

TAMWORTH BASEBALL INCORPORATED

TBI BY-LAWS JUDICIARY

9 February 2020

RELEVANT DOCUMENTS

Tamworth Baseball Inc. Constitution
TBI By-Laws Tamworth Senior Baseball
TBI By-Laws Local Competition Regulations
TBI By-Laws Player Grading
TBI Code of Conduct

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1. PREFACE

These By-Laws Judiciary are intended to be principles and rules to allow the successful running of the domestic senior competition in Tamworth regarding the conduct of all participants in Tamworth Baseball.

- 1.1 The constitution of Tamworth Baseball Incorporated (TBI) is the governing document for Tamworth Baseball and has precedence over these By-Laws in all matters and decisions.
- 1.2 The Board of TBI has sole and final adjudication of the Constitution and these By-Laws.
- 1.3 TBI has the power to make local competition by-laws as per the Australian Baseball Federation Official Australian Baseball Rules 7th Edition: "It is acknowledged that some rules may be amended to suit local competitions so it is advisable that Club Administrators are aware of any local competition by-laws."
- 1.4 All recommendations proposed by the Judiciary will be presented and thence considered by the TBI Board.
- 1.5 The Board must ratify any change to the TBI By-Laws Judiciary to effect a change in these By-Laws.
- 1.6 All changes to the TBI By-Laws Judiciary must be ratified by the Board before the start of the senior competition unless warranted by legislation or direction from BNSW or there are extenuating or unusual circumstances.
- 1.7 Sole adjudication of these extenuating or unusual circumstances as per By-Law 1.6 shall remain with the Board.

2. PURPOSE AND FUNCTION OF THE JUDICIARY

TBI By-Laws Judiciary is the operating principles for the judgement of any matters involving the rules of baseball, the various By-Laws of Tamworth Baseball Incorporated, the Code of Conduct and any other matters deemed to be relevant by the Association.

- 2.1 The Judiciary is the committee delegated by the Board with all necessary power and function to hear matters of law, Code of Conduct violations and disputes within Tamworth Baseball.
- 2.2 The Judiciary will comprise such members as appointed by Tamworth Baseball Incorporated.
- 2.3 A decision of the Judiciary may be appealed to the Board as per the provisions of these TBI By-Laws Judiciary.
- 2.4 The Judiciary may delegate all or some of its powers and functions to these Panels:
 - 2.4.1 Disciplinary Panel
 - 2.4.2 Technical Panel
- 2.5 Disciplinary Panel will adjudicate on all matters regarding:
 - 2.5.1 any player or official ejected from a game by an umpire
 - 2.5.2 any person cited to appear by the Board as per the provisions of the Code of Conduct
- 2.6 Technical Panel will adjudicate on all matters regarding:
 - 2.6.1 any protest involving a Rule of the Game
 - 2.6.2 any protest involving Local Competition Regulations as per the provisions of TBI By-Laws Local Competition Regulations
 - 2.6.3 any matter referred to it by the Board regarding the Rules of the Game or Local Competition Regulations
- 2.7 Tamworth Baseball Incorporated will adjudicate on all non-playing matters involving the By-Laws or Constitution.

3. DEFINITIONS

BNSW means Baseball New South Wales Incorporated acting as the peak body for baseball in NSW and to which TBI is affiliated.

Board means the governing Board of Tamworth Baseball Incorporated.

By-Laws means this document called TBI By-Laws Judiciary and refers solely to this document.

CLSC means the Country League Standing Committee of BNSW acting as advisory committee for Baseball NSW with responsibility of the management for country baseball in NSW

Constitution means the constitution of Tamworth Baseball Incorporated.

Delegate means a member of the Senior Committee nominated by affiliated bodies of TBI.

Executive means a member of the Senior Committee appointed by the TBI Board at its Annual General Meeting or at other times as resolved by the Board

Grading Committee means a committee of TBI, having delegated responsibility to determine and manage the player grading for Tamworth Senior Baseball.

Judiciary means the Judiciary Committee appointed by the TBI Board consisting of the Disciplinary Panel, the Technical Panel and the Appeals Committee

Registrar means the person appointed by TBI under the By-Laws Playing Conditions to manage the registration of players and officials, and to manage results and statistics of the competition as determined by Senior Committee from time to time.

Defaulters' Register means the defaulters' register maintained by the Registrar of players and officials who have defaulted in their financial obligations to TBI or their club.

Rules means the official baseball Rules of the Game as adopted by the Australian Baseball Federation

Senior Committee means the committee of Tamworth Senior Baseball, having delegated responsibility to organise and manage the senior baseball competition for Tamworth Baseball Inc.

Tamworth means the city of Tamworth and the surrounding region.

TBI means the entity Tamworth Baseball Incorporated

Website means the website by which all players and officials must register their intention to be involved in baseball for the current season as approved by BNSW or the Australian Baseball Federation. Payment of all fees is necessary for the completion of registration

4. DISCIPLINARY PANEL

- 4.1** The Disciplinary Panel has the responsibility to hear matters on the conduct of players, officials, clubs, affiliates or other people participating in Tamworth baseball whether in a game situation or in breaching the TBI's Code of Conduct.
- 4.2** The Disciplinary Panel will comprise three members appointed by the Judiciary.
- 4.3** The Disciplinary Panel will be convened in the event that:
 - 4.3.1** a player or official is ejected from a game
 - 4.3.2** a complaint is made against a person that they have breached TBI Code of Conduct subject to the provision of By-Law 4.5
- 4.4** When an umpire ejects a person, either a player or official or spectator from a game, then:
 - 4.4.1** an Umpires Report shall be submitted to the Secretary within 24 hours of the game finishing with the report being concise and as detailed as possible.
 - 4.4.2** upon receipt of the Umpires Report, the Secretary shall on the same day notify the Board, and
 - 4.4.3** the Disciplinary Panel shall be called to adjudicate on any matter brought before the Panel under the powers of these By-Laws.
- 4.5** When a person who is a participant in Tamworth baseball as a player, official, administrator or any other person, is alleged to have breached TBI Code of Conduct, then:
 - 4.5.1** an Alleged Breach of the Code of Conduct form shall be submitted by the complainant to the Secretary as soon as possible after the alleged breach
 - 4.5.2** the complaint should be concise and as detailed as possible and include any witnesses to the alleged breach
 - 4.5.3** be signed by the complainant unless the matter requires confidentiality, then
 - 4.5.4** confidentiality shall be maintained with the identity of the complainant and others not to be revealed in any documentation or orally.
- 4.6** Upon receipt of the Alleged Breach of the Code of Conduct as per By-Law 4.5, the Secretary shall inform the Board within 24 hours.

- 4.7** Upon receipt of the Alleged Breach of the Code of Conduct the Board shall:
- 4.7.1** decide whether there is a case to answer for the alleged breach of the Code of Conduct, and if so
 - 4.7.2** ask the Judiciary to convene the Disciplinary Panel to consider the alleged breach of the Code of Conduct, or
 - 4.7.3** inform the complainant that the Board considers that there is no case to answer.
- 4.8** A hearing of the Disciplinary Panel shall be called to adjudicate on any matter brought before the Panel within 2 days of the Notice of Appearance having been sent by the Secretary
- 4.9** Notice of Appearance will be given by the Secretary to the Panel members, to the cited person, the person's club, the umpire involved, and any other relevant persons.
- 4.10** The Notice of Appearance will clearly state the reason for appearance, the offence category and suggested penalty

5. POWER OF THE DISCIPLINARY PANEL

- 5.1** The Disciplinary Panel may take any action or make any decision to ensure the highest standards of conduct for every person participating in the game of baseball.
- 5.2** The Disciplinary Panel shall consider each case solely on its merits and circumstances.
- 5.3** The Disciplinary Panel shall present its findings either as:
- 5.3.1** the matter is proven, or
 - 5.3.2** the matter is proven with mitigating circumstances, or
 - 5.3.3** the matter is not proven
- 5.4** The Disciplinary Panel may impose such penalties for proven offences as it deems fit.
- 5.5** The Disciplinary Panel will use the schedule of Offence and Penalties Guidelines to determine an appropriate penalty at their sole discretion
- 5.6** The Disciplinary Panel will consider the circumstances of each case to determine the actual penalty whether there are mitigating or contributing factors in the committing of an offence
- 5.7** The Disciplinary Panel may impose a suspended penalty or a reduction of 50% taking in the good character of the player and any extenuating circumstances.
- 5.8** Similarly the Disciplinary Panel may also apply a loading on the penalty if appropriate to the circumstances.
- 5.9** The Disciplinary Panel will inform the Secretary in writing of its finding and any imposition of a penalty for inclusion in the Judiciary Registry, noting its reasons for any variation in the penalty due to mitigating or contributory factors.

6. APPEAL AGAINST THE DISCIPLINARY PANEL FINDINGS

- 6.1 The person, whose matter has been proven may appeal a decision of the Disciplinary Panel, under these criteria:
- 6.1.1 a Notice of Appeal is submitted within one (1) day of the conclusion of the Disciplinary hearing
 - 6.1.2 the Notice of Appeal clearly states a legitimate reason for the appeal
 - 6.1.3 an appeal may be made against the proven finding for a reason of an error in law or procedure but not on the facts of the matter
 - 6.1.4 an appeal may be made against the severity of the penalty
- 6.2 New evidence cannot be introduced to the appeal hearing except with the leave of the Board.
- 6.3 The Board shall decide if an appeal is accepted or rejected.
- 6.4 The Board shall hear the appeal with the Disciplinary Panel chair and the appellant coming before the Board to present their case.
- 6.5 The Board shall make a decision on the legitimacy of the proven finding and penalty imposed as it so determines, which is final and binding on all parties.
- 6.6 All appeals must be accompanied by a \$50 appeal fee. If the appeal is upheld then the fee is refunded to the club or person.
- 6.7 Provided that a person or affiliate has made an appeal in the correct manner, as laid out in these By-Laws, that person or affiliate may participate in baseball until the appeal is heard.
- 6.8 The Board may expedite the hearing of an appeal if finals or representative games are immediately pending for the appellant.
- 6.9 The Secretary shall record the judgement of the Board as to the appeal and its decision on the original penalty as an amendment to the original matter in the Judiciary Registry, noting its reasons for any variation in the penalty due to mitigating or contributory factors.

7. TECHNICAL PANEL

- 7.1 The Technical Panel has the responsibility to hear matters on the Rules of the Game, TBI By-Laws Local Competition Regulations or any other matter concerning the governance of the game, including any protests by participants of Tamworth baseball.
- 7.2 Protest on a Point of Law
- 7.2.1 In the event of an umpire seemingly giving an erroneous decision on a Rule of Baseball then the team so disadvantaged shall have the right to protest
 - 7.2.2 the intention to protest must be indicated to the umpire in chief at the time of the disputed decision and before the next pitch
 - 7.2.3 the umpire in chief shall cause an annotation in the scorebooks of the time and game situation at which an intention to protest is given
 - 7.2.4 the disadvantaged team cannot protest if it is the winning team of the game although it may request clarification of the rule in question from the Technical Panel

- 7.2.5 confirmation of the protest should be made to the umpire in chief within 15 minutes of the conclusion of the game and will be annotated and signed on the line-up cards by the umpire in chief
- 7.2.6 a Notice of Protest, accompanied by a \$50 fee, must be submitted explaining the circumstances of the protest including the relevant Rules to a Board member by the protesting team no later than twenty-four (24) hours after the completion of the game.
- 7.2.7 Failure to do so will result in no further action on the protest.
- 7.2.8 The Board will refer the protest on a point of law to the Judiciary whose Technical Panel shall consider the protest.

7.3 Protest on Local Competition Regulations

- 7.3.1 In the event of an umpire making a decision seemingly contrary to TBI By-Laws Local Competition Regulations then the team so disadvantaged shall have the right to protest
- 7.3.2 the intention to protest must be indicated to the umpire in chief at the time of the disputed decision and before the next ball is pitched
- 7.3.3 the umpire in chief shall cause an annotation in the scorebooks of the time and game situation at which an intention to protest is given
- 7.3.4 confirmation of the protest shall be made to the umpire in chief within 15 minutes of the conclusion of the game and will be annotated and signed on the line-up cards by the umpire in chief
- 7.3.5 a Notice of Protest, accompanied by a \$50 protest fee, must be submitted explaining the circumstances of the protest including the relevant Local Competition Regulations to a Board member by the protesting team no later than twenty-four (24) hours after the completion of the game.
- 7.3.6 failure to do so will result in no further action on the protest.
- 7.3.7 the Board will refer the protest on a Local Competition Regulation to the Judiciary whose Technical Panel shall consider the protest according to these By-Laws.

8. POWER OF THE TECHNICAL PANEL

- 8.1 The Technical Panel may take any action or make any decision to correct an erroneous judgement of a Rule of Baseball.
- 8.2 The Technical Panel may take any action or make any decision to correct an erroneous application of the Local Competition Regulations.
- 8.3 The Technical Panel shall present its findings either as:
 - 8.3.1 the matter is proven, or
 - 8.3.2 the matter is proven with mitigating circumstances, or
 - 8.3.3 the matter is not proven

- 8.4 The action taken may be, but not limited to:
- 8.4.1 awarding of the game to the protesting team
 - 8.4.2 replaying the game from the game situation at the time of the erroneous decision was made
 - 8.4.3 making a recommendation that no further action be taken
 - 8.4.4 recommending action against the game officials if so warranted
 - 8.4.5 recommending to the Board that changes be made to the interpretation of a Rule or Local Competition Regulations
- 8.5 If the protest is upheld then the fee is refunded to the club.
- 8.6 The Technical Panel will inform the Secretary in writing of its finding and any resultant action for inclusion in the Judiciary Registry, noting its reasons for their decision.

9. APPEAL AGAINST THE TECHNICAL PANEL

- 9.1 The club whose matter has been proven may appeal a decision of the Technical Panel, under these criteria:
- 9.1.1 Notice of Appeal is submitted within two (2) days of the conclusion of the Technical hearing
 - 9.1.2 the Notice of Appeal clearly states a legitimate reason for the appeal
- 9.2 New evidence cannot be introduced to the appeal hearing except with the leave of the Board.
- 9.3 The Board shall decide if an appeal has a legitimate case and thus either is accepted or rejected.
- 9.4 The Board shall hear an accepted appeal with the Technical Panel chair and the club presenting their case in writing.
- 9.5 The Board shall make a decision as it so determines, which is final and binding on all parties.
- 9.6 All appeals must be accompanied by a \$50 appeal fee. If the appeal is upheld then all fees is refunded to the club.
- 9.7 Provided that a club has made an appeal in the correct manner, as laid out in these By-Laws, that club is permitted to participate in baseball until the appeal is heard.
- 9.8** The Secretary shall record the judgement of the Board as to the appeal and its decision on the original findings as an amendment to the original matter in the Judiciary Registry.

10. OFFENCE AND PENALTIES GUIDELINES

Offence Category	Offence	Notes	Penalty First Offence
1	Equipment abuse	Throwing of bat or helmet, damage to the field or facilities	1 game
2	Tobacco or Alcohol use	Non-smoking and alcohol free zones should be declared at each field	1 game
3	Audible offensive or unsportsmanlike language or swearing	Repeated incidents after a warning has been issued by an umpire	1 game
4	Disobeying an Umpire's direction		1 game
5	Arguing balls & strikes	A general comment by the player re the call may warrant a caution in the game situation. Drawing of a line on the ground or ongoing dissent may warrant ejection.	1 game
6	Unsportsmanlike conduct towards an umpire, player or spectator	Hand gestures or inappropriate body movements are unsportsmanlike, and would be considered more serious than a heat of the moment incident	2 games
7	Ongoing Dissent of an Umpire's decision	Other dissent than simply arguing balls or strikes	2 games
8	Racial, Sexual or Religious vilification	Any comment or terms clearly identifying race, gender or religion should not be tolerated. A caution may be warranted if the comment is considered to be mild in nature	2 games
9	Instigating a fight	A person must be the aggressor when considering the instigator of a fight.	4 games
10	Joining a fight	A person must be an active participant in the fight through verbal or physical escalation. A person restraining their own team mate should not be considered a participant in the fight	4 games
11	Deliberate or attempted collision (not dangerous play)	Player has intentionally caused a collision outside of the Rules of Baseball. Fielder's obstruction and player collisions at home plate are carefully considered in the rules	2 games
12	Reckless Play	Unintentional but careless actions that may or has caused injury, e.g. Throwing of equipment into dugout, spikes lifted in a play, actions that may expose other persons including spectators to the risk of injury	2 games

Offence Category	Offence	Notes	Penalty First Offence
13	Dangerous play	Deliberate and wilful actions by a person that are designed to cause injury e.g. deliberate throwing of bat or ball at another person, sliding action designed to cause injury, deliberate collision at any place on the field	4 games
14	Dangerous play causing injury	Deliberate and wilful actions by a person that has caused injury. Suspension may be extended until injured player returns to playing NOTE If a player may be forced to retire from the game due to injury caused, then the Judiciary may impose up to a life penalty	6 games or longer if justified
15	Verbal Abuse of Umpire or other officials during or after Game	Abuse is more extreme than a dissent or the use of foul language. The abuse is directed with intent at the official with the penalty depending on the severity of the abuse	4 games minimum
16	Physical Assault of Umpire, Player or Official during or after Game	Assault may be actual or threatened. Verbal abuse is assault if violence is specifically articulated or threatened. Police involvement is strongly advised.	Up to Life suspension and report to Baseball NSW
17	Contempt at Judiciary hearing,		Extra 2 games. on any other penalty
18	Second offence of the same type in any 12 month period	12 months is taken from the date of the previous Judiciary hearing where the offence was proven	100% loading on the offence
19	Second offence of another type in any 12 month period	12 months is taken from the date of the previous Judiciary hearing where the offence was proven	50% loading on the second offence
20	Code of Conduct Breach	As per the provisions of the TBI Code of Conduct, which may include mandatory reporting to the Police, Office of the Children's Guardian, Baseball NSW or other bodies	As per the provisions of the TBI Code of Conduct

PART B GUIDELINES FOR THE JUDICIARY PROCESS

11. GENERAL PRINCIPLES

- 11.1 The Judiciary through its Disciplinary or Technical Panel will follow the processes as set out below to hear various matters brought before it including:
- 11.1.1 disciplinary matters involving an ejection from a game or alleged breaches of the Code of Conduct
 - 11.1.2 other formal complaints made to Tamworth Baseball Incorporated alleging acts, omissions, facts, matters or circumstances that may constitute a breach of the Official Rules of Baseball, any By-laws or policies such as the Code of Conduct
 - 11.1.3 a failure by any person to comply in full with the terms of a penalty previously imposed by the Judiciary.
- 11.2 Any appeals made against the finding of any panel of the Judiciary will be heard by the Board according to the provisions of these By-Laws.
- 11.3 The Board acting within the powers of the Constitution and By-Laws will hear any matters that may constitute a breach of the Constitution or By-Laws of Tamworth Baseball Incorporated.
- 11.4 The following By-laws 11 to 15 are guidelines set down for the proper, fair and transparent hearings to be held by the Judiciary through its Panels.
- 11.5 Any failure by the Board or the Judiciary to follow these guidelines will disqualify any hearing and the matter of such hearing must be re-heard without penalty to the person or club appearing before the Judiciary.

12. PREPARATION FOR A HEARING

- 12.1 The Judiciary will, through the appropriate Panel, hear and determine alleged breaches of the Official Rules of Baseball, any relevant By-laws, the TBI Code of Conduct, or other documents ratified by TBI.
- 12.2 The Judiciary will consider any failure by a person to comply in full with the terms of a penalty previously imposed by the Judiciary.
- 12.3 A formal complaint may be made by any person to a Board member of any possible breach of the Code of Conduct.
- 12.4 In the event that the Board determines that a person should be cited in respect of a matter involving an alleged breach, a Notice of Appearance shall be sent to the person and the Judiciary shall convene the appropriate Panel to hear and determine the matter.
- 12.5 The number of Panel members required to be present for the hearing will be three (3).
- 12.6 A Notice of Appearance shall be served to the cited person in writing by the Secretary via any of the following methods:
- 12.6.1 sending it by email to the last email address of the person as notified to TBI
 - 12.6.2 sending it by SMS or text to the telephone number notified to TBI;
 - 12.6.3 personally handing it to the person, or
 - 12.6.4 sending it to the person's club as a last resort
- 12.7 A Notice of Appearance served by email or by phone shall be deemed to have been served at the time the email or SMS is sent excepting in the event that the sender receives a notice that transmission has failed.
- 12.8 The Notice of Appearance to the cited person has the following information:
- 12.8.1 person is required to appear at the Panel hearing to defend the matter noting that the matter can be heard in their absence
 - 12.8.2 details of the matter, identifying the Rule, By-Law or Policy that has allegedly been breached;
 - 12.8.3 date, time and venue of the Panel hearing;
 - 12.8.4 verbal or written submissions may be presented at the Panel hearing;
 - 12.8.5 witnesses may attend the hearing to support the position of the cited person
 - 12.8.6 statutory declarations of witnesses not available to attend and from character witnesses are allowed and may be provided to the hearing;
 - 12.8.7 possible penalties that may be imposed if the matter is proven
 - 12.8.8 legal representation will not be allowed;
 - 12.8.9 cross examination of the complainant will not be allowed except with leave of the Panel, with such leave given in extenuating circumstances only
 - 12.8.10 a minor person must have a parent or guardian present.

- 12.9 Panel members will be provided with a copy of all the relevant correspondence, reports or information received by the Board and any sent to the cited person.
- 12.10 All documents given to the Panel as per By-Law 12.9 will be provided to the cited person.
- 12.11 The hearing will be held as soon as practicable but not less than two (2) days from the sending of the Notice of Attendance to provide adequate time for the cited person to prepare for the hearing.
- 12.12 The cited person may request a single postponement of the hearing in writing to the Board under the following criteria:
- 12.12.1 the request is made at least 24 hours before the scheduled time and date of the hearing, with
 - 12.12.2 unavailability of the person due to work commitments or existing travel arrangements with appropriate proof to be provided with the request, or
 - 12.12.3 more time is requested to allow adequate preparation regarding the defence of the matter concerning an alleged breach of the Code of Conduct or other policies but not for an ejection from a game, and
 - 12.12.4 an agreed time for the postponed hearing is made within seven (7) days of the original scheduled date
- 12.13 The Panel will not include any person who has any actual or perceived conflict of interest or bias regarding the matter of the hearing.
- 12.14 The cited person may be allowed to participate in Tamworth Baseball subject to the Board's discretion, unless the Board determines it is necessary to exclude the person from all or some activities and events because of the nature of the matter.
- 12.15 The Secretary shall inform the complainant that the person has been cited to appear before the Judiciary by providing a copy of the Notice of Attendance as per By-Law 12.8.
- 12.16 If the complainant believes any details set out in the Notice of Attendance are incorrect or insufficient, he or she should inform the Secretary as soon as possible so that the cited person and the Panel members can be properly informed of the details of the matter.
- 12.17 If possible, the Panel should include at least one person with knowledge or experience of relevant legislation, TBI Constitution, By-Laws and TBI policies as appropriate to the matter In question.

13. HEARING PRELIMINARIES

13.1 The following people will be entitled to attend the Panel hearing:

- 13.1.1 Panel members
- 13.1.2 cited person or persons
- 13.1.3 game officials, if appropriate
- 13.1.4 complainant; if a complaint is made
- 13.1.5 any witnesses called by the person
- 13.1.6 any witnesses called by the complainant; if appropriate
- 13.1.7 any parent or guardian of a minor person (under 18 years of age)
- 13.1.8 support person required to support the person or the complainant

13.2 If the Panel chair considers:

- 13.2.1 that there is a valid reason for the non-attendance of the cited person,
or
- 13.2.2 through a Request for postponement in writing as per By-Law 12.12,
or
- 13.2.3 by any other valid reason accepted solely by the chair, or
- 13.2.4 the chair believes the notification requirements have not been met,

then the Panel hearing will be rescheduled to a date within the next seven days.

13.3 If the cited person is not present at the scheduled hearing time and the Panel chair considers that no valid reason has been presented for this absence, the hearing will continue subject to the chair being satisfied that all notification requirements have been met.

13.4 When the Panel chair informs the Board of the need to reschedule the hearing, then:

- 13.4.1 The Board will request the Judiciary to be reconvened with a new date and time of the hearing as per By-Law 13.2
- 13.4.2 The Secretary will send an Amended Notice of Appearance to the cited person with all details updated as necessary

14. HEARING PROCEDURES

- 14.1 If the cited player is present, the Panel chair will read out details of the matter to the person:
 - 14.1.1 ensuring the person understands the matter, and
 - 14.1.2 requesting that a plea of guilty or not guilty be made.
- 14.2 If the cited player is absent from the hearing, and
 - 14.2.1 there is not a valid reason for the absence as per the provisions of By-Laws 13.3, then
 - 14.2.2 the Panel will continue the hearing and reach a finding on the matter, given that
 - 14.2.3 any written response by the cited player will be accepted and may be read to the hearing
- 14.3 If the cited person pleads guilty to the matter, then the person may:
 - 14.3.1 provide any evidence or witnesses including character references that should be considered by the Panel when determining any disciplinary measures or penalties, and if necessary
 - 14.3.2 present a case for any extenuating or mitigating circumstances
- 14.4 If the cited person pleads not guilty to the matter:
 - 14.4.1 the umpire or complainant will be asked to provide details of all acts, omissions, facts or circumstances in support of the matter, done by either written or oral presentation
 - 14.4.2 the umpire or complainant may call witnesses or tender any written, photographic, pictorial or other evidence regarding the matter
 - 14.4.3 the cited person may question the umpire or complainant and any witnesses only with the leave of the Panel chair
 - 14.4.4 the rules of evidence will not apply at the hearing
- 14.5 The cited person will then be asked to respond to the matter:
 - 14.5.1 done by way of written or oral presentation
 - 14.5.2 the cited person may call witnesses or tender any written, photographic, pictorial or other evidence regarding the matter
 - 14.5.3 the Panel may ask questions of the cited person and any witnesses
- 14.6 The umpire or complainant and the cited person are permitted to be present in the hearing when evidence is presented to the Panel hearing.
- 14.7 Witnesses must wait outside the hearing room until required by the Panel.
- 14.8 Witnesses will be excused from the hearing if they overhear any discussion or have any communication with people associated with the hearing.

- 14.9 The Panel may:
- 14.9.1 consider any evidence, and in any form, that it deems relevant
 - 14.9.2 question any person giving evidence
 - 14.9.3 limit the number of witnesses to those who provide new evidence
 - 14.9.4 reject any written, photographic, pictorial or other evidence submitted by either the complainant or the cited person without having to state reasons for so doing
 - 14.9.5 require (to the extent it has power to do so) the attendance of any witness it deems relevant
 - 14.9.6 act in an inquisitorial manner in order to establish the truth of the matter before it.
- 14.10 Video evidence may be presented with arrangements made entirely by the person wishing to present such evidence.
- 14.11 If the Panel considers that there is unreasonable or intimidatory behaviour from any person in attendance, the Panel chair may:
- 14.11.1 deny further involvement of that person in the hearing
 - 14.11.2 hold that person in contempt of the hearing
 - 14.11.3 impose penalties as is appropriate to the status of the person, such as if the person is a player or official of the game

15. PANEL DELIBERATIONS

- 15.1 The Panel may adjourn the hearing to another date and time if the matter is unable to be fully heard as determined solely by the Panel.
- 15.2 At the conclusion of the hearing, the Panel will deliberate in private in order to determine whether or not the matter has been proven on the balance of probabilities.
- 15.2.1 the Panel may deliver its decision at the conclusion of the hearing, or
 - 15.2.2 reserve such decision until a date and time to be notified to the Board and cited person, and
 - 15.2.3 if the matter is then adjudged to be proven, any penalty imposed will be given at that time
- 15.3 If the Panel determines that the matter has been proven:
- 15.3.1 the cited person may address the Panel in relation to any mitigating or extenuating factors
 - 15.3.2 any penalties imposed must be consistent with By-Law 10 Offence and Penalty Guidelines
 - 15.3.3 in the event of a reserved decision regarding penalty, the Panel shall notify the Board and the cited person of the date and time for its decision on penalty
- 15.4 All Panel decisions will be by majority vote.
- 15.5 When considering the penalty for a proven matter, mitigating factors may be considered, such as but not limited to:

- 15.5.1 the nature and seriousness of the breach subject to the provisions of by-Law 10
 - 15.5.2 the legislative requirements regarding the TBI Code of Conduct such as but not limited to, Child Protection and Discrimination
 - 15.5.3 if the person knew, or should have known, that the behaviour was a breach of the Rules of Baseball, the Constitution, By-Laws, Code of Conduct or any other policies
 - 15.5.4 the person's level of contrition
 - 15.5.5 if there has been any relevant prior warnings or disciplinary action
 - 15.5.6 the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by these By-Laws)
 - 15.5.7 any other mitigating circumstances
- 15.6 The Panel chair will within 48 hours of the conclusion of the hearing process:
- 15.6.1 forward its decision in writing to the Board
 - 15.6.2 stating the finding of the Panel in the matter, and
 - 15.6.3 any penalty imposed, with
 - 15.6.4 any explanatory notes regarding the matter and the deliberations of the Panel as to its findings and penalty imposed
- 15.7 The Board Secretary will record in the Judiciary Register all details of the Panel hearing including any explanatory notes made by the Panel.
- 15.7.1 the secretary will confirm the Panel's findings and imposition of a penalty to the cited person in writing within 24 hours of the Panel hearing
 - 15.7.2 the letter shall outline, in a proven matter, the process and grounds for an appeal as provided in these By-Laws
- 15.8 The Panel does not need to publish reasons for its decisions.

16. RIGHT OF APPEAL

- 16.1 An appeal can be made against the findings of the Judiciary by:
- 16.2
- 16.2.1 the complainant in a Code of Conduct breach subject to the provisions of By-Law
 - 16.2.2 the cited person when a proven finding on a matter is made subject to the provisions of By-Law 6
 - 16.2.3 a club whose protest on a Rule of Baseball or Local Competition Regulations is dismissed subject to the provisions of By-Law 9
- 16.3 No new evidence may be introduced at the hearing of the appeal except with the leave of the Board.
- 16.4 If the Appeal Notice, the Appeal Statement and the appeal fee, if applicable, are not all received by the Board within this time, the right of appeal will lapse.
- .

17. RECORD OF DISCIPLINARY FINDINGS

- 17.1 The Secretary will keep a record of all disciplinary hearings in the Judiciary Registry and their outcomes including details of any penalties imposed.
- 17.2 The Secretary will amend a record of any appeal against a disciplinary hearing in the Judiciary Registry and their outcomes including details of any findings and penalties imposed
- 17.3 The Board and the Judiciary will be entitled to access the Judiciary Register after a disciplinary hearing or appeal in their determination of a penalty.
- 17.4 The Board and the Judiciary will be entitled to take into account any previous findings made in relation to a Member appearing before it when determining penalty.
- 17.5 Members of TBI may access the Judiciary Registry solely to consider matters of propriety in any Judiciary hearing.
- 17.6 The Board will make the Judiciary Registry available only if it is satisfied that the privacy of the person is maintained and that there are legitimate reasons for making the Judiciary Registry available.

Umpire's Report

Ejection

Tamworth Baseball Incorporated

Email: anne-mareehandsaker@hotmail.com

Secretary: Anne-Maree Handsaker

Date

Game

Home Team

Away Team

Grade

Field

Club Coaches / Manager

Home Team

Away Team

Umpires

Umpire in Chief

Other Umpires

Submitted by

Game Situation

Innings

Time of Incident

Team Batting

Number of Outs

Pitcher

Batter

Runners on base

Description of Incident

Person Ejected

Offence Category

Notes

I hereby submit this notice of ejection stating that all is true and accurate to the best of my knowledge.

Signed

Date

Umpire's Report
Protest: Rule of Baseball
Tamworth Baseball Incorporated
Email: anne-mareehandsaker@hotmail.com
Secretary: Anne-Maree Handsaker

Date
Game Home Team Away Team Grade Field
Club Coaches / Manager Home Team Away Team
Umpires Umpire in Chief Other Umpires
Submitted by

Game Situation

Innings

Time of Incident

Team Batting

Number of Outs

Pitcher

Batter

Runners on base

Description of Play or Situation

Umpire Decision

Rule

Reasons for Protest

I hereby submit this notice of protest stating that all is true and accurate to the best of my knowledge.

Signed

Date

Notice of Protest
Local Competition Regulations
Tamworth Baseball Incorporated
Email: anne-mareehandsaker@hotmail.com
Secretary: Anne-Maree Handsaker

Date
Game Home Team Away Team Grade Field
Club Coaches / Manager Home Team Away Team
Umpires Umpire in Chief Other Umpires
Submitted by Club

Game Situation

Innings

Time of Incident

Team Batting

Number of Outs

Pitcher

Batter

Runners on base

Description of Play or Situation

Umpire Decision

Playing Condition

Reasons for Protest

I hereby submit this notice of protest stating that all is true and accurate to the best of my knowledge.

Signed

Date

Notice of Protest

Rule of Baseball

Tamworth Baseball Incorporated

Email: anne-mareehandsaker@hotmail.com

Secretary: Anne-Maree Handsaker

Date

Game

Home Team

Away Team

Grade

Field

Club Coaches / Manager

Home Team

Away Team

Umpires

Umpire in Chief

Other Umpires

Submitted by

Club

Game Situation

Innings

Time of Incident

Team Batting

Number of Outs

Pitcher

Batter

Runners on base

Description of Play or Situation

Umpire Decision

Rule

Reasons for Protest

I hereby submit this notice of protest stating that all is true and accurate to the best of my knowledge.

Signed

Date

Notice of Appearance at Disciplinary Panel

Tamworth Baseball Incorporated

Email: anne-mareehandsaker@hotmail.com

Secretary: Anne-Maree Handsaker

Dear

You are required to attend a hearing of the Judiciary regarding the matter listed below.

Date of Hearing	Time
Place of Hearing	
Person Cited	
Club / Affiliate	
Offence Category	
Penalty	
Description of Incident	
Umpire	
Panel Chair	
Other Members	
Secretary	Date

Incident Summary

Other Notes

Options regarding this Notice of Appearance

1. If you wish to appear in person, please be at the Place of Hearing ten (10) minutes before the starting time. Please make yourself known to the Panel
2. You are allowed a support person who may not address the Panel during the hearing
3. You are not allowed a legal representative.
4. If you do not wish to appear before the Panel, then you are able to make a written response that must be given to the secretary before 9 am of the Date of Hearing. This includes a response that you wish to plead guilty or not guilty to the alleged offence.
5. If you do not appear and have not given a written response, then the Panel will determine the matter in your absence

The Following Documents are attached:

- | | |
|--|-----------------------------------|
| | Umpire's Report on Ejection |
| | Alleged Breach of Code of Conduct |
| | Other relevant documents |

Judiciary Findings on a Matter

Tamworth Baseball Incorporated

Email: anne-mareehandsaker@hotmail.com

Secretary: Anne-Maree Handsaker

Date of Hearing	Time
Place of Hearing	
Person Cited	
Club / Affiliate	
Offence Category	
The Matter was	PROVEN NOT PROVEN
Mitigating Factors if Proven	
Penalty Imposed	
Explanatory Notes	
Panel Chair	Date

Appeal of Judiciary Findings on a Matter

Tamworth Baseball Incorporated

Email: anne-mareehandsaker@hotmail.com

Secretary: Anne-Maree Handsaker

Date of Original Hearing
Person Cited Club / Affiliate
Finding of the Judiciary Penalty or Action Imposed
Reasons for Appeal <input type="checkbox"/> Error in Law or Procedure <input type="checkbox"/> Severity of Penalty <input type="checkbox"/> New Evidence (subject to Board's Discretion)
Case for Appeal
<input type="checkbox"/> Cited Player <input type="checkbox"/> Complainant <input type="checkbox"/> Club <input type="checkbox"/> Other I hereby submit this notice of appeal stating that all is true and accurate to the best of my knowledge. Signed _____ Date _____