

DISCIPLINARY RULES 2011

1. BASIC PROCEDURES & GUIDELINES

The York & District Senior Cricket League shall operate a Disciplinary Policy in accordance with the current Disciplinary Rules operating within the jurisdiction of the England & Wales Cricket Board and the Yorkshire Cricket Board except where modified below.

The E.C.B “Code of Conduct and Spirit of Cricket” statement and the Yorkshire Cricket Board Policy Statement “Anti-Racism and Race Equality” shall operate throughout the League.

These rules shall apply to all League, Cup, Representative, Intermediate, Junior and indoor matches played under the auspices of the York & District Senior Cricket League and any functions organised by the League.

2. MAINTENANCE OF DISCIPLINE.

The League Committee is the authoritative body in respect of discipline within the League and shall take whatever measures are required to maintain an acceptably high standard of behaviour and inflict appropriate penalties.

The League shall appoint a League Disciplinary Procedure Committee which, together with the League Disciplinary Secretary, will be responsible for the overall management of disciplinary matters and deal promptly with any complaint or incident.

In the event of Disciplinary Hearing being required, the League Disciplinary Secretary shall appoint an impartial Disciplinary Panel which will consider the details of the alleged misconduct and the response of the alleged offender.

Upon conclusion of the Hearing, the Panel shall reach a verdict, via a simple majority, and impose such penalties as are appropriate within the Guidelines set out in the League’s Schedule of Disciplinary Penalties.

3. CODE OF CONDUCT.

All member clubs and their players, officials and supporters are bound by the League’s Disciplinary Rules and shall conduct themselves accordingly.

Unsatisfactory conduct shall include, but not be limited to

- Dissent at an umpire’s decision or reaction in a provocative or disapproving manner, whether verbal or written.
- Physical abuse, intimidation, assault or attempt to intimidate or assault an umpire, official, player or spectator.
- The use of crude, foul or abusive language or the making of offensive gestures or hand signals whether directed at an individual or otherwise.
- Sledging or deliberate distraction of an opponent and persisting appealing in order to pressurise an umpire or opponent.
- Any form of abuse or discrimination, relating to race, religion, creed, or of any other nature.
- Wilful damage to property, equipment or playing surface.
- The use or distribution of illegal drugs or substances.
- Un-gentlemanly conduct or any other action that is likely to bring the League, Club or Game of Cricket into disrepute or prejudice its good name or interests.
- Repeated infringements of the Spirit of the Game either by an individual or a team, where each Infringement, in itself, does not warrant any disciplinary action. (Such instances will result in a Disciplinary Hearing and the captain will be held responsible for the conduct of his team).
- The falsification of documents.
- Providing false or misleading information or otherwise perverting the course of any investigation by the League.
- Unacceptable behaviour, by word or action, at any function organised by the League.
- The publication, public display or inclusion in a website, facebook, twitter or blog of unsuitable or derogatory literature either by a club or by an individual.

4. RESPONSIBILITY FOR MAINTAINING DISCIPLINE.

a. League Disciplinary Committee

The League Disciplinary Committee is responsible for ensuring that all cricket activity within the purview of the York & District Senior League is undertaken in accordance with Disciplinary Rules, Procedures and Guidelines currently operative within the E.C.B., Yorkshire Cricket Board and the York & District Senior League and that the requirements of the E.C.B. ‘Code of Conduct’ and E.C.B. ‘Spirit of Cricket’ statements are fully met.

The League Disciplinary Secretary is required to, and authorized to instigate whatever action he deems to be necessary in respect of any reported, or perceived, breach of disciplinary obligations by any club or individual.

b. Member Clubs

i. The Club has overall responsibility for the behaviour of its members and maintaining discipline and, if it fails to properly control or discipline any person associated with the club with regard to misconduct: it shall be answerable to a charge of ‘**Unsatisfactory Conduct**’

ii. Clubs are required to establish and operate their own Disciplinary Rules and Procedure, in a pro-active manner, in accordance with Y.C.B. Disciplinary Guidelines and to ensure that they have the power and machinery to deal with any misconduct by their players or members. Clubs should ensure that they are adequately protected in situations where disciplinary action is required.

iii **A copy of the Leagues Rules and Disciplinary Rules must be displayed in each club’s pavilion.**

iv. Clubs must ensure that all club officials, players, umpires and scorers are aware of the League and League Cup Rules and the League Disciplinary Rules, as published in the League Handbook and should, if necessary, obtain extra copies above the compulsory purchase relevant to each team.

v. Clubs must forward a copy of their Disciplinary Rules to the League Disciplinary Secretary by 10th April each year prior to the commencement of the season.

vi. The payment of the League membership fee by a club constitutes an undertaking that the club, and its members, accept the jurisdiction of the League in all matters.

c. Captains

The Captain is also responsible at all times for the behaviour of his players and must ensure that play is conducted within the spirit of the game as well as within the Laws of Cricket. Failure to take suitable action against an offender will render the captain liable to a charge of ‘Unsatisfactory Conduct’

d. Players

i. Players are required to conduct themselves in a proper manner at all times and should be fully aware of, and comply with the requirements of, the ECB’s ‘Code of Conduct’ and ‘Spirit of Cricket’ statements which are published in the League Handbook.

ii. Representative Games

Players representing the League in inter-league competitions or other games are subject to the League’s Disciplinary Rules and will be answerable for any disciplinary transgressions.

iii. Overseas and Contracted Players.

Each contracted or overseas player is subject to the League, League Cup and League Disciplinary Rules and is required to signify in writing, that he has received a copy of the League, League Cup and League Disciplinary Rules and that he is bound by their contents.

A copy of this written undertaking must be received by the League Disciplinary Secretary prior to the playing in a game under the auspices of the York Senior Cricket League.

iv. Outstanding Disciplinary Action.

No player who is currently under suspension or involved in uncompleted disciplinary action imposed by any other league or member club of another league may play in matches under the auspices of the York & District Senior Cricket League. Clubs must endeavour to check the disciplinary record of any player whom they intend to sign from a club in another league

The League Registration Secretary may refuse to register any player until he is satisfied that the player’s disciplinary status is acceptable.

5 REPORTING AN INCIDENT

In order to maintain a high standard of behaviour throughout the League it is imperative that any incident of misconduct or improper behaviour is reported to the League Disciplinary Secretary with the utmost urgency.

a. Any complaint relating to incidents of misconduct or improper behaviour must be notified to the League Disciplinary Secretary within seven days, following the incident, by telephone and be confirmed in writing. Any incident coming to the attention of the League Committee outside this time will be investigated by the League Disciplinary Secretary and appropriate action taken.

b. Complaints or protests of a non-disciplinary nature, such as a breach of the League Rules, shall be submitted to the Managing Secretary, to be dealt with by other means.

c. Upon becoming aware of an incident as per paragraph (a) hereof, the League Disciplinary Officer and Committee shall determine whether:

i. Adequate action has been taken by the Club

ii. The incident be recorded on file

iii. A written warning be issued

- iv. A Summary Penalty be imposed
- v. A Disciplinary Inquiry / Hearing be convened

6. COURSES OF ACTION TO BE TAKEN FOLLOWING AN INCIDENT

In order that disciplinary incidents can be dealt with speedily it is essential that both Clubs and the League Disciplinary Panel work closely to ensure that any penalties imposed against an offender are both appropriate and effective.

a. Club Disciplinary Hearing

In the event of an incident involving one of their players, members or supporters occurring, clubs are required to instigate their own investigation and take appropriate action against offenders, irrespective of whether the incident has been reported to the League.

Full details of such action, together with full minutes of the club's disciplinary hearing, must be forwarded to the League's Disciplinary Secretary, within fourteen days of the date of the incident.

Upon receipt of this information, the League Disciplinary Secretary, in consultation with the League Disciplinary Committee, will determine the adequacy of the action taken by the club and will either:

- i. Confirm that the action taken is appropriate
- ii. Negotiate with the Club with regard to an acceptable outcome
- iii. Instigate a formal enquiry and Disciplinary Hearing

b. League Committee Action

i. Recorded on File

Items of a relatively trivial nature which do not, in their own right, warrant disciplinary action will be recorded on file. The League Disciplinary Secretary will monitor such incidents and instigate action against any individual who accrues a series of reports which indicate an unacceptable behavioural trend.

ii. Written Warning

Where considered to be adequate action, a written warning shall be issued by the League Disciplinary Secretary after consultation with the League's executive officers.

iii. Summary Penalty

Upon receipt of a report in accordance with 5-a above, the Disciplinary Committee shall determine whether the alleged offence can be adequately dealt with by way of a summary penalty.

The League Disciplinary Secretary (or, if unavailable, the League Managing Secretary), in consultation with the League Disciplinary Committee, shall have the power to impose a Summary Penalty on an individual following inappropriate action.

Summary penalty is defined as unacceptable conduct or behaviour warranting a penalty ranging between a caution, reprimand, fine or suspension (not exceeding two weeks).

A Summary Penalty will become effective from, and inclusive of, the Saturday following the date of the incident subject to a minimum of 48 hours notice.

Where 48 hours notice cannot be given, the date of implementation will be deferred for seven days.

A summary penalty may be imposed in conjunction with, addition to, or independently of, any action taken by the club.

iv. Disciplinary Inquiry / Hearing

Where the action taken by the club is considered to be inappropriate or inadequate and the level of the alleged offence is considered to be too serious to merit a 'Recording' or 'Summary Penalty', the Disciplinary Officer shall instigate an inquiry and/or Disciplinary Hearing.

Such a Hearing will take place within 14 days of the receipt of a written report or the findings of a club hearing.

A minimum of seven days notice of a Hearing will be given to all parties

7. LEAGUE DISCIPLINARY ENQUIRY

- a. The enquiry is not a Court of Law but an investigation into the circumstances giving rise to the complaint. No legal representation will be allowed.

The Disciplinary Committee shall consist of a Chairman, Secretary, together no more than 7, and no less than 4, other members who shall all have a vote except for the Chairman of the meeting who shall have a casting vote only. Panel members will usually be drawn from the League Committee but must have no affiliation to any club or individual involved in the Disciplinary Hearing. Where insufficient Committee members are available or eligible, persons may be recruited from outside the League Committee

The decision and penalty, if any, shall be on the basis of a simple majority vote. No person who is connected, in any way, with any Club or persons involved in potential or actual disciplinary action shall be involved in either the investigation or hearing.

- b. The decision of the League Disciplinary Committee shall be given at the meeting, to be confirmed in writing as soon as possible thereafter and will be put into effect at the date thereof subject to any possible appeal. In the event of an appeal being lodged, the penalty shall be suspended until determination. No further discussion or submissions will be taken at the meeting.
- c. The Chairman, whose decision shall be final, shall determine the conduct of the hearing; this shall be in accordance with the procedures laid down hereafter.
- d. Any expenses incurred by the League, members of the Disciplinary Committee and any witnesses attending the hearing shall be fixed by the League from time to time and in the event of the complaint being proved, may be paid by the offender(s).

8. PENALTIES

a. General

The Disciplinary Hearing, whether at club or league level, shall impose such penalties and costs as they consider appropriate and in accordance with the schedule of penalties laid down by the League from time to time, which shall be published. Such penalties shall include and are not limited to:

- i. Caution or Reprimand
- ii. Fine
- iii. Suspension
- iv. Deduction of League Points
- v. Relegation
- vi. Expulsion
- vii. Deduction of merit table points, both as a stand-alone remedy and as a consequence of other penalties.

b. Club Hearing

Clubs may well, within their own Disciplinary Rules, have their own levels of penalties. However any such penalties must be strongly linked with those utilised by the League and any penalties imposed must be of a degree of severity that is regarded as satisfactory by the League

Any fine imposed by a club on an individual must be paid via the League in order to ensure that the offender has suffered the financial penalty. The League Committee will have the discretionary power to return the fine, either in part or in total, to the offender's club if the club's actions are deemed to be totally satisfactory.

Any penalties imposed by the club by way of a fine or suspension will not carry merit table penalties.

Clubs must submit details of all internal hearings to the League Disciplinary Secretary, setting out the nature of the charge, the verdict and the penalty

d. Summary Penalty

A Summary Penalty may be imposed by a club or the League Committee within the following limitations

- i. Fine - not exceeding the minimum amount shown in the League's 'Schedule of Disciplinary Offences.
- ii. Suspension - maximum of two weeks – commencing on, and inclusive of the following Saturday
- iii. Caution or reprimand

Save that a combination of all three penalties may be imposed.

Any action taken by the club shall not attract any Merit table Penalty.

e. League Disciplinary Committee

The League Disciplinary Committee (Panel) shall have the right to impose one or more of the penalties set out in paragraph(9-a) above:

The Schedule of Disciplinary Penalties, as published prior to the start of the season shall be regarded as Guidelines but may be varied by the Disciplinary Panel, either in a lenient or more severe manner, where it is felt circumstances require such action

9. APPEAL PROCEDURE

In the interest of justice any club, player, official, spectator or individual who has been handed a penalty in respect of a disciplinary issue shall have a Right of Appeal. Such appeals will be heard by an entirely new panel whose decision shall be final and binding on all parties.

In order to be valid, an appeal against the findings of a Disciplinary Hearing must be received, in writing, by the League Disciplinary Secretary (or, if appropriate, Club Secretary) within seven days of the original hearing or imposition of a penalty.

The appeal must specify the grounds for the appeal and in relation to findings and penalties.

Any appeal to the League must be accompanied by a deposit of £50 which will be retained, either wholly or partially if the appeal is not totally successful.

Any appeal following the imposition of a Summary Penalty must be lodged within four days. The offender shall be entitled to request a Disciplinary Hearing in connection with the decision and/or penalty imposed. Should such a request be made, the League shall fix a Disciplinary Hearing to take place no later than 7 days from that date, Such hearing to be conducted by the League Disciplinary Appeal Committee, whose decision shall be final.

No notice of appeal will be accepted in the event of failure to give such notice in accordance with this rule, save that the Disciplinary Appeal Committee shall have the power to accept an appeal out of time only in exceptional circumstances.

Methods of appeal are as follows:

a. Re. Club Hearing

An appeal against a decision made, and penalty imposed, at a club disciplinary hearing will, usually, be considered within the appeal arrangements specified within the club's Disciplinary Rules. However the appeal may be conducted by the League's Disciplinary Appeals Committee if:

- i. Either the club or the individual request this course of action
- ii. The club has no 'Appeals Procedure' in place

b. Re. Summary Penalty

An individual, having been issued with a Summary Penalty may lodge an appeal which will be considered by the League's Disciplinary Appeals Committee

c. Re. League Disciplinary Hearing

Any appeal against the findings of the League Disciplinary Panel will be heard 14 days after the original hearing. Upon receipt of the Appeal, the Secretary shall convene a meeting of the League Disciplinary Appeals Committee and give no less than 7 days notice.

The Appeal is also not a Court of Law and no legal representation will be allowed.

The Appeals Committee shall comprise a Chairman, Secretary and three appointed persons who are not members of the League Committee and have no affiliation to either Club or individual involved in the complaints situation. Panel members shall each have one vote. Additionally, the Chairman shall have an extra casting vote in the event of a deadlock situation.

The League Disciplinary Secretary, or his appointed deputy, shall be in attendance and shall be responsible for presenting the case but will have no vote nor be involved in the decision made by the members of the League Disciplinary Panel

d. Decision

The Disciplinary Appeals Committee shall have the power to vary the penalties imposed by the Disciplinary Committee, either by upholding, reducing or increasing the same, in accordance with the tariff of penalties issued by the League

The decision shall be given to the offending individual(s) and Club at the conclusion of the Appeal Hearing, to be confirmed in writing within 14 days.

The decision of the Appeals panel shall be final and binding on all parties.

10. NOTIFICATION AND RECORDING OF OFFENCES

As indicated above, any disciplinary action taken by a club against one of its members must be fully reported to the League Disciplinary Secretary.

All information relating to Disciplinary matters will be retained by the League and be available to all Officers of all Clubs and Leagues affiliated to the ECB.

Details of penalties imposed on clubs and individuals will be displayed on the league's website

The League Disciplinary Secretary shall advise all parties concerned of the outcome of all disciplinary issues whether undertaken by League or Club, giving details of any penalties imposed within seven days of the conclusion of the Hearing or Appeal. Such information must be notified to the Yorkshire Cricket Board's Disciplinary Officer and, where appropriate, to the Secretary of the local branch of the ECBOA..

DISCIPLINARY HEARING PROCEDURE

1. INTRODUCTION

- a. The parties to the complaint situation will be the League, which has received notice of the complaint and the Respondent who will be the Club and/or individual answering to the allegations.
- b. There is no restriction on the evidence that can be presented, provided that it is relevant to the matter
- c. The standard of proof applied by the Disciplinary Committee will be on the basis of balance of probabilities rather than any complaint having to be proved beyond any reasonable doubt.

2. PRELIMINARY PROCEDURES

- a. The Chairman will conduct the meeting and introduce the members of the League Disciplinary Committee, together with any witnesses that may be called. The Respondent will then introduce any witnesses who have been called in response to the complaint.
- b. The League Disciplinary Secretary will outline the procedure to be adopted at the meeting. It is not a Court of Law but an enquiry into the incident and no Legal representation is allowed.
- c. The Respondent will be asked whether the allegations made are admitted or denied before the hearing proceeds in the manner set out.
- d. The League Disciplinary Secretary or such other person as shall be appointed on his behalf will outline details of the complaint and the evidence that will be produced.

3. THE HEARING

- a. The evidence supporting the complaint shall be presented with any witnesses giving verbal evidence. The witnesses may be asked questions by members or the disciplinary committee and thereafter, the Respondent will be able to do likewise. The witness will then be asked to leave the meeting. The next witness, if any, will do the same. No witness will be allowed to ask questions of the Respondent.
- b. After evidence in support of the complaint has been given, the Respondent will have the opportunity to produce such other evidence that he has in support of his case. This will be presented in the same way as the evidence of the earlier witnesses with members of the Committee being able to ask questions in order to assist then in reaching a decision about the matter.
- c. At the conclusion of the evidence in response to the complaint, the Respondent may make a closing statement, before he is asked to leave the meeting to enable the Committee to deliberate and consider their decision.

4. THE DECISION

- a. The Disciplinary Committee will first of all reach a decision on the complaint based on a majority. If the complaint is found proved then the committee will consider the penalty to be imposed on the same basis and take into account any previous Disciplinary record involving the Respondent and/or Club.
- b. The Respondent will be brought back into the meeting and the decision of the Committee will be given.
- c. If the complaint is proved, the League Disciplinary Secretary will inform the Respondent of the right of appeal and the steps that need to be taken.
- d. The Chairman will close the meeting and will not allow any further submissions or comments either about the decision, penalties imposed or any other matter.

DISCIPLINARY APPEAL PROCEDURE

INTRODUCTION

- a. The Disciplinary Appeal Committee will hear appeals relating to decisions of the League Disciplinary Committee or against the imposition of summary penalties
- b. An appeal will have been lodged giving reasons for the basis of the appeal, being the only matters that the Committee will consider.
- c. The Committee will comprise a Chairman and Secretary, appointed by the League for this purpose, together with three other members, who will be independent and have no affiliation to any Club or individual involved in the complaint. The League Disciplinary Secretary or his appointed nominee will attend the Appeal Hearing in order to present and identify case papers, minutes and any other documents presented at the original hearing. He shall have no vote and will not be involved in the decision made by the members of the Disciplinary Appeals Panel who shall deliberate their decision in private.
- d. The Disciplinary Appeals Committee will have copies of the case papers including the minutes from the Disciplinary meeting and the notice of appeal.

e. The appeal will not be a rehearing but a review of the decision of the Disciplinary Committee.

2. PROCEDURE

a. The Chairman will open the meeting and introduce the members of the appeal committee.

b. The League Disciplinary Secretary or his appointed nominee shall outline the background to the case and answer any questions put to him by either the appellant or members of the Panel. The appellant will then be given the opportunity to address the committee and make submissions regarding the decision and/or penalty that was imposed. Members of the committee may then ask such questions as they think fit in order to consider the issues.

c. The appellant will be invited to make any closing submissions before being asked to leave the meeting.

d. The Appeal Committee will then consider the matter. It will have power to increase, reduce, replace or cancel any penalty and impose all or part of the penalties that are available to the Disciplinary Committee in accordance with paragraph 10 of the rules. It can also impose any costs penalty as it sees fit.