



APPEAL – TRIBUNAL PROCEDURES

Notice of Appeal

1. A reported person or reporting umpire seeking to appeal (“Appellant”) a decision of the Victorian Summer Baseball League Tribunal (“VSBL Tribunal”) 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 written notification of the Tribunal’s findings. This shall be accompanied by a one-hundred dollar (\$100) fee deposited to the Baseball Victoria bank account.
 - a. A Reporting Umpire may only seek an appeal on the grounds set forth in Section 5c of this procedure.
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 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 VSBL Tribunal’s decision on the basis one or more of the following grounds of appeal is satisfied:
 - a. That new evidence, being evidence that, with reasonable diligence, could not have been made available at the time of the original tribunal hearing, has become available that will significantly alter the original decision made by the VSBL Tribunal;
 - b. That a penalty imposed by the VSBL Tribunal is manifestly excessive, being a penalty that is well outside the recommended penalty set forth in the VSBL Tribunal Procedures and/or penalties imposed in comparable cases;



- i. Before accepting these grounds, the Appeals Officer must request and review a summary of the VSBL Tribunal findings.
 - ii. The findings must be provided to the Appeals Committee in the event the appeal is referred to a hearing of the Appeals Committee.
 - c. That the VSBL Tribunal failed to follow procedures set forth by the VSBLCC or the principles of natural justice, thus resulting in a significantly different finding from that which may have resulted had the procedures been adequately followed.
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, any decision made by the VSBL Tribunal shall stand and the Appellant shall comply with any requirements within the time frame set forth by the VSBL Tribunal.
 - a. 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 this event, any penalty or decision imposed by the VSBL Tribunal shall be stayed pending the hearing of the Appeals Committee, unless the original charges were referred directly to a hearing of the Tribunal by the Report Review Officer, in which case the Appellant shall remain suspended from any participation in VSBL competitions until a hearing of the Appeals Committee is convened.

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 associated with or an official of the Appellant or the Appellant's club 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 Competition Manager.



- 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 decision of the VSBL Tribunal shall stand;
 - i. In this event, the Appellant shall comply with any requirements within the time frame set forth by the VSBL Tribunal.
 - b. Uphold the appeal on the grounds new evidence is available that may alter the VSBL Tribunal's original findings;
 - i. In this event, the Appeals Committee shall resolve to compel the VSBL Tribunal to re-open the case for the purpose of considering the new evidence in conjunction with the all other facts and evidence presented at the original VSBL Tribunal hearing.
 - c. Uphold the appeal on the grounds the penalty imposed by the VSBL Tribunal is manifestly excessive;
 - i. In this event, the Appeals Committee shall resolve to vary the penalty in accordance with the recommended penalty set forth in the VSBL Tribunal Procedure or penalties imposed in comparable cases.
 - d. Uphold the appeal on the grounds the VSBL Tribunal failed to follow procedures set forth by the VSBLCC or the principles of natural justice that, had the procedures been followed, may have altered the original findings of the VSBL Tribunal.
 - i. In this event, the Appeals Committee shall resolve to set aside the findings of the VSBL Tribunal and immediately rehear the case under the VSBL Tribunal Hearing Procedures.
 - ii. In the event the VSBL Tribunal Hearing Procedures cannot be immediately implemented, the Appeals Committee shall resolve to adjourn the hearing and inform the Competition Manager of the need for this case to be reheard, with the hearing to be reconvened as soon as practicable.

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. **“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 VSBLLCC and the person may face report and further sanctions.”**
10. The Appeals Committee shall request the Appellant establish why the Appeal against the VSBL Tribunal’s decision 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 Appellant may be afforded an advocate for the purpose of clarifying procedure and process on behalf of the Appellant.
 - b. The advocate shall not present evidence or testimony on behalf of the Appellant.
 - c. The Appeals Committee may question the Appellant, limited to questions for the purpose of elaborating and/or clarifying the grounds for appeal.
11. The Appeals Committee may call any witness it deems to have the capacity to provide evidence relevant to the outcome of the hearing.
 - a. The Chairperson shall request the Appellant (and any advocate present) and any other witnesses present at the hearing to leave the hearing while witness testimony is presented to the hearing.
 - b. Witness testimony may be presented in writing or in person.
 - c. The Appeals Committee may question any witness, 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 the Appellant or any other witnesses it deems to have the capacity to provide evidence relevant to the outcome of the hearing 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, the Appellant (and any advocate) 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 the Appellant of the Appeals Committee's finding as soon as practicable following receipt of the findings.
17. The Competition Manager may make the result of the Appeal public via the VSBL website.

Appeal of Appeal Committee Decision

18. 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 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.