



Auckland Baseball Association

Disciplinary and Judicial Committee Policy and Procedures – Version 19

19th October 2023

Amendments – V19

Section 5	5.5
Schedule 3	A & C level infractions
	Fines and penalties

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Purpose

It is important that Participants observe rules, respect the principles of fair play, and maintain high standards of behaviour, both on and off the field. A willingness to adhere to these standards and the Auckland Baseball Association's and Baseball New Zealand's Code of Conduct Policies will ensure the sport remains an enjoyable and safe recreational and/or competitive option for all Participants at all levels of the game.

This Disciplinary and Judicial Committee Policy is established to provide a process for addressing breaches of these standards and the Auckland Baseball Association's and Baseball New Zealand's Code of Conduct Policies in an honest, fair and consistent manner.

1. Status of Code

- 1.1 This Policy was adopted by the Executive on Friday, 1st November, 2019 in accordance with Rule 9a of the Constitution.
- 1.2 Nothing in this Policy waives or limits the right of the Board to make its own enquiries, to impose any sanction that it has authority to impose under the Constitution or involve the New Zealand Police or Civil Legal Bodies.
- 1.3 If any part of this document is held to be illegal or unenforceable then any such illegality or unenforceability shall affect only that part of this document which is held to be illegal or unenforceable and that the remainder of this document shall remain in full force and effect.

2. Scope and Application

- 2.1 This Policy is applicable to the following persons, referred to as "**Participants**":
- 2.2 Any person including, but not limited to, administrators, players, umpires, officials, coaches, coaching staff, managers, player spectators, medical staff, technical support, video staff, and any duly appointed team representatives participating in:
- 2.3 Any administration, matches, competitions, practices, tournaments, events, functions, celebrations, or ceremonies run under the umbrella of the Auckland Baseball Association or Baseball New Zealand
- 2.4 These standards of conduct as set out in the Auckland Baseball Association and Baseball New Zealand's Code of Conduct Policies apply to Participants on-field and off-field conduct.
- 2.5 The terms of these Policies, including any sanctions, will apply regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.

3. Definitions

The following words and phrases, used in this Policy, shall mean as follows:

ABA means Auckland Baseball Association Incorporated

Auckland Baseball Association means Auckland Baseball Association Incorporated

BNZ means Baseball New Zealand Incorporated

Baseball New Zealand means Baseball New Zealand Incorporated

Appeal has the meaning given to it in Part C, clause 11 Appeals

Board means the Committee of Auckland Baseball Association

Chairman means the Chairman or other duly appointed Chair, President or Manager appointed pursuant to the Auckland Baseball Association Constitution

Competition means a series of contests between any number of baseball teams over one day, a limited number of days, or months as decreed by the Auckland Baseball Association

Complaint has the meaning given to it in clause 5

Constitution means the constitution of Auckland Baseball Association and in force from time to time.

Ejection means an action taken by an umpire which removes a Participant from a game. A Participant may be ejected by any umpire on the field of play who believes the Participant in question is behaving in an unsportsmanlike manner. Refer OBR 8.01.d & e.

Executive means the Auckland Baseball Association Executive Committee

Guidelines on Process for Hearing and Determining any Complaint, Protest, Ejection and Appeal means the guidelines for any Judicial Committee for hearing and determining Complaints, Protests and Ejections as set out in Schedule 1.

JAM means Jury of Appeal Members

JPC means Judicial Panel Chairman

JPM means Judicial Panel Members

Judicial Panel means the Auckland Baseball Association Judicial Panel appointed in accordance with clause 7

Judiciary Panel Chairman means the Chairman or other duly appointed Chair, President or Manager appointed pursuant to the Auckland Baseball Association Constitution.

Jury of Appeal means the Auckland Baseball Association Jury of Appeal(s) appointed in accordance with clause 11

Legitimate Protests means incorrectly handled aspects of a procedural nature or related to a technical mistake in a match, which impacts on the outcome of a match, for example, a suspended player interfering with a play or a significant incident that affects the outcome not seen by or dealt with by the umpires and/or officials.

Manager/Coach means the person appointed by the club to be responsible for the team's actions on the field, and to represent the team in communications with the umpire and the opposing team. A player may be appointed manager.

Misconduct has the meaning given to it in clause 5.

On-Field means ball-related rules and interpretations but does not include Legitimate Protests.

OBR means the Official Baseball Rules

Participants has the meaning given to it in clause 2

President means the President of the Auckland Baseball Association

Protest has the meaning given to it in clause 6

Public Statements means any statement in which the whole, part, or essence, is made public. Such a statement may be made in a newspaper, magazine, periodical, or by any electronic media (internet, email, social media etc.), or other means through the medium of television, radio, or in any other manner whatsoever, regardless of the circumstances in which the statement was made.

Rules of Baseball means the laws for playing the game of baseball as laid down by the Auckland Baseball Association and Baseball New Zealand.

Tournament means a series of contests between a number of Baseball teams over one day or over a limited number of consecutive days.

Tournament Director means the person appointed by the Auckland Baseball Association or Baseball New Zealand to control any Tournament.

4. Standards of Conduct

- 4.1 These standards of conduct operate in conjunction with the Auckland Baseball Association and Baseball New Zealand's Codes of Conduct. All Participants shall, at all times, conduct themselves fairly and in a proper manner, including maintaining a high standard of personal conduct, so as not to prejudice the interests of baseball or bring themselves, the game of baseball, the Auckland Baseball Association, or Baseball New Zealand, into disrepute.
- 4.2 Any act, incident, transaction, practice or conduct that is not in the best interests of Baseball is misconduct. This includes any breach of any of the standards of conduct (set out in this clause) and/or breach of the Auckland Baseball Association and Baseball New Zealand's Codes of Conduct. The following are **examples** of conduct that shall be regarded as Misconduct:
- a. Verbal or physical abuse, or hostility, towards any other Participant, person or any other member of the public.
 - b. Disputing, protesting or reacting in a provocative or disapproving manner, in an inappropriate way, toward any decision made by an umpire or official.
 - c. Charging or advancing towards an umpire or technical official in an aggressive manner while appealing.
 - d. Using rude or abusive language or hand signals.
 - e. Abuse of any baseball equipment, or clothing, or venue equipment.
 - f. Any verbal or physical abuse, or hostility, towards any anti-doping officials, game officials or other support personnel.
 - g. Making any detrimental Public Statements, in respect of any Participant, person or other member, public.
 - h. Failing to assemble with a team as instructed.

- i. Failing to maintain and provide correct financial accounts when acting in any position of trust on behalf of the Auckland Baseball Association or Baseball New Zealand.
- j. Any player selected to a representative team, their family or guardians, who does not meet financial obligations to the team or Auckland Baseball Association.
- k. Inappropriate actions by any individual that interferes, disrupts any participant in a game.
- j. Actions by any individual that can be deemed to influence the outcome of a game.

5. Misconduct – Complaints – Ejections

- 5.1 An allegation of Misconduct or Complaint can be made by any person to the President. The lodging of a complaint or misconduct should be carried out as soon as practicable of the incident occurring. The President will pass the matter to the Judicial Panel, Baseball New Zealand or New Zealand Legal Authorities if deemed necessary and communicate with the complainant as to what if any action has been taken. In situations where matters could potentially be forwarded to external authorities the President will consult with the Executive Committee to determine the need and what processes should be followed should the Executive agree to forward a matter to external authorities.
- 5.2 If Misconduct or Complaint is alleged during a Tournament, a complaint can be made to the Tournament Director.
- 5.3 An allegation of Misconduct or Complaint should set out in writing (if reasonably practical) in as much detail as possible:
 - a. The nature of the incident;
 - b. The persons involved;
 - c. The date(s) and time(s) when the alleged Misconduct or Complaint occurred;
 - d. Teams and officials
- 5.4 Nothing in this Policy prevents the ABA Executive initiating an investigation in its own right if it considers there has been Misconduct or Complaint.
- 5.5 At the discretion of the Executive Board or Judicial Panel, should a complaint warrant an investigation the person leading the investigation may source or request information directly from those involved in the matter, this includes dealing directly with the parents or guardians of a minor. The normal channels (E.g., using a club President or Secretary) may be bypassed at the discretion of the individual/s conducting the inquiry.
- 5.6 During a Tournament, the Judicial Panel may initiate its own investigation if they consider there has been Misconduct or Complaint. For tournaments, the Tournament Director will appoint a Judicial Panel as required.
- 5.7 Ejections - Ejections must be notified at completion of a game to the relevant authorities and written notification should be forwarded within 24 hours to the Director of Umpiring and Chairman of the ABA Judicial Panel who will forward the documentation to the Judicial Panel for action. (This refers to regular season games).
- 5.8 For tournaments, the Tournament Director will initiate judicial proceedings as required. These proceeding can also be passed onto the ABA Judicial Panel for further action.

6. Protests (From a Game)

- 6.1 A protest may be made when a Manager/Coach claims that an umpire's decision is in violation of the rules (OBR). No protest shall ever be permitted on judgment decisions by the umpire. In all protested games, the decision of the Chairman of the ABA Judicial Panel shall be final.
- 6.2 Even if it is held that the protested decision violated the rules, no replay of the game will be ordered unless in the opinion of the Chairman of the ABA Judicial Panel the violation adversely affected the protesting team's chances of winning the game.
- 6.3 Whenever a Manager/Coach protests a game because of alleged misapplication of the rules the protest will not be recognised unless the umpires are notified at the time the play under protest occurs and before the next pitch, play or attempted play.
- 6.4 A fee of NZ\$50 in cash only, must be given to the plate umpire at the time of the protest before the game recommences (no coins, cheques or transaction cards permitted).
- 6.5 Procedure for protest.
- a. Time is called
 - b. A protest is declared by the Manager/Coach to the Umpire stating the rule number in question. (This must happen before the next pitch, play or attempted play following the disputed ruling). The Manager/Coach has no longer than 5 minutes to announce the rule number and pay the fee.
 - c. The Umpire will sign the scorebook noting the rule number the protest relates to, the inning, score, outs, batters count and runners on base at the time of the protest.
 - d. The umpire can then recommence the game once 6.5 (b and c) are completed.
 - e. After the game the protesting team's Manager/Coach must lodge the protest using Form (4C) completing all sections of the form in detail
 - f. The protest must be lodged with the association President and Director of Umpiring within 24 hours after the conclusion of the game.
- 6.6 A protest arising from a game ending play must be announced immediately to the umpire and before the umpire leaves the field of play. The Manager/Coach has 5 minutes to pay the fee and announce to the umpire the rule number in question. The umpire will sign the scorebook noting the rule number the protest relates to, the inning, score, outs, batters count and runners on base. The Manager/Coach lodging the protest must then complete section (e) and (f) of the Procedure for protest.
- 6.7 If the protest is from a tournament game (not regular season play) the protest will be heard by the tournament Director at the time. Play may or may not be suspended at the time or at the discretion of the Tournament Director.
- 6.8 Protests regarding eligibility of any individual will be dealt with as a complaint. (Please refer clause 7 for procedures).
- 6.9 The President or appointed representative from the Judicial Panel will communicate their decision.

STRUCTURE OF THE JUDICIAL PROVISIONS

The judicial provisions in this Policy are divided into three parts:

Part A which applies to matters relating to Complaints and Protests hearings;

Part B contains the penalties available for Misconduct; and

Part C contains the Appeal provisions.

PART A – COMPLAINTS, PROTESTS and EJECTION HEARINGS

7. Appointment of Judicial Panel and Details

- 7.1 Prior to the season the President and Executive will appoint the Judicial Panel, which shall consist of a minimum of three (3) persons including a Chairperson, two (2) Tribunal Members, and a Technical Rules Advisor if requested or required by the Judicial Panel. Any appointed Judicial Panel member may be a member of the legal profession.
- 7.2 The Judicial Panel will at all times remain impartial and they will arrive at their decisions through a proper review of the matter and use of the rules and guidelines set out in this Policy document. The Executive retains the right to remove and reappoint members of the Judicial Panel where an actual or apparent conflict of interest may arise with regard to any matter placed in front of the Judicial Panel.
- 7.3 If a complaint or protest is lodged with the ABA Management then after discussions with the Executive and concluding that a hearing may be required, the Secretary will forward the complaint to the Judicial Panel Chairman, to consider and determine the Complaints and Protests.
- 7.4 The Judicial Panel can if deemed acceptable and necessary seek professional external advisement to assist with decision making processes and or co-op such advisement to be present at any hearing. Any such individual/s shall not have a vote.

8. Hearings (including offer)

- 8.1 On receipt of a Complaint, Protest or Ejection the Judicial Panel shall conduct a hearing in accordance with the Guidelines on Process for hearing and determining any Complaint, Protest or Appeal unless in their sole discretion, a hearing is not warranted.
- 8.2 The Judicial Panel may at their discretion make an “offer” of sanction to any offending participant. At the discretion of the Judicial Panel, the letter of offer can be either forwarded to the participant’s Club President, Club Secretary, or the player directly. A response is required within 24 hours. If no response is received the Judicial Panel will proceed with a hearing as notified with the offer.
- 8.3 All proceedings, including the hearing and decision, before the Judicial Panel are confidential to the parties unless the Judicial Panel directs otherwise. In the case of a decision involving a sanction, the details of the charge, verdict and sanction will be communicated to the wider baseball community including the Director of Umpiring and Baseball New Zealand.
- 8.4 Each party shall be responsible for their own costs (if any) associated with the hearing.

9. The Decision

9.1 **After the hearing of a Complaint**, the Judicial Panel shall:

- a. Dismiss the matter if it finds that Misconduct has not been committed;
- b. Issue such penalty as it thinks fit, in accordance with Schedule 3 (guidelines for Judiciary outcome) if it finds Misconduct has occurred;
- c. If the Judicial Panel in its discretion concludes that a hearing and determination by the Executive Committee may be more appropriate in the circumstances, refer the matter accordingly;
- d. Refer the matter to the Police or other civil authorities

9.2 **After the hearing of a Protest**, the Judicial Panel shall determine:

- e. Whether the Protest should be dismissed; or
- f. Whether the Protest should be upheld and take such action as it thinks fit.

9.3 **After the hearing of an Ejection**, the Judicial Panel shall determine:

- g. The appropriate sanction and communicate accordingly

9.4 All decisions of the Judicial Panel shall be final and binding on the parties.

PART B – PENALTIES

10. Penalties Available for Judicial Panel

- 10.1 If the Judicial Panel finds that Misconduct has occurred it may in conjunction with Guidelines for Judicial Outcomes (Schedule 3) impose any one or more of the following penalties as it thinks fit:
- a. A warning or reprimand;
 - b. Require the Participant to make a formal apology;
 - c. Suspension from such activities of the Auckland Baseball Association including any and all competitions, events, meetings, and other functions for such period(s) and on such terms and conditions as it thinks fit;
 - d. Demotion or removal from any position or function granted by Auckland Baseball Association or as a representative of Auckland Baseball Association;
 - e. The cancellation of results of a competition or event (including team results if the Judicial Panel considers it appropriate to do so);
 - f. Any player selected to a representative team, their family or guardians' who has not meet financial obligations to the team or Auckland Baseball Association. In this case the Judicial Panel can advise the Auckland Baseball Association or their representative to seek recourse through Civil Courts, Debt Collection or other means as deemed necessary. The player may not be selected to another representative team until this matter is completely settled to the satisfaction of the Executive.
 - g. Reparation and/or compensation by way of monetary payment to the complainant and/or other parties involved in the matter, in an amount and in such manner as the Judicial Panel thinks fit;
 - h. Fines imposed in such manner, and in such amount(s), as the Judicial Panel thinks fit; and/or
 - i. Such other penalty as the Judicial Panel considers commensurate with the offence.
- 10.2 The Auckland Baseball Association Executive will keep a register of all hearings and all findings of misconduct with the penalties imposed. These can be made available to the Judicial and/or Appeals Panel/s
- 10.3 Suspensions imposed on a Participant must be imposed until a stated date (which should be fixed after taking into consideration the consequences of such suspension).
- 10.4 In determining what penalty to impose, the Judicial Panel may take into consideration any prior findings of Misconduct against the Participant.

PART C – APPEALS

11. Appeals

- 11.1 A party to a decision of the Judicial Panel may appeal such decision, to a Jury of Appeal appointed by the Executive only on one or more of the following grounds:
- a. Incorrect application of rule/s used for the complaint acted on by the Judicial Panel
 - b. Incorrect charges were laid under the complaint acted on by the Judicial Panel
 - c. Substantial new evidence became available after the decision by the Judicial Panel was made
- 11.2 An Appeal must be made in writing to the President of the Auckland Baseball Association accompanied by a non-refundable fee of \$500, within one week of the release of the Judicial Panel's decision.
- 11.3 The Auckland Baseball Association will appoint the Jury of Appeal to hear and determine appeals where one of the grounds in clause 11.1 exists.
- 11.4 A Jury of Appeal shall consist of three persons, including a Chairman, appointed by the Executive.
- 11.5 The Chairman shall control the proceedings but has no vote, the JAM have one vote each and must be unanimous in their decision.
- 11.6 A Judicial Panel member who heard the matter under appeal must not be appointed to the relevant Jury of Appeal.
- 11.7 The Appeal is not by way of a re-hearing of the evidence but is limited to a review of the matters set out in clause 11. However, in exceptional circumstances, the Jury of Appeal may choose to re-hear the matter. In this case, they may re-consider substantive issues at their discretion where they deem this necessary.
- 11.8 If any participant lodges an appeal the appellant continues to be stood down from all Baseball until the appeal process is concluded.
- 11.9 Failure by the appointed Parties of Auckland Baseball to strictly adhere to the procedures as set down in this document is not grounds for an appeal on any ruling.

12. Proceedings of the Jury of Appeal

- 12.1 On receipt of an Appeal, the Jury of Appeal shall conduct a hearing in accordance with the Guidelines on Process for Hearing and Determining any Complaint, Protest or Appeal attached as Schedule 1 to this Policy.
- 12.2 All proceedings (including the hearing and decision) before the Jury of Appeal are confidential to the parties unless the Jury of Appeal directs otherwise. In the case of a decision involving a sanction, the details of the charge, verdict and sanction will be communicated to the wider baseball community. Each party shall be responsible for their own costs (if any) associated with the hearing.

13. The Decision

- 13.1 After the hearing of an Appeal, the Jury of Appeal has the power to:
- a. Allow or dismiss the Appeal;
 - b. Vary the decision of the Judicial Panel;
 - c. Increase, decrease, remit, or otherwise vary, any penalty included in the decision of the Judicial Panel;
 - d. Impose such other penalty or sanction as it deems fit;
 - e. Advise the Judicial Panel to pursue action under a correct rule or charge
 - f. Make an order for costs against any party.
- 13.2 The decision of the Jury of Appeal is final and binding on all parties and there shall be no further right of appeal.

SCHEDULE 1

Guidelines on Process for Hearing and Determining any Complaint, Protest, Ejection or Appeal

The purpose of this guideline is to ensure the Judicial Panel and Jury of Appeal follow consistent processes and comply with the principles of natural justice.

The rules of "natural justice" give protection to the accused in the following three ways: (i) the accused must know the nature of the charge or accusation made; (ii) the accused should be given an opportunity to state his or her case; (iii) the tribunal must act in good faith.

1. Receipt of Complaint, Protest, Ejection or Appeal

- 1.1 On receipt of a Complaint, Protest, Ejection or Appeal, the Judicial Panel or Jury of Appeal shall notify the complainant and the Participant against whom the Complaint, Protest, Ejection or Appeal is made, and any other relevant parties of the process.
- a. The details of the Complaint, Protest, Ejection (as set out in paragraph 2.1 of this Schedule) or Appeal (as set out in paragraph 2.2)
 - b. The time and place of the hearing;
 - c. Where relevant, the names of the people who will be serving on the Judicial Panel or Jury of Appeal for the proceedings;
 - d. The right of all parties to be represented (this includes the Participant(s) against whom the Complaint or Protest is made having one representative). However, if alleged conduct arises during a Tournament it may not be possible for the parties to obtain representation. Therefore, the Participant against whom the Complaint, Protest or Appeal is made can elect to stand-down from playing in the Tournament until they can obtain representation or waive their right to representation.
- 1.2 The Judicial Panel or Jury of Appeal shall hear and determine the Complaint, Protest, Ejection or Appeal in whatever manner it considers appropriate in the circumstances including by way of teleconference, video conference or similar if necessary.

2. Details of the Complaint, Protest, Ejection or Appeal

- 2.1 The details of the Complaint, Protest or Ejection should be in writing using the ABA templates (when reasonably practical) and include:
- a. The fact of the report of the Complaint, Protest, Ejection
 - b. The identity of the Participant when Misconduct is alleged;
 - c. The Misconduct alleged or the decision that the Participant or team is protesting;
 - d. Any evidence provided with the Complaint or Protest.
- 2.2 The details of any Appeal will be in writing and include:
- e. The fact of the report of the Appeal;
 - f. The grounds on which the Appeal has been made.

3. The Hearing

- 3.1 The Participant(s) who is the subject of the Complaint, Protest or Ejection is entitled to be present at the hearing. Should the Participant fail to attend the hearing, the hearing shall take place in the absence of the Participant and the facts around the failure to attend shall be taken into account in the determination of the appropriate penalty in the event that Misconduct is found to have been committed. Should the Participant rely on a medical illness to explain non-attendance they must produce a Medical Certificate.
- 3.2 The Participant(s) are those referred to in any Complaint, Protest, Ejection or Appeal. They must attend in person and may not send a representative.
- 3.3 At the hearing, the Judicial Panel shall:
- a. Provide the Participant with an opportunity to make a statement or provide evidence in relation to the Complaint, Protest or investigation;
 - b. Consider other evidence e.g. umpire reports, technical official reports, witness statements, video evidence etc.
 - c. Provide the Participant with an opportunity to make further submissions or provide additional evidence; and
 - d. Give due consideration to the allegations and the evidence.
- 3.4 At an Appeal hearing, the Jury of Appeal shall:
- e. Provide the Participant with an opportunity to make a statement or representation at the hearing;
 - f. If the Appeal has been raised under clause 11 of this Policy, consider any other evidence which has come to light after the original decision; and
 - g. Give due consideration to the Appeal.

4. Proof

- 4.1 The onus of proof will be on the person who has made the Complaint, Protest or Appeal.
- 4.2 The standard of proof is on the balance of probabilities. The Judicial Panel or Jury of Appeal need only be satisfied on the balance of probabilities (more likely than not).
- 4.3 Where there is a direct conflict between evidence of the Participant and other relevant parties and no corroborative supporting evidence exists either way then the Judicial Panel or Jury of Appeal may in their absolute discretion, give a presumptive but not conclusive weight, to an official's account without in any way pre-determining the final decision.
- 4.4 Greater significance should be placed on the Participant's intention than on the actual outcome in reaching any decision. The consequences of the action may, however, influence the penalty.
- 4.5 In any case in which it is claimed a Participant was guilty of an offence by reason of provocative conduct on the part of another Participant or person, such provocative conduct shall be no defence for any incident but may be considered in determining the penalty or suspension.
- 4.6 A Participant's previous history should not be considered when determining guilt. However, their history should be considered when determining a penalty or suspension. Repeat offenders should expect more severe penalties.

5. The Decision

5.1 Any decision in relation to a Complaint or investigation should be in writing and deal with the following matters:

- a. Whether the Participant(s) accepts that Misconduct has occurred resulting in a breach of this Policy.
- b. If the Participant does not accept the breach, a finding as to whether a breach has occurred and why.
- c. The penalty for any breach.

A decision may be delivered as part of a Judicial hearing if the charged participant is still present at the hearing.

5.3 Any decision in relation to a Protest, Appeal or Ejection should be in writing and deal with the following matters:

- d. The outcome of the Protest, Appeal or Ejection
- e. Any implications for other Participants or teams in the Competitions

5.4 While serving a suspension period a Participant shall not participate at any level, nor be involved in baseball in any other capacity at any level until completion of the match or matches or time period comprising the suspension period, unless otherwise directed by the Judicial Committee.

5.5 In the event a Participant is injured, any suspension period will commence once the Participant receives medical clearance to participate, including if necessary, the next season the Participant chooses to play.

6. The Penalty

6.1 A clear definition of the penalty will include:

The penalty imposed;

Where a penalty imposed contains a suspension period:

- i. The number of matches and/or timeframe for which the Participant is suspended;
- ii. The date of commencement of the suspension; and
- iii. The match or matches to which the suspension will apply.

SCHEDULE 2

Checklists for use of this Policy

The following lists are provided as a guide for those involved in a judicial process. Their use should be seen to assist a fair process. It is not intended that an omission or oversight would result in the basis of an appeal, unless the provisions of clause 11(C) apply.

For Judicial and Jury of Appeal Members

- The details of Schedule 1 should be considered carefully
- Note that accused Participant(s) involved in judicial proceedings should not partake in baseball until the judicial process has been completed
- The complainant and the accused should be notified of the details of the complaint or protest. If appropriate, ensure other affected parties are advised
- Advise a timeline for the process
- Initiate an investigation
- Ensure no conflicts of interest or perceived conflicts. Be vigilant with professionalism, confidentiality, and privacy. Ensure no pre-judgements are made by people privy to information
- If a hearing is required, the Executive will advise the Judicial Panel Chairman in accordance with clause 8
- Complete a formal notification of charge form (Form 4b from Schedule 4)
- Notify all parties that a hearing will take place
- Outline the details of the time and place of the hearing to relevant parties
- Detail the names of the Judicial Panel
- Invite the accused to the hearing. Note that the hearing will still proceed in the absence of the accused
- Indicate that a support/ representative person may be present
- Provide any reports or evidence that is available at the time of notification
- Indicate the alleged misconduct and charge if appropriate
- Regularly advise the President and Vice President of proceedings

For Participants or those lodging a protest or complaint:

- Complaints should be lodged within one week (use form 4a Allegation of Misconduct)
- Protests regarding a particular match or competition should be lodged within 24 hours. No protest will be heard regarding an umpire's on-field judgement decision (use form 4c Protest relating to a match or competition)
- The \$50 fee must have been paid by the team manager – refer clause 6.4

At the hearing

- The Judicial Panel should be introduced
- Accurate minutes of the meeting should be taken
- The accused, and support person if any acknowledged and introduced
- The Judicial Panel should outline the alleged misconduct and indicate the charge
- The Judicial Panel should give the accused an opportunity to make an opening statement, and to make a plea
- The accused should then be given the opportunity to give evidence relevant to the alleged misconduct
- The Judicial Panel should consider relevant evidence, e.g., reports, video footage, witness accounts. At any stage, individuals or parties may be asked to leave the room.
- The Judicial Chairman can rule of what evidence they deem to be relevant
- The accused should be given opportunity to make further submissions
- The Judicial Panel should consider the allegations and evidence
- The Judicial Panel should make a decision and impose any sanction(s)
- The right to appeal as per Clause 11 should be stated
- The decision should be communicated verbally at the meeting, then in writing as soon as practicable after the completion of the meeting
- The accused and other parties involved in the alleged misconduct should be informed of the decision and sanction. Ensure that this communication is acknowledged as received by all parties

During the Hearing

- The accused may request a recess which may or may not be granted by the Chairman
- Only two (2) recesses are permitted, for a maximum of five (5) minutes each
- In the case of multiple misconduct allegations and subsequent multiple sanctions, the sanctions are deemed to be Consecutive not Concurrent unless decided otherwise at the discretion of the Chairman in agreement with the JPM.
- The Chairman in agreement with the JPM, or the President in agreement with the Executive, may at their discretion choose to send an immediate report to Baseball New Zealand for their discussion. Any sanctions imposed by Baseball New Zealand are determined to be separate and in addition to any sanctions imposed by the Judicial Panel, Appeal Panel or Executive Committee when acting on behalf of the Auckland Baseball Association
- If deemed necessary by the Judicial Panel, Appeal Panel or Executive Committee any hearing can be adjourned for a set period if in their opinion additional information or assistance is required
- Any and all witnesses are to be kept separate from the Hearing and from each other until all have been interviewed
- Any and all witnesses must be interviewed separately
- If multiple parties are charged, they must be interviewed separately, and remain apart until proceedings are completed where practicable
- If multiple charges stem from one event, all parties and witnesses must be kept apart and interviewed separately where practicable
- JPM may only direct questions to the accused party/parties, their advocate, and witnesses, not support people.

Judicial Panel and Jury of Appeal

- The Judicial Panel and Jury of Appeal shall consist of the Chairman and two (2) other members
- The Chairman is in absolute control of any hearing
- The JPM must determine the outcome of the alleged misconduct and accordingly have one (1) vote each
- In the event the JPM are unable to reach any decision be it guilt or sanctions they may then call on the Chairman to cast a deciding vote
- If it is the opinion of the Judicial Panel Members further assistance or advice is required, they can request this from a specialist. The specialist is to provide information and not contribute advice as to guilt or innocence. The specialist does not have a vote.
- In the event of any Appeal the Judicial Chairman and Panel Members from the original Hearing should not sit on the Jury of Appeal.
- In the event any matter is forwarded to Baseball New Zealand no Judicial Panel Members or Jury of Appeal Members can be part of the ruling body for a Baseball New Zealand Judicial Hearing.

SCHEDULE 3

Guideline for Judiciary Outcomes

GUIDELINE FOR JUDICIARY OUTCOMES

These outcomes are only a guideline and the ABA Judicial Panel have the final outcome

A level Infractions:

Are infractions of rules that are considered crucial for competition success and/or have serious negative effect on the running of the ABA. Fines and sanctions can be levied on either the participant/s, club or both.

The following are examples of A level infractions and potential penalties.

- A Illegal/corked bat - 5 games
- A Foreign substance/doctored baseball - 5 games
- A Intentional throwing at a batter in the head area - 5 to 10 games
- A Physically aggressive activity against a fan/spectator - 3 to 5 games
- A Physically aggressive activity against ABA or BNZ officials - 4 to 10 games
- A To hinder or be obstructive towards an investigation by the Judicial panel or by any such person or persons assigned by the ABA to carry out an investigation into any matters of potential misconduct - \$500 and a 2-year ban from all ABA Baseball activities from the date of the Judicial outcome.
- A Verbally aggressive or derogatory language towards or against a spectator, participant, or ABA and BNZ officials - 0 to 10 games
- A Causing a forfeit game - 0 to 6 games
- A Non presence of a team in a tournament after confirming their participation - \$500
- A Failure by a club to observe the suspension of a participant by allowing them to partake in Baseball activities - \$1000
- A Failure of a coach to observe the suspension of a participant by allowing them to partake in Baseball activities - \$1000
- A Improper use of official ABA documents, photographs or emails, including unsolicited publication of privileged ABA or a clubs documents in a forum not intended for such items - \$2000 + 2 - 5 year ban from all Baseball activities
- A Misuse of off ABA email platforms or messaging systems - \$2000 + 2 -5 year ban from all Baseball activities
- A Failure to identify oneself as the owner/user of an unsolicited email address not known to the ABA that attempts to undermine or threaten or diminish the ABA - \$2000 + 2 -5 year ban from all Baseball activities
- A To deliberately mis-inform entities about ABA activities - \$5000 + 5 - 10 year ban from all Baseball activities

B level infractions:

Are infractions of rules that are considered important for game operations and/or behaviour that is unsportsmanlike.

The following are examples of B level infractions and potential penalties.

- B Bringing the game into disrepute by any verbal or physical action, including abuse, assault, intimidation, whether intentional or not. Discretionary outcomes, high point is unlimited
- B Prolonged arguing - 1 to 4 games
- B Inappropriate comments directed at an umpire - 2 to 6 games
- B Violently throwing equipment - 4 to 6 games
- B Inappropriate gestures at an umpire - 4 to 8 games
- B Restrained from confronting umpire/player - 3 to 10 games
- B Actions causing benches to empty - 1 to 8 games
- B Team personnel ejection - 1 to 8 games
- B Failure by the host to provide adequate scorekeeping personnel and resources - \$250
- B Actions during bench clearing (not physical violence) - 0 to 3 games
- B Throwing equipment/debris onto field from dugout - 1 to 6 games
- B Intentional throwing at a batter - 2 to 4 games
- B Charging the mound - 1 to 3 games
- B Deliberate contact with another player and/or foul play – 1 to 5 games
- B Failure to leaving the dugout or vicinity of the game as requested by the umpire following an ejection - 1 - 5 games
- B Contacting an umpire - 2 to 6 games
- B Throwing equipment in umpire's direction - 4 to 12 games
- B Fighting - 3 to 8 games
- B Intentional throwing at a batter in the head area - 4 to 6 games
- B Juniors – Pitching over their pitch limit - 1 to 2 games

C level infractions:

Are infractions of logistical and/or routine rules in nature. The following are examples of C level Infractions and potential penalties.

- C Failure to follow regulations concerning uniform colour and related regulations: \$250
- C Incorrect registration and dispensation data - \$250, 0 – 5 games
- C Failure by the host to notify all participants regarding the ground rules at each competition site: \$250
- C Failure to adhere to a club's ground rules: \$100 per participant per offence
- C Failure to adhere to the association's ground rules \$100 per offence
- C Continued failure to adhere to ground rules: \$250 + per offence
- C Failure by the host to meet the protection and security regulations of the players in the playing field: \$250
- C Failure by the host to adhere to the Technical Commission guidelines regarding scheduling of games: \$250
- C Failure to submit starting line ups in time: 0 to 1 game
- C Delay or absence in technical meeting without prior notice: \$250
- C Failure by the host to follow guidelines on stadium use and maintenance: \$250
- C Failure by a visiting team to follow guidelines on stadium use and maintenance: \$250
- C Wilful damage or theft of club or association equipment – Fines and penalties to be determined by the Judicial Committee on a case-by-case basis

Fines and penalties:

The following incidents are examples of potential infractions and fines. These incidents will serve as guidelines for the types of fines and/or suspensions that the Judiciary will use when rendering judgment:

- a. Misuse of player identity
 - Loss of competition points for any games affected
 - Immediate standdown from all ABA activities for the coaches of the team concerned and for the player using someone else's identity and for the player whose identity that may have been used
 - Falsifying or the misuse of a player's identity \$1000.00 per offence for the player using another person identity and for the coach in control of the line-up card
 - A 1-year ban from all Baseball – this applies to both the player who uses another person's identity and to the coaching staff of the team involved
 - A \$500.00 fine may be imposed if an individual is found to knowingly allow another person to use their identity to either play or coach
 - A \$1000.00 fine may be imposed if the principal members of a club (e.g management committee, umpire or scorer) or any person involved in the running of the game should they be found to have knowingly allowed a player's identity to be misused.
- b. Ineligible player: \$100.00 per offence, loss of competition points
- c. Improper game balls: \$50 per offence
- d. Improper uniforms: \$50 per offence
- e. Improper field equipment (as ruled by head umpire): \$50 per offence
- f. Use of drugs, alcohol, tobacco, language: \$50 per offence
- g. Forfeiting a game: \$100.00 first occurrence; \$150 second occurrence; \$250 third occurrence
 - A third consecutive forfeiture within a season shall result in mandatory expulsion from the Grade for the remainder of the season along with any additional future sanctions deemed appropriate by the Competitions Committee.
 - All fines herein must be paid prior to the start of the forfeiting team's next regularly scheduled game to remain in good standing with the Grade and to avoid any subsequent game being recorded as a forfeit.
- h. Failure to report game score by winning team by 5pm on the Monday directly following the conclusion of a game: \$50 per offence

SCHEDULE 4

Complaint, Protest, Ejection and Judicial Process Templates

The following templates are designed to allow correct flow of information between the various parties involved with a judicial process. It is not compulsory to use these forms (ie a process would not be deemed invalid if alternative documentation was used), but it is recommended so that the correct information flow and communication between parties result in a fair and open process.

Templates listed:

- 4a Allegation of Misconduct (Complaint)
- 4b Formal Notification of a Charge
- 4c ABA game protest form

4a Allegation of Misconduct (Complaint)

Introduction *(Detail the time, date, location, match details (if applicable), umpires (if applicable)).*

Time:

Date:

Location:

Other details:

Participants: *(identify the person(s) involved, their player number and role as defined by this Policy Clause 3.1).*

Describe the nature of the incident: *(A detailed factual account of the event including anything leading up to the event and anything occurring afterwards (if applicable), and any verbal comments made surrounding the incident).*

List potential witnesses:

Signed:

Date:

Name:

4b Formal Notification of a Charge

Date:

Name of participant: _____ (person charged)

Charge:

On the _____ (day) of _____ (month) _____ (year)

(description of the charge to ensure the participant is fairly informed)

Examples (delete examples and wording that are not relevant)

(e.g. did excessively appeal an Umpire decision by repeatedly crowding and verbally challenging the umpire _____ (name))

(e.g. did abuse baseball equipment, namely dugout by throwing their baseball bat)

(e.g. did use language, namely _____ (words used) which seriously offended _____ (name person) on the basis that it was racially offensive)

(e.g. did threaten _____ (umpire or official name) by using the words _____.)

(e.g. did spit at _____ (name) which connected with that person or another)

(E.g. did strike a person _____ (namely) with a baseball stick causing an injury namely _____ (give injury).)

Signed:

Name:

Role:

4 C ABA Game Protest Form

ABA GAME PROTEST FORM			
<i>The basis of any protest must be based upon misinterpretation of the rules of the game. No protest may be lodged regarding any judgment decisions. A protest is not casual and so it should be done only after careful consideration of the situation.</i>			
Date of the Game: / / Time: :			
Manager / Coaches Name:		Club:	
Team Managed / Coached:		Grade:	
Opposition Team:		Umpire in Chief's Name:	
GAME SITUATION AT THE TIME OF THE INCIDENT:			
Inning	Outs	Score	In favour of
DESCRIBE THE INCIDENT THAT OCCURRED RESULTING IN A PROTEST:			
SPECIFICALLY STATE THE RULE INTERPRETATION BEING PROTESTED:			
Report delivered by: (circle one)	Mail Hand	Fax Courier	Email
Signed		Dated	/ /
Signed		Dated	/ /
ACTION TAKEN BY THE LEAGUE:			
Convening Panel Members:			
Signed	Dated	/	/
Signed	Dated	/	/
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