

# **DISCIPLINE, COMPLAINTS AND APPEALS PROCEDURES**

These procedures are defined and overseen by a sub-committee created by the Management Committee, known as the Discipline and Complaints Sub-Committee (“DCSC”).

The DCSC or the Management Committee shall follow the procedures detailed below and shall take account of revised codes of conduct, guidelines, and policies as may be issued from time to time by the ECB.

## **1. AIMS AND JURISDICTION**

The TVCL is committed to maintaining the highest standards of behaviour and conduct. To this end, these discipline regulations, incorporate major parts of the ECB Model Code of Conduct and The Spirit of Cricket.

For the purposes of these regulations, the definition of ‘Participant’ shall throughout this document be deemed to mean and include not only any player, whether professional or otherwise, but also any member or official of any Member Club in any incident of alleged misconduct occurring during a TVCL Match at the Venue (being any part of the cricket ground or building and not merely the field of play).

These Procedures shall apply to any Participant at any Member Club, in all Divisions of the TVCL Championship. Any Member Club which fails to take all reasonable steps to ensure the proper conduct of its Participants in these matters for which the Member Club is responsible or acts in any way which is prejudicial or detrimental to the interests or reputation of the TVCL, breaches this Code of Conduct.

## **2. CODE OF CONDUCT AND SPIRIT OF CRICKET**

### **2.1. Code of Conduct**

#### During a TVCL Match:

- 2.1.1. All Member Clubs and Participants, by virtue of their registration with the TVCL, explicitly agree to abide by this Code of Conduct, which incorporates the Spirit of Cricket and the ECB’s Anti-Discrimination Code, and are bound by these Procedures.
- 2.1.2. The major responsibility for ensuring ‘fair play’ rests with the captains, but extends to all players, umpires and coaches.
- 2.1.3. Participants must at all times accept the umpire’s decision. Participants must show self-discipline, even when things go against them. This means neither showing dissent at the umpire’s decision nor reacting in a provocative or disapproving manner towards another Participant or a spectator.
- 2.1.4. Participants shall not intimidate, assault or attempt to intimidate or assault an umpire, another Participant or a spectator.
- 2.1.5. Participants shall not use crude and/or abusive language (known as “sledging”), nor make offensive gestures or hand signals, nor deliberately distract an opponent.
- 2.1.6. Participants shall not use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person’s race, religion, sexual orientation, colour, descent or national or ethnic origin.
- 2.1.7. Participants shall not use or in any way be concerned in the use or distribution of illegal drugs.

At all times:

2.1.8. Participants shall not make any public or media comment which is detrimental to the TVCL or about Member Clubs and Umpires participating in TVCL Matches. In this instance, media shall include press, radio, television, external websites, club websites, social networking sites and club match day programmes.

Member Clubs are responsible alone for Participant's commentary not directly related to TVCL organised activities.

2.1.9. Participants shall not subsequently disclose or comment upon any alleged breach of this Code outside of these procedures.

2.1.10. Member Clubs must take adequate steps to ensure the good behaviour of its Participants.

## **2.2. Spirit of Cricket**

Cricket owes much of its appeal and enjoyment to the fact that it should be played not only within its Laws, but also within the Spirit of the Game.

The major responsibility for ensuring 'fair play' rests with the captains, but extends to all players, coaches and umpires.

Cricket is an exciting game that encourages leadership, friendship and teamwork, which brings together people from different nationalities, cultures and religions, especially when played within the Spirit of Cricket.

2.2.1 There are Laws which place the responsibility for the team's conduct firmly on the captain.

### **Responsibility of Captains**

The Captains are responsible at all times for ensuring that 'fair play' is conducted within the Spirit of the Game as well as within the Laws.

### **Participant Conduct**

In the event of any Participant failing to comply with laws relating to Player Conduct or Unfair Play, the Umpires shall summon and inform the offending Participant's captain that an offence has occurred and will request that they take appropriate action.

### **Participants**

Captains and Umpires together set the tone for the conduct of a cricket match. Every Participant is expected to make an important contribution to this.

### **2.2.2 Unfair Play**

According to the Laws the Umpires are the sole judges of fair and unfair play. The Umpires may intervene at any time, and it is the responsibility of the Captain to take action where required.

### **2.2.3 The Umpires are authorised to intervene in cases of:**

- Damaging the ball
- Distracting the batter
- Unfair bowling
- Time wasting,

- Damaging the pitch,
- Non striker leaving their ground early
- Penalty runs
- Any other action that they consider to be unfair

#### 2.2.4 **Respect is central to the Spirit of Cricket**

- Respect the Captain, team-mates, opponents and the authority of the Umpires
- Play hard and play fair
- Accept the Umpire's decision
- Create a positive atmosphere by your own conduct, and encourage others to do likewise.
- Show self-discipline, even when things go against you
- Congratulate the opposition on their success, and enjoy those of your own Team
- Thank the officials and your opposition at the end of the match, whatever the result

#### 2.2.5 **Violence**

- There is no place for any act of violence during a TVCL Match.

2.3 Failure to comply with the provisions of the Code of Conduct will lead to disciplinary action.

### **3. BREACHES OF THE CODE OF CONDUCT**

3.1. A breach of the disciplinary regulations occurs when:

- i) Any Participant in the course of, or in connection with a TVCL Match, offends against the Code of Conduct or acts at any time to prejudice the good name or interest of the TVCL.
- ii) Any Member Club fails to properly control or discipline its Participants or acts in a manner prejudicial to the good name or interest of the TVCL.

3.2. Any Participant or Member Club committing such a breach shall be liable to penalties in the manner prescribed in this procedure.

3.3. A breach of the Code of Conduct will normally be categorised as Level 1, 2, 3 or 4, as set out in Annex 1 to these procedures.

3.4 Breaches During the TVCL Match:

3.4.1 For a first offence of a Level 1 breach of the Code of Conduct in a match, the Umpire(s) should issue the Participant with a first and final warning which shall apply to all members of the Team for the remainder of the match.

3.4.2 If the Level 1 offence follows an offence, at any Level, by that Team, the Umpire shall award 5 Penalty runs to the Opposing Team and will report the occurrence as soon as possible after the match to the Executive of the Offending Member Club, and to the TVCL who shall take such further action as is considered appropriate against the Captain or any other Participants concerned and if appropriate the Team.

3.4.3 Should the Umpire(s) consider that the first offence of a Level 1 breach is sufficiently serious, they have the authority to decide to submit a Formal Report without having previously issued any warning. The Participant and their Captain should be advised accordingly.

- 3.4.4 In all instances of a Level 1, 2, 3 or 4 breach, the Umpire(s) must complete a Formal Report for any breach attracting a 5 run penalty or more.
- 3.4.5 Notification that a Formal Report is to be submitted following any alleged breach of the Code of Conduct must first be advised, by the Umpire(s), to the Participant and their Captain or an Executive of the Offending Member Club, on the day of the alleged offence, prior to the Umpire(s) leaving the Venue. Exceptionally where this is not possible (e.g., due to the Participant(s) leaving the Venue early), the Umpire(s) must advise the Participant's Member Club League Representative in writing within 24 hours of the TVCL Match.
- 3.4.6 The Formal Report should normally be submitted using the standard discipline report form supplied by the TVCL.

#### 4. DISCIPLINARY PROCEDURES AFTER THE MATCH

##### **PART A - Formal Reports from Panel Umpires – Divisions 1 & 2 only**

- 4.1. Any such alleged breach of the Code of Conduct subject to a Formal Report (also known as a 'Disciplinary Complaint') will then be notified by a Panel Umpire to the TVCL Secretary within 24 hours of the end of the TVCL Match. The Formal Report should subsequently be sent, preferably by email and be received within 72 hours of the end of the TVCL Match.

Receipt of the Formal Report from the Panel Umpire shall trigger an automated standard minimum penalty.

The TVCL shall issue an Automated Penalty Notice to the Member Clubs' League Representative, which shall be applied with immediate effect, as per the Table below:

<b>Offence</b>	<b>Automatic Penalty</b>
Level 1	A Final Warning
Level 2	Two Match Ban
Level 3	Four Match Ban
Level 4	Ten Match Ban

The DCSC reserves the right to review all Automated Penalty Notices and may decide to vary or increase the penalty. Should this be the case, the DCSC will issue an amended Verdict Statement to inform the Member Club of their decision within 7 calendar days after the Automated Penalty Notice has been issued.

The Member Club (on behalf of the Participant) can Appeal the Automated Penalty Notice before it takes effect, per the Appeal Procedures in Clause 9. One reason for doing so might be a case of mistaken identity. However, any frivolous or vexatious Appeal will likely result in the automated penalty being increased upon review.

## **PART B – Disciplinary Complaint Standard Process**

### **Initial Investigation**

- 4.2. Upon receipt of a written Disciplinary Complaint regarding a Breach of the Code of Conduct from an Umpire or Member Club, or any other source, the TVCL Secretary or the DCSC shall as soon as reasonably practical:
- i) Acknowledge receipt of the Disciplinary Complaint.
  - ii) If relevant, notify any Umpire(s) of that TVCL Match, with a request for a written report(s) within 7 calendar days.
  - iii) Contact the Member Club against whom the Disciplinary Complaint has been made informing them of the complaint received, providing a copy of the written Disciplinary Complaint.
- 4.3 It is intended that any breach of the Code of Conduct, shall in the first instance be dealt with by investigation by the Member Club, following this notification. The Member Club shall notify the TVCL Secretary as to that outcome of that investigation within 72 hours.

In the case of a confirmed Level 1 or Level 2 breach this shall, as an indicator, be a minimum, of a Final Warning (Level 1) or a Two Match ban, with one suspended (Level 2) to be served with immediate effect.

Additionally, that Member Club shall need to provide a response/report(s) to be received within 7 calendar days, on behalf of the club, for the named Participant(s), the Captain and any other witnesses, as appropriate.

The accused Member Club/Participant(s) have the right to request to attend a Disciplinary Hearing when submitting their reports to the DCSC.

Note: All Level 3 or 4 breaches will automatically be subject to a Disciplinary Hearing, and the date may already be scheduled / notified by the DCSC to the Member Club/Participant(s) at this stage.

- 4.4 Where a charge against a Participant is referred to a Disciplinary Hearing, the Captain and Member Club may be charged separately under their responsibilities as set out in the Code of Conduct above.
- 4.5 In the event of a Member Club and/or Participant against whom a complaint has been made failing to comply with the above provisions by the eighth calendar day, a £25 fine will be applied. Failure to respond by the fifteenth calendar day (and every seventh day thereafter) will result in an additional penalty of a 5 point deduction against the Team concerned.

### **Case Review**

- 4.6 Following the receipt of the Disciplinary Complaint and the requested reports from the Member Club or Umpires, the DCSC shall first consider the complaint on their own and resolve either:
- i) To uphold the Disciplinary Complaint – by simply endorsing any disciplinary action taken by the Member Club following their own internal investigation; or

ii) Provided that the Member Club/Participant(s) have not requested to attend a Disciplinary Hearing – may choose to issue a verdict on the Disciplinary Complaint, should the DCSC believe that they have all the required information from the written reports on the matter; or

iii) To convene a Disciplinary Hearing (see Clause 5)

4.7 In the case of an incident involving a Participant under the age of 18 years old, the County Board Welfare Officer will be informed as soon as possible. In such circumstances, the incident may be regarded as:

i) A welfare and child protection case or,

ii) An outright disciplinary case. If the incident is being investigated by another organisation (e.g., the Police, ECB Welfare Department etc.) the DCSC will await the outcome of that investigation.

4.8 The Verdict Statement on the Disciplinary Complaint shall be issued by the DCSC within 7 calendar days following the conclusion of 4.6i or 4.6ii – or following any Disciplinary Hearing.

The Verdict Statement will be issued to the Member Club(s) concerned, any Umpires who gave evidence and if a separate person, a copy sent to the originator of the Disciplinary Complaint.

Any match bans imposed by the DCSC (including those endorsed from Member Club per 4.6i which shall be confirmed in writing back to the Member Club) are due to be notified to the relevant County Board and other parties as detailed in Clause 6.9 below. Participants should understand that any match bans will normally apply to all cricket played under the auspices of the ECB.

## 5. DISCIPLINARY HEARINGS

5.1. In any case which is referred for a Disciplinary Hearing, the DCSC Chair shall convene a Disciplinary Hearing, normally at least 7 calendar days after the Disciplinary Complaint has been issued, but within 15 calendar days. Any delay may only be granted at the discretion of the DCSC Chair.

5.2. The Disciplinary Hearing shall be conducted by a Disciplinary Panel appointed by the DCSC Chair and shall consist of not less than three persons and not more than five persons drawn from a list approved by the TVCL's Management Committee. None of the Panel should be connected with the Participant, the Member Club or their opponents at the time of the alleged breach or complaint, or a Member Club which might directly benefit from any disciplinary action.

5.3. The accused Participant(s) or Member Club shall be entitled:

- To attend the Disciplinary Hearing
- To state their case (in the case of a Member Club, by its League Representative or other official)
- To be supported by a colleague and to call witnesses.

All written reports must be sent to the DCSC within 7 calendar days of first being contacted by the TVCL.

5.4 The DCSC may in certain cases insist on the Member Club and/or Participant(s), or at its sole discretion request other parties, to attend the Disciplinary Hearing and schedule the date accordingly. The DCSC shall provide two dates for convening the Disciplinary Hearing, one of which must be accepted.

5.5 If a Participant or Member Club is to have legal or other representation present at the hearing, then the details of that representation must be given to the DCSC not less than 48 hours before the date of the Disciplinary Hearing.

A Member Club or Participant involved in disciplinary proceedings will be solely responsible for meeting such costs or expenses as it or they may incur, including the cost of any legal or other representation.

5.6 The standard of proof shall be on the balance of probabilities rather than the criminal standard of beyond reasonable doubt.

5.7 The Verdict Statement shall be issued to the Member Club, for its Participant(s), within 7 calendar days following the Disciplinary Hearing and include any penalty (e.g., match bans or fines) to be applied.

## 6. DISCIPLINARY COMPLAINT PENALTIES

6.1. As a guideline, the following penalties should be expected to be imposed for any Disciplinary Complaint referred and, if appropriate, proved at a Disciplinary Hearing:

Level 1 = Final warning up to 6 matches

Level 2 = 2 to 8 matches

Level 3 = 4 to 10 matches

Level 4 = A minimum of 10 matches

6.2. The Disciplinary Panel shall have the power to suspend the implementation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions it deems appropriate.

6.3. Where applicable, penalties will be carried over to apply in the following TVCL Season.

6.4. Where there are repeat offences during the TVCL Season, by either an individual Participant or by a Member Club Team, additional penalties will be applied as laid out below:

i) Any Participant subject to a second offence in the same TVCL Season shall have a minimum 4 TVCL Match ban applied, plus a 5 Point deduction to the Team involved in this second offence.  
*(Note: The Participant will carry over any offences to their new club if they transfer during that TVCL Season)*

ii) Any Participant subject to a third (or successive) offence in the same TVCL Season shall have a minimum 10 TVCL Match ban applied, plus a 10 Point deduction to the Team involved in this third (or successive) offence.

iii) Any Member Club Team incurring two offences during the TVCL Season, occurring across more than one TVCL Match, shall have 5 Points deducted, in addition to any Point deductions incurred in i) or ii) above.

iv) Should there be a third (or subsequent) offence incurred by that Member Club Team, occurring across more than two TVCL Matches, they shall have 10 Points deducted, in addition to any Point deductions incurred in i) or ii) above.

- v) Additionally, where Panel Umpires have submitted an Umpires' Form relating to 3 different Matches of one Team indicating marks that fall below 3=Acceptable for Team Discipline, then a 5 Point deduction shall be applied to that Team. Each subsequent such mark below 3 shall incur a further 5 Point deduction to the Team concerned.
- vi) Any Member Club Team incurring marks that fall below 3=Acceptable from Panel Umpires only, for their Pitch markings in 3 Matches in the same Season shall incur a 5 Penalty Point deduction. A further 5 Penalty Points will be applied for each and every further instance in that Season.
- vii) Any Member Club Team incurring marks that fall below 3=Acceptable from Panel Umpires only, for their Outfield in 5 Matches in the same Season shall incur a 5 Penalty Point deduction. A further 5 Penalty Points will be applied for each and every further instance in that Season.

6.5. If at a Disciplinary Hearing a breach of the Code of Conduct is proved, the Disciplinary Panel shall have the power to impose one or more of the following penalties, together with such order as to costs as it deems appropriate:

**In the case of a Participant:**

- To require the Participant to submit appropriate letter(s) of apology within a specified time
- To record a reprimand and to give a warning as to future conduct
- To impose a fine, not to exceed £500
- To suspend the Participant for one or more matches, or for a stated period of time
- To deduct Match Points from the Participant's Team
- To expel the Participant from the TVCL Championship

**In the case of a Member Club:**

- To require the Member Club to submit appropriate letter(s) of apology within a specified time
- To record a reprimand and to give a warning as to future conduct
- To impose a fine
- To deduct Match Points from the appropriate Member Club's Team
- To relegate the Member Club's Team within the TVCL or to a feeder league

6.6. Panels will take the following factors into account when determining the penalties to be imposed:

- i) If the accused Participant/Member Club has pleaded guilty
- ii) The Participants previous disciplinary record
- iii) If the Participant is also the Captain
- iv) The conduct of the Participant subsequent to them being warned and told that they will be reported
- v) If an appeal is considered to be spurious

6.7. In addition, where an individual behaves inappropriately or fails to respect the formality at any time during a Disciplinary Hearing, the Disciplinary Panel assumes the right to impose further corrective actions or penalties as it deems fit.

Where a representative and/or witness(es) behaves inappropriately or fails to respect the formality at any time during a Disciplinary Hearing this can be dealt with by having a separate Disciplinary Hearing.

6.8. The Verdict of the Disciplinary Panel (a finding that a Disciplinary Complaint is proved or not proved – and any decision on penalty) shall be by majority vote, where necessary the Disciplinary Panel Chair shall have a casting vote.



- 6.9. The TVCL shall report match bans in writing to the relevant Member Club's County Board, who will also inform the ECB, in accordance with the conditions set out below:
- a) Information and details about penalties imposed under these discipline regulations shall be shared with individuals at the Member Club and County Board on a need to know basis, for example with individuals who need to be informed in order to give effect to the penalty;
  - b) information about match bans held by the County Board shall be shared with other clubs and leagues only for the purposes of ensuring recognition of penalties by other clubs; and
  - c) Participants subject to these discipline regulations must be made aware by their Member Club that by playing in matches under the jurisdiction of the ECB, they agree that information about penalties imposed on them will be shared with the County Boards, ECB and other clubs and leagues in accordance with these discipline regulations.

Advice of any match bans imposed will additionally be shown within the TVCL website for the purposes of ensuring recognition of penalties by other Member Clubs.

- 6.10. The TVCL, once notified, shall recognise and give full effect to any match ban, and/or any other penalty, imposed pursuant to these discipline regulations imposed by other leagues under the auspices of the ECB.

## **7. GENERAL COMPLAINTS**

- 7.1 Any complaint which is not relating to a Breach of the Code of Conduct, ("General Complaint") must be received in writing from the Member Club, or other party, to the TVCL Secretary within 14 calendar days of the event.

### **General Complaint about the TVCL**

- 7.2 Upon receipt of a written General Complaint about the Management Committee or its Sub-committees (inclusive of umpires appointed by the TVCL), and their application of the Constitution / Rules - the TVCL Secretary or the DCSC shall as soon as reasonably practical take the following steps:
- i) Acknowledge receipt of the General Complaint.
  - ii) Provide the General Complaint to the DCSC Chair to consider who should be on the Complaint Panel (it shall not be circulated to the whole Management Committee for review)
  - iii) Contact any related persons for any reports within 7 calendar days.
  - iv) Then provide a response to the Complainant within 14 calendar days as to a resolution, or to notify that the issue will take more time to interrogate and that a formal response will be due no later than 28 calendar days following receipt of the General Complaint.

### **General Complaint about a Member Club**

- 7.3 Upon receipt of a written General Complaint about a Member Club (including their Participants) the TVCL Secretary or the DCSC shall as soon as reasonably practical take the following steps
- i) Acknowledge receipt of the General Complaint.
  - ii) Contact the Defendant Member Club's League Representative informing them of the General Complaint received, along with a copy of the written General Complaint.

- iii) That Member Club concerned then will be requested for report(s) to be received within 7 calendar days on the matter. The Defendant Member Club shall have the right to request to attend a Complaint Hearing at the same time as sending the report(s).
- iv) Send a copy of the written General Complaint to any other relevant party together with a request for a report(s) as maybe necessary.

### **Case Review for General Complaints about a Member Club**

- 7.4 For any such General Complaint case, the DCSC Chair shall convene a Complaint Panel appointed by the DCSC Chair. It shall consist of not less than three, and not more than five, persons drawn from a list approved by the TVCL's Management Committee. None of the Panel should be connected with the Participant or the Complainant or Defendant Member Clubs, or a Member Club which might directly benefit from any action or penalty.
- 7.5 Following the receipt of a General Complaint, and receipt of any requested reports from the parties involved within 7 calendar days, the Complaint Panel shall organise a Complaint Hearing.
- 7.6 Provided that the Defendant Member Club/Participant(s) have not requested to attend a Complaint Hearing then the Complaint Panel, should they believe that they have all the required information from the written reports on the matter, may deliberate the case on their own and reach a Verdict. Otherwise, they will make contact with the Defendant Member Club to agree a date for the Complaint Hearing.

## **8. COMPLAINT HEARINGS FOR A MEMBER CLUB**

- 8.1 The DCSC Chair shall convene a Complaint Hearing, with both Complainant and Defendant Member Clubs and other interested parties as appropriate, normally within 15 calendar days following the receipt of all requested reports. Any delay may only be granted at the discretion of the Chair of the Complaint Panel.
- 8.2 The Defendant Member Club shall be entitled:
  - To attend the Complaint Hearing (2 dates will be offered of which one must be accepted).
  - To state their case (in the case of a Member Club, by its League Representative or other official)
  - To be supported by a colleague and to call witnesses.

All written reports must be sent to the TVCL Secretary or DCSC within 7 calendar days of first being contacted by the TVCL.

- 8.3 The DCSC may in certain cases insist on either or both of the Complainant and Member Clubs and/or Participant(s), or at its sole discretion request other parties, to attend the Complaint Hearing.
- 8.4 If a Participant or Member Club is to have legal or other representation present at the hearing, then the details of that representation must be given to the DCSC not less than 48 hours before the date of the Complaint Hearing.

A Member Club or Participant involved in the Complaint proceedings will be solely responsible for meeting such costs or expenses as it or they may incur, including the cost of any legal or other representation.

8.5 The standard of proof shall be on the balance of probabilities rather than the criminal standard of beyond reasonable doubt.

### **Verdict Statement for a Complaint Case**

8.6 Following the Complaint Panel's deliberations, it shall issue the Verdict Statement (inclusive of any penalty to be applied, if any) to the General Complaint within 5 calendar days following the Complaint Hearing to the Member Club(s) involved (or other party) who raised the General Complaint involved.

i) The Verdict Statement shall list the specific item(s) or alleged Rule Breaches raised in the original General Complaint with a response per item from the Complaints Panel.

ii) The Verdict Statement shall not include any matters that were not raised within the original General Complaint notice. Any such matters arising shall be raised separately and directly between the DCSC Chair and the Member Club concerned, and not within the Verdict Statement itself.

8.7 Upon request in response to the Verdict Statement, if the subject of a negative Verdict, that Party will have the right to be supplied with all the original reports gathered by the Complaint Panel for full transparency of the outcome of the Complaint Hearing, so that the Party can judge whether they wish to pursue an Appeal. All requested documentation shall then normally be supplied within 3 calendar days.

8.8 The Parties involved in the General Complaint will have the right of appeal from the date they receive the Verdict Statement, as per the procedure detailed in Clause 9.

8.9 Should either Party instruct an Appeal to a General Complaint which involved two Member Clubs, then both will be requested to attend the Appeal Hearing. The Appeal Panel shall provide two dates for convening the Appeal Hearing, one of which must be accepted by both Member Clubs.

## **9. APPEALS PROCEDURE**

9.1 Any Member Club or Participant shall have the right to appeal against a decision of the Disciplinary Panel or Complaints Panel.

9.2 Notice of appeal, listing specifically the items of the appeal and setting out the grounds in full, must be given in writing to the TVCL Secretary within 7 calendar days after the receipt of the Verdict Statement, together with a deposit of £250 payable to the TVCL. If the appeal is upheld or the decision varied, part of or all the deposit may at the Appeal Panel's discretion be refunded.

9.3 Upon receiving notice of appeal, any penalty imposed by the original decision shall not take effect, or be suspended, pending the outcome of the Appeal Hearing. The Appeal Hearing shall take place as soon as is practicable and normally within 14 days of the receipt of the notice of the appeal. Any appeal that causes the penalty imposed by the original decision to not take effect, or be suspended, cannot be withdrawn and the Appeal Hearing process will continue until completion.

9.4 The appeal shall be in the way of an Appeal Hearing, the Appeal Panel will normally be members of the Management Committee and shall consist of not less than three persons none of whom should be connected with the Participant or the Member Club or their opponents, or a Member Club which might directly benefit from any disciplinary action or have been a member of the original Disciplinary or Complaint Panel. Except by the Chair of that Panel (or their nominee), though whilst that person shall

be permitted to take part in the Appeal Hearing, they shall be required to retire when the Appeal Panel makes its decision. The Appeal Panel may also, at its sole discretion, request other parties to attend the hearing and give evidence.

- 9.5 The Participant or Member Club shall have the right of attendance and may call the same witnesses in support provided that those witnesses have made written depositions of their evidence to the Sub-Committee that made the original decision at the time the decision was made. (Note: any new witnesses identified within the appeal notice, who were not part of the original case, are exempt from this requirement.)
- 9.6 If the Participant or Member Club is to have legal representation present at the Appeal Hearing, then the details of that representation must be given to the TVCL Secretary not less than 48 hours before the date of the Appeal Hearing.

A Member Club or Participant involved in the Appeal proceedings will be solely responsible for meeting such costs or expenses as it or they may incur, including the cost of any legal or other representation.

- 9.7 Non-attendance at the Appeal Hearing by the Member Club or Participant that submitted the appeal without good and valid reason for such non-attendance will automatically result in forfeiture of the Appeal.
- 9.8 The Appeals Panel may confirm, vary or reverse the decision of the original Disciplinary or Complaint Panel and it shall have the power to increase the penalty and award costs of the Appeal Hearing and forfeit the whole or part of the deposit, where it considers the Appeal to have been frivolous, vexatious or lacking in merit. Decisions of the Appeal Panel shall be by majority vote; where necessary, its Chair shall have a casting vote.
- 9.9 The decision of the Appeal Panel / Management Committee or, if no Appeal, of the Disciplinary Panel or Complaints Panel, shall be final and binding.

#### **i. OTHER MATTERS**

In the event of a serious breach of ECB Code of Conduct (inclusive of Anti-Corruption policy or Anti-Doping programmes) being informed to the Management Committee after 14 calendar days of the related TVCL Match and/or last TVCL Match of the League Season, the Management Committee reserves the right to investigate and to apply sanctions to Participants and/or Member Clubs. In such instance of late notice, the Management Committee would not adjust, reverse or amend the results of any TVCL Match, but it will have the jurisdiction to adjust the consequences of the result of any TVCL Match.

#### **ii. NON-PAYMENT OF FINES**

Any Fine levied under these procedures must be paid to the TVCL within 14 calendar days of the Member Club being notified of such fine. Any such fines still outstanding after 15 calendar days, shall be increased by 100% of the amount due.

Should this occur a senior officer of the offending Member Club shall be notified to the effect that the fine is still outstanding and given a final reminder that if after a period of a further 14 calendar days from that reminder, should the payment still be outstanding, an additional penalty of a deduction of 5 points shall be made from the Team of the Member Club which incurred the fine, and a further 5 points every further 7 calendar day delay. The fine will still be due, but no further increases will be applied once it has been initially doubled.

## **D&C ANNEX 1 – BREACHES OF DISCIPLINE – which shall apply in all TVCL Divisions.**

Certain conduct, whether on or off the field of play, amounting to a breach of the Laws of Cricket and/or the Spirit of Cricket has been categorised into 4 levels which are set out below:

### **Level 1**

- a) Time wasting by either the fielding side or the batting side which results in a 5 run penalty or the bowler being disallowed from bowling any further in that innings in accordance with Laws 41.9 and 41.10.
- b) wilfully mistreating any part of the cricket ground, equipment or implements used in the match
- c) showing dissent at an umpire's decision by word or action
- d) using language that, in the circumstances, is obscene, offensive or insulting
- e) making an obscene gesture
- f) appealing excessively
- g) advancing towards an umpire in an aggressive manner when appealing
- h) bowling a dangerous or unfair short-pitched delivery and/or a dangerous non-pitching delivery that results in the bowler being disallowed from bowling any further in that innings in accordance with Laws 41.6 and 41.7.
- i) any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 1 offence.

### **Level 2**

- a) showing serious dissent at an umpire's decision by word or action
- b) making inappropriate and deliberate physical contact with another player
- c) charging or advancing towards an umpire in an aggressive manner when appealing
- d) deliberate distraction, deception or obstruction on the field of play under Law 41.4 or 41.5.
- e) throwing the ball at a player, umpire or another person in an inappropriate and dangerous manner
- f) using language or gesture to another player, umpire, team official or spectator that, in the circumstances, is obscene or of a seriously insulting nature
- g) causing avoidable damage to the pitch that results in a 5 run penalty being awarded under Laws 41.12.3, 41.14.3 and 41.15.3.
- h) any other misconduct, the nature of which is, in the opinion of the umpires, equivalent to a Level 2 offence.

### **Level 3**

- a) intimidating an umpire by language or gesture
- b) threatening to assault a player or any other person except an umpire.

**c) using language or gesture that offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion or belief, colour, descent, national or ethnic origin, age, disability, gender, sexual orientation or background.**

**d) Deliberately bowling a non-pitching delivery which is deemed dangerous and unfair in accordance with Law 41.7**

### **Level 4**

- a) threatening to assault an umpire
- b) making inappropriate and deliberate physical contact with an umpire
- c) physically assaulting a player or any other person
- d) committing any other act of violence.

**e) using language or gesture that seriously offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion or belief, colour, descent, national or ethnic origin, age, disability, gender, sexual orientation or background.**

The conduct listed in Level 1 to Level 4 above cannot be considered to be exhaustive.

**Note: Level 3 Offences c) and d) and Level 4 e) in bold italics are dealt with off-field by report and not subject to Level 3 and Level 4 on field sanctions.**