

# MUNSTER CRICKET UNION DISCIPLINARY REGULATIONS

## **1. JURISDICTION OF MUNSTER CRICKET UNION**

These Regulations replace all previous versions of the Disciplinary Regulations. They apply to all forms of cricket under the auspices of Munster Cricket Union in respect of the following disciplinary matters:

1.1 Any allegation of corruption (as defined in Article 2 of the ICC Anti-Corruption Code for Players and Player Support Personnel or as provided in Appendix 1 of the ICC Code of Conduct for Umpires) in connection with any form or level of cricket under the authority of Munster Cricket Union.

1.2 Alleged breaches of the Code of Conduct (in Regulation 2) which occur on or off the field in connection with any of the fixtures or competitions organised under the authority of Munster Cricket Union.

1.3 Alleged breaches of the Codes of Conduct for Managers, Coaches, Selectors, Spectators, Parents or Guardians, or Players set out in the Code of Ethics and Good Practice.

## **2. DISCIPLINARY OFFENCES**

### **(a) Players, Team Officials, Clubs and Spectators**

2.1a Players, team officials, clubs, club members and spectators shall conduct themselves in accordance with the Spirit of Cricket as well as within the Laws of Cricket.

2.1b Team captains are responsible for ensuring that these Regulations, the Spirit of Cricket and the Laws of Cricket are adhered to.

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

2.3 Where the facts of, or the gravity or seriousness of, the alleged incident are not adequately or clearly covered by Level 1-4 Offences, the Complainant may allege an offence under Regulation 2.1 or 2.2. The penalty for such an offence shall range from written reprimand to a lifetime ban.

### **2.4 Offences**

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

#### **2.4.1 Level 1 Offences**

The penalty for Level 1 offences, as listed below, shall be a written reprimand and/or a one-match suspension.

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

#### **2.4.2 Level 2 Offences**

The penalty for Level 2 offences, as listed below, is a suspension for two or three matches or a comparable period of time, and a written warning as to future conduct.

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

#### **2.4.3 Level 3 Offences**

The penalty for Level 3 offences, as listed below, is a suspension for a minimum of four and a maximum of nine matches or a comparable period of time up to a maximum of three months and a written warning as to future conduct.

<b>3.1</b>	Intimidating an umpire by language or gesture.
<b>3.2</b>	Threatening to assault a player or any other person except an umpire.

<b>3.3</b>	Using threatening language or gesture that offends, insults, humiliates, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, colour, descent, national or ethnic origin and/or sexual orientation.
<b>3.4</b>	Commission of two Level 2 offences within 12 months (including offences arising from separate incidents in the same match).

#### **2.4.4 Level 4 Offences**

The penalty for Level 4 offences is a suspension of a minimum of 10 matches or a comparable period of time, from three months to a lifetime ban and if appropriate a written warning as to future conduct.

<b>4.1</b>	Threatening to assault an umpire.
<b>4.2</b>	Making inappropriate and deliberate physical contact with an umpire.
<b>4.3</b>	Physically assaulting a player or any other person.
<b>4.4</b>	Committing any other act of violence.
<b>4.5</b>	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, colour, descent and national or ethnic origin and/or sexual orientation.
<b>4.6</b>	Commission of two Level 3 offences within 12 months (including offences arising from separate incidents in the same match).

#### **2.5 Corruption**

The penalty for an offence of corruption (as provided for in Regulation 1.1) shall be as provided in the ICC Anti-Corruption Code for Players and Player Support Personnel or the ICC Code of Conduct for Umpires, as appropriate.

The time frames provided in these Regulations (2.4) shall not be applicable in relation to allegations of corruption.

#### **(b) Code of Ethics and Good Practice**

2.6 The duties and responsibilities of Managers, Coaches, Selectors, Club Officials, Spectators, Parents or Guardians and Players are set out in the Code of Ethics and Good Practice. Breach of any of these duties or responsibilities shall constitute a disciplinary offence.

2.7 If the complaint involves suspected abuse or a criminal offence, the Safeguarding Officer of the Union shall be consulted and, if they so determine, the matter shall be reported to the statutory authorities and removed from the jurisdiction of the Disciplinary Committee pending the outcome of any investigation and ensuing action by them. The Safeguarding Officer may, if they see fit, suspend the person against whom the complaint has been made from involvement in cricket pending the outcome of this process.

2.8 The penalty for an offence under the Code of Ethics and Good Practice shall be one or more of the following:

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

### **(c) Clubs**

2.9 The following disciplinary offences may be committed by a Club:

2.9.1 Failing adequately to control its players' behaviour.

2.9.2 Failing adequately to control its supporters' behaviour.

2.9.3 Failure of the club or its members to comply with their obligations under the Code of Ethics and Good Practice.

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

- a written reprimand and warning as to future conduct;
- a requirement to play specified Munster Cricket Union fixtures away from home for such a period as may be specified;
- suspension from specified Munster Cricket Union competitions for such a period as may be specified;
- a fine of up to €500.

## **3. DISCIPLINARY COMMITTEE, SECRETARIES AND APPEAL JURISDICTION**

3.1 The Munster Cricket Union shall establish a Disciplinary Committee to which responsibility for disciplinary issues will be allocated. It shall consist of a minimum of 5 members, who shall be drawn from a list of those nominated by the duly appointed Hon. Secretaries of Clubs affiliated to the Provincial Union.

3.2 An Hon. Secretary to the Disciplinary Committee shall be elected at an MCU AGM for a two year term to deal with administrative matters arising under these Regulations.

3.3 In the absence of a duly elected Hon. Secretary to the Disciplinary Committee, this role may be appointed by order of the Munster Cricket Union Executive Board.

3.4 Three members of the Disciplinary Committee shall be a quorum for any hearing.

3.5 In the absence of sufficient independent Disciplinary Committee members to constitute a hearing quorum, additional members may be appointed by order of the Munster Cricket Union Executive Board.

3.6 The Munster Cricket Union Executive Board shall have jurisdiction to make decisions on Appeals in all matters.

3.7 The Munster Cricket Union Executive Board shall appoint up to 12 people to make decisions on Appeals and shall nominate an appointee to chair the Appeals Panel. The appointees shall, insofar as is practical, have no conflict of interest in relation to the Complaint or the Respondent and constitute the Appeals Panel.

3.8 Three appointees shall be a quorum for an Appeals Panel hearing.

#### **4. DISCIPLINARY PROCESS**

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

##### **The Complaint**

##### **(a) Complaints against Players and/or Team Officials or against clubs under Regulation 2.9 or 2.10**

4.1 The statement setting out the alleged offence (“the Complaint”) shall be in writing and must be received by the Chair of the Disciplinary Committee, no later than seven days after the end of the match at which the alleged offence occurred. It may be sent by letter or email.

4.2 Where the alleged offence took place on the field of play or elsewhere within the sight and hearing of the Umpires, the Umpires must make a Complaint.

Where the alleged offence was not so witnessed by the Umpires, the Complaint may be made by a duly authorised officer of the opposing club or of the Provincial Union in which the match took place.

##### **Level 1 Offence**

4.3 If the Complaint relates only to a Level 1 Offence, the Disciplinary Committee may deal with the matter on the basis of the documentation as follows, without a hearing:

4.3.1 They shall provide a copy of the Complaint to the Respondent via email and invite a written submission from them.

In the event that having taken all reasonable steps to contact the Respondent, the committee has been unable to serve the Complaint to the Respondent then the Complaint may be served by email to the Honorary Secretary of the Respondent's club.

4.3.2 Any such submission from the Respondent shall be received not more than five days from the date that the Respondent is sent the email outlining the Complaint by the Disciplinary Committee.

4.3.3 Having received the Respondent's written submission, or if none is forthcoming, the Committee shall reach a decision on the Complaint and advise the Respondent in

writing by letter or email of their decision and of any penalty, and forward a copy to the Honorary Secretary of the Respondent's club.

*Any decision and/or penalty notification must advise the Respondent of their right of appeal.*

In the event that the Disciplinary Committee, having taken all reasonable steps to contact the Respondent, have been unable to serve the decision and any penalty on the Respondent the details may be served by letter or email to the Honorary Secretary of the Respondent's club.

*Where the Respondent is aged under 18, all relevant communication shall be sent to their parent or guardian.*

#### **(b) Complaints under the Code of Ethics and Good Practice**

4.4 The Complaint shall be in writing and must be received by the Chair of the Munster Cricket Union Disciplinary Committee no later than seven days after the end of the match, coaching session or tournament at which the alleged offence occurred. It may be sent by letter or email.

4.5 The following shall have authority to make a Complaint:

**Against a Manager, Coach or Selector**

– Another Manager, Coach or Selector, or a Parent or Guardian, or a duly authorised officer of the opposing club.

**Against a Parent or Guardian**

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

**Against a Player**

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

#### **(c) Hearing**

The following shall apply to all offences other than Level 1 offences by a player dealt with under Regulation 4.3.

4.6 An individual panel ("Disciplinary Panel") appointed by the Chair of the Disciplinary Committee and comprising at least three members of the Disciplinary Committee shall meet to adjudicate on the Complaint or Complaints. This panel shall appoint a member to act as chair of the investigation and proceedings.

*Where the Disciplinary Panel determines that an offence reported as higher than Level 1 is more appropriately a Level 1 offence, the Panel Chair shall be entitled to apply Regulation 4.3 above, without the need to convene a hearing.*

4.7 Each panel member shall have one vote. In the event of an equality of votes for any reason, the Chair shall have a casting vote.

4.8 In appointing the Disciplinary Panel, the Disciplinary Committee shall, insofar as is practical, endeavour to ensure that no person is appointed who has a conflict of interest in relation to the Complaint or the Respondent.

4.9 The Disciplinary Panel shall have all powers necessary for, and incidental to, the exercise of its functions and, subject to these Regulations, it shall have the power to regulate its procedures.

4.10 The hearing shall be held as soon as reasonably practical and shall be confidential and held in private, unless the Disciplinary Panel decides otherwise.

*Note, hearings and proceedings may be conducted in person or virtually, entirely at the discretion of the appointed Disciplinary Panel.*

4.11 If it is appropriate the Disciplinary Panel may postpone or adjourn a hearing, including where the Disciplinary Panel considers it necessary to take legal advice or necessary to call evidence that was not available at the hearing.

4.12 The Respondent, or in the case of a club or spectator, a duly authorised officer of the club, shall be invited by the Panel Chair or Hon. Secretary to attend the hearing.

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

- (i) Their entitlement to have the matter dealt with under Regulation 4.13;
- (ii) The place/method/platform and time of the hearing;
- (iii) Their entitlement to be accompanied to the hearing, at their own cost, by a Representative. The Representative may be a work colleague, fellow player, family member or friend (the Respondent is not entitled to be legally represented);
- (iv) Where applicable, any Respondent aged under 18 shall be accompanied at the hearing by a responsible adult (preferably their Parent or Guardian);
- (v) Their entitlement to call witnesses to give evidence at the hearing.

*Where the Respondent is aged under 18, all relevant communication shall be sent to their Parent or Guardian.*

4.13 For all offences other than Level 1 Offences, a Respondent may admit to the offence in writing to the Panel Chair or Chair of the Disciplinary Committee and submit in writing any statement they wish to make as regards the appropriate penalty. In such circumstances, the Disciplinary Panel shall decide the penalty without the need for a hearing.

4.14 The Disciplinary Panel, at the request of the Respondent or on its own initiative, may require the Respondent and/or the person making the Complaint to supply the Panel, within such time as it determines, with further particulars of the incident(s) giving rise to the Complaint, including details of all witnesses whom the Respondent intends to call at any hearing together with details of the evidence to be given by those witnesses, and the Respondent and/or the person making the Complaint shall comply with that direction.

4.15 Any failure by a Respondent to comply with any requirement or direction of the Disciplinary Panel, including those requirements or directions to be complied with within a time period, shall not prevent the Disciplinary Panel from proceeding and such failure may be taken into consideration by the Disciplinary Panel when making its decision.

4.16 The Disciplinary Panel shall have the power to decide on the admissibility, relevance and weight of any evidence and shall not be bound by any legal rules other than the basic rules of natural justice in relation to such matters. Facts may be established by any reliable means, including admissions.

4.17 The Respondent's Representative may advise the Respondent during the hearing, may question witnesses and make representations on the Respondent's behalf, and may seek procedural guidance from the Disciplinary Panel. They shall not answer questions on the Respondent's behalf.

4.18 Any failure by the Respondent or their Representative to attend a hearing after notification shall not prevent the Disciplinary Panel from proceeding with the hearing in their absence.

## **5. THE DECISION AND PENALTY**

5.1 Although a Complaint may have been categorised as a Level 1 offence or other category of offence, a Disciplinary Panel shall not be bound by that categorisation and may decide that another category of offence, and therefore penalty, is appropriate.

5.2 The standard of proof shall be whether the Disciplinary Panel is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed. This standard of proof shall be determined on a sliding scale from a mere balance of probability (for the least serious offences) up to a very high probability (for the most serious offences).

5.3 After hearing the evidence the Disciplinary Panel shall, where appropriate, retire to consider its decision. The Chair of the Disciplinary Panel shall then give the Disciplinary Panel's decision orally to the Respondent.

*Any decision and/or penalty notification must advise the Respondent of their right of appeal.*

5.4 In deciding the penalty, the Disciplinary Panel shall have regards to the disciplinary record of the Respondent.

5.5 The oral decision shall be confirmed in writing to the Respondent (in the case of a Respondent aged under 18, their Parent or Guardian) within seven days by letter or email, and a copy forwarded to the Honorary Secretary of the Respondent's club.



## **6. APPEAL PROCESS**

6.1 A Respondent may appeal the decision of the Disciplinary Panel as to the finding of liability, the penalty imposed or both. A Respondent may also appeal on the basis of the incorrect application of procedure.

6.2 Notice of any appeal must be made in writing to the Hon. Secretary of Munster Cricket Union, received not later than three days following receipt of the decision. The appeal must contain the following information,

- (i) The date of the relevant decision appealed against;
- (ii) The specific aspect(s) and part(s) of the decision being challenged;
- (iii) The specific grounds of challenge.

*No further subsequent grounds of challenge may be advanced without the express consent of the Appeals Panel.*

6.3 The Hon. Secretary of the Munster Cricket Union shall, once an appeal has been received constitute an Appeals Panel and forward to them:

- (i) Details of the Complaint;
- (ii) Any witness statements and relevant evidence;
- (iii) The decision of the Disciplinary Panel and the result of the hearing.

6.4 The Appeals Panel shall conduct their adjudication under the constraints and general guidance of regulations 4.6 to 4.18 above, in so far as they are deemed relevant to the specific grounds of challenge.

6.5 In adjudicating on the Appeal the panel may decide to:

- (i) Uphold the Disciplinary Panel decision(s);
- (ii) Agree to the Respondent's specific challenge and overturn the Disciplinary Panel decision(s);
- (iii) Overturn, suspend or modify any relevant penalty.

6.6 The final Appeal Decision shall be confirmed in writing by the Hon. Secretary of Munster Cricket Union to the Respondent (in the case of a Respondent aged under 18, their Parent or Guardian) within three days of the decision by letter or email, and a copy forwarded to the Honorary Secretary of the Respondent's club.

## **7. DISCIPLINARY PROCEDURES IF A TOURING TEAM IS OUTSIDE THE PROVINCE AND AN ALLEGED OFFENCE OCCURS**

Disciplinary offences may arise when a touring party is outside the Province and it may be necessary to deal with such issues while on tour, in which case the process provided for above cannot be put into operation.

In such circumstances the following shall apply:

7.1 The disciplinary offence shall be heard by the Team Manager if they are of the view that the matter is urgent. If the Team Manager considers that they have a conflict of interest, the person to take responsibility shall be another Senior Representative of the Munster Cricket Union present.

7.2 The person conducting the hearing shall conduct it broadly in accordance with the provisions set out above, subject to such changes as they, in their sole discretion, determine to be necessary.

7.3 A right of Appeal exists in accordance with the provisions specified above but it may be that such an appeal may not be practicable until the tour is over. This shall be determined by the Chair of the Appeals Panel.

7.4 Where the Respondent is found to have committed the offence and if as a result of the penalty imposed, the Team Manager considers that the Respondent should be required to return home because they will not be available to play at all or in a sufficient number of matches on the tour, the player may be required to return home at the earliest possible time and at their own expense.

Ratified by the MCU Board on 09/01/23