

VSBL TRIBUNAL



INTRODUCTION

The systems and processes that underpin the operations of the Baseball Victoria Tribunal (Tribunal) are fundamental to the VSBL competition. There have been a number of amendments to these systems and processes for 2023/24 season and beyond.

The guiding principles of the Tribunal system are:

- To prioritise the health and safety of VSBL players and officials
- To operate a simple system which is fair and reasonable and can be understood readily by the community and wider public
- To achieve greater consistency in the reporting process via a Match Review Officer (MRO)
- To promote appropriate outcomes by processing lower-level offences via the MRO, and higher-level offences via the Tribunal
- To promote the transparency and certainty of the process by detailing various Reportable Offences and determining the severity (and corresponding sanctions) for those offences
- To promote efficiency of the Tribunal process by allowing Players, where appropriate, to accept and challenge penalties without having to appear before the Tribunal
- To provide a fair and efficient Tribunal process with minimal formality
- To provide Players with the opportunity to contest a charge
- To provide Players with prescribed avenues of appeal in respect of MRO and Tribunal determinations

1 CHANGES INTRODUCED FOR 2023

The following elements of the Tribunal system have been introduced or modified:

(A) OFFENCES

Offences have been categorised into 3 sections:

1. Classifiable Offence
2. Direct to Tribunal Offences
3. Fixed Financial Offences

(B) FEE FOR APPEALING MRO DECISION

\$100 Fee payable to Baseball Victoria to appeal a MRO decision

(C) FEE FOR APPEALING TRIBUNAL DECISION

\$200 Non-Refundable fee payable to Baseball Victoria

(D) FINES INTRODUCED FOR LOW-LEVEL CLASSIFIABLE OFFENCES

The inclusion of fines and/or suspension for low-level Classifiable Offences will apply from the 2023/24 VSBL season.



2 HOW THE SYSTEM WORKS

2.1 THE REPORTING PROCESS

(A) LODGEMENT OF A REPORT OR REFERRAL

The Match Review Officer (MRO) will assess all reports and referrals lodged in respect of potential Reportable Offences. A Notice of Report must be lodged by an officiating Umpire for the relevant match. A referral may be lodged by an Umpire Evaluator.

In relation to Notices of Report lodged with the MRO, the MRO may contact the Umpire who completed and lodged the Notice of Report to clarify information.

(B) DETERMINATION OF TYPE OF OFFENCE AND APPROPRIATE CHARGE (IF ANY)

Following review of each report or referral, the MRO will determine whether the Player is to be charged with a Reportable Offence and, if so, the appropriate type of Reportable Offence. There are three types of Reportable Offences, being:

- A Classifiable Offence (graded in accordance with section 2.4)
- A Direct Tribunal Offence (referred by the MRO directly to the Tribunal – see section 2.5)
- A Fixed Financial Offence (determined in accordance with section 2.6)

The MRO will inform the Competition Coordinator who in turn will notify the Player's club whether or not that Player has been charged with a Reportable Offence and, if so, the type of offence and corresponding sanction for that charge.

The MRO will provide reasons where it determines that a Player the subject of a report or referral is not to be charged with a Reportable Offence.

(C) OPTIONS AVAILABLE TO A PLAYER CHARGED WITH A REPORTABLE OFFENCE

A Player charged with a Reportable Offence may:

- Contest a charge within twenty-four (24) hours after the penalty charge notification was forwarded the charge to the Player's Club, in which case a Tribunal hearing will be convened.
- If a Player does not elect to contest the charge within the twenty-four (24) hour period, the Player will be deemed to have pleaded guilty to the Reportable Offence, in which case the relevant sanction for the Reportable Offence will apply.

(D) TRIBUNAL HEARINGS

The Tribunal will hear a charge for which a Player contests the charge and/or penalty.

The Tribunal may:

- a) find the Player guilty of the original charge a lesser charge or a different charge if information becomes available during the tribunal process,
- b) find the Player not guilty of any charge.

The Tribunal will determine the appropriate sanction for the ultimate Reportable Offence it finds a Player to have committed (if any). The outcome of the hearing will be communicated by the Tribunal Chairperson to the Competition Coordinator with a brief explanation outlining the reasons for the decision, developed in conjunction with the Tribunal Panel members.

For challenges to financial sanctions, the charged Player may elect to have the matter decided by the Tribunal on the basis of written submissions only. A reason for the decision will also be provided.

However, if a Club wishes to introduce evidence of a person, or other evidence, the matter must be subject to a hearing by the Tribunal and not determined on written submissions unless the Tribunal consents to the matter being determined on written submissions.

A Victim Player who has suffered harm as a result of the alleged offence may give evidence prior to or at the Tribunal hearing, but only with the permission of the Tribunal Chairperson.

(E) AN APPEAL OF A DECISION OF THE TRIBUNAL

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 Tribunal's decision on the basis one or more of the following grounds of appeal is satisfied:

- 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 Tribunal.
- 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 Tribunal Procedures and/or penalties imposed in comparable cases.

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

- That the VSBL Tribunal failed to follow procedures set forth by Baseball Victoria 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 cost of an appeal will be \$200, with the fee refundable in the event of a successful appeal. In the event of an unsuccessful appeal, the amount of \$200 will be retained by Baseball Victoria.

2.2 THE MATCH REVIEW OFFICER AND THE TRIBUNAL

(A) MRO

Role

- Review reports or referrals lodged by Umpires and other designated officials.
- Match the Reportable Offence to the appropriate sanction/s Determine the appropriate classification of Classifiable Offences.
- Refer relevant offences to the Tribunal where applicable.
- Advise Competition Coordinator of any charges and the corresponding sanction for that charge (which a Player may accept or contest at the Tribunal).
- Provide reasons in respect of any reports or referrals which do not progress to a charge.

(B) TRIBUNAL

Role of the Tribunal

- The Tribunal convenes to hear contested Reportable Offences, Direct Tribunal Offences and those Classifiable Offences which are sufficiently serious to be referred to the Tribunal.
- The Tribunal is comprised of a Chairperson and two Tribunal Panel members.
- The Chairperson manages process and decides on points of law.
- Analyse available video of all potential Reportable Offences.
- The Chairperson will communicate Tribunal outcomes with a brief verbal explanation outlining the reasons for the decision, developed in conjunction with the Tribunal Panel members.

(C) APPEAL BOARD

Role of the Appeal Board

- The Appeal Board convenes to hear appeals of matters from the Tribunal.
- The Appeal Board is comprised of a Chairperson and two members.
- The Chairperson manages the process of the appeal.
- The Appeal Board determines the points of Law and whether the ground(s) of appeal is successful.
- Members of the Appeal Board for a hearing cannot be the same members that sat on the matter at the Tribunal.



2.3 REPORTING PROCESS

UMPIRE REPORTS



2.4 CLASSIFIABLE OFFENCES

All reportable offences, deemed to be a **Classifiable Offence** will be classified as “low”, “medium” or “high” and the base sanctions will reflect accordingly.

CLASSIFIABLE OFFENCE	LEVEL	BASE SANCTION
Abusive, insulting, threatening, obscene language: audible, towards opposition or other persons (Not an official)	Low	Yellow Card
	Medium	1 Game + \$50 fine
	High	2-4 Games + \$100-\$500 fine
Abusive, insulting, threatening, obscene language towards or in relation to an Umpire or Game Official	Low	\$25 fine
	Medium	1 Game + \$50 fine
	High	2-4 Games + \$100-\$500 Fine
Physical Altercation (Intentional)	Low	1 Game + \$50 Fine
	Medium	2 Games + \$150 Fine
	High	4-8 Games + \$500-\$2000 Fine
Physical Altercation (Careless)	Low	\$25 fine
	Medium	1 Game + \$50 Fine
	High	2-4 Games + \$100-\$500 Fine
Careless/Incidental Contact with an Umpire	Low	\$150 - \$200 Fine
	Medium	2-4 Games + \$200-\$400 Fine
	High	6-10 Games + \$400-\$600 Fine

2.5 DIRECT TRIBUNAL OFFENCES

Direct Tribunal Offences are those Reportable Offences Specified in Table 2 which are directly referred by the MRO to the Tribunal for determination.

DIRECT TO TRIBUNAL OFFENCES
Confronting a Green Vest or Green Shirt leaner Umpire
Intentional Contact with and Umpire
Careless Contact with an Umpire (Extreme)
Spitting on or at an Umpire or Other Person
Attempting to strike an Umpire
Any Classifiable or Fixed Financial Offence which attracts a base sanction that the MRO finds inappropriate
Extreme intentional physical altercation
Any other act of serious misconduct which the MRO considers appropriate to refer to the Tribunal

2.6 FIXED FINANCIAL OFFENCES

Fixed Financial Offences are Reportable Offences which attract a fixed financial sanction only (as per the following table).

FIXED FINANCIAL OFFENCES	FIRST OFFENCE	SECOND OFFENCE	THIRD & SUBSEQUENT OFFENCES
Instigator of Fight or Physical Confrontation	\$200	\$350	\$500
Attempt to strike, hit, kick, or trip a player	\$150	\$250	\$400
Unavoidable/Incidental contact with an Umpire	\$50	\$100	\$400
Leaving position on the field to partake in a Physical confrontation	\$150	\$250	\$400
Pitchers Intentionally Throwing at Hitters	\$150	\$250	\$400
Obscene gesture	\$50	\$100	\$250
Racial, Sexual or Religious vilification	\$200	\$350	\$500
Unreasonable/unnecessary contact with a Player/Person	\$150	\$250	\$400
Throwing of Equipment Damage to Facility/ Field	\$100	\$150	\$250
Not leaving playing area following an ejection/Disobey Umpire Instruction	\$200	\$350	\$500
Arguing Balls and Strikes	\$50	\$100	\$250
Any other act of misconduct that is not a Classifiable Offence or Direct Tribunal Offence	\$250		
Unsportsmanlike conduct Bringing the game into disrepute	\$100		

2.7 MULTIPLE REPORTABLE OFFENCES IN ONE MATCH

If a Player is found guilty of two or more Reportable Offences arising from the one match, the sanctions for those offences will be added together to form the final sanction handed to that Player. If any of the two or more Reportable Offences arising from the one match have a sanction of a fine, they will be considered individually in the application of section 3.1(e).

Example: Player Clarke is charged with two offences – Abusive Language (sanction of one game + \$50 fine) and Physical Altercation (low) (sanction of one game and \$50 fine). Player Clarke is found guilty of the two charges after challenging them at the Tribunal. The result would mean that Player Clarke would be suspended for two (2) matches and fined \$100.

2.8 CONTESTING A CLASSIFIABLE OFFENCE CHARGE

A Player charged with a Classifiable Offence may contest that charge at the Tribunal in its entirety or may seek to downgrade the charge. A Player who successfully contests a charge will not receive a sanction or will receive a lesser sanction in respect of the charge.

The Tribunal may also determine that the relevant offence should be classified differently under the Table of Offences. If exceptional and compelling circumstances apply which would make it inappropriate or unreasonable to apply the outcome of the classification under the Table of Offences, the Tribunal may impose a sanction (or no sanction) in its absolute discretion.

Successful contest: If a Player successfully contests the classification of a charge at the Tribunal (such that the Tribunal determines to downgrade the charge), they will be entitled to receive the sanction for that lesser offence.

Example: Player Smith is charged with Physical Altercation, which was graded as Intentional and High by the MRO. Player Smith decides that he is guilty of Physical Altercation, but that the conduct was Careless - medium, not Intentional. He challenges this at the Tribunal and is successful, which reduces the sanction to a one match suspension.

2.9 PAYMENT OF FINES

If the penalty includes a fine, the penalised person shall pay the amount of the fine to Baseball Victoria before they are able to participate in any VSBL or representative game.

Failure to pay the fine before their next game shall result in the offender being unable to participate in any game and from sitting on the players bench during any game until the fine is paid.

Baseball Victoria Bank Details

Name	Baseball Victoria Inc
BSB	633 000
Account:	159162296

FURTHER EXPLANATION OF KEY TERMS AND ISSUES

CARELESS CONDUCT

A Reported Person's conduct is 'careless' when their conduct is not intentional but constitutes a breach of their duty of care owed to other participants in a game. **As participants in a game owe a duty of care to all other Players, Managers, Coaches, Umpires and other persons to not to engage in conduct which will constitute a Reportable Offence being committed against that other Player, Umpire or other person.** In order to constitute a breach of that duty of care, the conduct must be such that a reasonable Player or Manager would not regard it as prudent conduct in all the circumstances. Further, a Player or Manager will be assumed to be careless if they breach their duty to take reasonable care to avoid acts which can be reasonably foreseen as likely to result in a Reportable Offence.

In relation to Umpires, any conversation must be conducted from at least an arm's-length distance away from the umpire. A Player/Manager that moves closer than an arm's-length distance from an umpire during a conversation forfeits any benefit-of-the-doubt if there is physical contact (including incidental contact) with the umpire. Other hostile behaviors or actions such as throwing or kicking dirt on an umpire will be punished as if the Player/Manager had made physical contact with the umpire.

Team personnel other than the manager (or acting manager) that violate league policies while discussing or arguing an umpire's call should expect harsher penalties, including higher fines and/or longer suspensions.

UNAVOIDABLE/INCIDENTAL CONTACT WITH UMPIRES

In relation to contact that is either 'unavoidable or incidental', the Reported Person may be excused with a written warning in the First offence. Unavoidable/Incidental contact differs from 'reckless, negligent and intentional careless contact' as careless contact could have been avoided if the Player/Manager had maintained their duty of care.

Conversely, if a manager slipped or stumbled into an Umpire from greater than an arm's length, or if the Umpire moved towards the Manager (such as circumstances in which an Umpire is attempting to diffuse an argument by inserting himself between the Manager and another Umpire) such contact may be deemed Unintentional or Incidental.

INTENTIONAL CONDUCT

A Player/Manager intentionally commits a Classifiable Offence if the Reported Person engages in conduct with the intention of undertaking the act which constitutes the offence. An intention is a state of mind. Intention may be formed on the spur of the moment or premeditated.

If the immediate consequence of an act is obvious and inevitable, the deliberate doing of the act carries with it evidence of an intention to produce the consequence.

For example, a punch/strike will be regarded as Intentional where a Player/Manager delivers a blow to an opponent with the intention of striking him. The physical fact of the punch is evidence of intention to strike.

FIELD PERSONNEL LEAVING THEIR POSITION TO PARTICIPATE IN CONFRONTATIONS

Field Personnel are players/managers/trainers.

The position of Field Personnel is considered to be wherever the individual is located (dugout, bullpen, defensive position etc.) at the time a confrontational situation develops. Each applicable Field Personnel who leaves their position to participate in a confrontation will be ejected from the game and face mandatory minimum penalties by way of **Fixed Financial penalty**; these will carry heavier penalties if the charged person is deemed to be an instigator or combatant.

The Instigator of a Confrontation is defined as where the person's conduct results in retaliatory action which leads to a Confrontation.

The offence of Instigator of Confrontation **is in addition to** the offence of Leaving your Position to participate in a Confrontation which may have the effect of a Reported Person being found guilty of both offences.

Example of instigating a confrontation will include but not be limited to:

- i. a pitcher judged to have intentionally delivered a pitched ball at a batter,
- ii. a pitcher leaving the pitcher's mound and initiating a confrontation,
- iii. a batter/runner charging or pursuing the pitcher,
- iv. fighting, etc.

Field Personnel involved in a confrontation while remaining at his/her position and judged to have been defending themselves and not contributing to the incident will not be ejected, fined or suspended.

If a violation of this policy does occur and a confrontation develops, the managers are expected to leave their position as necessary, in an attempt to bring the violator(s) from their team under control. Staff should not involve themselves in physically restraining personnel from an opposing team.

MISCONDUCT

Misconduct is generally any conduct which would be regarded as unacceptable or unsportsmanlike by other participants in the game or where it had the effect or potential to prejudice the reputation of any person, club, Baseball Victoria or to bring the game of baseball into disrepute. Serious misconduct offences will be referred directly to the Tribunal. However, any other act of misconduct will be subject to a Fixed Financial Sanction to be determined by the MRO.

CHARGES REFERRED TO THE TRIBUNAL

The MRO is always the first step in the process and matters will only reach the Tribunal after first being referred by the MRO.

The Competition Co-Ordinator shall set out full details where applicable of all relevant factors in respect of charges referred to the Tribunal.

The Tribunal will convene on such basis as it sees fit and is intended to operate as an efficient process to resolve disputes in a timely manner. For this reason, player advocates are permitted but formal legal representation is not allowed.

Matters will generally be dealt with by electronic means.

Where there are exceptional and compelling circumstances which make it inappropriate or unreasonable to apply monetary or suspension sanctions that would usually apply to a particular Classified Offence, the Tribunal may impose any sanction it considers appropriate.

Exceptional and compelling circumstances may arise where:

- i. A Player/Manager has an exemplary record,
- ii. A Reportable Offence was committed in response to provocation,
- iii. A Reportable Offence was committed in self-defense,
- iv. There are multiple Reportable Offences that arise from the same event or course of conduct.

Where any circumstances arise at either the MRO or the Tribunal for which a stipulation has not been expressly set out in these Protocols, the Chairman of the Tribunal will have absolute and sole discretion to determine how the matter will be dealt with.

All determinations of the Tribunal are binding and final. Such determinations may only be appealed by way of Baseball Victoria Appeals procedure.

APPENDIX 1

Offences listed in the Tables are defined as follows:

- i. **Abusive language directed at an umpire**
Abusive Language, or verbal abuse or the use of intimidation, is where a player or coach makes comments to an official that could be construed as abusive or intimidating. Verbal abuse or intimidation does not have to be audible to the crowd or the other team, only the umpire.
- ii. **Abusive or offensive language or gesture**
Abusive Language, or verbal abuse or the use of intimidation, is where a player or coach makes comments or gesture that could be construed as abusive or intimidating. *Note: Verbal abuse or intimidation does not have to be audible to the crowd or other team, only the umpire.*
- iii. **Arguing balls and strikes**
Any player or coach who either from their position or who leaves their position on the field to argue the umpire's decision of called balls or strikes, including calls on checked swings.
- iv. **Attempting to strike**
An intentional but unsuccessful attempt to strike a player, coach, manager, official, umpire or spectator.
- v. **Audible Offensive Language (AOL)**
Audible obscene language or swearing is where, in the umpire's opinion, a player swears and that swearing is loud enough to carry to the crowd.
Note: Swearing that does not reach the crowd or is not directed at an official, player or spectator is not an Offence under this section.
- vi. **Charging the mound/Leaving a playing position**
Includes but is not limited to conduct that involves a player leaving their designated position to confront an opposition coach, player, official or spectator.
- vii. **Disobeying an umpire's direction**
Includes but is not limited to any action or conduct by a player, coach, manager or official that does not comply with an umpire's direction.
- viii. **Failing to leave**
If, after being directed by an umpire to leave the field or after being ejected, a player, coach, manager or official does not immediately leave the field or returns to the field. This also includes any attempts to manage or influence the Game from outside the field after an ejection. The ejected player must completely disassociate themselves from the game and vacate the immediate vicinity of the playing field.
- ix. **Equipment abuse/Damage to Facility or Field**
This is defined as any act of aggression on a player's/club's equipment or an act that would not typically be performed with that piece of equipment. Examples would be throwing a helmet or bat.
- x. **Intentionally throwing at a batter**
Includes but is not limited to the pitcher intentionally throwing at the body of the batter or behind the batter, regardless of whether the batter is struck by the pitched baseball.
- xi. **Melee**
A Melee is defined as an incident involving Players and/or Officials who are grappling or otherwise struggling with one another and which is likely to bring the game of baseball into disrepute. The offence of Engaging in a Melee is in the VSBL Playing Conditions.
- xii. **Physical Altercation - Rough and/or dangerous play**
Includes but is not limited to any conduct by a player during the course of the game that could intentionally or recklessly cause injury to an opposing player.
- xiii. **Sexual, Racial and Religious Vilification**
Baseball Victoria confirms that racial and religious vilification of any sort is unacceptable, regardless of when and where such vilification occurs. It is also understood that racial and religious vilification is against the law and a complaint may be brought against the offender.
No player, official of a club or umpire shall act toward or speak to any other person in a manner, or engage in any other conduct which threatens, disparages, vilifies or insults another person on the basis of that person's race, religion, colour, and descent, national or ethnic origin.
- xiv. **Striking**
Intentionally striking a player, coach, manager, official, umpire or spectator.
- xv. **Unsportsmanlike conduct/Bringing the game into disrepute**
Includes but is not limited to oral or physical conduct that is not in the spirit of the game of baseball and/or in violation of the codes of conduct.
- xvi. **Other**
As may be specified by the policies of Baseball Victoria.
Any other act of serious misconduct which the MRO considers appropriate to refer to the Tribunal.