# PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

**QUESTIONING OF JUDGEMENT**

| CHARGE CODE | CHARGE | GRADE | DESCRIPTION | GUILTY PLEA PENALTY | DEFENDED PENALTY | DOWN GRADE TO |
|---|---|---|---|---|---|---|
| QJC1 | Question judgement call | 1 | Not prolonged.<br>No use of offensive or aggressive language or behaviour. | Caution | 1 week | None. |
| QJC2 | Question judgement call | 2 | Continuous or prolonged.<br>Arguing balls and strikes following a warning.<br>Abusive or aggressive behaviour or language. | 1 week | 2 to 4 weeks | QJC1 |

**USE OF OFFENSIVE AND/OR ABUSIVE LANGUAGE**

| CHARGE CODE | CHARGE | GRADE | DESCRIPTION | GUILTY PLEA PENALTY | DEFENDED PENALTY | DOWN GRADE TO |
|---|---|---|---|---|---|---|
| OAL 1 | Offensive or abusive language. | 1 | Abusive towards players.<br>No swearing involved.<br>Not prolonged. | 1 week. | 2 weeks. | No |
| OAL2 | Offensive or abusive language. | 2 | Abusive or offensive towards players, umpires or spectators.<br>Swearing and/or personal remarks.<br>Registered players as spectators being offensive/abusive to players – no swearing.<br>Not loud enough for spectators to hear. | 2 weeks. | 3 to 4 weeks. | OAL1 |
| OAL3 | Offensive or abusive language. | 3 | Prolonged abuse involving personal, discriminatory or offensive language.<br>Swearing involved.<br>Registered players as spectators being offensive/abusive to players – swearing.<br>Loud enough for spectators to hear. | 3 weeks. | 4 to 8 weeks. | OAL2 |

# PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

**UNSPORTSMANLIKE CONDUCT**

| CHARGE CODE | CHARGE | GRADE | DESCRIPTION | GUILTY PLEA PENALTY | DEFENDED PENALTY | DOWN GRADE TO |
|---|---|---|---|---|---|---|
| UC1 | Unsportsmanlike Conduct | 1 | Administrative misdemeanour with no violence or aggression.<br>Example may be;<br>Tampering with the ball or other equipment. | Caution | 1 week. | No |
| UC2 | Unsportsmanlike Conduct | 2 | Intentional, reckless or careless breaking of rules.<br>Aggressive behaviour, but with no violence.<br>Examples may be;<br>Carelessly colliding with catcher (or others).<br>Pushing players on or off the field.<br>Intentionally throwing the ball at a batter.<br>Unduly rough or dummy tag.<br>Adopting a threatening attitude to player. | 1 week. | 2 to 3 weeks. | UC1 |
| UC3 | Unsportsmanlike Conduct | 3 | Intentional or careless breaking of rules where there is aggressive and/or violent behaviour.<br>Examples may be;<br>Careless play resulting in the possibility/probability of serious injury.<br>Threatening an umpire with physical violence. | Must appear before tribunal. | 4 to 6 weeks. | UC2. |
| UC4 | Unsportsmanlike Conduct | 4 | Severe aggressive or violent behaviour.<br>Examples may be;<br>Punching player/coach<br>Participating in an affray<br>Touching or handling an umpire. | Must appear before tribunal. | 6 weeks to 26 weeks. | UC3 |
| UC5 | Unsportsmanlike Conduct | 5 | Violence and/or aggression.<br>Prolonged and/or severe.<br>Use of object as weapon such as bat, ball or helmet.<br>Striking or pushing an umpire. | Must appear before tribunal. | 26 weeks to life. | UC4 |

# PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

**CONTRARY CONDUCT**

| CHARGE CODE | CHARGE | GRADE | DESCRIPTION | GUILTY PLEA PENALTY | DEFENDED PENALTY | DOWN GRADE TO |
|---|---|---|---|---|---|---|
| CC1 | Contrary Conduct | 1 | Offences relating to misdemeanour.<br>Examples may be;<br>Offensive behaviour by sign or gesture.<br>Dangerously or carelessly throwing bat or helmet.<br>Failure to fulfil obligations under the League's playing rules. | Caution | 1 week. | No |
| CC2 | Contrary Conduct | 2 | Offences relating to more severe misdemeanour.<br>Examples may be;<br>Failure to obey an umpire's directive.<br>Unauthorised entry onto the playing field.<br>Failure to obey a directive of any member of the League's executive or a groundsman.<br>Failure to leave the team's dugout and vicinity following ejection. | 1 week. | 2 to 3 weeks. | CC1 |
| CC3 | Contrary Conduct | 3 | Offences relating to dangerous / offensive behaviour.<br>Examples may be;<br>Offensive behaviour by registered players while spectators.<br>Throwing objects onto the field. | Must appear before tribunal. | 4 to 6 weeks. | CC2. |
| CC4 | Contrary Conduct | 4 | Offences which bring the week, Clubs or the League into disrepute or place them in danger.<br>Examples may be;<br>Playing unregistered players/coaches. | Must appear before tribunal. | 7 weeks to 26 weeks. | CC3 |

# PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

**CONTEMPT OF ABF, BASEBALLNSW OR TRIBUNAL.**

| CHARGE CODE | CHARGE | GRADE | DESCRIPTION | GUILTY PLEA PENALTY | DEFENDED PENALTY | DOWN GRADE TO |
|---|---|---|---|---|---|---|
| CO1 | Contempt | 1 | Failure to appear before the Tribunal on a contested charge without a reasonable excuse. | 1 week. | NA | No |
| CO2 | Contempt | 2 | Failure to complete penalty before playing or playing baseball anywhere in Australia for any group (affiliated or not) while serving a penalty. | Must appear before Tribunal. | 2 to 3 weeks. | No |
| CO3 | Contempt | 3 | Providing false information to the Tribunal. | Must appear before Tribunal. | 2 to 6 weeks. | No |
| CO4 | Contempt | 4 | Organising false witnesses before the Tribunal or bring the Tribunal processes into disrepute. | Must appear before Tribunal. | 3 weeks to 26 weeks. | No |

**Members charged with any of the following offences must appear before the Tribunal. All on-field members are subject to these charges and may be cited by Umpires, Team, Club, League or NSWBL officials. The definition of "field" includes dugouts, scorer's area and all parts of the playing field as defined by the rules of baseball. In all cases, the tribunal may impose higher penalties and may also charge team or club officials for allowing the offence to occur.**

| Code | Charge | Penalty |
|---|---|---|
| CL01 | Playing or being on a baseball field when intoxicated by alcohol or any non-prescription drug that may impair the safety of the member or other week participants. | 3 weeks for the 1st offence.<br>6 weeks for the 2nd offence.<br>1 year for the 3rd offence. |
| CL02 | Drinking alcohol immediately before or during a week, including having opened containers of alcoholic fluid within the "field" as defined above. | 4 weeks for the 1st offence.<br>8 weeks for the 2nd offence.<br>1 year for the 3rd offence. |
| DR01 | Any breach of the ABF Anti-Doping Policy. | As per 2004 ABF Policy Document. |
| TB01 | Using any tobacco product on the playing field before, during or after a week. | 2 weeks for the 1st offence.<br>8 weeks for the 2nd offence.<br>6 months for the 3rd offence. |

# PRESCRIBED PENALTIES – BASEBALL NSW TRIBUNAL

**PENALTY FOR PRIOR CONVICTIONS**

| OFFENCE | PENALTY |
|---|---|
| First offence in any 12 month period. | As above. |
| Second offence in any 12 month period. | Add 50% of penalty that would normally apply. (Caution is equivalent to one match.) |
| Third offence in any 12 month period. | Add 100% of penalty that would normally apply. (Caution is equivalent to one match.) |
| Fourth offence in any 12 month period. | Automatic 12 month suspension. |

There is not consideration (credit) provided for a player who is ejected in the 1st innings of a week as opposed to an player ejected in the last innings of a week.
Provocation is not to be regarded as a defence unless a written report is provided outlining the provocation. The written report may provide the grounds for charges to be laid.
A poor judgement call by an umpire is not considered provocation but may be the subject of a separate complaint to the league by the club manager.

## EXAMPLES

### Example 1.

A player questions a judgement call at a base by using offensive and abusive language to the umpire, which is not heard by any spectators.
The charges raised would be Question judgement call Grade 2, and Offensive or abusive language Grade 2. If the player pleads guilty to both he would receive 1 week suspension for each. He would however serve both concurrently (resulting in only one week missed) because they arose from the same action.

### Example 2

A runner is called out in a close play at 2nd base. The runner throws his helmet down and makes a clear demonstration of disputing the call. At this point the umpire attempts to let the incident “blow over”. As the runner collects his helmet, he turns to the umpire and says “You’re f%^$%ing hopeless” not loud enough to be heard by the spectators. The umpire ejects the player. The ejected player “and that just proves it. Just f^%$^ing hopeless!” loud enough to be heard by spectators.
The charges raised would be Question Judgement call Grade 2, Offensive / Abusive Language Grade 2, and Offensive / Abusive Language Grade 3 (post ejection)

If the player pleads guilty, we have (2 + 3) = 5 weeks. The questioning of the call could be seen as part of the Abusive Language and was not seen as an ejectable offence before the abusive language. The post ejection language followed a warning - the ejection itself. No excuses for this behaviour. Additionally, if the player on entering the dugout also throws equipment on the field, a further charge of Contrary Conduct Grade 3 would be added and depending on the level of danger and disruption this caused, 4 or more weeks would be added to the 5 weeks to be served sequentially, not concurrently.

**Example 3.**

A player starts a fight with another player and is ejected as a result. After being ejected the player uses offensive language towards the umpire, spectators and other players.
The charges raised would be Unsportsmanlike conduct Grade 4, and Offensive or abusive language Grade 3. If the player pleads guilty to both, he would receive a 6 week suspension and a 4 week suspension. Because the two events occurred separately the total suspension would be 10 weeks.
This system stops any person from feeling they have a “free kick” by committing more offences after being ejected for an offence.

Traditionally, the term “judiciary” is used as a reference to one of the three arms of government. In that arena, there are prosecutors, plaintiffs and defendants who battle in a courtroom under the rules of evidence.
A “Tribunal” has some of the trappings of a courtroom but allows for a more relaxed form of presenting evidence.
Regardless of the name, in NSWBL we have something akin to a “Tribunal”, which being appointed by the NSWBL to act in accordance with its codes of behaviour and playing rules. It does not follow the Judiciary’s “Rules of Evidence”. Our internal “Tribunal” looks at all sorts of evidence including hearsay, written reports, verbal statements, past history etc. and forms an opinion based on probability of incident being true and if finding a breach, has the power to impose a penalty for that breach. It has the power to call other witnesses. It also has the power to raise more charges if the evidence so suggests. Additionally, the Tribunal name has been used by the ABF in its anti-harassment policy and in other sports such as the AFL.