

HK&HDCA Disputes and Disciplinary Policy

4 September 2023

1. The Disputes and Disciplinary Committee

- a) The Chairman of the Disputes and Disciplinary Committee will be appointed by the Executive in the first meeting following the HK&HDCA's Annual General Meeting.
[to be amended with the constitution changes]
- b) If there's a disputed incident needing thorough investigation, a hearing, or if the Chair of the Disputes and Disciplinary Committee deems it necessary, a panel of at least three members will be formed by the Chair, comprising the Chair plus three. This panel will include individuals from Club Presidents, Life Members, General Committee members, or other relevant parties as determined by the Executive.
- c) The panel's composition must be approved by the Executive, and exclude members linked to the complaining club(s) or associated body(ies), except when the complaint comes from an Executive member or Life Member.
- d) If the Chair of the Disputes and Disciplinary Committee is disqualified due to the complaint, they will assign someone else to act as Chair for that specific incident.

2. Submission of Complaints, Protests and Reports

- a) Protests or reports concerning any cricket match must be submitted to the HK&HDCA Executive Officer by 8.00pm on the Wednesday following the day of the incident.
- b) Protests relating to the result of the final round of competition, semi-final or final of a competition need to be submitted by 10am on the Tuesday following the completion of the match.
- c) With the exception of results of the final round, semi-final and final, protests or reports may be submitted as 'On Hold', pending further discussion between the clubs / bodies involved in the incident (see 'On Hold' in section '6 Process for handling Complaints, Protests and Reports).

3. Match result protests / protests of decisions by Sub Committees of The Executive, such as the Senior Competition Committee (SCC) or Junior Competition Committee (JCC)

- a) Match result protests or protests of administrative decisions made by sub-committees of The Executive follow a specific process.
- b) Normally, such protests are directed to the relevant sub-committee for consideration.
- c) The sub-committee has the authority to:
 - i. Uphold its original decision.
 - ii. Accept the appeal in full or in part.
 - iii. Choose to escalate the matter directly to the Disputes and Disciplinary Chair.
- d) After the sub-committee makes its decision:
 - i. The involved member, club, or affiliate has the right to appeal the decision.
 - ii. The appeal is addressed to The Executive.
- e) The Executive then refers the appeal to the Disputes and Disciplinary body for further examination and resolution.

4. Complaints relating to official umpires, as appointed by the Hornsby Ku-ring-gai and Hills District Cricket Umpires Association (HKHDCUA)

- a) The HKHDCUA maintains a confidential online umpire assessment form.
- b) This form serves as a platform for providing feedback regarding umpire performance.
- c) Feedback provided on the assessment form is to remain strictly confidential, with access limited to the following specific individuals: the HK&HDCA Executive Officer, HKHDCUA President, HKHDCUA Secretary, and the HK&HDCA Disputes and Disciplinary Chair.
- d) The feedback received through the assessment form is used to provide feedback to individual umpires.
- e) Any complaints regarding umpire performance or conduct are directed to the Disputes and Disciplinary Chair.
- f) The Disputes and Disciplinary Chair determines which information is shared with the HKHDCUA.
- g) Steps and procedures are to be taken to at all times safeguard the confidentiality of the information provided.
- h) The information provided is made as non-identifiable to individuals or clubs as possible, however, submitters of comments and feedback should be aware that incidents might be traceable to specific matches and some information might reveal the source of a complaint or feedback.
- i) The Disputes and Disciplinary Chair will work with members of HKHDCUA Executive and/or the delegate that sits on the HK&HDCA Executive to assess and provide feedback to the umpires and also in verifying assessments.
- j) No action may be taken against a captain or individual who raises a complaint about an umpire, (for raising the complaint) unless
 - i. it is deemed inappropriate in respect of gender, race, sexual orientation or religious belief and/or reasonably considered there is a risk it may breach relevant anti-discrimination laws, or
 - ii. an investigation by the Disputes and Disciplinary Chair indicates that the complainant has breached the HK&HDCA Code of Conduct, and/or the HK&HDCA Rules and/or the MCC Laws of Cricket, including the Spirit of Cricket.

5. Process for handling Complaints, Protests and Reports

- a) All initial communication is primarily between the Executive Officer and registered contacts or the President of the relevant club/affiliated organisation. Unless requested by the club, ongoing communication continues through registered contacts or the President.
- b) The Executive Officer forwards complaints, protests, or reports to the Disputes and Disciplinary Committee Chair. The Chair generally adheres to the procedure but can make adjustments based on complaint severity, aiming for amicable resolution between clubs.
- c) The original documentation received from all parties prior to and during the hearing and appeals procedures will be retained by the HK&HDCA Executive Officer for a period of at least 24 months.

- d) Considering the complaint's seriousness, the Chair may advise the Executive to suspend involved parties (including complainants) from playing/officiating (as applicable) during the investigation or proceedings.
- e) At any stage within the process, penalties can be handed out to any involved parties (including complainants) at the discretion of the Disputes and Disciplinary Committee.

6. Initial Investigation:

- a) The Chair of the Disputes and Disciplinary Committee communicates complaints to the concerned club(s) or affiliated body(ies) via their registered contacts.
- b) Notification can be direct from the Chair or via the HK&HDCA Executive Officer, outlining the incidents details and requesting an internal investigation.
- c) Within 72 hours of receiving the complaint, the club or affiliated body(ies) must acknowledge its receipt; failure to do so might escalate the complaint automatically; in any event receipt of a complaint notification is deemed to have occurred 72 hours after transmission by the Chair or HK&HDCA Executive Officer (as applicable).
- d) The Chair may ask the complainant for more information, typically through their club or affiliated body.
- e) A deadline, usually not less than 72 hours from receipt (or deemed receipt) of the complaint notification by the club(s) or affiliated body(ies), is set for responses from the club or affiliated body(ies). An exception might be made for final round matches or semi-finals, allowing for a shorter timeframe.
- f) The Chair might suggest that the two clubs or affiliated bodies discuss and come to a satisfactory resolution for all parties, including the Chair.
- g) This resolution could involve withdrawing the complaint or agreeing on an outcome that is documented in the Chair's maintained system
- h) The Chair may at any time recommend that the complaint be treated as a Breach Notice or Disciplinary Action.
- i) The Chair will place the matter "On Hold" pending the outcome of the initial investigation.

7. Breach or Disciplinary Action

Complaints and actions proposed by the Disputes and Disciplinary Chair or Committee will usually fall into 2 categories (Umpires may suggest a level 1 Breach Notice or level 2 Disciplinary Report, but whether the offence falls under one or the other will be determined by the Disputes and Disciplinary Chair or Committee). The Chair may consider any record in the Breach Register when determining which category to apply to the incident.

a) Breach Notice

- i. A Breach Notice leads to the player's name being added to the Breach Register maintained by the Dispute and Disciplinary Chair.
- ii. After receiving 3x Breach Notices within a 2 year period (from the date of the first incident), a player is automatically suspended for one match week (full one day game or one day of a 2-day match).

- iii. Suspension is effective within 14 days of notification, unless it's a semi-final or final, where it applies to the next playing day following notification from the Executive Officer (with a minimum of 72 hours notice to the club of the suspension prior to the commencement of the first day of the match).
- iv. Appeals for Breach Notices must be submitted within 72 hours of receiving the notice.
- v. At the Discretion of the Chair, appealing a Breach Notice may result in its escalation to a Disciplinary Action.
- vi. Clubs and affiliates are expected to respond to Breach Notices, accepting or disputing them within 72 hours.
- vii. Failure to respond may lead to actions against the club/affiliate, including affiliation termination or refusal in subsequent seasons.
- viii. Individuals, clubs, and affiliates can't appeal prior notices when dealing with a current Breach Notice.
- ix. For instance, upon receiving the third Breach Notice, a club can't appeal the first or second notices, as the 72-hour appeal window has lapsed.

b) Disciplinary Action

Disciplinary Action adheres to the outlined Formal Procedure, which could lead to various consequences such as a suspended sentence, playing suspension, HK&HDCA membership suspension, permanent membership removal (including withdrawal of Life Membership), and actions defined in the HK&HDCA's constitution. Suspensions exceeding 3 matches are usually communicated to all clubs within the HK&HDCA, DCA, and CNSW. Such suspensions are expected to apply across all member clubs within these organisations.

8. Formal Procedure (if the matter is not satisfactorily resolved between the individuals / clubs)

- a) The Chair of the Disputes and Disciplinary Committee evaluates the provided information.
- b) The Chair may seek direct responses from the complainant or respondent, often through registered contacts of the club, or affiliate, or the Presidents thereof.
- c) Collaboratively with the involved club(s) or affiliates, the Chair determines an appropriate penalty or outcome.
- d) Generally, the preferred approach is for the club to enforce the penalty, endorsed first by the Chair, and then by the HK&HDCA Executive.
- e) If the club or affiliates cannot reach a suitable resolution, the Chair will review the complaint. This may involve forming a sub-committee and suggesting an outcome to the club(s) or affiliates.
- f) The clubs or affiliates inform their member(s) about the outcome, which can either be upheld or lead to a request for a formal hearing.

9. Formal Hearings

a) Decision and procedure for instigating a Formal Hearing

At any stage, the Chair of the Disputes and Disciplinary Committee can initiate a formal hearing (**Hearing**). The respondent and/or their club/affiliated body can

also request a Hearing. However, the complainant can only request a Hearing after an initial decision by the Disputes and Disciplinary Committee. In cases where a decision has been rendered, a Hearing represents the appellate stage for challenging a decision by the HK&HDCA Disputes and Disciplinary Committee. The Executive reserves the right to refuse a Hearing where the request to do so is considered vexatious or unwarranted.

- i. The Disputes and Disciplinary Chair establishes a Committee following the guidelines outlined in the HK&HDCA Disputes and Disciplinary Policy.
- ii. The Committee reviews the collected information and may seek additional details from the club(s) or affiliates.
- iii. Incidental costs such as room rental are borne by the party requesting the hearing. No coverage is provided for individual expenses such as travel; these costs fall on the individual, club(s), or affiliate bodies.
- iv. The HK&HDCA Executive has the authority to cover incidental costs or reimburse them.
- v. The Committee can summon individuals from the club as witnesses as required. The complainant or respondent's club/affiliate body can request additional attendees, but the Committee has discretion in granting such permission.
- vi. The Executive Officer presents at least two potential hearing dates to the involved person, club(s), or affiliates. If a suitable date can't be identified within 14 days, the Disputes and Disciplinary Chair will choose a date (with a minimum of 7 days notice provided).
- vii. If individuals are unable or unwilling to attend or do not attend on the chosen date, the Hearing proceeds in their absence.
- viii. Not appearing at the Hearing forfeits the right to appeal the Committee's decision for the individual(s) charged prior to the commencement of the Hearing process, unless granted leave by the Executive to not appear or have a delegate appear in their stead.

b) Procedure at the Hearing

- i. Individuals attending the Hearing must submit supporting information beforehand; additional information not requested directly by the Committee such as submissions is typically not accepted during the Hearing.
- ii. Hearings will be recorded (sound recording) and the sound recording will be maintained for a minimum of 24 months from the date of the Hearing.
- iii. Minutes / a summary of the Hearing is usually prepared by the Executive Officer and / or the Chair of the Disputes and Disciplinary Committee, or a person as delegated by them. If the content of the minutes / summary is agreed as being a true and correct record then the sound recording may be deleted.
- iv. The Hearing is led by the Disputes and Disciplinary Chair who will preside and may participate in the Hearing and ask questions. Any Committee member can question attendees. Not responding to questions might affect the Hearing's outcome and any future appeal, especially if this information forms the basis of an appeal.
- v. After discussion, the Committee generally proposes an outcome within 72 hours of the Hearing for Executive approval. Clubs and affiliated bodies usually receive a response within 7-10 days of the Hearing.

10. Appeals

a) Match Results and other decisions associated with SCC and/or JCC

- i. Appeals against decisions made by the HK&HDCA Executive or Disputes and Disciplinary Chair regarding match result protests or decisions by Sub Committees like the Senior Competition Committee (**SCC**) or Junior Competition Committee (**JCC**) must be submitted to the HK&HDCA Executive Officer within 72 hours of the decision being communicated. For final round, semi-final, and final matches, notice of appeal intent must be given to the Executive Officer by 4 pm on the Tuesday after the match's completion.
- ii. Appeals will usually be brought before the next available General Committee meeting of the HK&HDCA, in which case 24 hours' notice is typically required to present the appeal to the General Committee meeting.
- iii. Any appeal of the decision of the Disputes and Disciplinary Chair relating to the final round, semi-finals, or final match outcome must be received by 4pm on the Tuesday following the matches completion or no action may be taken and the decision of the Chair will stand with no subsequent avenue for appeal.

b) All other Appeals

All appeals not covered by the Match result and other decisions associated with the SCC and/or JCC, must be submitted within 72 hours of a decision being notified by the HK&HDCA.

i. Appealing the decision of the Disputes and Disciplinary Chair

- a. In the first instance an individual, club or affiliated body may appeal a decision of the Disputes and Disciplinary Chair, which has not gone to a Hearing will usually result in a Formal Hearing as detailed in the HK&HDCA Disputes and Disciplinary Policy. Additional evidence submitted at such a hearing which was not made available to the Disputes and Disciplinary Chair through the investigation will only be considered at the discretion of the Disputes and Disciplinary Committee.

ii. Appealing the decision of the Disputes and Disciplinary Committee (following a Hearing) - HK&HDCA D&D Appeal Panel

- a. Any individual, club, or affiliate has the right to appeal a decision made by the HK&HDCA Disputes and Disciplinary Committee to the HK&HDCA Executive. The Executive might choose to review the decision in consultation with the Disputes and Disciplinary Committee or request the Chair of the Disputes and Disciplinary to organise a supplementary panel. This panel usually comprises former Presidents and/or Life Members of the HK&HDCA, or if unavailable, Presidents of other member clubs/affiliates not involved in the dispute.
- b. The panel, consisting of at least 3 members, must exclude anyone from the initial dispute or hearing and can include a maximum of 1 currently serving Executive member. Associated costs are covered by the appellant (individual, club, or affiliate) in the same way as the costs of a requested Formal Hearing detailed in this policy. The Disputes and Disciplinary Chair provides the appeals panel with all relevant investigation facts and correspondence.
- c. The HK&HDCA Executive recommends the appeals panel only considers the information submitted to the Disputes and Disciplinary Committee. If

additional information reaches the appeals panel, not previously presented to the Committee, the Disputes and Disciplinary Chair can respond, potentially leading to further action by the HK&HDCA Executive.

iii. Appeal of the decision of the Appeals Panel of the Disputes and Disciplinary Committee – Appeal to DCA Appeal Panel

- a. Any individual, club, or affiliate has the right to appeal an Appeals Panel decision by involving an external party, such as the DCA (District Cricket Association), to hold a hearing. The appellant bears any connected costs. While the appeal to the DCA is in progress, the membership of the individual, club, or affiliate challenging the HK&HDCA Executive's decision, including life membership, is suspended. The restoration of membership, including life membership, is entirely at the Executive's discretion, even if the DCA rules in favor of the appellant.
- b. The HK&HDCA Executive recommends that the DCA Appeals panel only considers the information presented to the HK&HDCA D&D Appeal Panel. If additional information is introduced in such an appeal that reasonably should have been available earlier in the Disputes and Disciplinary process, it might negatively impact the HK&HDCA Executive's decision to reinstate membership.

11. Vexatious and Unwarranted Complaints

- a. The Executive has the authority to terminate membership or affiliation, including Life Membership, of individual members, clubs, or affiliated bodies.
- b. This action is taken if these parties unnecessarily initiate an action, complaint, formal hearing request, or appeal against the Executive, a sub-committee of the Executive, or any member club/associated body.
- c. The Chair usually provides a warning to the individual or body, indicating that their action is considered vexatious or unwarranted.
- d. Subsequently, the HK&HDCA's President will directly notify the individual or body, or do so through the Executive Officer.
- e. The notification will state that their action could lead to the temporary or permanent loss of membership or affiliation, including Life Membership.
- f. It may also impact their eligibility for future membership or affiliation.

12. Exclusions

The Executive and Disputes and Disciplinary will not normally deal with disputes between a member and the club for which they are an affiliate or member.

Definitions

Any role, group or term, such as President of the HK&HDCA, Executive Officer, General Committee, Member and any other term is as defined in the HK&HDCA Constitution

Disputes and Disciplinary Committee, Disputes and Disciplinary or D&D refers to the sub-committee of the executive which is the responsibility of the Chair of the Disputes and Disciplinary Committee, as defined in Section 1.

Disputes and Disciplinary Chair or The Chair refers to the appointed / elected Chair of the Disputes and Disciplinary Committee.

Members, Executive member or Life Member are as defined in the HK&HDCA Constitution

Associated Bodies and/or Affiliates refer to Affiliate members or the parent organisation of Affiliate members, as defined in the HK&HDCA Constitution, including and not limited to, the HK&HDCA Umpires Association (HKHDCUA) or HK&HDCA Coaches Association (HKHDCCA), any body or group approved via Affiliation, any member there of or individual who associates themselves with that body or group.

Breach Register is a system such as a spreadsheet or table maintained by the Disputes and Disciplinary Chair for maintaining a record of Breach Notices, which will include the date of the incident, the date of the complaint, the action taken and any other useful associated information