

BOX HILL REPORTER DISTRICT CRICKET ASSOCIATION

PROCEDURE FOR PROCESSING REPORTS, DISPUTES, ETC FOR INQUIRY

These procedures are made under the Corporate Rules, Competition Rules and By Laws of the Box Hill Reporter District Cricket Association.

1. PROCEDURES FOR MAKING REPORTS

Misconduct at Matches [Rule 9(b)(i)] & Code of Behaviour Violation [Rule 9(b)(ii)], subject to grading of offence in the BHRDCA Set Penalty Table (SPT) or Hearing by Tribunal

a) Umpires Obligation to Advise Club and Player

- I. Umpires making reports as a result of breaches of [Rule 9(b)(i)]- Misconduct at Matches and/or [Rule 9(b)(ii)] - Code of Behaviour Violation are not required to notify the club/s or player/s of their intent to report an incident.
- II. It will be at the discretion of the Umpire/s whether they choose to advise the club/s or player/s of their intent to report.

b) Written Report

- I. The Umpire/s are to make a written report on the BHRDCA Misconduct Report Form (MRF).
- II. The Umpire/s may report a player for multiple offences using the same form (see instructions on the MRF).
- III. Where multiple individuals are reported, a separate MRF is required for each player.
- IV. A copy of the MRF should be retained by the Umpire/s, a copy sent to the Umpire's Advisor and a copy sent to the Association.
- V. The Umpire/s or Umpire's Advisor will classify the alleged offence based on the gradings set out in the SPT and send the MRF to the Association for action.
- VI. It is assumed that the Umpire/s and/or Umpire's Advisor accept the reported player taking a standard penalty for an Early Guilty Plea as detailed in the SPT unless they specifically request a Tribunal hearing to take place (this must be noted on the MRF).
- VII. Where an alleged offence aligns with a penalty in the SPT but the Umpire/s and/or Umpire's Advisor request a formal Tribunal hearing, a written explanation will be required to support the request.
- VIII. A report may be completed and/or sent on behalf of the Umpire/s by the Umpire's Advisor.

c) Advice to Association

- I. The MRF must be lodged via email or in person with the Association no later than 8pm Monday following completion of the day's play. This can be done by the Umpire/s or the Umpire's Advisor.
- II. The MRF can either be completed electronically and sent via email or can be printed and completed manually including the Umpire's Signature and delivered in person, or it can be scanned and emailed.
- III. If submitted electronically a signature is not required as long the MRF originates from a confirmed Umpire/s email address or the Umpire's Advisor email address.
- IV. All matters other than player reports for Misconduct or Code of Behaviour Violations will be referred to the Committee of Management in the first instance for resolution or determination of action to be taken. The General Conduct/Incident Report Form (GCIR) is to be used for such matters.

d) Disputes (By Law 11)

- I. Before or as soon as practicable after the close of play on the day of the event complained of, complainant(s) should make both captains and Umpire/s aware of the matter in dispute and complete a GCIR for submission to the Association.
- II. Complainants shall verbally advise the Association no later than 8pm Tuesday following completion of the day's play of the matter in dispute.
- III. Complainants shall by 8pm Tuesday following completion of the day's play a copy submit a completed GCIR to the Association (refer Rule 12).

e) Other Matters For Inquiry

- I. Other matters for inquiry should be submitted via a GCIR and can be referred to the Tribunal for hearing by the Committee of Management at its discretion.
- II. Matters referred to the Association other than through the above procedures shall be pursued by the Committee of Management at its discretion.

2. PROCEDURES ON RECEIPT OF REPORTS

a) Advice to Club

- III. Upon receipt of the MRF the Association Secretary or Administration Manager shall notify the reported individual and the Club of the report and any associated penalty/required tribunal hearing
- IV. Notification of the report by the Association must occur as soon as possible after the receipt of the report following completion of the day's play.
- V. Notification to the Club Secretary will occur by email and by phone; a voicemail message in addition to an email if the phone is not answered is considered sufficient notice.

b) Club/Player Accept Prescribed Penalty

- I. The player/Club may elect to accept the prescribed penalty as per the SPT; this can be done either by a return phone call or email to the Association Secretary or Administration Manager, or by absence of reply.
- II. If no Challenge to the prescribed penalty is received within 24 hours of such notice, it will be assumed that the player/Club has accepted an Early Guilty Plea.
- III. Once a penalty has been accepted either by election or by absence of reply to the Association Secretary or Administration Manager the prescribed penalty will be published on the League website and notification sent to all parties involved and the Committee of Management.
- IV. A Club retains the right to accept or challenge a penalty on behalf of the player.

c) Challenge Prescribed Penalty

- I. The player/Club may elect to Challenge the prescribed penalty and plead Not Guilty to the offence/s that has been alleged; this can be done either by a return phone call or email to the Association Secretary or Administration Manager as soon as possible after the receipt of the advice of the report.
- II. The onus is on the player/Club to respond as soon as possible. Any unqualified delay in this response forfeits the right to challenge the prescribed penalty.

d) Schedule Tribunal Hearing

- I. The Association Secretary or Administration Manager will advise clubs of the date, time and venue of a Tribunal hearing at least 24 hours before the scheduled time of the hearing.
- II. It is the Club's responsibility to relay all information concerning the Tribunal hearing to the accused player and ensure that the accused player attend the hearing.
- III. The accused player may have the support of one other person to assist them in the presentation of evidence.
- IV. An accused player not being able to attend a Tribunal hearing may elect to be represented by his Club and for the hearing to take place in his absence.
- V. Clubs shall give a minimum of 24 hours notice to the Association Secretary if an accused player named or club representative acting on behalf of the accused player cannot attend the hearing.
- VI. In the event of a Tribunal hearing not being able to take place due to the non appearance of either the Club and/or accused player (with prior notice) and, should the hearing not be able to be rescheduled prior to the next match in which the accused player is to play, the accused player will be suspended until such time as they are able to appear.
- VII. In the event that the accused player is suspended under this sub clause (f), the Tribunal must take into account the period of the suspension in determining the penalty when the hearing is eventually conducted.
- VIII. In the event of a Tribunal hearing not being able to take place due to the non appearance of either the Club and/or accused player (without notice), the hearing will be cancelled and the player will be found Guilty and a prescribed penalty applied.

3. RULES FOR CONDUCT OF HEARINGS

- a) The Tribunal Chairman should bring all parties together, state the powers of the Tribunal and outline the format to be followed.
- b) The Tribunal should record the names of the persons in attendance, absentees and produce a written report of the hearing.
- c) The Tribunal at its discretion may proceed with, postpone or defer a hearing. It may not proceed in the absence of the complainant/s, accused person/s and/or Club representative unless an election under clause 2(d)(IV) has been made.
- d) The Tribunal may initiate action against persons not already accused should evidence arising from a hearing indicate that a separate offence may have occurred.
- e) The accused person/s and complainant/s each with one supporter may be in attendance throughout the hearing.
- f) Written reports should be read to the hearing by the Chairman and complainant/s given the opportunity to elaborate on their statements.
- g) The accused person/s with supporter may then be given the opportunity to respond.
- h) Witnesses may be called by complainant/s and accused person/s but shall give evidence only. Witnesses shall have the right to be present only during the giving of their evidence and any questioning arising from same.
- i) Through the chair, parties may question but not debate evidence.
- j) Accused and complainants should be given the opportunity to sum up evidence before the Tribunal retires for a decision.
- k) Save as permitted under By-Law 12, decisions of the Tribunal shall be final.
- l) The Tribunal Chairman at the conclusion of the hearing after handing down the decision of the Tribunal should outline the rights of parties to the appeal process both internally and ultimately to the Victoria Metropolitan Cricket Union of (VMCU). This right of appeal is subject to the Association registering such penalty with the VMCU (see 4(b) below) and subsequently electing to refer any such appeal to them.
- m) The Tribunal Chairman will forward to the Association Secretary within 48 hours a written report of the hearing including Tribunal members and others present, summary of findings and penalty imposed if any.

4. NOTIFICATION OF PENALTIES

- a) Decisions of the Tribunal shall be operative immediately as announced. All suspensions given will nominate a time period for that suspension (i.e. date from and to).
- b) The Association will register all suspensions exceeding 30 days duration with the VMCU. Players under penalties so registered cannot play in any of the member associations of Cricket Victoria, the VMCU or VCCL.
- c) The Association will observe penalties imposed by other associations whether or not they are registered with VMCU

5. ASSOCIATION CONSTITUTION/RULES IN DISPUTE

- a) The Association maintains its authority in interpretation and implementation of their Constitution and Rules and any decisions are final. However, should the Association elect to refer matters for VMCU resolution then the VMCU decision thereto shall be final and binding on all parties.
- b) Any club or umpire wishing to appeal against a decision of the Association may do so to the VMCU. Such an appeal must be directed through the Association. The Association reserves its administrative right not to refer the matter to the VMCU.