



# BASEBALL WA REPORTED PLAYER AND TRIBUNAL PROCEDURES

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Department of  
Local Government, Sport  
and Cultural Industries



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[www.wa.baseball.com.au](http://www.wa.baseball.com.au)

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## 1.1 REPORTED PLAYER & TRIBUNAL PROCEDURES

### 1.1.1 Reporting Procedures

1. Anyumpire in control of any Baseball WA game may report any person who engages in conduct detrimental to the best interests of the game of baseball.
2. Immediately following any ejection, the provisions of MLB Rules of Baseball 4.07 shall be enforced in so far as they are practicable in the circumstances of that particular game. In addition, the following process of recording the reported person shall be completed:
  - a. The Scorers shall record the report of a person on the Official Game Report with the letter “E” next to the reported person and in the “Ejected” column.
    - i. This record constitutes notice of the ejection and report to both clubs participating in the game.
    - ii. At the conclusion of the game, the Reporting Umpire shall ensure the correct person(s) has been indicated on the Official Game Card.
  - b. The Reporting Umpire shall sign the record of the report on the Game.
    - i. The signed Official Game Report is confirmation to all relevant parties that a person was reported.
    - ii. Failure to sign the Official Game Card will not be considered grounds for the Tribunal or Appeals Committee to invalidate a report.
  - c. The Official Game Report shall be submitted by the relevant party as soon as possible to BWA’s Competitions Dept.
  - d. The Reporting Umpire shall inform BWA’s Competitions Department at [seniorcompetitions@baseballwa.asn.au](mailto:seniorcompetitions@baseballwa.asn.au) and the WABUA, of an ejected person no later than 5:00 pm 2 business days following the game.
    - i. The Reporting Umpire must provide the name and club of the Reported Person and the relevant details of the offence for which the person was ejected.
  - e. The Reported Person must complete an Incident Report and submit to BWA’s Competitions Department at [seniorcompetitions@baseballwa.asn.au](mailto:seniorcompetitions@baseballwa.asn.au). If the Reported Person fails to submit an Incident Report by 5:00pm close of business 2 business days following the game, that person will not be eligible to appeal the penalty provided based on the report.
  - f. Upon receiving notice of the Report, the BWA’s Competitions Manager shall assess the reports and if graded medium to low with expected suspension to be 3 or less, the penalty will be handed down.  
Reference: Table A1 – Recommended Table of Penalties.
  - g. Upon receiving notice of the Report, the BWA’s Competitions Manager shall assess the reports and if graded high with expected suspension to be more than 3 games, the report will be sent to the National

## Tribunal Panel

### 1.1.2 Tribunal Chairman Procedures

3. The Tribunal Chairman has the power to:
  - a. Dismiss a charge(s) when there is insufficient evidence in the 'Incident Report' to sustain such a charge.
  - b. Consider the Umpire's Report as prima facie evidence, determine the severity of the charge(s) set forth by the Reporting Umpires, and offer a penalty on the Reported Person based on, but not limited to, the Recommended Table of Penalties in Appendix A.
    - i. If relevant, the Tribunal Chairman may consider the Reported Person's previous report record in determining any penalty. This record will be maintained by the Tribunal Chairman and held at the BWA's Competitions Dept.
  - c. In the event the Tribunal Chairman categorizes an offence for which the Recommended Table of Penalties list Tribunal as the recommended penalty, or the charge is not listed on the Recommended Table of Penalties, the Tribunal Chairman shall not issue a penalty and must refer such offences to the Tribunal for a hearing.
4. The Tribunal Chairman shall notify the BWA's Competitions Dept of any decision related to the report by close of business the next working day following the game.
5. The BWA's Competitions Dept must notify the Reported Person's Club Secretary as soon as practicable by email of all charges and penalties offered by the Tribunal Chairman and any requirement of the Reported Person to appear before the Tribunal.
  - a. The Incident Reports will be made available 24 hours before any Tribunal hearing.
6. In all cases, the Club shall be responsible for notifying the Reported Person of any correspondence it receives related to the report.
7. The Club must notify the BWA's Competitions Dept by 5:00 PM the day after receiving the Tribunal Chairman's penalty offer, of the Reported Person decision, being one of the following:
  - a. The offer is 'accepted' and the Reported Person shall serve the penalty imposed.
  - b. The offer is 'rejected', and a Tribunal hearing is requested on the first Thursday after the date the player was reported to contest the charges or severity of charges. Please see point 1.4.1.d
  - c. If the Club fails to notify the BWA's Competitions Dept of the Reported Person's response by the stated deadline the Tribunal Chairman's penalty offer shall stand and the suspension shall be served immediately.

### 1.1.3 Pre-Tribunal Hearing Procedures

8. Upon receiving confirmation that the Reported Person intends to contest the Tribunal Chairman's decision at a Tribunal hearing, the BWA's Competitions Dept confirm the details of the Tribunal hearing to the Reported Person's Club, the Reporting Umpire and the Tribunal Chairman.

- a. The meeting of the Tribunal is fixed and cannot be changed, except at the discretion of the Tribunal Chairman.
  - b. The Reporting Umpires are not required to attend the scheduled Tribunal hearing, unless the Tribunal Chairman makes such a request.
    - i. If the Tribunal Chairman makes such a request, the Reporting Umpires required to attend must be notified no later than 24 hours before the scheduled Tribunal hearing.
    - ii. If the Reported person wishes to question the Reporting Umpire (s), those questions are to be submitted to the Tribunal Chairman prior to the day of the Tribunal hearing. If the Tribunal Chairperson deems these questions reasonable, the Reporting Umpires will be requested to attend the Tribunal hearing through the BWA's Competitions Dept no later than 24 hours before the scheduled Tribunal hearing.
  - c. If the Reporting Umpire is unable to attend the scheduled Tribunal hearing, the Tribunal Chairman may offer the Reporting Umpire a telephone or other electronic conference link to have the Tribunal held. This shall be given at the discretion of the Tribunal Chairman.
  - d. Should a Reported Person be unable to attend the next scheduled hearing of the Tribunal, that person shall immediately notify the BWA's Competitions Dept and state the reason for their enforced absence. The Tribunal shall consider all aspects of the matter and decide if the reported person should be given permission to participate in any games set down to be scheduled prior to the re-scheduled hearing.
9. The BWA's Competitions Dept shall provide to the Reported Person's Club Secretary and the Tribunal Chairman, copies of the Incident Reports no later than 24 hours prior to the scheduled Tribunal hearing.
10. The Tribunal Chairman shall establish the Tribunal Panel for the purpose of conducting the Tribunal hearing.
- a. In the situation insufficient Tribunal members are available for a Tribunal hearing, the Tribunal Chairman shall have the power to co-opt any member of BWA, BWA's Competitions Dept or administrators affiliated to the Association to act as a Tribunal member.
  - b. If the Tribunal Chairman is unable to attend a Tribunal hearing, one of the attending Tribunal members shall perform the role of Chairperson in accordance with these Tribunal Procedures.
11. Notification of all witnesses attending the Tribunal hearing must be submitted to the BWA's Competitions Dept by 12:00 PM the day before the scheduled Tribunal hearing.
- a. The Reporting Person may call any witness they desire. It is not the responsibility of the Tribunal panel to arrange for the presentation of any such witness.
  - b. The Tribunal Panel may call any witness it deems to have the capacity to provide evidence relevant to the outcome of the hearing. The Tribunal Panel will arrange for the presentation of such witnesses.

- c. Any written evidence must be signed by the witness and tabled at the hearing at the discretion of the Tribunal Chairman, who shall provide sufficient time for all parties at the hearing to read the written evidence.
12. Notification of all advocates attending the Tribunal hearing must be submitted to the BWA's Competitions Dept by 12:00 PM the day before the scheduled Tribunal hearing.
  - a. A Reported person who is under eighteen years of age at the date of the Tribunal hearing shall be permitted to appoint an adult person as his or her advocate.
    - i. Should a Reported Person engage an advocate, the advocate shall assume control of the Reported Person's defence and the Reported Person will not be permitted to speak unless it is to give evidence on his/her own behalf.
  - b. A Reporting Umpire who is under eighteen years of age at the date of the Tribunal hearing shall be permitted to appoint an adult person as his or her Advocate.
  - c. Advocates are permitted to be in attendance for the duration of the hearing but are not entitled to give evidence during the hearing.
13. The Tribunal Chairman shall have the sole discretion to request any person to remove him/herself from the hearing at any time.

#### 1.1.4 Tribunal Hearing Procedures

14. Prior to the beginning of proceedings, the Tribunal Chairman shall be responsible for notifying all parties present at the Tribunal hearing of the following conditions.
  - a. "This hearing has begun and shall be conducted in a fair and unbiased manner. It is the Tribunal Chairman's duty to ensure that all persons observe the standards and conditions set out in BWA Tribunal Hearing Procedures."
  - b. "Any person giving evidence of an untruthful or unsatisfactory nature to the Tribunal may be suspended from taking part in any matches for such time as the Tribunal shall decide, and in the case of any other person, shall be reported to the League to be dealt with as deemed appropriate."
  - c. "In the event the charges against the Reported Person are considered extreme or serious by the Tribunal Chairman, the Chairman shall consider the Tribunal hearing to be a preliminary hearing in order to confirm the charges and a subsequent hearing shall be convened as determined by the Tribunal Chairman to allow all parties additional time to confirm and arrange witnesses."
15. The Tribunal Chairman is responsible for calling the following parties into the Tribunal.
  - a. The Reporting Umpire(s) and advocates.
  - b. The Reported Person(s) and advocates.
  - c. Other witnesses.
16. Witnesses must not be present in the Tribunal hearing until such time the

Tribunal Chairman believes the Reporting Umpire and Reported Person have no further evidence to submit.

17. The Tribunal Chairman will cause the Incident Reports to be read aloud before the Reported Person.
18. The Reported Person shall be asked to enter a plea of Guilty or Not Guilty.
  - a. Should the Reported Person be undecided then the Tribunal shall enter a plea of not guilty and the Reported Person shall present their defence.
  - b. In the event that the Reported Person is not in attendance at the appointed time of the Tribunal hearing, the Tribunal Chairman shall allow a reasonable period of 'grace' of fifteen minutes or whatever time is deemed appropriate by the Tribunal Chairman.
  - c. If the Reported Person does not appear during the period of grace, the Tribunal Panel shall, in the absence of the Reported Person, hear evidence from any witnesses.
  - d. The Tribunal Panel shall consider the information submitted and, should there be a prima facie case against the Reported Person, the Tribunal Panel may enforce a penalty on the Reported Person.
    - i. Where a penalty is enforced in the Reported Person's absence, the Secretary of the Reported Person's Club will be advised of the penalty by the BWA's Competitions Dept within 24 hours of the hearing.
    - ii. The Suspended Person will remain under suspension from all BWA Competitions until an appearance before the Tribunal to give explanation for the absence from the original hearing, after which the Tribunal Panel has the discretion to determine the ongoing nature of the penalty.
    - iii. Arrangements for a Suspended Player to appear before the Tribunal shall be made through the BWA's Competitions Dept.
19. The Tribunal Chairman may request, in their sole discretion, the Reporting Umpire(s) attend the Tribunal hearing where the Reported Person, or the advocate representing the Reported Person, may question the Reporting Umpire(s), limited to questions for the purpose of elaborating and/or clarifying the Reporting Umpire's evidence.
20. Once all evidence is submitted by the Reporting Umpire and Reported Person, the Tribunal Chairman may individually call on additional witnesses, including those arranged by the Tribunal Panel, to provide further evidence.
  - a. Any questions directed to or from any witness must be asked through the Tribunal Chairman, limited to questions for the purpose of elaborating and/or clarifying evidence.
  - b. Where the Tribunal Panel can establish it is the intention of multiple witnesses to give similar evidence, the Tribunal Chairman has the discretion to acknowledge these witnesses and have it noted in the minutes that their evidence is similar in nature, without calling these witnesses to provide evidence.
  - c. Tribunal Panel members may ask questions of the Reporting Umpire, Reported



Person, or other witnesses at any time, limited to questions for the purpose of elaborating and/or clarifying any parties evidence.

21. Once all evidence is presented, the Tribunal shall retire to consider the evidence and determine the Reported Person's guilt, innocence or the severity of the charges in relation to the offences in the report.
22. Upon reaching a judgement, the Tribunal Panel shall reconvene and the Tribunal Chairman shall inform the Reported Person of the outcome of the Panel's deliberations.
  - a. The Tribunal Chairman shall after advising the Reported Player of the finding, provide a completed "Notice Form for Reported Player" to the Reported Player to confirm the penalty and to confirm the date after which the Reported Player can resume playing and coaching. A copy of the completed form will also be forwarded to the players Club; BWA's Competitions Dept and the WABUA.
23. If a Reported Person is found guilty of an offence(s), penalties may be based, but not limited to, the Recommended Table of Penalties contained within this procedure.
24. All penalties issued under these Playing Conditions take immediate effect from the next scheduled game of the grade in which the offense occurred.
25. All penalties issued by the Tribunal take immediate effect and the Suspended Person must not play, manage, coach, or assist in the conduct of any Senior, Women's, Masters or Juniors baseball game for the duration determined by the Tribunal.
  - a. For the purpose of these procedures, a game is deemed to commence when the umpire enters the playing field in compliance with Rule of Baseball 4.01.
    - i. Any suspended person who, at or from that time, indulges in any of the activities mentioned may be reported for breach of suspension.
    - ii. Any person may report any breach of suspension to the BWA's Competitions Dept.
    - iii. In the event this occurs, the Tribunal shall schedule an additional hearing to hear these charges. The Tribunal is empowered to hear the matter, with or without the Suspended Person present, and to impose any further penalty as it deems appropriate.
26. As soon as practicable, the Tribunal Chairman shall advise of the Tribunal Panel's judgement in writing to the BWA's Competitions Dept.
27. The Tribunal Chairman shall notify the following officials in writing within 24 hours of receiving notification of the judgement from the Tribunal Panel.
  - a. The Reported Person's Club Secretary;
  - b. WABUA.
  - c. BWA's Competitions Dept
    - i. An appeal of the Tribunal Panel's decision may only commence once this notification has been provided.
28. If the Suspended Player is unsatisfied with a decision of the Tribunal, the Suspended Player may apply the findings of the Tribunal in accordance with the BWA



Appeal–Tribunal Decisions policy.

29. Minutes of the Tribunal hearing shall be compiled by the Tribunal Secretary.
30. The Tribunal Chairman shall maintain a Register of Reported Persons and record the details of all proven offences and penalties.
  - a. Such record shall also be made available to the Tribunal Chairman on request.

#### 1.1.5 Re-Opening a Tribunal Hearing

31. In the event an appeal of a Tribunal’s decision is upheld on the basis new evidence has been validated that may alter the original decision, the Tribunal shall re-open the original case for the purpose of considering this new evidence in the context of the entire case.
32. If a case is re-opened, the members that formed the Tribunal to determine the original decision shall be reconvened. Where an original Tribunal Member is not available, the Tribunal Chairman will co-opt another suitably qualified person to sit on the Tribunal.
33. At the discretion of the Tribunal Chairman, the Tribunal may consider the new evidence and set aside the original decision without a hearing.
34. Should the Tribunal Chairman determine a hearing is required to consider the new evidence, the hearing shall be conducted under the Tribunal Hearing Procedures set forth in these procedures.
35. Following the Tribunal’s consideration of the new evidence, the Tribunal shall have the power to.
  - a. Uphold the original decision.
  - b. Vary, alter, or amend the severity of the original decision.
  - c. Set aside the original decision.

#### 1.2 APPENDIX A

##### 1.2.1 Recommended Penalties and Offence Definitions

36. The following Recommended Table of Penalties sets forth recommended penalties which may be offered to an ejected person, based on a grading determined by the Tribunal as low, medium or high.

- a. Umpires are not restricted to reporting a person for an offence from the Table.
- b. These recommended penalties should be considered in conjunction with the Reported Person’s prior report history.

Table A1 – Recommended Table of Penalties

OFFENCE (Class A)	LOW	MEDIUM	HIGH
	<b>PENALTY (Games)</b>		
Dissent	Reprimand	1	2
Equipment abuse	1	2	3
Arguing balls and strikes	1	2	3
Unsportsmanlike conduct	1	2	3
Disobeying an umpire’s direction	1	2	Judiciary
Abusive or offensive language	1	2	Judiciary
Failing to leave the field after an ejection	3	Judiciary	Judiciary
OFFENCE (Class B)	LOW	MEDIUM	HIGH
Participating in a melee or wrestling	1	2	3
Rough and/or dangerous play	3	Judiciary	Judiciary
Intentionally throwing at a batter	Judiciary		
Charging the mound	Judiciary		
Attempting to strike	Judiciary		
Striking	Judiciary		
OFFENCE (Class C)	LOW	MEDIUM	HIGH
All Class C Offences	Judiciary		

41. Offences listed in the Table A1 are defined as follows:

**a) Class A offences:**

Relate to conduct that involve inappropriate or poor behaviour.

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

Abusive Language, or verbal abuse or the use of intimidation, is where a player or coach makes comments that could be construed as abusive or intimidating.

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. 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. Swearing that does not reach the crowd or is not directed at an official, player or spectator is not an offence under this section.

If the swearing is coming from the bench and the umpire cannot determine the culprit then the manager shall be deemed to be accountable and be ejected.

v. 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.

vi. Dissent

Includes but is not limited to any conduct that undermines the umpire's ability to officiate and control a game.

vii. 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.

viii. Equipment abuse

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.

ix. Unsportsmanlike conduct

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 in the BWA By-Laws; Rules and Policies.

**b)** Class B offences:

Relate to conduct that involve the threat of physical contact or actual physical contact.

i. Attempting to strike

An intentional but unsuccessful attempt to strike a player, coach, manager, official, umpire or spectator.

ii. 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.

iii. 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.

iv. 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.

v. Striking

Intentionally striking a player, coach, manager, official, umpire or spectator.

**c)** Class C offences:

Relate to vilification and other behaviours deemed unacceptable under the Baseball WA Codes of Conduct.

i. Sexual, Racial and Religious Vilification

Baseball WA 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.

ii. Other

As may be specified by the reporting umpire or person.

1.3 [APPENDIX B](#)

**NOTICE FORM FOR REPORTED PLAYER**

Player Name: \_\_\_\_\_

Players Club: \_\_\_\_\_

Tribunal Hearing Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**CHARGE(S)**

1.		GUILTY/NOT GUILTY
2.		GUILTY/NOT GUILTY
3.		GUILTY/NOT GUILTY
4.		GUILTY/NOT GUILTY
5.		GUILTY/NOT GUILTY
6.		GUILTY/NOT GUILTY

**Penalty:**

Cross out one option below

- The Reported Player has been found Not Guilty and there is no further penalty
- The Reported player has been found guilty of the charge(S) as noted above and will be suspended. All penalties issued under these Playing Conditions take immediate effect from the next scheduled game of the grade in which the offence(s) occurred.

The Suspended Person must not play, manage, coach, or assist in the conduct of any Senior, Women's, Masters or Juniors baseball game until after:—

Date:—\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Signed:— \_\_\_\_\_

Tribunal Chairman

Copy to Reported Player; Reported Players Club; BWA's Competitions Dept; WABUA



## 1.4 APPEAL – TRIBUNAL PROCEDURE

### 1.4.1 Notice of Appeal

- a) A reported person or reporting umpire seeking to appeal (“Appellant”) a decision of the Tribunal must lodge with the BWA’s Competitions Dept 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.
- b) The BWA’s Competitions Dept shall refer the Notice of Appeal and all other supporting documents to the Appeals Officer within forty-eight (48) hours of receipt of the Notice of Appeal.
- c) 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.
- d) The person seeking to appeal (“Appellant”) shall submit a fee of \$250 to Baseball WA Accounts Dept, copying in Baseball WA Competitions Dept with receipt of payment.
- e) If the appeal is overturned the fee of \$250 shall be returned to the “Appellant”
- f) If the matter is initially referred directly to the judiciary, the person seeking to appeal (“Appellant”) shall submit a non-refundable fee of \$250 to Baseball WA Accounts Dept, copying in Baseball WA Competitions Dept with receipt of payment.

### 1.4.2 Appeals Officer

1. The BWA Competitions Dept shall appoint a person to the position of Appeals Officer.

### 1.4.3 Grounds for an Appeal

2. 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:
  - 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 Tribunal;
  - b. That a penalty imposed by the 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;
    - i. Before accepting these grounds, the Appeals Officer must request and review a summary of the 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 Tribunal failed to follow procedures set forth by the BWA 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.

3. 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;
    - i. In this event, any decision made by the Tribunal shall stand and the Appellant shall comply with any requirements within the time frame set forth by the Tribunal.
  - 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.
    - i. In this event, any penalty or decision imposed by the 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 Tribunal Chairman, in which case the Appellant shall remain suspended from any participation in BWA competitions until a hearing of the Appeals Committee is convened.

#### 1.4.4 Appeals Committee

4. The Appeals Officer shall convene the Appeals Committee to hear and determine the Appeal in accordance with the BWA 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 BWA Office.
  - 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.
5. The Appeals Committee shall have the power to:
  - a. Dismiss the appeal, thus resolving the decision of the Tribunal shall stand;
    - i. In this event, the Appellant shall comply with any requirements within the time frame set forth by the Tribunal.
  - b. Uphold the appeal on the grounds new evidence is available that may alter the Tribunal's original findings;
    - i. In this event, the Appeals Committee shall resolve to compel the 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 Tribunal hearing.

- c. Uphold the appeal on the grounds the penalty imposed by the 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 Tribunal Procedure or penalties imposed in comparable cases.
- d. Uphold the appeal on the grounds the Tribunal failed to follow procedures set forth by the CC or the principles of natural justice that, had the procedures been followed, may have altered the original findings of the Tribunal.
  - i. In this event, the Appeals Committee shall resolve to set aside the findings of the Tribunal and immediately rehear the case under the Tribunal Hearing Procedures.
  - ii. In the event the Tribunal Hearing Procedures cannot be immediately implemented, the Appeals Committee shall resolve to adjourn the hearing and inform the BWA Office of the need for this case to be reheard, with the hearing to be reconvened as soon as practicable.

#### 1.4.5 Proceedings of Appeals Committee

6. 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."
  - 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 WA via the WA Competitions Dept."
  - c. "Should any person attending the hearing behave in a manner inconsistent with the Baseball WA Codes of Conduct, the Appeals Committee shall lodge a formal complaint to BWA and the person may face report and further sanctions."
7. The Appeals Committee shall request the Appellant establish why the Appeal against the 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.
8. 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.

9. The Chairperson shall request all parties to leave the hearing while the Appeals Committee deliberates on the findings of the Appeal.
10. 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.
11. 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. The Appeals Committee shall provide the Appellant with the findings immediately.
12. The Chairperson shall be responsible for completing the detailed findings and informing the BWA Office of the Appeals Committee's findings within 24 hours of hearing concluding.
13. The BWA Office shall be responsible for notifying the Appellant's Club of the Appeals Committee's finding as soon as practicable following receipt of the findings.
14. The BWA Office may make the result of the Appeal public via the BWA website.

#### 1.4.6 Appeal of Appeal Committee Decision

15. 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 BWA Office, in accordance with Baseball WA's Appeal Decision Procedure.