

CS Disciplinary Process 2024

Introduction

This paper sets out a process and procedure for dealing with disciplinary complaints which may fall under the Cricket Scotland Code of Conduct. The principles in it should be adhered to although it is acknowledged that there may be some minor differences in governance arrangements between different associations who should make the necessary amendments before adopting this.

The objective of this process is to ensure that complaints are dealt with as far as possible in a manner which is :

- Fair
- Consistent
- Efficient, and
- Speedy

It also outlines the roles of various parties including Conduct in Sport Manager (CISM), Conduct in Sport Panel (CSP) and the Regional Discipline Officer (RDO). This process should also be read in conjunction with the CS Conduct in Sport Panel Rules and the CS Disciplinary Flowchart.

The process is outlined as follows:

- 1 Reports from Match Officials
- 2 Reports Players/Clubs/Third Parties
- 3 Level of Charges
- 4 Hearings and appeals - The Conduct in Sport Panel

1 Reports from Match Officials

It is expected that all reports from Match Officials, will be submitted in writing on a form – within seventy two hours of a game taking place on Who's The Umpire (WTU) or whatever alternative system may be in use to the relevant body i.e. the body responsible for organising the competition. There should be discretion to accept non standard reports or ones submitted outside the normal deadline if circumstances warrant this, by exception. Match Officials should also ensure that the captains and relevant player(s) are advised immediately after the conclusion of the match that a report will be made to the relevant body.

The report will go to the relevant RDO.

Consistency of format and approach should make the process easier.

Reports from Match officials fall into two categories:

i. Where the match officials consider that a Level One offence has been committed during a match and the relevant on-field penalty applied.

Matters at Level One are the equivalent of a caution/yellow card and shall not be subject to a right to either a hearing or an appeal unless there are exceptional circumstances such as mistaken identity.

Except in such exceptional circumstances, the matter is concluded by the submission of the report and the role of the RDO is essentially an administrative one as follows:

- Acknowledge the report to the officials through WTU
- Confirm to the player and their club that a Level One offence has been reported and this will be recorded on the players record – it should be possible to produce a template letter where only blanks need to be filled in
- The letter should highlight the need for the player and their club to read the Code of Conduct to understand how penalty points work; confirm there is no right to a hearing or appeal save in exceptional circumstances and that the matter will be recorded by the Association and by Cricket Scotland.

ii. All other matters reported by Match Officials.

The RDO should take the following steps :-

- Acknowledge the report to the Officials through WTU.
- Review the report and discuss the matter with the CS Conduct in Sport Manager
- i) Whether a charge, or charges is/are warranted
- ii) The Level and wording of the charge(s). This should be done as soon as possible and no later than seven days after the incident has arisen.

Should the proposed action be not to make a charge, or to make it at a different level from that of any on-field penalty imposed, this should be advised to the CSMOA with the reason for the decision.

2 Reports from Players/Clubs/Third Parties.

Any complaint being made should be submitted on the relevant form and submitted within seventy two hours of the matter taking place/the complainer becoming aware of it – the latter part is important in terms of potential complaints about the use of social media. It is acknowledged that there may be cases where it is impracticable to submit full details within 72 hours and in this case an initial intimation of a likely complaint should be made with the formal complaint made within 7 days.

It should be noted that this complaint process only applies to complaints relating to the conduct of individuals coming under the scope of the Code of Conduct. Any wider complaints about team or club behaviour which does not specify individuals will require to be dealt with under the relevant procedures of each Regional Association or submitted to Cricket Scotland as part of the complaints process.

The CISM should ensure that the report has been raised timeously and should acknowledge it.

3 Level of Charge

Once the Level of charge and the charge have been determined by the CISM in conjunction with the RDO, the matter should be intimated to the player through their club. It shall be open to the CISM to make non material changes to the complaint submitted. The player should be give seven days to respond. The report provided by the Officials should be included with the charge.

If the charge is at **Level One**, the automatic penalty should be included. For all other levels, the player should be advised to refer to the Code of Conduct in terms of the charge and the penalties that might be imposed. The player should be asked :-

- 1) Is the charge accepted and if it is, does the individual wish to make any representations in writing in mitigation. This applies only to matters at Level Two and above. It should be made clear that if the matter is admitted the Conduct in Sport Panel (CISP) will take that into account when considering penalty
- 2) If the charge is disputed the individual may make written representations in relation to matters and/or request a hearing. It is recommended that in any Level 3 or Level 4 matter there should be a hearing; and at Level 2 if a hearing is requested it should only be rejected in exceptional circumstances. There is no hearing for a Level One matter.

If the matter has been accepted, the CISM can decide the charge without a hearing for a Level Two offence and a CISP can decide the matter without a hearing (by email) for Level 3 and level 4 offences. The Chair of the Panel should the issue a decision setting out the charge, the fact that has been accepted and the penalty being imposed and the reasons for that. It should be made clear that any appeal may only be in respect of the penalty. Note, this only applies to matters at Level Two and above.

4 Hearings and appeals - The Conduct in Sport Panel

Under the new Cricket Scotland disciplinary process, CS shall from time to time appoint members of the Panel to convene as a Committee and hear any case put before it. Members of the Panel shall be appointed to sit as Conduct Committees or Appeal Committees on a case-by-case basis. Members of the Panel can sit either at first instance (Conduct Committee) or on appeal (Appeal Committee).

Hearings and appeals shall be organised by the CISM and follow the process set out in the **CS Conduct in Sport Panel** document (available on the CS Website).

For further information, see:

- Cricket Scotland Code of Conduct
- CS Disciplinary Flowchart.