

# **DISCIPLINE COMPLAINTS AND APPEALS PROCEDURES**

These procedures are defined and overseen by a sub-committee created by the Management Committee, known as the Discipline and Complaints Sub-Committee (“DCSC”).

The DCSC or the Management Committee shall follow the procedures detailed below and shall take account of codes of conduct, guidelines, and policies issued from time to time by the ECB.

## **1. AIMS AND JURISDICTION**

The TVCL is committed to maintaining the highest standards of behaviour and conduct. To this end, these discipline regulations, incorporating major parts of the ECB Model Code of Conduct and The Spirit of Cricket have been adopted by the TVCL.

For the purposes of these regulations, the definition of ‘Participant’ shall throughout this document be deemed to mean and include not only any player, whether professional or otherwise, but also any member or official of any Member Club in any incident of alleged misconduct occurring during a TVCL Match at the Venue (being any part of the cricket ground or building and not merely the field of play).

The regulations shall apply to any Participant at any Member Club, in all Divisions of the TVCL Championship. Any Member Club which fails to take all reasonable steps to ensure the proper conduct of its Participants in these matters for which the Member Club is responsible or acts in any way which is prejudicial or detrimental to the interests or reputation of the TVCL, breaches this Code of Conduct.

## **2. CODE OF CONDUCT AND SPIRIT OF CRICKET**

### **2.1. Code of Conduct**

#### During a TVCL Match:

- 2.1.1. All Member Clubs and Participants, by virtue of their registration with the TVCL, explicitly agree to abide by this Code of Conduct, which incorporates the Spirit of Cricket, and are bound by these provisions.
- 2.1.2. The captains are responsible at all times for ensuring that play is conducted within the Spirit of Cricket as well as within the Laws.
- 2.1.3. Participants must at all times accept the umpire’s decision. Participants must not show dissent at the umpire’s decision or react in a provocative or disapproving manner towards another Participant or spectator.
- 2.1.4. Participants shall not intimidate assault or attempt to intimidate or assault an umpire, another Participant or spectator.
- 2.1.5. Participants shall not use crude and/or abusive language (known as “sledging”), nor make offensive gestures or hand signals, nor deliberately distract an opponent.
- 2.1.6. Participants shall not use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person’s race, religion, sexual orientation, colour, descent or national or ethnic origin.
- 2.1.7. Participants shall not use or in any way be concerned in the use or distribution of illegal drugs.

At all times:

- 2.1.8. Participants shall not make any public or media comment which is detrimental to the TVCL or about Member Clubs and Umpires participating in TVCL Matches. In this instance, media shall include press, radio, television, external websites, club websites, social networking sites and club match day programmes. Member Clubs are responsible alone for Participants commentary not directly related to TVCL organised activities.
- 2.1.9. Participants shall not subsequently disclose or comment upon any alleged breach of this Code outside of these procedures.
- 2.1.10. Member Clubs must take adequate steps to ensure the good behaviour of its Participants.

## **2.2. Spirit of Cricket**

**Cricket is a game that owes much of its unique appeal to the fact that it should be played not only within its Laws, but also within the Spirit of the Game. Any action which is seen to abuse this spirit causes injury to the game itself. The major responsibility for ensuring the spirit of fair play rests with the captains.**

- 2.2.1 There are two Laws which place the responsibility for the team's conduct firmly on the captain.

### **Responsibility of Captains**

The captains are responsible at all times for ensuring that play is conducted within the Spirit of the Game as well as within the Laws.

### **Participant Conduct**

In the event of any Participant failing to comply with the instructions of an umpire, criticising their decision by word or action, showing dissent, or generally behaving in a manner which might bring the game into disrepute, the umpire concerned shall in the first place report the matter to the other umpire and to the Participant's captain, requesting the latter to take action.

### **2.2.2 Participants**

Captains and umpires together set the tone for the conduct of a cricket match. Every Participant is expected to make an important contribution to this.

### **2.2.3 Fair and Unfair Play**

According to the Laws the umpires are the sole judges of fair and unfair play. The umpires may intervene at any time, and it is the responsibility of the captain to take action where required.

### **2.2.4 The umpires are authorised to intervene in cases of:**

- Time wasting,
- Damaging the pitch,
- Dangerous or unfair bowling,
- Tampering with the ball,
- Any other action that they consider to be unfair

### **2.2.5 The Spirit of the Game involves RESPECT for:**

- Your opponents,
- Your own captain and team,
- The role of the umpires,
- The game's traditional values

### 2.2.6 It is against the Spirit of the Game:

- To dispute an umpire's decision by word, action or gesture
- To direct abusive language towards an opponent or umpire
- To indulge in cheating or any sharp practice, for instance:
  - i) Appeal knowing the batsman is not out
  - ii) Advance towards an umpire in an aggressive manner when appealing
  - iii) Seek to distract an opponent either verbally or by harassment with persistent clapping or unnecessary noise under the guise of enthusiasm and motivation of one's own side.

### 2.2.7 Violence

- There is no place for any act of violence during a TVCL Match.

2.3 Failure to comply with the provisions of the Code of Conduct will lead to disciplinary action.

## 3. BREACHES

3.1. A breach of the disciplinary regulations occurs when:

- i) Any Participant in the course of, or in connection with a match, offends against the Code of Conduct or acts at any time to prejudice the good name or interest of the TVCL.
- ii) Any Member Club fails to properly control or discipline its Participants or acts in a manner prejudicial to the good name or interest of the TVCL.

3.2. Any Participant or Member Club committing such a breach shall be liable to penalties in the manner prescribed in this procedure.

3.3. A breach of the Code of Conduct will normally be categorised as Level 1, 2, 3 or 4, as set out in Appendix 1.

### 3.4. Reporting of Breaches by Umpires

3.4.1. For a first offence of a Level 1 breach of the Code of Conduct in a match, the umpire(s) should issue the Participant with a **Warning** as to their future conduct and advise the Participant and their captain that any repetition in that match will result in a Formal Report.

3.4.2. If any Participant receiving such a Warning subsequently commits a further Level 1 breach in the same match, the umpire(s) will advise the Participant and their captain that they will be submitting a Formal Report.

3.4.3. However, should the umpire(s) consider that the first offence of a Level 1 breach is sufficiently serious, they have the authority to decide to submit a Formal Report without having previously issued a Warning. The Participant and his captain should be advised accordingly.

3.4.4. In all instances of any perceived Level 2, 3 or 4 breach, the umpire(s) must complete a Formal Report.

3.4.5. Notification that a Formal Report is to be submitted following any alleged breach of the Code of Conduct must first be advised, by the umpire(s), to the Participant and their captain or an executive of that Participants Member Club, on the day of the alleged offence, prior to the umpire(s) leaving the Venue. Exceptionally where this is not possible (e.g. due to the Participant(s) leaving the Venue early), the umpire(s) must advise the Participant's Member Club League Representative in writing within 24 hours of the TVCL Match.

3.4.6. The Formal Report should normally be submitted using the standard discipline report form supplied by the DCSC.

#### **4. PROCEDURE FOR REPORTING COMPLAINTS**

##### **Formal Reports from Umpires**

- 4.1. Any such alleged breach of the Code of Conduct subject to a Formal Report (also known as a 'complaint') will then be notified by the Umpire to the TVCL Secretary within 24 hours of the end of the TVCL Match. The Formal Report should subsequently be sent, preferably by email and be received within 72 hours of the end of the TVCL Match.
- 4.2. It is intended that any breach of the Code of Conduct to be reported by umpires, shall in the first instance be dealt with by investigation by the Member Club, following the notification by the umpire(s) that they shall be submitting a Formal Report to the TVCL. The Member Club shall notify the TVCL Secretary within 72 hours of the end of the TVCL Match as to any action taken.

##### **Complaints from Member Clubs**

- 4.3. Any Member Club, or other party, wishing to lodge a complaint of an alleged breach of the Code of Conduct, shall notify the TVCL Secretary in writing within 7 calendar days of the end of the TVCL Match.
- 4.4. Any complaint not relating to a breach of the Code of Conduct should be received in writing from the Member Club, or other party, to the TVCL Secretary within 14 calendar days of the event.

##### **Initial Investigation**

- 4.5. Upon receipt of a complaint from an Umpire or Member Club, or other notified alleged breach of the Code of Conduct from any other source, the TVCL Secretary or the DCSC shall as soon as reasonably practical:
  - i) Acknowledge receipt of the complaint.
  - ii) Contact the Member Club against whom the complaint has been made informing them of the complaint received.
  - iii) Send a copy of the written complaint to the Member Club concerned, together with a request for report(s) to be received within 7 calendar days, on behalf of the club, from the named participant, the captain and any other witnesses, as appropriate. The accused Member Club/Participant have the right to request to attend a Disciplinary Hearing at the same time.
  - iv) Send a copy of the written complaint to any umpire(s) together with a request for a report(s) if necessary.
- 4.6. Following the receipt of the complaint and any requested reports the DCSC shall first consider the complaint on their own and resolve either:
  - i) To take no further action except to record the complaint and notify the Member Club(s) involved; or
  - ii) To endorse any action taken by the Member Club and confirm that no further investigation is required; or
  - iii) To issue a verdict on the complaint, should the DCSC believe that they have all the information required from the written reports on the matter and that the Member Club/Participant have not previously requested to attend a Disciplinary Hearing; or
  - iv) To convene a Disciplinary Hearing (see clause 5)

Note: Level 3 or 4 breaches will automatically be subject to a Disciplinary Hearing.

- 4.7. Any match bans imposed by the Member Club under paragraph 4.2 once endorsed by the DCSC shall be confirmed in writing back to the Member Club and notified to the relevant County Board and

other parties as detailed in paragraph 6.9 below. Participants should understand that any bans will normally apply to all cricket played under the auspices of the ECB.

- 4.8. In the case of an incident involving a Participant under the age of 18 years old, the County Board Welfare Officer will immediately be informed. In such circumstances, the incident may be regarded as:
- i) A welfare and child protection case or,
  - ii) An outright disciplinary case. If the incident is being investigated by another organisation (e.g. the Police, ECB Welfare Department etc.) the DCSC will await the outcome of that investigation.

## 5. DISCIPLINARY HEARINGS

- 5.1. In any case which is referred for a Disciplinary Hearing, the DCSC Chairman shall convene a Disciplinary Hearing within 14 calendar days of receipt of the Formal Report from an umpire, or once all reports have been received from Member Clubs if relating to a complaint from a Member Club. Any delay may only be granted at the discretion of the DCSC Chairman.
- 5.2. Where a charge against a Participant is referred to a Disciplinary Hearing, the captain and Member Club may be charged separately under their responsibilities as set out in the Code of Conduct above.
- 5.3. At least 7 calendar days' notice in writing of the Disciplinary Hearing shall be given to the Participant via their Member Club Secretary. In the case of a Member Club, its Secretary shall be so notified. The notice shall specify the details of the complaint or alleged breach(es) of the Code of Conduct.
- 5.4. The accused Participant(s) or Member Club shall be entitled:
- To submit written reports ahead of the Disciplinary Hearing
  - To attend the Disciplinary Hearing
  - To state their case (in the case of a Member Club, by its Secretary or other official)
  - To be supported by a colleague and to call witnesses.

All reports must be sent to the TVCL Secretary or DCSC within 7 calendar days of first being contacted by the TVCL.

In the event of a Member Club and/or Participant against whom a complaint has been made failing to comply with the above provision by the eighth calendar day, a £25 fine will be applied. Failure to respond by the fifteenth calendar day will result in an additional fine of 5 points per week or part thereof will be made against the Team concerned.

Any Member Club or Participant against whom a complaint has been made shall, at the time of responding to the complaint (as above), have the right to request to attend the Disciplinary Hearing. Such a request must be made no later than 7 calendar days from the date of notification of the convening of a Disciplinary Hearing along with any written reports to be submitted. However the Disciplinary Panel may in certain cases insist on the Member Club and/or Participant, or at its sole discretion request other parties, to attend the Disciplinary Hearing and schedule the date accordingly.

- 5.5. If the Participant or Member Club is to have representation present at the hearing then the details of that representation must be given to the DCSC not less than 48 hours before the date of the Disciplinary Hearing.
- 5.6. The Disciplinary Hearing shall be conducted by a Disciplinary Panel appointed by the DCSC Chairman and shall consist of not less than three persons and not more than five persons drawn from a list approved by the TVCL's Management Committee. None of the Panel should be connected with the Participant, the Member Club or their opponents at the time of the alleged breach or complaint, or a Member Club which might directly benefit from any disciplinary action.
- 5.7. A Member Club or Participant involved in disciplinary proceedings will be solely responsible for meeting such costs or expenses as it or they may incur, including the cost of any legal or other representation.

- 5.8. The standard of proof shall be on the balance of probabilities rather than the criminal standard of beyond reasonable doubt.
- 5.9. The TVCL Secretary or any member of the DCSC shall inform the Member Club and/or Participant concerned of the verdict of the Disciplinary Hearing and any penalty applied. If the decision is to fine a Member Club and to fine and/or suspend a Participant, then the TVCL Secretary or DCSC Chairman shall inform the Member Club of the Participant concerned of the decision in writing.

## 6. PENALTIES

- 6.1. As a guideline, the following penalties should be expected to be imposed for any complaint referred and, if appropriate, proved at a Disciplinary Hearing:

Level 1 = 2 to 6 matches

Level 2 = 3 to 8 matches

Level 3 = 4 to 10 matches

Level 4 = A minimum of 10 matches played under the auspices of ECB

- 6.2. Where applicable, penalties will be carried over to apply in the following TVCL Season.
- 6.3. Where there are repeat offences during the TVCL Season, by either an individual Participant(s) or by a Member Club Team, additional penalties will be applied as laid out below:
- i) Any Participant subject to a second offence in the same TVCL Season shall have a minimum 4 TVCL Match ban applied, plus a 5 Point deduction to the Team involved in this second offence.
  - ii) Any Participant subject to a third (or successive) offence in the same TVCL Season shall have a minimum 10 TVCL Match ban applied, plus a 10 Point deduction to the Team involved in this third (or successive) offence.
  - iii) Any Member Club Team incurring three offences, occurring across more than one TVCL Match, shall have 10 Points deducted, in addition to any Point deductions incurred in i) or ii) above.
  - iv) Additionally, where Panel Umpires have submitted an Umpires' Form relating to 3 different Matches of one Team indicating marks that fall below 3 for Team Discipline, then a 5 Point deduction shall be applied to that Team. Each subsequent such mark below 3 shall incur a further 5 Point deduction to the Team concerned.
  - v) Any Member Club Team incurring either "poor or unacceptable" marks from Panel Umpires only, for their Pitch markings in 3 Matches in the same Season shall incur a 5 Penalty Point deduction. A further 5 Penalty Points will be applied for each and every further instance in that Season.
  - vi) Any Member Club Team incurring either "poor or unacceptable" marks from Panel Umpires only, for their Outfield in 5 Matches in the same Season shall incur a 5 Penalty Point deduction. A further 5 Penalty Points will be applied for each and every further instance in that Season.

- 6.4. If at a Disciplinary Hearing a breach of the Code of Conduct is proved, the Disciplinary Panel shall have the power to impose one or more of the following penalties, together with such order as to costs as it deems appropriate:

### **In the case of a Participant:**

- To require the Participant to submit appropriate letter(s) of apology within a specified time
- To record a reprimand and to give a warning as to future conduct
- To impose a fine, not to exceed £500
- To suspend the Participant for one or more matches, or for a stated period of time
- To deduct Match Points from the Participant's Team

- To expel the Participant from the TVCL Championship

**In the case of a Member Club:**

- To require the Member Club to submit appropriate letter(s) of apology within a specified time
- To record a reprimand and to give a warning as to future conduct
- To impose a fine
- To deduct Match Points from the appropriate Member Club's Team

6.5. Panels will take the following factors into account when determining the penalties to be imposed:

- i) If the accused Participant/Member Club has pleaded guilty
- ii) The Participants previous disciplinary record
- iii) If the Participant is also the captain
- iv) The conduct of the Participant subsequent to them being warned and told that they will be reported
- v) If an appeal is considered to be spurious

6.6. In addition, where an individual behaves inappropriately or fails to respect the formality at any time during a Disciplinary Hearing, the Disciplinary Panel assumes the right to impose further corrective actions or penalties as it deems fit.

Where a representative and/or witness(es) behaves inappropriately or fails to respect the formality at any time during a Disciplinary Hearing this can be dealt with by having a separate Disciplinary Hearing.

6.7. The Disciplinary Panel shall have the power to suspend the implementation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions it deems appropriate.

6.8. Decisions of the Disciplinary Panel (a finding that a complaint is proved or not proved or a decision on penalty) shall be by majority vote; where necessary the Disciplinary Panel Chairman shall have a casting vote.

6.9. The TVCL shall report match bans in writing to the relevant Member Club's County Board, who will also inform the ECB, in accordance with the conditions set out at 6.9 (a) to (c) below.

- a) Information and details about penalties imposed under these discipline regulations shall be shared with individuals at the Member Club and County Board on a need to know basis, for example with individuals who need to be informed in order to give effect to the penalty;
- b) information about match bans held by the County Board shall be shared with other clubs and leagues only for the purposes of ensuring recognition of penalties by other clubs; and
- c) individuals subject to these discipline regulations must be made aware by their Member Club that by playing in matches under the jurisdiction of the ECB, they agree that information about penalties imposed on them will be shared with the County Boards, ECB and other clubs and leagues in accordance with these discipline regulations.

Advice of any match bans imposed will additionally be shown on the TVCL website for the purposes of ensuring recognition of penalties by other Member Clubs.

6.10. The TVCL shall recognise and give full effect to any match ban, and/or any other penalty, imposed pursuant to these discipline regulations imposed by other leagues under the auspices of the ECB.

## **7. APPEALS PROCEDURE**

7.1. Any Member Club or Participant shall have the right to appeal against a decision of the Disciplinary Panel or other Sub-Committee. Where a Participant and their Member Club are appealing in relation to the same incident, they must do so separately.

- 7.2. Notice of appeal, setting out the grounds, must be given in writing to the TVCL Secretary within 7 calendar days after the receipt of the written notice of the decision, together with a deposit of £250 payable to the TVCL. If the appeal is upheld or the decision varied, part or all of the deposit may at the Appeal Panel's discretion be refunded.
- 7.3. Upon receiving notice of appeal, any penalty imposed by the original decision shall not take effect, or be suspended, pending the outcome of the Appeal Hearing. The Appeal Hearing shall take place as soon as is practicable and normally within 14 days of the receipt of the notice of the appeal. Any appeal that causes the penalty imposed by the original decision to not take effect, or be suspended, cannot be withdrawn and the Appeal Hearing process will continue until completion.
- 7.4. The appeal shall be in the way of an Appeal Hearing, the Appeal Panel will normally be members of the Management Committee and shall consist of not less than three persons none of whom should be connected with the Participant or the Member Club or their opponents, or a Member Club which might directly benefit from any disciplinary action or have been a member of the original Disciplinary Panel. Except by the Chairman of that Disciplinary Panel (or their nominee), though whilst that person shall be permitted to take part in the Appeal Hearing, they shall be required to retire when the Appeal Panel makes its decision. The Appeal Panel may also, at its sole discretion, request other parties to attend the hearing and give evidence.
- 7.5. As per 5.4 above, the Participant or Member Club shall have the right of attendance and may call witnesses in support provided that the witnesses have made written depositions of their evidence to the Sub-Committee that made the original decision at the time the decision was made.
- 7.6. If the Participant or Member Club is to have representation present at the Appeal Hearing then the details of that representation must be given to the TVCL Secretary not less than 48 hours before the date of the Appeal Hearing.
- 7.7. Non-attendance at the Appeal Hearing by the Member Club or Participant that submitted the appeal without good and valid reason for such non-attendance will automatically result in forfeiture of the appeal.
- 7.8. The Appeals Panel may confirm, vary or reverse the decision of the original Disciplinary Panel or Sub-Committee and it shall have the power to increase the penalty and award costs of the Appeal Hearing and forfeit the whole or part of the deposit, where it considers the appeal to have been frivolous, vexatious or lacking in merit. Decisions of the Appeal Panel shall be by majority vote; where necessary, its Chairman shall have a casting vote.
- 7.9. The decision of the Appeal Panel / Management Committee or, if no appeal, of the Disciplinary Panel / Sub-Committee, shall be final and binding.

## **8. OTHER MATTERS**

In the event of a serious breach of ECB Code of Conduct (inclusive of Anti-Corruption policy or Anti-Doping programmes) being informed to the Management Committee after 14 calendar days of the related TVCL Match and/or last TVCL Match of the League Season, the Management Committee reserves the right to investigate and to apply sanctions to Participants &/or Member Clubs. In such instance of late notice, the Management Committee would not adjust, reverse or amend the results of any TVCL Match, but it will have the jurisdiction to adjust the consequences of the result of any TVCL Match.

## **9. NON-PAYMENT OF FINES**

Any fine levied under these procedures must be paid to the TVCL within 14 calendar days of the Member Club being notified of such fine. Any such fines still outstanding after 15 calendar days, shall be increased by 100% of the amount due.



Should this occur a senior officer of the offending Member Club shall be notified to the effect that the fine is still outstanding and given a final reminder that if after a period of a further 14 calendar days from that reminder, should the payment still be outstanding, an additional penalty of a deduction of 5 points shall be made from the Team of the Member Club which incurred the fine. The fine will still be due, but no further increases will be applied.

### **D&C APPENDIX 1 – BREACHES OF DISCIPLINE – which shall apply in all Divisions.**

Certain conduct, whether on or off the field of play of play, amounting to a breach of the Laws of Cricket and/or the Spirit of Cricket has been categorised into 4 levels which are set out below:-

#### **Level 1**

- a) time wasting by either the fielding side or the batting side
- b) abuse of the cricket ground, equipment or fixtures
- c) showing dissent at an umpire's decision by word or action
- d) using language that is obscene, offensive or insulting and or the making of an obscene gesture
- e) excessive appealing

#### **Level 2**

- a) showing serious dissent at an umpire's decision by word or action
- b) inappropriate and deliberate physical contact between players in the course of play
- c) charging or advancing towards an umpire in an aggressive manner when appealing
- d) deliberate and malicious distraction or obstruction on the field of play, regardless as to whether such conduct is deemed to be fair under law 42.5
- e) throwing the ball at or near a player, umpire or official in an inappropriate and dangerous manner
- f) using language or gesture that is obscene or of a serious insulting nature to another player, umpire, team official or spectator
- g) changing the condition of the ball other than as permitted by Law 42.3
- h) the bowling of fast short pitched balls that result in the bowler being disallowed from bowling further in that innings
- i) causing avoidable damage to the pitch contrary to Laws 42.13 and/or Law 42.14 that results in a five run penalty being awarded

#### **Level 3**

- a) intimidating an umpire
- b) threatening to assault another player, team official or spectator
- c) using language or gesture that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, sexual orientation, colour, descent or national or ethnic origin
- d) the deliberate bowling of any high full-pitched ball contrary to Law 42.8

#### **Level 4**

- a) threatening an umpire
- b) physical assault of another player, umpire, official or spectator
- c) any act of violence on the field of play
- d) using language or gestures that seriously offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's religion, sexual orientation, colour, descent or national or ethnic origin.

The conduct listed in Level 1 to Level 4 above cannot be considered to be exhaustive.