



## **APPEAL - REFUSED CLEARANCE/PLAYER TRANSFER**

### **Notice of Appeal**

1. A participant seeking to appeal a decision of their club to refuse a transfer to another club must lodge with the Competition Manager a Notice of Appeal Form, setting out full details of the reasons for a transfer and grounds of appeal, within forty-eight (48) hours of the notification of the determination of the club. This shall be accompanied by a one-hundred dollar (\$100) fee deposited to the Baseball Victoria bank account.
2. The Competition Manager shall refer the Notice of Appeal Form and all other supporting documents to the Appeals Officer within twenty-four (24) hours of receipt of the Notice of Appeal.
3. The person seeking to appeal ("Appellant") shall be notified within twenty-four (24) hours of receipt of the Notice of Appeal Form by the Appeals Officer as to whether an appeal hearing is to be granted. If granted, the time, date and place of the appeal hearing will be advised in due course.

### **Appeals Officer**

4. The VSBLCC Chairperson shall appoint a person to the position of Appeals Officer. If no such person has been appointed the Chief Executive Officer shall be the Appeals Officer and shall not thereafter participate in any decision which may be made by the Appeals Committee in resolving the Appeal.

### **Grounds for an Appeal**

5. The Appellant must satisfy the Appeals Officer, in that person's sole discretion, that the following grounds reasonably exist before the appeal can be referred to the Appeals Committee:
  - a. That the Appellant holds no outstanding financial debts with the his current club, as set forth in Playing Condition 103)j)i) of the 2014-2015 Victorian Summer Baseball League Playing Conditions;
  - b. That the club that the Appellant wishes to transfer to supplied the Appellant's current club with a Letter of Intent, as set forth in Playing Condition 103)j)ii) of the 2014-2015 Victorian Summer Baseball League Playing Conditions;
  - c. That the Appellant's is not registered as a Senior player and seeking to depart a Division 2 or 3 club for a club in a higher division after the current club had just been relegated at the conclusion of the most recent completed season, as set forth in Playing Condition 103)j)iii) of the 2014-2015 Victorian Summer Baseball League Playing Conditions;
  - d. That the Notice of Appeal Form was provided to the Competition Manager within the prescribed time.
  - e. That a significant reason is stated by the Appellant upon which the Appeals Committee is likely to be satisfied that reasonable grounds exist for the Appellant



to seek a clearance from his current club to the club identified as the preferred choice.

6. The Appeals Officer may determine one of the following:
  - a. That the Appellant has not established all of the grounds required for the appeal to proceed, in which case the Appeals Officer shall inform the Appellant that the Appeal has been denied, with the fee set forth in Section 1 be retained by Baseball Victoria;
    - i. In this event, the Appellant shall remain a member of his current club, but may lodge a second appeal, limited to two appeals against the refusal of a clearance, as set forth in VSBL Playing Condition 96)m).
  - b. That the Appellant has established all of the grounds required for the appeal to proceed, in which case the Appeals Officer shall refer the Appeal to a hearing of the Appeals Committee, with the fee set forth in Section 1 to be returned to the Appellant by Baseball Victoria as soon as practicable.
    - i. In the event an Appeal is referred to a hearing of the Appeals Committee, the Appellant shall remain a member of his current club pending the determination of the Appeal hearing.

#### **Appeals Committee**

7. The Appeals Officer shall convene the Appeals Committee to hear and determine the Appeal in accordance with the VSBL Appeals Procedures.
  - a. The Appeals Committee shall consist of three (3) persons who are not members of either club named in the Clearance Application and not the Appeals Officer.
  - b. The Appeals Officer shall forward the Notice of Appeal Form and all other supporting documents, including an outline of the grounds established by the Appellant in the Notice of Appeal Form and accepted by the Appeals Officer, to the members of the Appeals Committee, the Appellant, and the Appellant's current club.
  - c. The Appeals Committee shall appoint a Chairperson of that Appeal hearing from one of its own.
  - d. The Appeals Officer shall attend the Appeal hearing to record minutes of the hearing.
8. The Appeals Committee shall have the power to:
  - a. Dismiss the appeal - thus resolving the Appellant remains a members of their current club; or
  - b. Uphold the appeal - thus allowing the transfer of the Appellant to another club.

#### **Proceedings of Appeals Committee**

9. The Chairperson of the Appeals Committee shall brief all parties on the hearing procedures. This should include a reading of the following statements:



- a. **“Relevant parties shall be informed of the decision of the Appeals Committee at the conclusion of this hearing, however no detail regarding how the decision was reached shall be given. A detailed outline of the Appeals Committee’s findings shall be provided to the parties within 48 hours of the conclusion of the hearing.”**
  - b. **“There shall be no appeal of the Appeal Committee’s findings unless it can be established the Appeals Committee failed to adequately follow these hearing procedures, thus resulting in a significantly different finding from that which may have resulted had the procedures been adequately followed. An appeal on this basis may be lodged with Baseball Victoria via the Competition Manager.”**
  - c. **“The Appeals Committee is not formed for the purpose of mediation and shall not engage in mediating disputes between parties.”**
  - d. **“Should any person attending the hearing behave in a manner inconsistent with the Summer League Codes of Conduct, the Appeals Committee shall lodge a formal complaint to the VSBLCC and the person may face report and further sanctions.”**
10. The Appeals Committee shall request the Appellant establish why the clearance should be upheld based on, and limited to, the grounds for appeal set forth in the Notice of Appeal Form and accepted by the Appeals Officer.
- a. The Chairperson shall request the representatives of the Appellant’s current club to leave the hearing during this time.
  - b. The Appellant may be afforded an advocate for the purpose of clarifying procedure and process on behalf of the Appellant.
  - c. The advocate shall not present evidence or testimony on behalf of the Appellant.
  - d. The Appeals Committee may question the Appellant, limited to questions for the purpose of elaborating and/or clarifying the grounds for appeal.
11. The Chairperson may recall the representatives of the Appellant’s current club to further establish the validity of the Appellant’s grounds for appeal as set forth in the Notice of Appeal Form and accepted by the Appeals Officer.
- a. The Chairperson shall request the Appellant (and any advocate present) to leave the hearing during this time.
  - b. Only one Club representative shall be permitted to give evidence or testimony during the hearing.
  - c. The Appeals Committee may question the representative of the Appellant’s current club, limited to questions for the purpose of elaborating and/or clarifying the grounds for appeal.
12. The Chairperson shall request all parties to leave the hearing while the Appeals Committee deliberates on the findings of the Appeal.



13. The Chairperson may recall both the Appellant and the representative of the Appellant's current club together for the Appeals Committee for further questions, limited to questions for the purpose of elaborating and/or clarifying testimony already given to the hearing.
  - a. In this event, the Chairperson shall again request all parties to leave the hearing while the Appeals Committee further deliberates on the relevance of any new information to the findings of the Appeal.
14. At the conclusion of the Appeals Committee's deliberations, all parties shall be recalled and informed the Appeals Committee has reached a decision, with the findings to be detailed and provided to all parties within 48 hours.
15. The Chairperson shall be responsible for completing the detailed findings and informing the Competition Manager of the Appeals Committee's findings within 48 hours of hearing concluding.
16. The Competition Manager shall be responsible for notifying all parties of the Appeals Committee's finding as soon as practicable following receipt of the findings.

#### **Appeal of Appeal Committee Decision**

17. There shall be no appeal of the Appeal Committee's findings unless it can be established the Appeals Committee failed to adequately follow these appeal procedures, thus resulting in a significantly different finding from that which may have resulted had the procedures been adequately followed.
  - a. An appeal on this basis must be lodged before the original Appellant participates in a relevant VSBL competition or within 48 hours of the Appeals Committee's findings being forwarded to the relevant parties by the Competition Manager, in accordance with Baseball Victoria's Appeal of Summer League and Winter Pennant Committee Decision Procedure.