



WBSC

WORLD
BASEBALL SOFTBALL
CONFEDERATION

Game Time!

BY-LAWS
Harassment & Abuse

WBSC



WORLD
BASEBALL SOFTBALL
CONFEDERATION

BY-LAWS *regarding* **Safeguarding from Harassment and Abuse**

Approved by the WBSC Executive Board on March 24, 2018.

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CHAPTER I – PREAMBLE

ARTICLE 1. PREAMBLE

1.1 This draft refers to the Framework drawn up by WBSC to safeguard athletes and other participants from harassment and abuse during WBSC events.

1.2 WBSC as the world governing body for the sports of Baseball/Softball, commits to provide a framework within which all the people involved with the Baseball/Softball global community can feel protected via official reporting channels.

1.3 This Framework is pursuant to Olympic Agenda 2020, Recommendation 18: Strengthen support to athletes, and the 2015 7th IOC International Athletes Forum, Recommendation 2d: Development of education materials on all issues of athlete welfare, including non-discrimination, prevention of harassment and abuse in sport. It has been established by the Athletes', the Athletes' Entourage, Medical and Scientific and Women in Sport Commissions of the International Olympic Committee (the "IOC").

1.5 This Framework is supported by Article 1.4 of the IOC Code of Ethics which states: *"Respect for the universal fundamental ethical principles is the foundation of Olympism...These include...Respect for international conventions on protecting human rights insofar as they apply to the Olympic Games' activities and which ensure in particular...rejection of all forms of harassment, be it physical, professional or sexual, and any physical or mental injuries."*

1.6 WBSC is adopting this framework in the spirit of creating coherence of messaging within the Olympic Movement stakeholders.

ARTICLE 2. TERMINOLOGY

2.1 Safeguarding refers to the processes and mechanisms of ensuring that sports and sporting events are safe settings for all and in which human rights are fully respected.

2.2 A complete definition of harassment and abuse can be found in the IOC Consensus Statement: harassment and abuse (non-accidental violence) in sport (Annex 1), paper which WBSC fully supports.

ARTICLE 3. REJECTION OF HARASSMENT AND ABUSE STATEMENT

3.1 Any form of discrimination, physical or sexual abuse and sexual harassment are completely incompatible with the intrinsic values of sports. Within WBSC there is zero tolerance for discrimination and harassment irrespective of gender, ethnic background, religious faith, sexual orientation and disability.

ARTICLE 4. SCOPE OF APPLICATION

- 4.1 This Framework applies:
- a. During any WBSC event;
 - b. To all participants of any WBSC Event;
 - c. To alleged incidents of harassment and abuse.

4.2 For the purposes of this Framework:

4.2.1 “Participants” shall mean all those, individual competitors (Athletes) and teams, officials, managers and other members of any delegation, referees and jury members and all other accredited persons;

4.2.2 The “WBSC Event” shall mean the entire duration of the competition, including the travelling time;

4.2.3 “Harassment” as stated in Article 1.4 of the IOC Code of Ethics or “harassment and abuse” includes psychological abuse, physical abuse, sexual harassment and neglect. These forms of harassment and abuse may occur in combination or in isolation.

4.2.3.1 “Psychological abuse” means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilisation, or any other treatment which may diminish the sense of identity, dignity and self-worth.

4.2.3.2 “Physical abuse” means any deliberate and unwelcome act - such as for example punching, beating, kicking, biting and burning - that causes physical trauma or injury. Such act can also consist of forced or inappropriate physical activity (e.g., age-, or physique- inappropriate training loads; when injured or in pain), forced alcohol consumption, or forced doping practices.

4.2.3.3 “Sexual harassment” means any verbal or physical conduct of a sexual nature, which is unwelcome, or where consent is coerced, manipulated or cannot be given. Sexual harassment can take the form of sexual abuse.

4.2.3.4 “Neglect” within the meaning of these Guidelines means the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.

Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio- economic status and athletic ability. It can include a one-off incident or a series of incidents. It may be in person or online. Harassment may be deliberate, unsolicited and coercive.

Harassment and abuse often result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.

Further details and examples of what can constitute harassment and abuse can be found in the IOC Consensus Statement: harassment and abuse (non accidental violence) in sport (Annex 1).

CHAPTER II – SAFEGUARD PROCEDURE DURING WBSC EVENTS

During WBSC Events, the following articles of the WBSC Framework for safeguarding athletes and other participants from harassment and abuse will apply.

ARTICLE 5. PREVENTIVE MEASURES

5.1 IOC educational materials and other information regarding harassment and abuse in sport will be available to athletes and other participants including their respective entourages prior to, during and after the WBSC Event, in particular explaining what may constitute harassment and abuse, and where athletes and other participants and their respective entourages may seek further information, advice and support.

ARTICLE 6. THE WBSC SAFEGUARDING OFFICER

6.1 There will be a WBSC Safeguarding Officer nominated and available 24/7 throughout the WBSC Event. He/she shall be responsible for:

- 6.1.1 Documenting all reports of harassment and abuse during the WBSC Event;
- 6.1.2 Determining whether a follow-up is warranted, and if so, following-up accordingly;
- 6.1.3 Recommending whether a case should be:
 - a. Submitted to the WBSC Athletes' Commission and to the Ethics Commission; and
 - b. Notified to local authorities, as appropriate and necessary pursuant to local law. For clarity, the local authorities are responsible for determining whether to conduct a criminal investigation in relation to an alleged incident; and
- 6.1.4 Providing support to any concerned persons.

ARTICLE 7. REPORTING AND PROCEDURE FOR ADDRESSING INCIDENTS OF HARASSMENT AND ABUSE

7.1 Reporting:

- 7.1.1 Anyone may report an incident of harassment and abuse.
- 7.1.2 A number of reporting channels through which an alleged incident of harassment and abuse may be reported will be communicated prior to the WBSC Event. Reporting channels may include, in particular:
 - a. The WBSC Safeguarding Officer
 - b. Dedicated email address;
 - c. Dedicated physical address for anonymous reports;
 - d. The WBSC office
 - e. Any WBSC official.
- 7.1.3 The designated WBSC Safeguarding Officer, the persons to whom an alleged incident of harassment and abuse may be reported to shall be identified and communicated prior to

the WBSC Event and communicated to LOC and individually to each member of the delegations.

7.1.4 All reports through any reporting channel will be referred to the WBSC Safeguarding Officer.

7.1.5 Reports of harassment and abuse may be made in writing or verbally. The WBSC Safeguarding Officer shall ensure that such reports are documented. This documentation should include the name, title, address, contact information and signature of the reporting person. The documentation should also include information pertaining to the reasons and basis for the report, including any evidence which might suggest that harassment and abuse has occurred. Based on the particular facts as detailed in the reports, the IOC Safeguarding Officer will determine how to proceed with each case.

7.2 Procedure:

7.2.1 If an alleged incident of harassment or abuse has occurred between persons belonging to the same National Federation Delegation, the incident shall be resolved by such NF with the support of the WBSC. If the circumstances of the incident are such that could create a conflict of interest within the concerned National Federation Delegation, the matter shall be dealt directly by the WBSC.

7.3 Competent body:

7.3.1 The Athletes' commission, in cooperation with the Ethics Commission, is the competent body for the athletes safeguarding procedures. All reported cases will be forwarded to the Athletes commission with the shortest delay. The Athlete commission shall investigate and report on each case at the following WBSC Executive Board. The report shall include:

- a. a summary of the case;
- b. proposed sanctions where applicable; and
- c. proposed preventive measures – where applicable and in accordance with the WBSC Disciplinary Code.

ARTICLE 8. CONFIDENTIALITY

8.1 All matters pertaining to an alleged incident of harassment and abuse, in particular reports of harassment and abuse, personal information of the concerned persons, other information gathered during investigations and results of investigations ("Confidential Information") shall be regarded as confidential.

8.2 The WBSC may disclose Confidential Information to appropriate persons or authorities if:

- a. a failure to disclose such information may cause harm to someone, or
- b. such information relates to a potential criminal act that comes to the attention of the WBSC.

8.3 The decisions taken by the Executive Board following the report of the Athletes' Commission shall, in principle, include confidential information and shall be publically disclosed by the WBSC. When disclosing such decisions, the WBSC shall:

- a. not include any personal information of the victim without obtaining the victim's consent; and
- b. anonymises personal information of other concerned persons in certain cases, taking into consideration the privacy interests of such concerned persons.

8.4 All data collected through reporting and procedures shall be recorded and stored by WBSC and kept under this confidentiality policy.