



VSBL APPEALS

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APPEAL – VSBL TRIBUNAL PROCEDURE

Notice of Appeal

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 Coordinator 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 **two-hundred dollar (\$200)** fee deposited to the Baseball Victoria bank account.

Account Name	Baseball Victoria Inc.
BSB	633-000
Account number	159 162 296

NOTE: A Reporting Umpire may only seek an appeal on the grounds set forth in Section **Grounds for an Appeal (c)** of this procedure.

The Competition Coordinator 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.

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

The Baseball Victoria CEO will appoint a person to the position of 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

A player may appeal the decision of the Tribunal on one or more of the following grounds:

- An error of law that had a material impact on the decision of the Tribunal has occurred,
- The decision of the Tribunal is so unreasonable that no Tribunal acting reasonably could have come to that decision having regard to the evidence before it,
- The classification of the offence by the MRO was manifestly excessive or inadequate,
- The sanction imposed by the Tribunal was manifestly excessive or inadequate.

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 case.

Before accepting these grounds, the Appeals Officer must request and review a summary of the VSBL Tribunal findings.

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 VSBLPC 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.

The Appeals Officer may determine one of the following:

- i. 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

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.

- ii. 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.

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

The Appeals Officer shall convene the Appeals Committee to hear and determine the Appeal in accordance with the **VSBL Appeals Procedures**.

The Appeals Committee shall consist of three (3) persons from the Victorian Summer Baseball League Pennant Committee who are not associated with or an official of the Appellant or the Appellant's club and not the Appeals Officer.

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 Co-Ordinator.

The Appeals Committee shall appoint a Chairperson of that Appeal hearing from one of its own.

BV shall appoint an administrator to attend the Appeal hearing to record minutes of the hearing.

The Appeals Committee shall have the power to:

- a) Dismiss the appeal, thus resolving the decision of the VSBL Tribunal shall stand.

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.

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 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.

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 VSBLPC or the principles of natural justice that, had the procedures been followed, may have altered the original findings of the VSBL Tribunal.

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.

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 Coordinator of the need for this case to be reheard, with the hearing to be reconvened as soon as practicable.

APPEAL – VSBL PLAYER CLEARANCES

Notice of Appeal

A participant or Club seeking to appeal (Appellant) a decision of a refused clearance must lodge with the Competition Coordinator 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 club. This shall be accompanied by a **one-hundred dollar (\$100)** fee deposited to the Baseball Victoria bank account.

Account Name	Baseball Victoria Inc.
BSB	633-000
Account number	159 162 296

The Competition Coordinator 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.

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.

Grounds for an Appeal

A player whose clearance application has been refused, may appeal to the VSBLPC against refusal. The appeal must be made on the Appeal Application Form as published on the Baseball Victoria website from time to time and must be accompanied by the refused Clearance Form and be submitted to the Competition Coordinator, for consideration by the VSBLPC. Reasons for making the appeal must be shown on the Appeal Application Form and must be relevant to matter discussed at the meeting with the player. The VSBLPC shall hear any such appeals.

A player shall be allowed two (2) appeals against the refusal of a clearance in any one (1) season providing that, in the judgment of the Chairman of the VSBLPC the reasons for requesting the second appeal are **significantly different** from the reasons on which the first appeal was based.

Appeals Committee

The VSBLPC shall convene to consider and determine an outcome to the Appeal in accordance with the VSBL Appeals Procedures.

The Appeals Committee shall consist of three (3) members of the VSBLPC. The VSBLPC Chairman is to be one of the 3 members.

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.

In the event VSBLPC Chairperson is associated with or an official of the Appellant or any other club directly involved in the matter being appealed, the VSBLPC Chairperson shall appoint another member of the VSBLPC as a replacement on the Appeals Committee.

The Competitions Coordinator 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 to the members of the Appeals Committee and the Appellant.

The VSBLPC Chairperson shall be the Chairperson of the Appeals Committee.

In the event the VSBLPC Chairperson is excluded from the Appeals Committee, the VSBLPC Chairperson shall appoint a Chairperson from those members appointed to the Appeals Committee.

The Appeals Committee shall have the power to:

- a. Dismiss the appeal, thus resolving the decision of the home club shall stand; or
- b. Uphold the appeal, resolving to overturn or vary any decision of the home club in accordance with the Playing Conditions, By-Laws, or other requirements.

Proceedings of Appeals Committee

A physical hearing shall not be convened for the Appeals Committee to consider the appeal.

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 have been received by all members of the Appeals Committee.

The Chairperson may request further information from any witness deemed to have the capacity to provide evidence relevant to the outcome of the appeal.

Witness testimony may be presented via any means of communication deemed practicable.

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.

After consideration of the appeal has been given by the Appeals Committee, determination of the outcome shall be at the discretion of the Chairperson.

The Chairperson shall be responsible for completing the detailed findings and informing the Competition Coordinator of the Appeals Committee's findings within 48 hours of receiving the appeal.

The Competition Coordinator shall be responsible for notifying the Appellant of the Appeals Committee's finding as soon as practicable following receipt of the findings.

Appeal of Appeal Committee Decision

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.

PROCEEDINGS OF APPEALS HEARINGS

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

“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.”

“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 Coordinator.”

“Should any person attending the hearing behave in a manner inconsistent with the Baseball Victoria Codes of Conduct, the Appeals Committee shall lodge a formal complaint to the Baseball Victoria Competition Coordinator and the person may face report and further sanctions.”

The Appeals Committee shall request the Appellant establish why the Appeal against the decision be upheld based on, and limited to, the grounds for appeal set forth in the Notice of Appeal Form and accepted by either the Appeals Officer, VSBL Tribunal, the Victorian Summer Baseball League or Winter Pennant Committee.

- 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.

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.

The Chairperson shall request all parties to leave the hearing while the Appeals Committee deliberates on the findings of the Appeal.

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.

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.

The Chairperson shall be responsible for completing the detailed findings and informing the Competition Coordinator of the Appeals Committee's findings within 48 hours of hearing concluding.

The Competition Coordinator shall be responsible for notifying the Appellant of the Appeals Committee's finding as soon as practicable following receipt of the findings.

Appeal of Appeal Committee Decision

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.

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 Coordinator, in accordance with Baseball Victoria's relevant Appeal Procedure.

NOTICE OF APPEAL FORM - APPEAL A DENIED CLEARANCE

(To be completed by player making application or parent/guardian if under 18 years of age)

Form to be lodged with the Competition Coordinator competitions@baseballvictoria.com.au

Name		
Date of Birth		(If U18, parent/guardian must sign)
I am currently registered with	Baseball Club in the Baseball Association/League	
I wish to transfer to the	Baseball Club in the Baseball Association/League	

I hereby declare that:

1. I am not currently under suspension by my current club's association/league, Baseball Victoria or Baseball Australia
2. I am debt free with my current club, my current club's association/league, Baseball Victoria and Baseball Australia
3. An online clearance request was received by my current club
4. My current club has denied the clearance request with reasons for refusal (on GameDay Passport)

Note: false or misleading information may result in the request being denied, suspension of player and/or officials submitting this application.

Player Sign (If U18, Parent/Guardian must sign)	
Date	
Parent Name (If signed by Parent/Guardian)	

Payment for Appeal

Paying by (please tick appropriate box): Credit Card Bank Deposit

Baseball Victoria
BSB 633-000
Account 159 162 296

Card Number			
Expiry		CVV	
Card Type	<input type="checkbox"/> Visa	<input type="checkbox"/> Mastercard	
Name on Card			

Completed by the Pennant Committee:

Date this form received:		
Appeal	<input type="checkbox"/> Granted	<input type="checkbox"/> Refused
Signed		
Position		
Date		

NOTICE OF APPEAL FORM

(To be completed by player making application or parent/guardian if under 18 years of age)

Form to be lodged with the Competition Coordinator competitions@baseballvictoria.com.au

Name of Appellant	
Phone	
Email	
Club	

I appeal the decision of the:

- Victorian Summer Baseball League Match Review Officer \$100
- Victorian Summer Baseball League Tribunal \$200
- Victorian Summer Baseball League Pennant Committee \$500

Made on (insert date)	
Time Email Received	

On the grounds that (tick as applicable)

- the decision was against the weight of evidence
- the decision was contrary to Baseball Victoria By-Laws, Playing Conditions or Constitution
- there was denial of natural justice
- the penalty applied was inadequate
- the penalty applied was excessive

And in support of this appeal make the submission/s returned with this form.

Appellant Signature	
Date	

Note: This form must be submitted within forty-eight (48) hours of the notification of the determination of the Pennant Committee or Tribunal.

Payment for Appeal

Paying by (please tick appropriate box) Credit Card Bank Deposit

Baseball Victoria
BSB 633-000
Account 159 162 296

Card Number			
Expiry		CVV	
Card Type	<input type="checkbox"/> Visa	<input type="checkbox"/> Mastercard	
Name on Card			
Signature			