

Domestic Violence, Sexual Assault and Child Abuse Policy for Minor League Players Assigned Outside of the United States and Canada

Major League Baseball takes an absolute stand against domestic violence, sexual assault and child abuse, and recognizes the need to provide assistance and resources to victims and families. In furtherance thereof, Major League Baseball hereby establishes this Domestic Violence, Sexual Assault, and Child Abuse Policy for Minor League Baseball Players assigned to an affiliated Minor League located entirely outside of the United States and Canada and Minor League free agents who were most recently on a roster in an affiliated Minor League located entirely outside of the United States and Canada (unless the free agent voluntarily retires, has been on a Minor League inactive list for over two years, or signs a contract with a Club in an unaffiliated professional baseball league) (hereinafter, the “Policy”).

I. Definitions.

Domestic violence is a pattern of abusive behavior in any intimate relationship that is used by one partner to gain or maintain power and control over another intimate partner. It occurs in heterosexual and same sex relationships and impacts individuals from all economic, educational, cultural, age, gender, racial, and religious demographics. Domestic violence includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal violence, stalking, economic control, harassment, physical intimidation, or injury. Notwithstanding this definition, a single incident of abusive behavior in any intimate relationship, or a single incident of abusive behavior involving a member of a Player’s family who is domiciled with him, may subject a Player to discipline under this Policy.

Sexual assault refers to a range of behaviors, including a completed nonconsensual sex act, an attempted nonconsensual sex act, and/or nonconsensual sexual contact. Lack of consent is inferred when a person uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious or legally incapable of consent.

Child abuse is any act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation of a child who is under the age of 18 or not an emancipated minor, or any act or failure to act which presents an imminent risk of such harm to such a child. “Child Abuse” also includes the production, distribution, receipt, or possession of “child pornography,” defined as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct.

This Policy covers acts of child abuse, domestic violence and sexual assault (together, “Covered Act”) as defined above and applies to all Minor League Players assigned to an affiliated Minor League located entirely outside of the United States and Canada and Minor League free agents who were most recently on a roster in an affiliated Minor League located entirely outside of the United States and Canada (unless the free agent voluntarily retires, has been on a Minor League inactive list for over two years, or signs a contract with a Club in an unaffiliated professional baseball league) (hereinafter, “Players”).

- II. Investigation of Incidents.** The Commissioner’s Office may conduct an investigation of a Player’s alleged conduct when it learns that a Player may have engaged in a Covered Act (“Notification”). In addition to any applicable reporting obligations under applicable law, Clubs are required to immediately report any and all allegations of Covered Acts to Major League Baseball’s Department of Investigations.
- A. Administrative Leave.** If the Commissioner’s Office has information indicating that a Player may have engaged in a Covered Act(s), the Commissioner’s Office may place such Player on Administrative Leave. The Commissioner’s Office also may choose to defer placing the Player on Administrative Leave until the Player is either charged with a crime by law enforcement or the Commissioner’s Office receives credible evidence corroborating the allegations.
- B. Player Status on Administrative Leave.** A Player on Administrative Leave shall be placed on the Minor League Administrative Leave List. Clubs are not obligated to pay or house a Player while he is on Administrative Leave. A Player on Administrative Leave shall be ineligible to participate in any of his Club’s games (including Spring Training or exhibition games). At the request of the Club and with the consent of the Commissioner’s Office, which shall not be unreasonably withheld, the Player may participate in non-public practices or workouts at his Club’s facility. The Commissioner’s placement of a Player on Administrative Leave shall not be considered disciplinary under this Policy.
- C. Cooperation with Investigation.** The Commissioner’s Office may conduct an investigation of the Player’s alleged conduct. The Player shall cooperate with the investigation, including by making himself available for and participating in investigatory interviews, and producing documents and information upon request. Among other things, it shall be deemed a failure to cooperate for any Player (or any individual acting on the Player’s behalf) to directly or indirectly engage in conduct that is aimed at, or has the effect of, intimidating or tampering with an alleged victim or witness, or of discouraging or preventing the cooperation of such person, during an investigation conducted pursuant to the Policy. In addition, it shall be deemed a failure to cooperate under the Policy if a Player enters into a settlement agreement or other agreement with an alleged victim or witness that, because of a confidentiality or other non-disclosure

provision in that agreement, prevents that person or the Player from cooperating with an investigation, including the disclosure of documents, testimony, or other information concerning an alleged Covered Act. However, it shall not be deemed a failure to cooperate under the Policy if a victim or witness decides independently not to cooperate with a Commissioner's Office investigation. A Player's failure to cooperate as described in this provision shall serve as an independent basis for discipline, separate and apart from any discipline the Player may receive as a result of committing a Covered Act under the Policy.

III. Discipline.

- A. Commissioner Discipline.** The Commissioner may discipline a Player who commits a Covered Act. In addition, a Player's failure to comply with his Treatment Plan adopted pursuant to Section V below may be an independent violation of this Policy. A Player's failure to cooperate with an investigation as set forth in Section II.C above also shall constitute an independent violation of this Policy.
- B. Deferral of Discipline.** The Commissioner may decide to defer discipline of a Player pending resolution of a criminal or civil matter arising out of the conduct, or in order to complete its investigation. The decision of the Commissioner to defer discipline shall not be evidence in any appeal of discipline that the Commissioner may ultimately impose. For the avoidance of doubt, any time limits for challenging discipline shall be stayed if the Commissioner determines to defer disciplinary action.
- C. Club Discipline.** Initial authority to discipline Players for events that include violations of this Policy (including all aspects of the incident from which the alleged violation arose) shall repose with the Commissioner's Office. The Commissioner's Office will retain authority to discipline Players under this Policy until it provides the Player's Club with notice that it is transferring such authority to the Club. Such a transfer may occur at any time before the issuance of discipline to the Player by the Commissioner's Office. If the Commissioner's Office does not transfer its authority, no Club may take any disciplinary or adverse action against a Player arising from an incident involving a Covered Act; except that, irrespective of any disciplinary action taken by the Commissioner, a Club may (i) terminate a Player's Minor League contract for violating this Policy (including the recoupment of any signing bonus in connection therewith), (ii) take adverse action in response to a Player's failure to render his services due to a disability resulting directly from a physical injury or mental condition arising from his violation of the Policy, and/or (iii) withhold salary from a Player for any period he is unavailable because of legal proceedings or incarceration arising from his violation of the Policy. If the Commissioner's Office notifies a Club that the Commissioner's Office will not impose discipline, a Club may discipline a Player who commits a Covered Act, regardless of whether the Commissioner's Office had previously placed the Player on Administrative Leave pursuant to this Policy or conducted an

investigation. A decision by the Commissioner to defer a disciplinary decision pursuant to Section III.B shall not trigger a Club's right to discipline in an absence of a notification to the Club that the Commissioner will not impose discipline.

- D. Forms of Discipline.** The discipline imposed by the Commissioner or a Club may include any discipline authorized by the Major League Constitution, Major League Rules, or the Player's Minor League contract.
 - E. Suspensions.** Unless otherwise provided herein, all suspensions under this Policy shall be without pay, and the Player will be placed on the Restricted List during the term of any suspension.
 - F. Selection to Domestic Reserve List.** A Player on Administrative Leave or suspended under this Policy is not permitted to be selected or otherwise placed on a Club's Domestic Reserve List before such suspension is complete. A Player who commits a Covered Act(s), but who is not disciplined for such Act(s) until after his promotion to a Domestic Reserve List shall be treated as if the Player violated the Parties' Joint Minor League Domestic Violence, Sexual Assault, and Child Abuse Policy, contained in Attachment 5 to the Minor League Basic Agreement.
- IV. Procedures for Challenging Discipline.** In order to file an appeal based on discipline issued under this Policy, the Player must submit a written request stating the basis for the appeal within one week of being informed of the discipline imposed. The written request must be sent by e-mail to:

Daniel R. Halem
Deputy Commissioner,
Baseball Administration & Chief Legal Officer
Office of the Commissioner
1271 Avenue of the Americas
New York, NY 10020
dan.halem@mlb.com

Appeals will be referred to a Hearing Officer designated by the Commissioner or his designee. If requested by the Player, and granted in the discretion of a Hearing Officer designated by the Commissioner or his designee, the Player may be afforded a telephonic or video hearing to allow him an opportunity to present any evidence or witnesses he believes is relevant to the appeal. The hearing will be informal and non-adversarial. All evidence must be presented by the Player to the Hearing Officer within 48 hours of the conclusion of the hearing. The Hearing Officer will make the determination whether the discipline imposed should be sustained, modified, or rescinded.

All decisions regarding appeals of discipline shall be within the sole discretion of the Hearing Officer. The Hearing Officer shall render a written decision to the Player as soon as practicable, and may sustain, modify or rescind the

discipline originally imposed. The decision by the Hearing Officer shall constitute full, final and complete disposition of the appeal and shall not be appealable in any forum.

V. Treatment and Intervention.

A. Treatment Board. The Treatment Board shall consist of a three-person board appointed by the Commissioner or his designee to supervise treatment and interventions under this Policy. The Treatment Board shall be responsible for evaluating, and where treatment is appropriate, supervising the treatment of Players who have committed or are alleged to have committed Covered Acts. It may also provide evaluation and treatment to Players who voluntarily request the Treatment Board's assistance.

B. Referral to Treatment Board. A Player will be referred to the Treatment Board when the Commissioner's Office receives the Notification referenced in Section II above.

C. Treatment Plan. If appropriate under the circumstances, the Treatment Board shall develop a Treatment Plan for the Player. Among other things, the Treatment Board shall identify appropriate health care professionals in the Player's home city to provide counseling and intervention. The health care professionals treating the Player must provide the Treatment Board, at a frequency identified in the Treatment Plan, with regular, standardized written status reports that detail the Player's progress and compliance with the Treatment Plan.

D. Treatment Plan Content. The Treatment Plan prescribed by the Treatment Board for the Player may include the following non-exhaustive list of prescribed and/or prohibited actions by a Player:

1. Submission to psychological and other evaluations (including but not limited to those assessing domestic violence, child abuse, sexual assault and drug and/or alcohol testing if separately directed or required under another Minor League Policy) as deemed necessary;
2. Attendance at prescribed counseling and other therapeutic sessions;
3. Participation in educational training specific to understanding the effects of abuse on victims and their families, including children, and the components of healthy relationships and healthy confrontation;
4. Compliance with relevant court orders and/or agreements between the Player and alleged victim, including but not limited to support;
5. Relocation from a shared home temporarily or indefinitely;

6. Acceptance of limits on the contact methods, frequency, and subject matter with partner/spouse/children, and designated others;
7. Relinquishment of all weapons and agreement not to secure more;
8. Compliance with any other reasonable direction designed to promote safety for the partner/spouse, children, Player, and any other person at risk; and/or
9. Any other relief designed to promote safety and further the objectives of this Policy.

E. Treatment Plan Non-Compliance.

1. The Commissioner may discipline a Player who fails to comply with an evaluation or Treatment Plan, separate and apart from any discipline the player may receive as a result of committing a Covered Act under the Policy.
2. The Commissioner or his designee may determine, in his sole discretion, that a Player has not complied with an evaluation or his Treatment Plan. The Commissioner or his designee will make the determination whether a Player has failed to comply with a Treatment Plan, by applying the following criteria:
 - a. A Player who refuses to submit to an evaluation, including any follow-up meetings or tests requested by the Treatment Board, will be deemed to have violated the Treatment Plan.
 - b. A Player who consistently fails to participate in mandatory sessions with an assigned health care professional will be deemed to have failed to comply with the Treatment Plan.
 - c. Absent a compelling justification, a Player will be presumed to have failed to comply with his Treatment Plan if the assigned health care professional informs the Treatment Board in a status report that the Player is not cooperating with the requirements of the Treatment Plan.

F. Treatment Plan Modification. The Treatment Board may periodically revise a Player's Treatment Plan or extend its end date on its own initiative, or on the recommendation of the Player's assigned health care professionals.

G. Communication. The Treatment Board shall make available a general partner/spouse and family information and referral package when a Treatment Plan is implemented for a Player. The Player's Treatment Plan will not be shared with the partner/spouse absent agreement of the Player. With the exception of any statements or press releases made by the Office of the Commissioner pursuant to Section VII below, all information related to a

Player's involvement with the Treatment Board shall be kept completely confidential.

VI. Return to Active Status. All returns to active status for a Player from a suspension that is upheld (or not challenged) are subject to a certification of fitness from the assigned health care professional and an agreement by the Player to adhere going forward to any Treatment Plan prescribed by the Treatment Board.

VII. Confidentiality.

A. Definition. All information related to, arising from or considered in connection with the evaluation, counseling and treatment of a Player by the Treatment Board is confidential, provided that this confidentiality provision excludes information that has previously been made public or is made public by a source other than the Commissioner's Office.

B. Prohibition on Disclosure. The Commissioner's Office, the Clubs, the Treatment Board and any third parties who are consulted under this Policy are prohibited from disclosing confidential information that they already possess as defined above, except (i) in connection with or in anticipation of an appeal or potential appeal involving discipline or potential discipline under this Policy; (ii) to inform the Player's Club of the Player's treatment under the Policy; (iii) to inform the Player's Club where the Commissioner's Office knows or has reason to believe that the Club is considering assigning, signing, or trading a Player who has committed or is alleged to have committed a Covered Act; (iv) where necessary to effectively administer a Player's treatment under the Policy; (v) in response to statements made by a Player or his representative challenging Administrative Leave or discipline, or denying the alleged conduct; or (vi) where disclosure is required by law, including court order, and is not subject to any claim of privilege.

C. Public Disclosure of Discipline. The Commissioner's Office may issue a statement announcing (i) the discipline of a Player under this Policy, including the length of any suspension, (ii) that a Player has been placed on Administrative leave pending an investigation under the Policy, or (iii) that the Commissioner's Office has stayed its investigation of an alleged incident under this Policy pending resolution of a criminal matter. Except as set forth in the preceding sentence or elsewhere in this Section VII, the Commissioner's Office will not otherwise make announcements related to Covered Acts or alleged Covered Acts under this Policy. Notwithstanding the foregoing, if a Player or the Player's representative makes statements challenging the discipline or denying the alleged conduct, the Commissioner's Office may make a statement in response to such comments. The Player's Club may issue a public statement in response to the announcement of a Player's discipline under this Policy. If allegations related to a Player's alleged violation of the Policy become public through a source other than the Commissioner's Office, a Club or their

respective agents, the Commissioner's Office may issue a public statement that it is conducting an investigation of the allegations.

VIII. Training, Education and Community Outreach.

The Office of the Commissioner's Domestic Violence, Sexual Assault and Child Abuse Prevention and Response Team ("DVPRT") shall determine appropriate education and training programs for Players and their families. All aspects of the training and education program, including the frequency and content of training and the selection of the training staff, shall be determined by the DVPRT. To the extent necessary and practicable, all training and education shall be presented in English and Spanish.

IX. Resources for Players and Their Families.

A. Confidential Assistance Program. The Commissioner's Office shall offer support services to Players, Player's families, and victims on a confidential basis, including through the Minor League Family Support Program. With the exception of general usage statistics, the Commissioner's Office shall not be provided with any confidential information regarding usage of the service by Players, victims, or Player's families.

B. Family Resources. The Commissioner's Office shall develop a plan for the publication of referral information, websites, and resources (including hotlines, shelters and outreach facilities) for spouses, partners and families of Players.

X. Conformity with Law.

The Office of the Commissioner will implement and enforce this Policy in a manner consistent with (and, where necessary, may modify the Policy in certain jurisdictions to conform) to all applicable local laws.