



Hills Juniors

- JUDICIARY PROCEDURE -

Preliminaries

- 1) Any person cited in (“*made the subject of*”) an Umpire’s Report shall, in accordance with the HJBA Rule Book, appear before a Judiciary Hearing constituted in accordance with this Judiciary Procedure. Such a person is herein defined as a “**cited person**”.
- 2) The Competition Secretary shall, upon receipt of notification that a person has been cited in an Umpire’s Report, consider the issues involved and prepare charges against that person stating the alleged breaches of the HJBA Rule Book and/or the Official Rules of Baseball.
- 3) The Judiciary Hearing will be constituted as soon as possible, and attempts shall be made to schedule the Hearing at a time convenient to the cited person. However, if the cited person is not available to appear, the Judiciary Hearing shall proceed in their absence.
- 4) The Secretary **MAY** grant permission for a cited person to participate in games before their Hearing, **IN THE EVENT THAT** the cited person has made themselves available but The League is unable to arrange a Hearing before the next game in which that person would normally participate.
- 5) The Judiciary Committee shall comprise three people as follows:-
 - (a) The Clubs participating in the game involved in the incident shall nominate one member each of the Judiciary Committee. Their failure to do so shall result in the Competition Secretary nominating, in their place, another (or other) person(s), of his choosing.
 - (b) The Chairman of the Judiciary Committee shall be nominated by the Competition Secretary (and the Competition Secretary may, at his option, so nominate himself). The Chairman of the Judiciary Committee shall have a deliberate vote as well as a casting vote.
- 6) The cited person will be given, prior to commencement of the Judiciary Hearing:-
 - (a) A copy of the Umpire’s Report,
 - (b) A copy of this document,
 - (c) Written notice of their requirement to attend, which shall include the precise charges brought by the Competition Secretary on behalf of The League.

- (d) Copies of this material will also be provided to the home Club of the cited person.
- 7) Any Umpire making a report which becomes the subject of a Judiciary Hearing will be invited to appear at the Judiciary Hearing to support his/her Report. A travel allowance of up to \$10 will be offered.

Procedure for the Hearing

- 8) Legal representation is not allowed. Cited persons who are under eighteen years of age are to be accompanied by an adult.
- 9) Upon invitation from the Chairman, the cited person will enter the room and the Umpire's Report will be read.
- 10) If the cited person agrees with the facts in the Report, s/he may offer a statement of defence of mitigation or other explanation, after which the Committee shall retire and consider what penalty, if any, is to be imposed.
- 11) If the cited person disagrees with the report, the Chairman will invite questions and comments of those present to clarify the points of disagreement. Upon being satisfied with the outcome of such discussions, the Committee shall retire and consider what penalty, if any, is to be imposed.
- 12) The cited person may bring witnesses to appear before the Committee, or submit witness statements or other documentation to support their case. The Chairman of the Committee shall rule on the relevance of the evidence of such witnesses and/or documentation and shall admit such evidence or not, at his absolute discretion. The Chairman shall direct and control the questioning of any witnesses.
- 13) No child under the age of 18 years may be called as a witness, nor may any cited person under 18 years be questioned by any person present at a Hearing **SUBJECT TO** the exception that a cited person under the age of 18 years may speak in his/her defence without the right of anyone to cross-examine.
- 14) If the cited person fails to appear when required at a Judiciary Hearing, that Hearing shall progress in their absence and any penalty imposed will stand.
- 15) Any penalty imposed will be binding on all members of The League. Also, it is current NSWBL policy to enforce any such penalties in both NSWBL and ABF competitions, notwithstanding that the offence was committed in a competition run by a member Association.
- 16) Any penalty imposed shall be stated in actual games or periods of time. No suspended sentences shall be imposed.
- 17) Following their deliberations, the Judiciary Committee shall advise:
- (a) Their decision as to whether the charges are proven or not, and
 - (b) In the case of guilt and if a penalty is imposed, the exact number of games in which the person is unable to participate: or, if the penalty is to be for a period of time, the start and end dates of such a disqualification, and
 - (c) The competition(s) in which the suspension is to be served.

- 18) If the cited person is found guilty of any offence, regardless of whether a penalty is imposed, that person's home Club shall be levied a fine of \$25.

Appeals

- 19) A cited person shall have a period of 7 days to lodge with the Competition Secretary their intention to appeal any decision or penalty imposed by the Judiciary Committee.
- 20) Such an intention to appeal will be allowed to proceed **ONLY**:-
- (a) In the event that a penalty of suspension for more than one week or one game was imposed by the Judiciary Hearing, and the cited person wishes to appeal against the severity of such penalty, or
 - (b) In the event that the cited person wishes to appeal against the issue of guilt or innocence with the charges brought, as decided by the Judiciary Hearing, then new and substantial evidence not available to the original Judiciary Hearing shall be provided. The nature of such additional evidence is to be advised to the Competition Secretary at the time of lodging the appeal. Failure to do so adequately may result in the right of appeal being denied by the Competition Secretary.
 - (c) If their intention to appeal is lodged with the Competition Secretary in writing or electronically by email.
- 21) Appeals are at first instance to be heard by the full Executive Committee of The League. A further appeal path is available to the Junior League Standing Committee of NSWBL.
- 22) Should an appeal be allowed, a Special Meeting of the HJBA Executive Committee will be convened as soon as possible but not more than two (2) weeks after receipt of a notice of intention to appeal.
- (d) If the appellant is not available to appear in person at the time set, the appeal shall be heard in their absence.
 - (e) The Executive Committee shall have the power to uphold or dismiss the appeal and/or the power to vary the penalty imposed.
 - (f) The Executive Committee may, at its option, defer judgement of the appeal to a future full Delegates' Meeting of The League. In this event, the Delegates' Meeting shall direct the Executive Committee on the required resolution of the matter.
 - (g) An appellant found guilty by the original Judiciary Hearing may not participate in games from which they were suspended by that Hearing, pending their appeal being heard.
- 23) Should the cited person wish to appeal the decision of the Executive Committee, the appropriate action is to contact NSWBL, as any further appeal will be under the terms and conditions of NSWBL procedures, over which HJBA has no control. Should a cited person wish to do so, they are advised that any decision of NSWBL on the matter is advisory only and HJBA is under no obligation to accept or implement it.

20th May, 2005