

THE BASEBALL B.C. APPEAL PROCEDURE

PREAMBLE

- 1) It is the intent of Baseball B.C. that all appeals are to be dealt with expeditiously and impartially. This Appeal Policy shall serve as a guideline for dealing with such appeals. The decision of the Appeal Panel is final and binding on all parties concerned.

DEFINITIONS

- 2) *Appellant* refers to the person who is making the appeal from the disciplinary action taken by the Member Association or Committee or Board of Baseball B.C.
- 3) *Disciplining Body* refers to the body which imposed the discipline from which appeal is taken.

APPLICATION

- 4) This Appeal Policy applies to all appeals granted from disciplinary action taken against any individual by any member association or by Baseball B.C., provided that such right of appeal is clearly set out in the disciplinary procedures or directives of that member association, or the committee or board appointed by Baseball B.C.
- 5) Notwithstanding any provision in this Appeal Procedure:
 - a) A hearing, decision of, or disciplinary action by Baseball B.C., the President of Baseball B.C. (or designate), or Panel, or any appeal related thereto, is not invalidated or defeated by an irregularity or preliminary procedural objection or failure to meet a time requirement under this Policy.
 - b) If an irregularity, procedural error, or failure to meet a time requirement has occurred, Baseball B.C., the President of Baseball B.C. (or designate), or Panel, may determine that the hearing, decision, disciplinary action or appeal shall remain in place, or proceed as the case may be, and may impose such conditions, including the granting an adjournment of further proceedings, as deemed appropriate in all of the circumstances.

NOTICE OF APPEAL

- 6) A Notice of Appeal shall be set out in writing by the Appellant in a form similar to that in Appendix A attached.

APPEAL FEE

- 7) In order to reduce the likelihood of frivolous appeals the Appellant shall pay an Appeal Fee of \$200 at the time of the delivery of the Notice of Appeal. The fee shall be paid by certified cheque or money order, payable to Baseball B.C. A Notice of Appeal delivered without the prescribed fee will not be considered.

FILING THE NOTICE OF APPEAL

- 8) A Notice of Appeal, together with the prescribed fee must be received by the Executive Director of Baseball B.C. no later than 14 days from the date of the decision from which appeal is being taken. A Notice of Appeal delivered after that time will not be heard.
- 9) The filing of the Notice of Appeal and the prescribed fee will not suspend, delay or otherwise affect the sanction or penalty imposed by the Disciplining Body.

APPEAL PANEL

- 10) Upon receipt of the Notice of Appeal and the prescribed fee the Executive Director shall notify the President of Baseball B.C., or designate, who shall within 7 days appoint a 3 person Appeal Panel to hear the appeal. The make up of the Appeal Panel is to be at the complete discretion of the President, or designate, and the President, or designate, shall appoint the Chair of the Appeal Panel. The Chair will have a vote and the decision of the Appeal Panel shall be decided by a majority of votes.

HEARING DATE

- 11) The date for the hearing of the appeal will be set in consultation with the Appellant and the hearing will take place no later than 30 days after the date of the decision from which appeal is taken.

WRITTEN SUBMISSIONS

- 12) In order to assist the Appeal Panel during its deliberations, the Appellant shall provide to the Executive Director not later than 7 days prior to the date set for hearing the following:
 - a) a copy of the written decision being appeal from;
 - b) a written statement of submissions to be made by the Appellant to the Appeal Panel; and
 - c) any written statements in support of the appeal (such as witness statements).

EXPENSES

- 13) The appeal will be held at a location to be determined by the Chair of the Appeal Panel and, if necessary, Baseball B.C. will reimburse the members of the Appeal Panel for expenses incurred in attending the hearing of the appeal. The Appellant will bear his or her own expenses for attending the hearing of the appeal.

REPRESENTATION

- 14) The Appellant may be accompanied by a representative at the hearing of the appeal. In the event that the Appellant does not appear at the hearing of the appeal, the appeal will be dismissed.

HEARING AND DELIBERATIONS

15) At the hearing of the appeal the Appeal Panel will consider the evidence presented, together with the written and oral submissions of the Appellant. All evidence that the Appellant wishes to have the Appeal Panel consider must be presented at the hearing of the appeal. At the conclusion of the hearing the Appeal Panel will retire and consider whether or not a decision can be made at that time. If a decision can be made at that time, the Appeal Panel will deliberate and then return to the hearing room to advise the Appellant of its decision. If further time for deliberation is required, the Appeal Panel will advise the Appellant that its decision will be made in writing at a later date. In any case a written decision will be rendered not later than 7 days after the date of the hearing of the appeal.

DECISION OF THE APPEAL PANEL

16) After deliberation the Appeal Panel may uphold, vacate or vary the decision of the Disciplining Body.

17) Following the deliberations of the Appeal Panel, a written decision shall be forwarded to the President of Baseball B.C. who will then forward copies to the Appellant and the Disciplining Body. The decision of the Appeal Panel is final and it is binding on the Appellant, the Disciplining Body, Baseball B.C. and its membership.

BASEBALL B.C. NOTICE OF APPEAL

Name: _____

Please print

Address: _____

Phone: Home: _____ Work: _____

Fax: _____ E-Mail _____

Name of Disciplining Body from Which Appeal Is Taken: *(Provide Contact Information If Possible)*

Date of Decision from Which Appeal is Taken: _____

Description of Sanction/Penalty Imposed: _____

Brief Description of Reason for this Appeal: _____

Desired Result of Appeal: _____

Date: _____ Signature: _____

Note: This Notice of Appeal and the prescribed Appeal Fee of \$200 (payable in cash, certified cheque or money order) must be delivered to the Executive Director of Baseball B.C. not later than 14 days from the date of the decision from which appeal is being taken. Failure to comply with this time limit will result in forfeiture of the right of appeal.