

NoSCA Disciplinary Procedures Directive



1. Background

- 1.1 Discipline and behaviour surrounding matches under the auspices of NoSCA will be governed by the 'Laws of Cricket' as published annually by the Marylebone Cricket Club, the Code of Conduct issued by Cricket Scotland from time to time, and the expectations of the Executive Committee.
- 1.2 The following persons are subject to this Directive:-
 - a) an individual who is a member of a club, league or association that is itself a member of Cricket Scotland;
 - b) a club that is a member of a league or association that is itself a member of Cricket Scotland;
 - c) a member of Cricket Scotland;
 - d) an individual who is a member of a club mentioned in subparagraph (b) above
- 1.3 The primary responsibility for discipline rests with the member clubs, their players and in particular the team captains. Clubs are reminded that they and their players must adhere to the Spirit of Cricket as outlined in the preamble to the MCC Laws of Cricket.
- 1.4 Clubs are encouraged to take a proactive approach to disciplinary cases as and when they occur to, where possible, try and reduce the workload of the Disciplinary Committee (see 4.5 below).
- 1.5 The objective of this Directive is to ensure that justice is achieved in the hearing and determination of all complaints in relation to which the Disciplinary Committee and the Appeals sub-committee are required to adjudicate.
- 1.6 "ensuring that justice is achieved" includes ensuring that cases are dealt with, so far as practicable, in a manner that is:-
 - a) fair,
 - b) consistent,
 - c) efficient, and
 - d) speedy.
- 1.7 Whenever any action or decision is taken under these Procedures, the person taking it must do so with a view to giving effect to the objectives set out above.

2. Submitting a Complaint

- 2.1 A complaint may be raised by a Club or umpire(s) involved in the match in question.
- 2.2 The Executive Committee may also refer a complaint to the Disciplinary Committee at any time if it is considered to be in the public domain or interest.
- 2.3 Notification of a complaint must be received in writing by the Secretary.
- 2.4 A complaint must be received within three days of the match being concluded (e.g. for a match played on Saturday, before midnight on the following Tuesday) unless submitted by Executive Committee.
- 2.5 The minimum information required to submit a competent complaint is:-
 - a) the date and place of the alleged misconduct;
 - b) the name of the respondent(s);
 - c) the name of any club of which the complainer believes the respondent(s) is/are a member;
 - d) full details of the alleged misconduct.

3. Processing a Complaint

- 3.1 The Secretary will forward all complaints to the Chair of the Disciplinary Committee and will work with the Chair as required to collect and collate any submissions deemed relevant to the complaint.
- 3.2 Complaints will be forwarded to the Chair of the Disciplinary Committee as soon as in practically possible within the time restrictions of a volunteer organisation.

4. Investigating a Complaint

- 4.1 Complaints will be considered by a Disciplinary Committee formed under Section 7.2 of the NoSCA Constitution.
- 4.2 The Disciplinary Committee will meet as soon as is practically possible.
- 4.3 Meetings of the Disciplinary Committee may be conducted in person, by telephone, by email or similar means of digital communication at the sole discretion of the Chair.
- 4.4 The Disciplinary Committee may decide that there is no case to answer and dismiss the complaint, in which case the complainant must be informed (in writing) of this decision and the reasons behind the dismissal.
- 4.5 Similarly, the Disciplinary Committee may be satisfied from the evidence submitted that the incident has been satisfactorily dealt with by a member Club, in which case the complainant must be informed (in writing) of this decision and the reasons behind it.
- 4.6 If the Disciplinary Committee believe there is merit in considering a complaint they must contact the respondent(s) and the relevant Club Secretary(s):-
 - a) notifying them that a complaint has been made;
 - b) enclosing a copy of the charge(s) and referencing this Procedures Directive and/or the Cricket Scotland Code of Conduct and/or Laws of Cricket and/or NoSCA Constitution;
 - c) ask for confirmation of a direct email address for communications;
 - d) request submissions in relation to the charges outlined in (b) above.
- 4.7 Once all the information has been received (further clarification may be sought following initial submissions, as required) the Chair will call a meeting of the Disciplinary Committee to consider the complaint as soon as is practically possible.

5. Notifying the outcome of a Disciplinary Complaint

- 5.1 The Chair is responsible for notifying the decision of the Disciplinary Committee.
- 5.2 Decisions will be notified in writing to all parties at the email addresses provided.
- 5.3 After the time has elapsed for an appeal (and assuming no appeal is submitted) a copy of the decision will also be published on NoSCA website for duration of any sanction.
- 5.4 Decisions must name all parties involved, reference all evidence considered, cite any violations of the Laws of Cricket, the NoSCA Constitution or the CS Code of Conduct and clearly note any sanctions imposed, complete with effective dates. To ensure consistency, a template document will be made available by the NoSCA Secretary to the Chair of the Disciplinary committee.
- 5.5 The sanctions available to the Disciplinary Committee are outlined in Section 7.5 of the NoSCA Constitution and where relevant should be commensurate with those detailed in the CS Code of Conduct.
- 5.6 Any suspensions from playing cricket will normally be noted in terms of time (typically weeks) as opposed to games.

- 5.7 Decisions will normally be notified on a Sunday evening.
- 5.8 Penalties will normally take effect from 00:01 on the next Monday. However, these timings are at the sole discretion of the Disciplinary Committee and may be varied from case to case (e.g. to allow for end of season, gaps in NoSCA playing schedules, etc.).

6. Submitting an Appeal

- 6.1 Appeals to decisions reached by the Disciplinary Committee may be submitted by:-
 - a) any person subject to disciplinary action
 - b) the original complainant (or complainants)
 - c) the NoSCA Executive
- 6.2 Appeals must be submitted in writing to Secretary.
- 6.3 Appeals must be submitted within 72 hours of the decision of the Disciplinary Committee being published (e.g. by Wednesday midnight following publishing of a decision on a Sunday evening).
- 6.4 An appeal is only 'submitted' when notification is received in full by the Secretary citing the exact terms of the Appeal along with a deposit of £50 (in cash or by cleared funds to NoSCA Treasurer). The deposit will be refunded following a successful appeal or at the discretion of the Appeals sub-committee for an appeal which is refused.

7. Considering an Appeal

- 7.1 Appeals will be considered by an Appeals sub-committee appointed by the NoSCA Executive as outlined in Section 7.6 of the constitution.
- 7.2 The Appeals sub-committee will normally be Chaired by the Association President and comprise 3 people.
- 7.3 The Appeals sub-committee must NOT include anyone from original Disciplinary Committee, but may include a member (or members) independent of NoSCA.
- 7.4 The Appeals sub-committee will meet as soon as is practical after its formation.
- 7.5 The Appeals sub-committee may meet in person, by telephone and/or via email (or similar) communication as decided by the Chair.
- 7.6 The Appeals sub-committee is required to look at all aspects of the disciplinary case and in particular to determine if the appeal is justified.
- 7.7 The Appeals sub-committee has the power to discard an appeal if it considers the appeal is deemed to be unfounded, frivolous or vexatious.
- 7.8 Irrespective of the original decision of the Disciplinary Committee, the Appeals sub-committee has the power to impose any sanction it sees fit consistent with the terms stated in Section 7 of the NoSCA Constitution and/or the offences and penalties noted in the CS Code of Conduct.

8. Notifying the outcome of a Disciplinary Appeal

- 8.1 The Chair is responsible for notifying the decision of the Appeals sub-committee to all relevant parties.
- 8.2 Decisions will be notified in writing to the relevant email addresses provided.
- 8.3 A copy of the decision will also be published on NoSCA website for duration of any sanction.
- 8.4 Any decision must name all parties involved, reference all evidence considered, cite any violations of Laws of Cricket, NoSCA Constitution or CS Code of Conduct and clearly note any sanctions imposed (complete with effective dates). To ensure consistency a template document will be made available by the NoSCA Secretary to the Chair of the Appeals sub-committee.

- 8.5 The sanctions available to the Appeals sub-committee are outlined in Section 7.5 of the NoSCA Constitution and where relevant should be in line with those detailed in the CS Code of Conduct.
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 - 8.7 Decisions will normally be published on a Sunday evening.
 - 8.8 Penalties will normally take affect from 00:01 on the next Monday. However, these timings are at the sole discretion of the Appeals sub-committee and may be varied from case to case (e.g. to allow for end of season, gaps in NoSCA playing schedules, etc.).
- 9. The decision of the Appeals sub-committee will be final and no further correspondence on the matter can be entered in to.**