise during the course of Baseball PEI business, activities and events, including but not limited to; the office environment, competitions, practices, tournaments, training camps, social media, travel, and any work-related meetings.

1.5 Violations of Policy

- An Individual who violates this Policy may be subject to sanctions pursuant to Baseball PEI's *Discipline and Complaints Policy*. In addition to facing possible sanction pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Policy during a competition may be ejected from the competition or the playing area, the official may delay the competition until the Individual complies with the ejection, and the Individual may be subject to any additional discipline associated with the particular competition.
- Any Baseball PEI employee or member of the Board of Directors who violates this Policy will be subject to appropriate disciplinary action, subject to the terms of Baseball PEI's *Discipline and Complaints Policy* as well as the employee's Employment Agreement (if applicable).

1.6 Preventing Abuse

- Baseball PEI will enact measures aimed at preventing abuse.

1.7 Screening

- Individuals who coach, volunteer, or otherwise engage with Vulnerable Individuals at the Provincial level with Baseball PEI or with local minor baseball associations will be screened by the Board of Directors or their designate.
- At the Provincial level, Baseball PEI will determine the level of trust, authority, and access that each Individual has with Vulnerable Individuals, and screen them accordingly. Each level of risk will be accompanied by increased screening procedures which may include the following, singularly or in combination:



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- Completing an Application Form for the position sought
- Providing references
- Providing a background check
- Other screening procedures, as required
- An Individual's failure to participate in the screening process, or pass the screening requirements as determined by the Board of Directors will result in the Individual's ineligibility for the position sought.
- Baseball PEI will require all Individuals who coach, volunteer, or otherwise engage with Vulnerable Individuals at the Association level to provide Baseball PEI with a background check at least every three (3) years.

2.2 Practice

- When Individuals interact with Vulnerable Individuals, they are required to enact certain practical approaches to these interactions. These include, but are not limited to:
 - Limiting physical interactions to non-threatening or non-sexual touching (e.g., high-fives, pats on the back or shoulder, handshakes, specific skill instruction, etc.)
 - Ensuring that Vulnerable Individuals are always supervised by more than one adult
 - Including parents/guardians in all communication (e.g., electronic, telephonic) with Vulnerable Individuals
 - Ensuring that parents/guardians are aware that some non-personal communication between Individuals and Vulnerable Individuals (e.g., coaches and athletes) may take place electronically (e.g., by texting) and that this type of communication is now considered to be commonplace, especially with older Vulnerable Individuals (e.g., teenagers). Individuals are aware that such communication is subject to the *Code of Conduct*
 - When travelling with Vulnerable Individuals, the Individual will not transport Vulnerable Individuals without another adult present and will not stay in the same overnight accommodation location without additional adult supervision.

2.3 Monitoring

- Baseball PEI will monitor those Individuals who have access to, or interact with, Vulnerable Individuals.
- Monitoring may include, but is not limited to, regular status reports, meetings, check-ins and feedback provided directly to the organization (from peers and parents/athletes).



2.4 Reporting Abuse

- Complaints or reports that describe an element of **abuse, harassment, sexual harassment, workplace harassment, or violence** will be addressed by the process(es) described in the organization's *Discipline and Complaints Policy*. However, the Case Manager will also appoint an Investigator to investigate the allegations.
- The Investigator may be a representative or Director of Baseball PEI or maybe an independent third-party skilled in investigating claims of harassment. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
- Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the complaint.
- Per timelines determined by the Case Manager, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will investigate the complaint (by interviewing parties and witnesses, and collecting statements) and will prepare and submit a report about the allegations.
- The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that could be considered Abuse, Harassment, Sexual Harassment, Workplace Harassment, or Violence.
- The Report will be considered by the Case Manager, as applicable, prior to a decision on the complaint being made.
- The Investigator's Report will be provided to the parties with the names and identifying details of any witnesses redacted. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of Baseball PEI.
- Should the Investigator find that there are possible instances of an offence under the Criminal Code, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator should advise the complainant to refer the matter to police.
- The Investigator must also inform Baseball PEI of any findings of criminal activity. Baseball PEI may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against Baseball PEI, or other offences where the lack of reporting would bring Baseball PEI into disrepute.



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- Should the Investigator “have reasonable grounds to suspect that a child is or may be in need of protection”, the Investigator must inform Baseball PEI which must report the situation to the appropriate authorities (e.g., child protection services).

2.6 Reprisal and Retaliation

- An individual who submits a complaint to Baseball PEI, or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that individual will have cause to submit a complaint.

2.7 False Allegations

- An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of Baseball PEI’s *Discipline and Complaints Policy* with Baseball PEI, or the individual against whom the false allegations were submitted, acting as the Complainant.

2.8 Confidentiality

- Information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential, unless disclosure is necessary for the purpose of investigating or taking corrective action, or is otherwise required by law.
- The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Baseball PEI recognizes that maintaining the anonymity of any party may be difficult for the Investigator during the course of the investigation.

