

Lisarow Ourimbah Cricket Club

Disciplinary Policy and Procedure



2023 - 2024
Season

This policy outlines the expected behaviour of players and officials and outlines the process and procedure for hearing and determining serious complaints regarding behaviour by players and officials within Lisarow Ourimbah Cricket Club. This policy details the expected Disciplinary process in accordance with the LOCC Constitution. LOCC reserves the right to issue its own disciplinary actions on its members in accordance with the LOCC Constitution, irrespective of disciplinary action taken by CCCA or CNSW on a LOCC member.

In addition to this document, Cricket Australia, Cricket NSW and CCCA have various other policies and procedures in relation to conduct and behaviour – LOCC will also be guided by those policy where nothing specific exists in the LOCC policies.

ALL PLAYERS AND OFFICIALS SHOULD BE WELL AWARE OF THE STANDARDS EXPECTED AND CONSEQUENTLY ANY PLAYER OR OFFICIAL WHO BREACHES THIS CODE CAN EXPECT LITTLE SYMPATHY IF FOUND GUILTY.

It is the responsibility of everyone associated with LOCC - Club Officials, Team Officials, Team Captains and especially the Players - to ensure the level of conduct and sportsmanship traditionally inherent in the Game is observed.

Notes: This policy applies to all LOCC competitions and events.

This Code applies to any player or official representing LOCC, including participating in any competition, tour or training camp.

“Official” means any person acting in an official capacity for LOCC in relation to a team; or an umpire of a match.

1. CODE OF BEHAVIOUR

[a] The captains (and in junior sides, also coaches and managers) are always responsible for ensuring that play is conducted within the spirit of the game as well as within the Laws.

[b] This Code applies to all registered players and officials (including parents and spectators). Sections 1[b][v], 1[b][vii], 1[b][viii] of this Code apply at any time. Sections 1[b][i], 1[b][ii], 1[b][iii], 1[b][iv], 1[b][vi] apply whether participating or spectating at any match or event under the auspices of LOCC, including matches sanctioned by CCCA or Cricket NSW.

This Code applies in addition to and not in substitution for the ICC Code of Conduct and the Cricket Australia Code of Behaviour, Racial and Religious Vilification Code and the Anti-Harassment Policy, [the Codes]. Specifically:

[i] Players and officials must not abuse cricket equipment or clothing, ground equipment or fixtures and fittings.

[ii] Players and officials must not assault or attempt to assault an umpire, a player, an official or spectator.

[iii] Players and officials must not react with unnecessary obvious dissension, displeasure, or disapproval either towards an umpire, his decision, or generally, following an umpiring decision.

[iv] Players and officials must not use crude or abusive language, or otherwise engage in conduct detrimental to the spirit of the game. An umpire would be expected to caution the player and advise the captain of his concern before reporting any player for this type of behaviour.

[v] Players and officials must not indulge in conduct detrimental to the game.

[vi] Players and officials must in no way use crude or abusive hand signals.

[vii] Players and officials must not engage in any form of racial or religious abuse or harassment as defined in the NSWCA By Laws Clause 4A - Racial and Religious Vilification Code, the Cricket Australia Racial and Religious Vilification Code or Anti-Harassment Policy.

[viii] Without limiting any other rule, players and officials must not make public or media comment which is detrimental to the interests of the game.

Note: Public comment includes comment on Club websites and other electronic media.

2. DISCIPLINARY PROCEDURES FOR SERIOUS COMPLAINTS

This will involve complaints or reports relating to conduct or actions of a player or official in contravention of one or more of the following: -

- a) Cricket Australia Codes of Behaviour, Guidelines or Policies
- b) Cricket NSW Codes of Behaviour, Guidelines or Policies
- c) LOCC Code of Behaviour as outlined in Section 1 above
- d) LOCC Selection Policy
- e) LOCC Junior Player Code of Conduct
- f) LOCC Senior Player Code of Conduct
- g) LOCC Coaches, Managers and Volunteers Code of Conduct
- h) LOCC Parent's, Carer's, and Guest Code of Conduct
- i) LOCC Communication and Social Media Policy
- j) Any other relevant LOCC Policies, or the Policies of Competition's in which LOCC takes part

The President shall keep the parties involved informed about the complaint process.

The Executive shall protect the person complaining and the person being complained about from victimisation.

3. COMPLAINTS AND REPORTS TO BE DEALT WITH UNDER THIS POLICY

Characteristics of serious complaints, appropriate to be considered and determined under this policy include:

- a) Any behaviour in breach of items 2 (a) to (j) above
- b) Unlawful behaviour
- c) Repeated pattern or entrenched behaviour
- d) More than one person impacted upon
- e) More than one person perpetuating the behaviour
- f) Person complaining unable to address issue /Power imbalance Conflict of interest
- g) Person complaining wants formal disciplinary measures imposed; or
- h) The complaint or report has been unsuccessfully resolved at informal level.

Examples of serious issues that should be dealt with using the formal processes in this policy include but aren't limited to:

- Angry/volatile spectators
- Bullying (e.g. initiation rituals/hazing, cyber bullying, ostracising behaviour by an individual or group).
- Sexual harassment
- Racial harassment and vilification
- Homophobia
- Extreme inappropriate coaching style (e.g., profanities accompanying aggressive/threatening gestures)

4. PROCEDURE FOR DEALING WITH REPORTS AND COMPLAINTS

The Executive Committee LOCC shall determine, in response to a complaint, what option is best for determining the complaint. Relevant options for resolving serious complaints include the following:

1. Mediation
2. Conduct Committee hearing & decision
3. Escalation within sport to CCCA or Cricket NSW

Option 1: Mediation

The LOCC Executive Committee may use this option where:

1. The person complaining requests it and the person being complained about is likely to be agreeable to this;

2. The allegations do not or are unlikely to warrant any form of immediate disciplinary action; and
3. The facts are not likely to be disputed

The LOCC Executive Committee will adopt the following steps in implementing this option:

1. Explain to the person complaining and the person being complained about that mediation is a process that may help them understand and explore their issues and find resolution with the help of an independent third party
2. Get agreement from both parties that they are willing to meet with a mediator to try and sort out their problems
3. If both parties can agree on the member, an impartial mediator from within LOCC will be sought and mediation will be arranged.
4. Ensure that the LOCC Executive Committee and its constituent members monitor the situation and review policies and procedures to prevent the problem from reoccurring.

Option 2: Conduct Committee Hearing & Decision

The LOCC Executive Committee may use this option where: -:

1. Mediation is not possible;
2. The parties disagree about what has happened;
3. There is a potential detriment to either party;
4. There is a real possibility that the allegations in the complaint or report may result in any form of disciplinary action;
5. The matter is one better resolved at this level (rather than escalated to the next level of the sport); or
6. The matter is unlikely to require an external investigation (e.g. child abuse, physical or sexual assault). Any such allegations MUST be referred to police and relevant child protection authorities.

The LOCC Executive Committee will adopt the following steps in hearing and determining the complaint or content of the report:

1. The President or his or her nominee shall respond, preferably in writing, to any complaint and explain the process the committee will take in dealing with the complaint.
2. The President or his or her nominee shall inform the person being complained about of the allegation and the process the committee will take in dealing with the complaint.
3. The LOCC Executive Committee shall appoint a Conduct Committee to hear the complaint who are unbiased and don't have a conflict of interest.
4. The Conduct Committee shall comprise the President of LOCC or his or her nominee, and two other persons, one of whom is not a current Executive Committee member of LOCC – LOCC Members will appoint a panel at the AGM each year who will be available and considered to sit upon the Conduct Committee.
5. The Conduct Committee will ensure both parties get to tell their side of the story before any decision is made by the committee.

6. The Conduct Committee may require both parties to attend a committee hearing or to provide information to a nominated representative of the committee prior to the committee hearing.
7. The Conduct Committee is entitled to ask for witnesses to events, to take on statements from all relevant parties and if required also invite witnesses to attend a committee hearing to provide information to a nominated representative of the committee prior to the committee hearing.
8. Decisions of the Conduct Committee must be based on the facts and could include dismissal of the complaint, disciplinary action, referral to CCCA or Cricket NSW for investigation and/or decision.
9. The Conduct Committee will keep all relevant parties informed throughout the process and communicate when the Conduct Committee has finalised its recommendations to the Executive Committee
10. The Conduct Committee shall make its decision, by a majority of its members, and may make recommendation and such disciplinary sanctions on the player or official as it deems appropriate including, with reference to the Options the Conduct Committee May Take referenced below.
11. The Conduct Committee will pass on it's recommendations to the LOCC Executive Committee as soon as the recommendations are finalised.
12. The Conduct Committee may make recommendations to the LOCC executive regarding the policies, codes of behaviour and guidelines to prevent further issues arising.
13. The Executive Committee will deliberate the recommendations as soon at its earliest possible meeting when a Quorum can be reached.
14. In the result of disciplinary action being taken, the Executive Committee will pass a Resolution under Section 14(1) of the LOCC Constitution. The Resolution takes no effect until the Resolution is confirmed and the Appeal Process outlined in Section 15 of the LOCC Constitution is complete or the period during which the member is entitled to appeal expires.
15. Upon the passing of a Resolution, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member
 - a) setting out the resolution of the Committee and the grounds on which it is based;
 - b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service on the notice.
 - (c) stating the date, place, and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following:
 - (i) attend and speak at the meeting;
 - (ii) submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
16. At the meeting of the Committee as outlined in Clause 15 (above), the Committee shall
 - (a) give to the member an opportunity to make oral representation;
 - (b) give due consideration to any written representations submitted to the Committee by the member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution.
17. Where the Committee confirms a resolution under Clause 16 (above) the Secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under Section 15 of the LOCC Constitution.
18. A resolution confirmed by the Committee under Clause 16 (above) does not take effect

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- (b) where within that period the member exercises the right of appeal, unless and until the Club confirms the resolution pursuant to Section 15 (4) in the LOCC Constitution.

RIGHTS OF APPEAL OF DISCIPLINED MEMBER (Section 15 of the LOCC Constitution)

15. (1) A member may appeal to the Club in general meeting against a resolution of the Committee which is confirmed under Rule 14 (4), within 7 days after notice of the confirmed resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (2) Upon receipt of a notice from a member under Clause (1) to appeal, the Secretary shall notify the Committee which shall convene a general meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
- (3) At a general meeting of the Club convened under Clause (2)
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present shall vote by secret ballot on question of whether the resolution should be confirmed or revoked.
- (4) If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

A copy of the LOCC Constitution can be provided by the current LOCC Club Secretary and needs to be sent upon request with 72 hours of asking.

Option 3: Escalation to CCCA or Cricket NSW

The LOCC Executive Committee may adopt this option when:

- 1) There is a possible conflict of interest (or close relationship) between the people on the Conduct Committee and any of the parties to the complaint
- 2) It is beyond the skills of the Conduct committee and specific expertise or experience may be required to manage the complaint
- 3) The complaint has not been able to be resolved at the LOCC level
- 4) The issue is more serious than first thought

Steps to follow:

If appropriate, the LOCC Executive Committee may refer the complaint to CCCA or Cricket NSW.

The President shall keep the parties involved informed about the complaint process.

The Executive Committee shall protect the person complaining and the person being complained about from victimisation.

GUIDELINE OFFENCES

It is a reminder that these are merely guidelines for the Conduct Committee. The nature and seriousness of the event will be taken into account, as well as the possible ramifications from the act and its likelihood to bring LOCC into disrepute. LOCC is well within its rights to act further and take stronger action than the recommended guidelines and the actions that would be taken by the CCCA Judiciary in order to protect LOCC's interests within the community and within cricket.

Level 1 Offences:

1.1 Abuse of cricket equipment or clothing, ground equipment or fixtures and fittings during a Match.

NOTE: Article 1.1 includes any action(s) outside the course of normal cricket actions, such as hitting or kicking the wickets and any action(s) that intentionally or negligently results in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.

1.2 Showing dissent at an Umpire's decision during a Match.

NOTE: Article 1.2 includes: (a) excessive, obvious, or inappropriate disappointment with an Umpire's decision; (b) an obvious delay in resuming play or leaving the wicket; (c) shaking the head; (d) pointing or looking at the inside edge when given out lbw; (e) pointing to the pad or rubbing the shoulder when caught behind; (f) snatching the cap from the Umpire; (g) arguing or entering into a prolonged discussion with the Umpire about his or her decision.

1.3 Using language or a gesture that is obscene, offensive, or insulting during a Match.

NOTE: Article 1.3 includes: (a) audible or repetitious swearing; and (b) obscene gestures which are not directed at another person, such as swearing in frustration at one's own poor play or fortune. This offence is not intended to penalise trivial behaviour.

When assessing the seriousness of the breach, the Conduct Committee shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as obscene; (b) give offence; or (c) insult another person.

1.4 Excessive appealing during a Match.

NOTE: For the purposes of Article 1.4, 'excessive' shall include: (a) repeated appealing of the same decision/appeal; (b) repeated appealing of different decisions/appeals when the bowler/fielder knows the batter is not out with the intention of placing the Umpire under pressure; or (c) celebrating or assuming a dismissal before the decision has been given. It is not intended to prevent loud or enthusiastic appealing.

1.5 Pointing or gesturing towards the pavilion by a bowler or other member of the fielding side upon the dismissal of a batsman during a Match.

Level 2 Offences:

2.1 Showing serious dissent at an Umpire's decision during a Match.

NOTE: Dissent, including the examples given in Article 2.1 above, will be classified as 'serious' when the conduct contains an element of anger or abuse that is directed at the Umpire or the Umpire's decision or where there is excessive delay in resuming play or leaving the wicket or where there is persistent reference to the incident over time. It shall not be a defence to any charge brought under this Article to show that the Umpire might have been wrong.

2.2 Inappropriate and deliberate physical contact with Players, Umpires, or other Persons, during a Match.

NOTE: Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated. Without limitation, Players will breach this regulation if they deliberately walk or run into or shoulder another Player. Accidental or genuinely unavoidable physical contact which occurs during the course of play shall not be considered an offence under this Article 2.2.

2.3 Charging or advancing towards the Umpire in an aggressive manner when appealing during a Match.

2.4 Deliberate and malicious distraction or obstruction of a Player or Umpire on the field of play during a Match.

NOTE: This regulation includes Players deliberately attempting to distract a striker by words or gestures or deliberately shepherding a batsman while running or attempting to run between the wickets.

2.5 Throwing a ball (or any other item of cricket equipment such as a water bottle) at or near a Player, Umpire or any other third person in an inappropriate and/or dangerous manner during a Match.

NOTE: This regulation will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.

2.6 Using language or gesture(s) that is seriously obscene, seriously offensive or of a seriously insulting nature to another Reported Person or any other third person during a Match.

NOTE: It is acknowledged that there will be verbal exchanges between Players in the course of play. Rather than seeking to eliminate these exchanges entirely, it will be require to judge when such conduct falls below an acceptable standard.

This offence is not intended to penalise trivial behaviour. When assessing the seriousness of the breach, the Conduct Committee shall be required to take into account the context of the particular situation and whether the words or gesture are likely to: (a) be regarded as seriously obscene; or (b) give serious offence; or (c) seriously insult another person.

2.7 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;
- (b) is unbecoming of a representative or official;
- (c) is or could be harmful to the interests of cricket; or
- (d) does or could bring the game of cricket into disrepute.

NOTE: Article 2.7 is intended to be a 'catch-all' provision to cover all types of misconduct of a serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in these Code of Conduct Procedures.

Article 2.7 includes but is not limited to:

(i) On-Field

- » Any conduct that is considered 'unfair play' under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played;
- » Failure to comply with the provisions of the playing conditions for the relevant competition of which the relevant Match forms part; and/or

(ii) Off-Field

- » Public acts of misconduct;
- » Unruly public behaviour; and/or

Level 3 Offences:

3.1 Intimidation or attempted intimidation of an Umpire, whether by language or behaviour (including gestures) during a Match.

NOTE: Includes appealing in an aggressive or threatening manner.

3.2 Threat of assault on another Player, or any other person (including a spectator) during a Match.

NOTE: This offence is not intended to cover threats of assault against Umpires, which are prohibited under Article 4.1.

3.3 Use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage, or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin.

NOTE: This offence is not intended to limit the operation of the NSWCA By Law Clause 4A - Racial and Religious Vilification Code.

3.4 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;*
- (b) is unbecoming of a representative or official;*
- (c) is or could be harmful to the interests of cricket; or*
- (d) does or could bring the game of cricket into disrepute.*

NOTE: Article 3.4 is intended to be a ‘catch-all’ provision to cover all types of misconduct of a very serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

Article 3.4 includes but is not limited to:

(i) On-Field

- » Failure to comply with the provisions of the playing conditions for the relevant competition of which the relevant Match forms part; and/or*
- » Any conduct that is considered ‘unfair play’ under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played.*

(ii) Off-Field

- » Serious or repeated public acts of misconduct;*
- » Serious or repeated unruly public behaviour.*

Level 4 Offences:

4.1 Threat of assault on an Umpire during a Match.

4.2 Physical assault of another Player, Umpire, or any other person (including a spectator) during a Match.

4.3 Any act of violence on the field of play during a Match.

NOTE: Cricket is a non-contact sport and, as such, inappropriate physical contact of a serious nature will not be tolerated.

4.4 Use language or gestures that seriously offend, insult, humiliate, intimidate, threaten, disparage, or vilify another person on the basis of that person's race, religion, gender, colour, descent, sexuality or national or ethnic origin.

NOTE: This offence is not intended to limit the operation of NSWCA By Laws Clause 4A - Racial and Religious Vilification Code.

4.5 Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct at any time that either:

- (a) is contrary to the spirit of the game;
- (b) is unbecoming of a representative or official;
- (c) is or could be harmful to the interests of cricket; or
- (d) does or could bring the game of cricket into disrepute.

NOTE: Article 4.5 is intended to be a 'catch-all' provision to cover all types of misconduct of an extremely serious nature that is not (and, because of its nature, cannot be) adequately covered by the specific offences set out elsewhere in this Code of Conduct.

Article 4.5 includes but is not limited to:

(i) On-Field

- » Failure to comply with the provisions of the playing conditions for the relevant competition of which the relevant Match forms part; and/or
- » Any conduct that is considered 'unfair play' under Rule 41 of the Laws of Cricket or against the spirit in which the game of cricket should be played.

(ii) Off-Field

- » Extremely serious or repeated public acts of misconduct;
- » Extremely serious or repeated unruly public behaviour.

OPTIONS THE CONDUCT COMMITTEE MAY TAKE

Level 1: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence

- a one (1) or (2) week suspension
- offer a penalty to a player or official that pleads guilty or,
- the Conduct Committee who may impose any penalty as it sees fit.

Level 2: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence
- a two (2) to (4) week suspension
- offer a penalty to a player or official that pleads guilty or,
- the Conduct Committee who may impose any penalty as it sees fit.

Level 3: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence
- a four (4) week or longer suspension
- indefinite suspension
- expulsion from the club
- offer a penalty to a player or official that pleads guilty or,
- the Conduct Committee who may impose any penalty as it sees fit.

Level 4: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence
- a eight (8) week or longer suspension
- indefinite suspension
- expulsion from the club
- offer a penalty to a player or official that pleads guilty or,
- the Conduct Committee who may impose any penalty as it sees fit.

The Conduct Committee may offer a penalty to a player or official that pleads guilty or refer the matter to CCCA or CNSW who may impose any penalty as it sees fit.

The recommendations of the Conduct Committee should clearly define the suspension, be it for one day match[es], two-day match[es] or a time frame.

Each of the rules for behaviour has a guideline. The guidelines are intended as an illustrative guide only and in the case of any doubt as to the interpretation of the Rule, the provisions of the Rule itself shall take precedence over the provisions of the guidelines. The guidelines should not be read as an exhaustive list of offences or prohibited conduct.

In considering a penalty to be imposed in each case, the Conducts Committee must first consider whether the player or official has previously been found guilty of any offences under



the Code of Behaviour (or any predecessor regulations that may have applied) within a period of twenty-four months prior to the date on which the proven offence took place.

The finalised resolutions and disciplinary actions taken against members of LOCC will be recorded and held by the Club Secretary to be viewed by the LOCC Executive Committee and Child Safety Officer. In the event of the Club Secretary changing, either through the AGM process or any other process outlined in the Constitution, the register of actions will be passed on to the new Club Secretary to ensure any new Executive Committee can keep a thorough track of ongoing resolutions.