



DANDENONG BASEBALL ASSOCIATION

ABN: 92580511049

Incorporation No.: A0031818H

PO BOX 250, Patterson Lakes VIC 3197

secretary@dandenongbaseballassociation.com

REPORTED PERSON AND TRIBUNAL PROCEDURE

Reporting Procedures

- 1) Any umpire in control of any Dandenong Baseball Association (DBA) 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 Rule 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 'Match Report Sheet' with the letter "E" next to the reported person.
 - 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 Match sheet in the area provided.
 - b) The Reporting Umpire and the manager of each team shall sign the record of the report on the 'Match Report Sheet'.
 - i) The signed 'Match Report Sheet' is confirmation to all relevant parties that a person was reported.
 - ii) Failure to sign the Match Report Sheet will not be considered grounds for the Tribunal or Appeals Committee to invalidate a report.
 - c) The Match Report Sheet shall be submitted by the relevant party within 24 hours to the relevant Competition Coordinator/Association Secretary.
 - d) The Reporting Umpire shall inform the Association Secretary and the Umpires Coordinator of an ejected person no later than 10:00am the next day 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 Reporting Umpire must provide a draft Umpire's Report, which shall include the relevant charges related to the report, to the Umpires Coordinator for review no later than 2:00pm the next day following the game.
 - i) The Umpires Coordinator has the right to request the Reporting Umpire amend the Umpire Report, including the charges related to the report, limited to amendments for the purpose of elaborating and/or clarifying the Reporting Umpire's evidence.
 - f) The Reporting Umpire must provide the completed Umpire Report to the Competition Coordinator no later than 9:00am of the second day following the game.
 - i) Failure to submit this report by the stated deadlines does not invalidate the report and



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shall not be considered grounds for an appeal of any penalty that results from the report.

- ii) A Reported Person shall be permitted to continue participating in any competition if the delay in submitting the report results in any delay in the formation of a Tribunal hearing, unless the charges were referred directly to a hearing of the Tribunal by the RRO, in which case the Reported Person shall be free to play until such time that a Tribunal hearing is convened.
 - g) Upon receiving notice of the Report, the Association Secretary shall forward the 'Umpire's Report' to the Report Review Officer (RRO).
- 3) The Report Review Officer (RRO) has the power to:
- a) dismiss a charge(s) when there is insufficient evidence in the 'Umpires 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 Umpire, and impose a penalty on the Reported Person based on, but not limited to, the Recommended Table of Penalties in Appendix A.
 - i) If relevant, the RRO may consider the Reported Person's previous report record in determining any penalty.
 - c) In the event the RRO categorises 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 RRO shall not issue a penalty and must refer such offences to the Tribunal for a hearing.
- 4) The RRO shall notify the Association Secretary of any decision related to the report by no later than 5:00pm of the second working day following the game.
- 5) The Association Secretary must notify the Reported Person's Club Secretary on the same day they receive the RRO's decision by email of all charges and penalties offered by the RRO and any requirement of the Reported Person to appear before the Tribunal.
- a) The Umpire's Report will not be provided with the offer, but 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 Association Secretary by 5:00pm the day after receiving the RRO'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.
 - c) If the Club fails to notify the Association Secretary of the Reported Person's response by the stated deadline the RRO's penalty offer shall stand and the suspension shall be served immediately.



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d) Please see the below table for Reporting Timeframes:

Process	Day of Report				
	Saturday	Sunday	Monday	Tuesday	Wednesday
Report Finalised (UC)	Sunday 8:00 pm	Monday 8:00 pm	Tuesday 8:00 pm	Wednesday 8:00 pm	Thursday 8:00 pm
Report to AS & RRO	Tuesday 9:00 am	Tuesday 9:00 am	Wednesday 9:00 am	Thursday 9:00 am	Friday 9:00 am
RRO decision to AS	Tuesday 5:00 pm	Tuesday 5:00 pm	Wednesday 5:00 pm	Thursday 5:00 pm	Friday 5:00 pm
AS offer to Club	Tuesday pm	Tuesday pm	Wednesday pm	Thursday pm	Saturday 9:00 am
Club Response to AS	Wednesday 5:00 pm	Wednesday 5:00 pm	Thursday 5:00 pm	Friday 5:00 pm	Sunday 5:00 pm
Tribunal	Thursday	Thursday	Thursday	Thursday next week	Thursday next week

Pre-Tribunal Hearing Procedures

- 1) Upon receiving confirmation that the Reported Person intends to contest the RRO's decision at a Tribunal hearing, the Association Secretary shall confirm the details of the Tribunal hearing to the Reported Person's Club, the Reporting Umpire and the Tribunal Chairperson.
 - a) The meeting of the Tribunal is fixed and cannot be changed, except at the discretion of the Tribunal Chairperson.
 - b) If the Reporting Umpire is unable to attend the scheduled Tribunal hearing, the Tribunal chairperson 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 Chairperson.
 - c) Should a Reported Person be unable to attend the next scheduled hearing of the Tribunal, that person shall immediately notify the Association Secretary 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.
- 2) The Association Secretary shall provide to the Reported Person's Club Secretary and the Tribunal Chairperson copies of the Umpire's Report and the 'Tribunal Agenda' no later than 24 hours prior to the scheduled Tribunal hearing.
- 3) The Tribunal Chairperson 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 Chairperson shall have the power to co-opt any member of the DBA Board, to act as a Tribunal member. Members of Baseball Victoria or the VSBL Tribunal Panel may also be contacted should they be required.
 - b) If the Tribunal Chairperson 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.



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- 4) Notification of all witnesses attending the Tribunal hearing must be submitted to the Association Secretary by 12:00pm the day of the scheduled tribunal hearing.
 - a) The Reporting Umpire and the Reported 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 Chairperson, who shall provide sufficient time for all parties at the hearing to read the written evidence.
 - d) A Reported Person may submit an Incident Report which shall be tabled at the Tribunal hearing. Sufficient time shall be given by the Tribunal Chairperson for all parties to read the report.
 - i) A template of the Reported Person Incident Report shall be made available on the DBA website.
- 5) Notification of all advocates attending the Tribunal hearing must be submitted to the Association Secretary by 12:00pm the day of the scheduled tribunal hearing.
 - a) Any Reported Person or Reporting Umpire over the age of eighteen years of age at the date of the Tribunal hearing may have an advocate at the discretion of the Tribunal Chairperson.
 - b) 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 defense and the Reported Person will not be permitted to speak unless it is to give evidence on his/her own behalf.
 - c) Advocates are permitted to be in attendance for the duration of the hearing but are not entitled to give evidence during the hearing.
- 6) Notification of all observers attending the Tribunal hearing must be submitted to the Association Secretary by 12:00pm the day of the scheduled tribunal hearing.
 - a) Observers must be approved by the Tribunal Chairperson.
 - b) At the discretion of the Tribunal Chairperson, observers shall be permitted to remain throughout the entire hearing.
 - c) Observers shall not be permitted to provide evidence or engage in any other function of the hearing.
- 7) The Tribunal Chairperson shall have the sole discretion to request any person to remove him/herself from the hearing at any time.



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Tribunal Hearing Procedures

- 1) 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 Chairperson's duty to ensure that all persons observe the standards and conditions set out in DBA 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 DBA 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."
- 2) 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;
 - d) Observers.
- 3) Observers shall identify themselves to all parties at the Tribunal hearing.
 - a) The Tribunal Chairperson may require observers to leave the hearing at any time.
- 4) Witnesses must not be present in the Tribunal hearing until such time the Tribunal Chairperson believes the Reporting Umpire and Reported Person have no further evidence to submit.



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- 5) The Reporting Umpire shall be asked to announce the relevant charges and provide evidence to the hearing.
 - a) In the event that the Reporting Umpire is not in attendance at the appointed time of the Tribunal hearing, the Tribunal Chairperson shall allow a reasonable period of 'grace'.
 - b) If the Reporting Umpire does not appear during the period of grace, the report shall not lapse, with the hearing adjourned and all parties advised of the new hearing date and time.
 - i) The Reported Person may participate in any games to be played prior to the rescheduled Tribunal hearing, subject to the approval of the Tribunal Chairperson.
 - ii) The Tribunal Chairperson must advise the Association Secretary and the Umpires Coordinator of the Reporting Umpire's failure to attend the Tribunal hearing.
 - iii) The Reporting Umpire shall be required to submit a written explanation for not appearing at the Tribunal hearing to the Umpires Coordinator. Disciplinary action for failing to attend the hearing shall be at the discretion of the Umpires Coordinator.

- 6) 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 defense.
 - b) In the event that the Reported Person is not in attendance at the appointed time of the Tribunal hearing, the Tribunal Chairperson shall allow a reasonable period of 'grace'.
 - 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 the Reporting Umpire and 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 Competition Coordinator within 24 hours of the hearing.
 - ii) The Suspended Person will remain under suspension from all DBA 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.



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- iii) Arrangements for a Suspended Player to appear before the tribunal shall be made through the Association Secretary.
- 7) The Reported Person, or the advocate representing the Reported Person, may question the Reporting Umpire, limited to questions for the purpose of elaborating and/or clarifying the Reporting Umpire's evidence.
- 8) The Reporting Umpire, or the advocate representing the Reported Umpire, may question the Reported Person, limited to questions for the purpose of elaborating and/or clarifying the Reported Person's evidence.
- 9) Once all evidence is submitted by the Reporting Umpire and Reported Person, the Tribunal Chairperson 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 Chairperson, 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 Chairperson 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 party's evidence.
- 10) 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.
- 11) Upon reaching a judgement, the Tribunal Panel shall reconvene and the Tribunal Chairperson shall inform the Reported Person of the outcome of the Panel's deliberations.
- 12) If a Reported Person is found guilty of an offence(s), penalties may be based on the Recommended Table of Penalties contained within this procedure.
- 13) All penalties issued under these Playing Conditions take immediate effect from the next scheduled game of the grade in which the offense occurred.
- 14) 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 Association Secretary.



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- 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.
- 15) As soon as practicable, the Tribunal Chairperson shall advise of the Tribunal Panel's judgement in writing to the Association Secretary.
- 16) The Association Secretary shall notify the following officials in writing within 24 hours of receiving notification of the Tribunal Panel's judgement from the Tribunal Chairperson:
 - a) The Reported Person's Club Secretary;
 - b) Umpires Coordinator.
 - i) An appeal of the Tribunal Panel's decision may only commence once this notification has been provided.
- 17) If the Suspended Player or Reporting Umpire is unsatisfied with a decision of the Tribunal, the Suspended Player may apply the findings of the Tribunal in accordance with the VSBL DBA? Appeal – Tribunal Decisions policy.
- 18) Minutes of the Tribunal hearing shall be compiled by the Tribunal Secretary.
- 19) The outcome of the Tribunal shall also be made available on the DBA Website.
- 20) The Tribunal Chairperson 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 Report review Person on request.

Re-Opening a Tribunal Hearing

- 1) 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.
- 2) If a case is re-opened, the members that formed the Tribunal to determine the original decision shall be reconvened.
- 3) At the discretion of the Tribunal Chairperson, the Tribunal may consider the new evidence and set aside the original decision without a hearing.
- 4) Should the Tribunal Chairperson 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.
- 5) 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.



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Appendix A

TABLE OF TRIBUNAL OFFENCES AND PENALTIES (“TABLE”)

Table

- 1/1 Sus season means 1 week suspended for 1 season
- Tribunal means an automatic tribunal appearance
- Tribunal Discretion means the penalty is at the discretion of the tribunal.
This can include an automatic tribunal appearance or a penalty offered.

Tribunal penalties are guidelines, as such it is at the absolute discretion of the tribunal to change any penalties they see fit.

OFFENCES:

AUDIBLE OBSCENE LANGUAGE

Low:	1
Medium:	1
High:	2
Severe:	Tribunal Discretion

ABUSIVE LANGUAGE

Low:	1
Medium:	2
High:	3
Severe:	Tribunal Discretion

ABUSIVE LANGUAGE DIRECTED AT AN UMPIRE

Low:	2
Medium:	3
High:	4
Severe:	Tribunal

DISSENT

Low:	N/A (Yellow Card)
Medium:	1/1 Sus
High:	1
Severe:	Tribunal Discretion

ARGUING BALLS AND STRIKES

Low:	1
Medium:	1
High:	2
Severe:	Tribunal Discretion

UNSPORTSMANLIKE CONDUCT



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Low: 1
Medium: 2
High: Tribunal Discretion
Severe: Tribunal

EQUIPMENT ABUSE

Low: 1/1 Sus
Medium: 1
High: 2
Severe: Tribunal Discretion

ATTEMPTING TO STRIKE

Low: Tribunal Discretion
Medium: Tribunal Discretion
High: Tribunal
Severe: Tribunal

STRIKING

Low: Tribunal Discretion
Medium: Tribunal
High: Tribunal
Severe: Tribunal

INTENTIONALLY THROWING AT A BATTER

Low: N/A
Medium: N/A
High: N/A
Severe: Tribunal

CHARGING AT THE MOUND

Low: N/A
Medium: N/A
High: N/A
Severe: Tribunal

MELEE

1 week is automatically given to all players listed on the match report sheet.

Any charge defined as a melee will be sent straight to the tribunal and will receive a 50% loading rounded up on to the nearest number (ex: one week gets a 50% loading becomes 1.5 which is in turn rounded up to 2).

FIGHTING/WRESTLING

Low: 1
Medium: 2
High: 4



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Severe: Tribunal

DISOBEYING UMPIRES DIRECTION

Low: 1/1 Sus
Medium: 1
High: 2
Severe: Tribunal Discretion

FAILING TO LEAVE THE FIELD

Low: 1/1 Sus
Medium: 1
High: 2
Severe: Tribunal Discretion

ROUGH PLAY

Low: 1
Medium: 2
High: 3
Severe: Tribunal

OTHER

Low: Tribunal Discretion
Medium: Tribunal Discretion
High: Tribunal Discretion
Severe: Tribunal Discretion

Offence

The offences listed above are some of the more common offences however umpires are not restricted to the listed offences. The penalty for any other reported offences that are not listed will be at the tribunal's discretion

Process

Once a report is notified to the Baseball Office, the umpire/s will provide a written report detailing the incident/s and will recommend the level (low, medium, high, severe) of the offence in accordance with the Table.

The RRO will then read the report and decide the level in accordance with the Table. RRO as to the level of the report will determine the penalty offered.

Once the Tribunal has determined the penalty, the player's Club will be contacted and the player will be offered the penalty. The player then may:

- choose to accept the penalty and not attend a Tribunal hearing;
- choose to attend the Tribunal hearing and plead not guilty; or
- choose to plead guilty and attend the Tribunal hearing as to penalty.



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If the player chooses to attend the Tribunal hearing, the Tribunal may alter the penalty from that previously offered at its discretion.

If a reported player has any previous record involving a determination of guilt by the Tribunal, any such guilty determination will be taken into account and the Tribunal may add an extra penalty because of the player's adverse record. The extra penalty will be explained to the player at the time the penalty is allocated.

Process

Report/Referral

Report made by the umpire.

RRO

Tribunal reviews the report and allocates a set penalty.

Tribunal refers the report for a tribunal hearing.

Player

Player accepts charge/s, pleads guilty and is penalised accordingly. No right of appeal.

or

Player accepts charge/s, pleads guilty and goes to the tribunal for consideration of penalty only.

or

Player pleads not guilty, goes to the tribunal.

or

Report goes to the tribunal panel.

Tribunal Panel

Player accepts tribunal outcome.

Player can appeal as per appeal guidelines.