

NCU DISCIPLINARY BYE-LAWS 2020

1. JURISDICTION OF NORTHERN CRICKET UNION

These Bye-Laws replace all previous versions of the Disciplinary Bye-Laws and subsume the internal disciplinary responsibilities set out in the *Cricket Ireland Child Safeguarding Policy and Guide (2017)*. They apply to all forms of cricket under the auspices of the Union in respect of the following disciplinary matters:-

- 1.1 Alleged commission of the Disciplinary Offences set out in Bye-Law 3 below which occur on or off the field in connection with any fixtures or competitions under the auspices of the Union;
- 1.2 Alleged abusive behaviour towards children by Managers, Coaches, Selectors, Parents, Guardians, or Players, as defined in the *Child Safeguarding Policy and Guide*.

2. CRICKET IRELAND

Any disciplinary penalty in relation to club cricket imposed by Cricket Ireland shall automatically apply to matches organised by Cricket Ireland. There shall be no right of appeal against such a penalty other than to Cricket Ireland.

Cricket Ireland will be responsible for adjudication upon any of the following types of disciplinary matters:-

- a) Any allegation that may arise regarding corruption in connection with men's, women's and youth's cricket under the auspices of Cricket Ireland and the Union in any context.
- b) Any allegation that may arise regarding allegations of breach of the Bye-Laws in relation to taking of or supplying drugs, where such allegations are in breach of the ICC Anti Drug Doping Policy and the statement "Drugs Abuse in Sport" published by Sport NI, as they may exist from time to time, and parties against whom such allegations are made are under the auspices of Cricket Ireland or the Union.

3. DISCIPLINARY OFFENCES

(a) Players and Team Officials

3.1 Players and team officials shall conduct themselves in accordance with the Spirit of Cricket as well as within the Laws of Cricket and team captains are responsible for ensuring that these Bye-Laws, the Spirit of Cricket and the Laws of Cricket are adhered to.

3.2 Players and team officials shall not engage in conduct which brings them or the game of cricket into disrepute.

3.3 Where the facts of, or the gravity or seriousness of, the alleged incident are not adequately or clearly covered by Level 1 - 4 Offences, the complainant may allege an offence under Bye-Law 3.1 or 3.2. The penalty for such an offence shall range from written reprimand to a suspension of up to ten matches, or in the case of particularly serious offences, a suspension ranging from three months to a lifetime ban.

3.4 Offences

The four levels of offence that may be committed by a player or team official are set out below, together with the range of penalties that may be imposed in respect of any breach.

3.4.1 Level 1 Offences

The penalty for a Level 1 offence shall be a written reprimand and/or a one-match suspension.

- 1.1 Wilfully mistreating any part of the cricket ground, equipment or implements used in the match.
- 1.2 Showing dissent at an Umpire's decision by word or action.
- 1.3 Using language that, in the circumstances, is obscene, offensive or insulting.
- 1.4 Making an obscene gesture.
- 1.5 Appealing excessively.
- 1.6 Advancing towards an umpire in an aggressive manner when appealing.
- 1.7 Any other misconduct, the nature of which is, in the opinion of the umpire, equivalent to a Level 1 offence.
- 1.8 Inappropriate comment in relation to an incident occurring in a match or criticism of any player, match official or team participating in a match, irrespective of when such criticism or inappropriate comment is made. This shall include criticism or comments made on any of the social media.

3.4.2 Level 2 Offences

The penalty for a Level 2 offence is a suspension for two or three matches, or a comparable period of time.

- 2.1 Showing serious dissent at an Umpire's decision by word or action.
- 2.2 Making inappropriate and deliberate physical contact with another player.
- 2.3 Throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner.
- 2.4 Using language or gesture to another player, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature.
- 2.5 Any other misconduct, the nature of which is, in the opinion of the umpire, equivalent to a Level 2 offence.
- 2.6 Any attempt by a captain to manipulate the result of a match for reasons of league position, net run rate, bonus points or otherwise.
- 2.7 Commission of two Level 1 offences within 12 months (including offences arising from separate incidents in the same match).

3.4.3 Level 3 Offences.

The penalty for a Level 3 offence is a suspension of a minimum of four to a maximum of nine matches, or a comparable period of time up to three months.

- 3.1 Intimidating an Umpire by language or gesture.
- 3.2 Threatening to assault a player or any other person except an umpire (see Level 4.1).
- 3.3 Commission of two Level 2 offences within 12 months (including offences arising from separate incidents in the same match).

3.4.4 Level 4 Offences.

Where a Level 4 Offence has been alleged, the Chairman of the Disciplinary Committee (or in his absence, the Vice Chairman) shall, if he sees fit, suspend the person against whom the complaint has been made from involvement in cricket pending the determination of the complaint by the Disciplinary Committee or Appeal Committee . In determining whether or not to impose any interim suspension, the Chairman shall have regard to:

- The level of seriousness of the alleged offence; and
- Whether it is necessary or desirable to impose such suspension to facilitate any investigation or procedure

The penalty for a Level 4 offence is a suspension of a minimum of 10 matches or a comparable period of time from three months to a lifetime ban.

- 4.1 Threatening to assault an umpire.
- 4.2 Making inappropriate and deliberate physical contact with an umpire.
- 4.3 Physically assaulting a player or any other person.
- 4.4 Committing any other act of violence.
- 4.5 Commission of two Level 3 offences within 12 months (including offences arising from separate incidents in the same match).

(b) Child Safeguarding

3.5 Abusive behaviour by Managers, Coaches, Selectors, Parents or Guardians and Players is defined in the *Child Safeguarding Policy and Guide*. Such behaviour shall constitute a disciplinary offence.

3.6 If the complaint involves suspected abuse or a criminal offence, the Designated Person (or where he or she is unable to act, a deputy appointed by the Union) shall be consulted and, if he so determines, the matter shall be reported to the statutory authorities and removed from the jurisdiction of the Disciplinary Committee pending the outcome of any investigation and ensuing action by them. The Designated Person may, if he sees fit, suspend the person against whom the complaint has been made

from involvement in cricket pending the outcome of such investigation or the determination of the complaint by the Disciplinary Committee or Appeal Committee . In determining whether or not to impose any interim suspension, the Designated Person shall have regard to:

- The safety and welfare of young people;
- The level of seriousness of the alleged offence; and
- Whether it is necessary or desirable to impose such suspension to facilitate any investigation or procedure

3.7 The penalty for abusive behaviour that has not been removed from the jurisdiction of the Disciplinary Committee shall be one or more of the following:

- a written reprimand and warning as to future conduct;
- in the case of a Player, suspension from such matches or for such a period as may be specified;
- in the case of a Manager, Coach or Selector, suspension from that role for such a period as may be specified;
- in the case of a Parent or Guardian, suspension from attendance at matches and/or coaching sessions for such a period as may be specified.

(c) Clubs

3.8 The following disciplinary offences may be committed by a club:

- 8.1 Failing adequately to control its players' behaviour.
- 8.2 Failing adequately to control its supporters' behaviour.
- 8.3 Failure of the club or its members to comply with their obligations under the Cricket Ireland Child Safety Policy and Guidance.
- 8.4 Acting in a manner calculated to prejudice the good name or interests of the Union.

3.9 The penalty for such an offence shall be any one or more of:

- 9.1 expulsion from the Union;
- 9.2 expulsion from any cup competition;
- 9.3 deduction of league points;
- 9.4 a fine of not more than £200;
- 9.5 a written reprimand and warning as to future conduct.

(d) Union officials

3.10 The following disciplinary offences may be committed by a Union official:

- 10.1 Contravening the Union's Code of Conduct for Managers/Coaches/Volunteers in respect of teams selected to represent the Union.

10.2 Acting at any time in a manner calculated to prejudice the good name or interests of the Union.

3.11 The penalty for such an offence shall be:

11.1 a written reprimand and warning as to future conduct;

11.2 removal from the official position in connection with which the offence occurred, for the current season or for some other prescribed period; or

11.3 declaration of ineligibility for future appointment in the same, or a similar capacity.

4. DISCIPLINARY AND APPEALS COMMITTEES

4.1 The Union shall establish a Disciplinary Committee to which responsibility for disciplinary issues is allocated. It shall consist of at least five members, including a Chairman and Vice-Chairman.

4.2 The Union shall appoint an Appeals Committee to hear appeals against decisions of a Disciplinary Panel. It shall consist of at least five members including a Chairman and Vice-Chairman. No member of the Appeals Committee shall be a current member of the Union's Management Board.

5. DISCIPLINARY PROCESS

The person or club against whom a Complaint (as defined below) is made shall be "the Respondent".

The Complaint

(a) Complaints against Players, Union Officials or against clubs under Bye-Law 3.8

5.1 The statement setting out the alleged offence ("the Complaint") shall be in writing and must be sent to the General Secretary no later than seven days after the end of the match at which the alleged offence occurred. It may be sent by letter or email.

5.2 Where the alleged offence took place on the field of play or elsewhere within the sight and hearing of the Umpires, only the Umpires may make the Complaint. Where the alleged offence was not so witnessed by the Umpires, the Complaint may be made by a duly authorised officer of the opposing club or of the Union.

Level 1 Offence

5.3 If the Complaint relates only to a Level 1 Offence by a player, the Chairman or Vice-Chairman of the Disciplinary Committee shall deal with the matter on the basis of the documentation as follows, without a hearing:

- 5.3.1 The General Secretary shall provide a copy of the Complaint to the player and invite a written submission from him. It shall normally be sufficient to send such Complaint to the Hon Secretary of the player's club.
- 5.3.2 Any such submission shall be received not more than seven days from the date that the player receives a copy of the Complaint.
- 5.3.3 The Disciplinary Panel, at the request of the Respondent or on its own initiative, may require the Respondent and/or the person making the Complaint to supply it, within such time as it determines, with further particulars of the incident(s) and the Respondent and/or the person making the Complaint shall comply with that direction.
- 5.3.4 Having received the player's written submission or any other submission requested under Bye-Law 5.3.3, or if none is forthcoming, the Chairman or Vice-Chairman shall reach a decision on the Complaint and advise the player in writing by letter or email of his decision and of any penalty.
- 5.3.5 There shall be no appeal from such a decision.

b) Complaints under the Cricket Ireland Child Safeguarding Policy and Guide

5.4 The Complaint shall be in writing and must be sent to the General Secretary within a reasonable time after the end of the match, coaching session or tournament at which the alleged offence occurred. It may be sent by letter or email. In determining whether the Complaint has been submitted within a reasonable time, the Disciplinary Panel shall have regard to the nature of the allegation, the circumstances in which it is alleged to have occurred and the age of any party involved.

5.5 The following shall have authority to make a Complaint:

Against a Manager, Coach or Selector – Another Manager, Coach or Selector, or a Parent or Guardian, or a duly authorised officer of the opposing team or Union official.

Against a Parent or Guardian – A Manager, Coach or Selector, or another Parent or Guardian, or a duly authorised officer of the opposing team

Against a Player – A Manager, Coach or Selector, or the Parent or Guardian of another Player, or a duly authorised officer of the opposing team

Hearing

The following shall apply to all offences other than Level 1 offences by a player dealt with under Bye-Law 5.3:

5.6 An individual panel ("Disciplinary Panel") comprised of a chairman, who shall be a member of the Disciplinary Committee, and at least two other members, shall be

appointed by the Chairman or Vice-Chairman of the Disciplinary Committee to adjudicate on the Complaint or Complaints. Where the Complaint relates to abusive behaviour as defined by Bye Law 3.5, the Designated Person (or where he or she is unable to act, a deputy appointed by the Union) shall attend the hearing and shall give advice to the Disciplinary Panel on any matters relating to Child Safeguarding. The Designated Person's role shall be advisory only.

- 5.7 The Disciplinary Panel shall have a quorum of three but may proceed with fewer with the agreement of the Respondent.
- 5.8 Each member shall have one vote. In the event of an equality of votes for any reason, the Chairman shall have a casting vote.
- 5.9 In appointing the Disciplinary Panel, the Chairman or Vice-Chairman of the Disciplinary Committee shall, insofar as is practical, endeavour to ensure that no person is appointed who has a conflict of interest in relation to the Complaint or the Respondent.
- 5.10 The Disciplinary Panel shall have all powers necessary for, and incidental to, the exercise of its functions and, subject to these Bye-Laws, it shall have the power to regulate its procedures.
- 5.11 The hearing shall be held as soon as reasonably practical and shall be confidential and held in private, unless the Disciplinary Panel decides otherwise.
- 5.12 The Disciplinary Panel may postpone or adjourn a hearing if appropriate, including if it considers it necessary to call evidence that was not available at the hearing.
- 5.13 The Respondent, or in the case of a club a duly authorised officer of the club, shall be invited by the General Secretary to attend the hearing. It shall normally be sufficient to send such invitation through the Hon Secretary of the Respondent's club.

He shall be sent a copy of the Complaint and notified in writing of:

- (i) his entitlement to have the matter dealt with under Bye-Law 5.14.
- (ii) the place and time of the hearing;
- (iii) his entitlement to be accompanied to the hearing, at his own cost, by a supporter. The supporter may be a work colleague, fellow player, family member or friend. He is not entitled to be legally represented;
- (iv) where applicable, the requirement that any Respondent aged under 18 shall be accompanied at the hearing by a responsible adult (preferably his parent or guardian); and
- (v) his entitlement to call witnesses to give evidence at the hearing.

Where the Respondent is aged under 18, the Hon Secretary of his club should notify the Respondent's parent or guardian.

- 5.14 For all offences other than Level 1 Offences, a Respondent may admit to the offence in writing to the Secretary and submit in writing any statement he wishes to make as

regards the appropriate penalty. In such circumstances, the Disciplinary Panel shall decide the penalty without the need for a hearing.

- 5.15 The Disciplinary Panel, at the request of the Respondent or on its own initiative, may require the Respondent and/or the person making the Complaint to supply it, within such time as it determines, with further particulars of the incident(s) giving rise to the Complaint, including details of all witnesses whom the Respondent intends to call at any hearing together with details of the evidence to be given by those witnesses, and the Respondent and/or the person making the Complaint shall comply with that direction.
- 5.16 Any failure by a Respondent or Complainant to comply with any requirement or direction of the Disciplinary Panel, including those requirements or directions to be complied with within a time period, shall not prevent the Disciplinary Panel from proceeding and such failure may be taken into consideration by the Disciplinary Panel when making its decision.
- 5.17 The Disciplinary Panel shall have the power to decide on the admissibility, relevance and weight of any evidence and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions.
- 5.18 The Respondent's supporter may advise the Respondent during the hearing, may question witnesses and make representations on the Respondent's behalf, and may seek procedural guidance from the Disciplinary Panel. He shall not answer questions on the Respondent's behalf.
- 5.19 If the matter proceeds to a hearing, it will be expected that the Complainant(s) and Respondent will attend the hearing. Any failure by the Complainant(s) or Respondent (or his supporter) to attend a hearing after notification shall not prevent the Disciplinary Panel from proceeding with the hearing in his absence, and such failure may be taken into consideration by the Disciplinary Panel when making its decision. Where the Complaint relates to abusive behaviour as defined in Bye Law 3.5, the Disciplinary Panel may, in its discretion, dispense with the requirement that the Complainant attend the hearing.
- 5.20 A note shall be taken of all hearings by the General Secretary or, in his absence, by another person appointed by the Disciplinary Panel.

6. THE DECISION AND PENALTY

- 6.1 For the avoidance of doubt, although a Complaint may categorise an offence as a Level 1 or other category of offence, a Disciplinary Panel shall not be bound by that categorisation and may decide that another category of offence, and therefore penalty, is appropriate.

- 6.2 The standard of proof shall be whether the Disciplinary Panel is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed. This standard of proof shall be determined on a sliding scale from a mere balance of probability (for the least serious offences) up to a very high probability (for the most serious offences).
- 6.3 In deciding a penalty, the Disciplinary Panel shall have regard to any prior disciplinary record of the Respondent.
- 6.4 The decision of the Disciplinary Panel shall be given to the Respondent (in the case of a Respondent aged under 18, his parent or guardian) within three days by letter or email through the Honorary Secretary of the Respondent's club. Where the Complaint was made by the Umpires, a copy of the decision shall also be sent to the Honorary Secretary of the Northern Ireland Association of Cricket Umpires and Scorers. Where the decision relates to abusive behaviour as defined in Bye Law 3.5, or otherwise gives rise to issues of child safeguarding, a copy shall be sent to the Designated Person.

7. APPEAL PROCESS

- 7.1 A Respondent may appeal from the decision of the Disciplinary Panel as to the finding of liability, the penalty imposed or both, other than as provided in Bye-Law 5.3.
- 7.2 Any appeal must be made in writing and sent to the General Secretary by letter or email no later than five working days after receipt of the written decision of the Disciplinary Panel and:
- 7.2.1 must be accompanied by a deposit of £50; and
- 7.2.2 must set out the grounds for the appeal.
- 7.3 The Chairman of the Appeals Committee shall, once an appeal has been received by him, appoint an Appeal Panel and forward to them details of the Complaint, any witness statements, the decision of the Disciplinary Panel and the note of the hearing.
- 7.4 An individual panel ("Appeal Panel") comprised of a chairman, who shall be a member of the Appeals Committee, and at least two other members, shall be appointed by the Chairman or Vice-Chairman of the Appeals Committee to adjudicate on the appeal or appeals. Where the Complaint relates to abusive behaviour as defined by Bye Law 3.5, the Designated Person (or where he or she is unable to act, a deputy appointed by the Union) shall attend the hearing and shall give advice to the Appeal Panel on any matters relating to Child Safeguarding. The Designated Person's role shall be advisory only.
- 7.5 The Appeal Panel shall have all powers necessary for, and incidental to, the exercise of their functions and, subject to these Bye-Laws, they shall have the power to regulate the procedures of matters which come before them. They shall conduct the appeal

hearing in accordance with Bye-Laws 5.10-5.19 with such adjustments as they deem necessary in order to reflect the different context.

- 7.6 The Appeal Panel shall deal with appeals in respect of Level 1 offences (other than those by a player, where 5.3.5 applies) and Level 2 offences purely on the basis of the documentation and there shall be no hearing.
- 7.7 Appeals in respect of all offences other than Level 1 or Level 2 offences shall proceed by way of a *de novo* hearing (i.e. a fresh hearing of the evidence and/or submissions on penalty as may be applicable) by the Appeal Panel.
- 7.8 The Appeal Panel may confirm, vary, or reverse the decision of the Disciplinary Committee, and may increase or reduce any penalty imposed. The Appeal Panel shall also have the power, where it considers the appeal to be without merit, to order the deposit to be forfeited.
- 7.9 The Appeal Panel shall give their decision within seven days of the hearing. If the Panel considers that there are circumstances which require a period longer than seven days, they shall so advise the Respondent (in the case of a Respondent aged under 18, his parent or guardian).
- 7.10 If the Appeal Panel considers that they requires further information, then they may request such information from the person from whom he needs it. They may stipulate the time within which it must be forwarded to him and the time for the determination of the appeal shall be suspended.
- 7.11 The Appeal Panel may direct that deposit may be returned if the appeal is successful or if they consider that there were valid grounds for the making of the appeal which justify the return of part or all of the fee.
- 7.12 The decision of the Appeal Panel shall be given to the Respondent (in the case of a Respondent aged under 18, his parent or guardian) by letter or email through the Honorary Secretary of the Respondent's club. Where the Complaint was made by the Umpires, a copy of the decision shall also be sent to the Honorary Secretary of the Northern Ireland Association of Cricket Umpires and Scorers. Where the decision relates to abusive behaviour as defined in Bye Law 3.5, or otherwise gives rise to issues of child safeguarding, a copy shall be sent to the Designated Person (or where he or she is unable to act, a deputy appointed by the Union).
- 7.13 The decision of the Disciplinary Panel or, on appeal, the Appeal Panel shall be final and binding.