



## **APPEAL - COMPETITION MANAGER DECISION**

### **Notice of Appeal**

1. A participant or Club seeking to appeal (“Appellant”) a decision of the Competition Manager must lodge with the Competition Manager a Notice of Appeal, setting out full details of the grounds of appeal, within forty-eight (48) hours of the notification of the determination of the Competition Manager. 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 and all other supporting documents to the Appeals Officer within twenty-four (24) hours of receipt of the Notice of Appeal.
3. The Appellant shall be notified within twenty-four (24) hours of receipt of the Notice of Appeal 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 there is a reasonable expectation the Appeals Committee will review the Competition Manager’s decision on the basis the following grounds have been established:
  - a. The Appellant is not appealing a decision made by the Competition Manager on the protest of an umpire’s decision as the Competition Manager’s judgement of such protests cannot be appealed, as set forth in Playing Condition 25)h) of the 2014-2015 Victorian Summer Baseball League Playing Conditions.
  - b. The Competition Manager has incorrectly applied a VSBL Playing Condition or the Competition Manager’s interpretation of the relevant VSBL Playing Condition is such that it could not have been reasonably reached in the application of the VSBL Playing Condition, resulting in an adverse action against the Appellant.
6. The Appeals Officer may determine one of the following:
  - a. That the Appellant has not established 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, any decision made by the Competition Manager shall stand and the Appellant shall comply with any requirements within the time frame set forth by the Competition Manager.
- b. That the Appellant has established the grounds required for the appeal to proceed, in which case the Appeals Officer shall refer the Appeal to the Appeals Committee for further consideration, with the fee set forth in Section 1 to be returned to the Appellant by Baseball Victoria as soon as practicable.
  - i. In this event, any penalty or decision imposed by the Competition Manager shall be stayed pending the hearing of the Appeals Committee.

### **Appeals Committee**

7. The Appeals Officer shall convene the Appeals Committee to consider and determine an outcome to the Appeal in accordance with the VSBL Appeals Procedures.
  - a. The Appeals Committee shall consist of three (3) members of the VSBLCC, excluding the Appeals Officer, and shall include:
    - i. The VSBLCC Chairperson and;
    - ii. The relevant VSBLCC Portfolio Officer.
  - b. Members of the Appeals Committee must not be associated with or an official of the Appellant or any other Club directly involved in the matter being appealed.
    - i. In the event VSBLCC Chairperson or the relevant VSBLCC Portfolio Officer are associated with or an official of the Appellant or any other Club directly involved in the matter being appealed, the VSBLCC Chairperson shall appoint another member of the VSBLCC as a replacement on the Appeals Committee.
  - c. 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 Competition Manager.
  - d. The VSBLCC Chairperson shall be the Chairperson of the Appeals Committee.
    - i. In the event the VSBLCC Chairperson is excluded from the Appeals Committee, the VSBLCC Chairperson shall appoint a Chairperson from those members appointed to the Appeals Committee.



8. The Appeals Committee shall have the power to:
  - a. Dismiss the appeal, thus resolving the decision of the Competition Manager shall stand; or
  - b. Uphold the appeal, resolving to overturn or vary any decision or action of the Competition Manager in accordance with the Playing Conditions, By-Laws, or other Association requirements.

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

9. A physical hearing shall not be convened for the Appeals Committee to consider the appeal.
10. The Chairperson of the Appeals Committee (Chairperson) shall ensure all relevant documents relating to the appeal, including an outline of the grounds established by the Appellant in the Notice of Appeal Form and accepted by the Appeals Officer, have been received by all members of the Appeals Committee.
11. The Chairperson may request further information from any witness deemed to have the capacity to provide evidence relevant to the outcome of the appeal.
  - a. Witness testimony may be presented via any means of communication deemed practicable.
12. The Chairperson shall engage all members of the Appeals Committee via any means of communication practicable to convene for the purpose of considering the appeal.
13. After consideration of the appeal has been given by the Appeals Committee, determination of the outcome shall be at the discretion of the Chairperson.
14. 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 receiving the appeal.
15. The Competition Manager shall be responsible for notifying the Appellant of the Appeals Committee's finding as soon as practicable following receipt of the findings.
16. The Competition Manager may make the result of the Appeal public via the VSBL website.

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

17. To eliminate further delays to the remainder of relevant competitions, the decision of this Appeals Committee shall be final, with no further right of appeal against the decision and findings of this Appeals Committee.