

Cricket Scotland Match Officials Association

Complaint Procedure

April 2022

Definitions:

- *Member(s)*: as per the CSMOA Membership database.
- *in writing*: include, but not be limited to, email, publication on the Cricket Scotland Match Officials Association's website, or notification by post.

1. Complaints & Appeals Procedures

- a) The Complaints Procedure outlined below applies only to *Members* of CSMOA.
- b) All *Members* are always expected to uphold the Aims and Objectives of CSMOA and any other relevant standards set by the CSMOA Management Committee.
- c) If any *Member* is considered by the Management Committee to have:
 - i. brought CSMOA or the game of cricket into disrepute
or
 - ii. has been the subject of a complaint that the CSMOA Management Committee deem of a serious nature,
they shall be subject to the complaints procedure set out in this document.
- d) Any complaint regarding the behaviour of a *Member* must be lodged *in writing* to the Secretary within seven (7) days of the incident.

2. Complaints & Appeals Chairs/Committees

- a) The Secretary shall be responsible for proposing to the Management Committee:
 - i. A panel of *Members* from whom a Complaints Committee Chair can be selected;
 - ii. A panel of *Members* from whom a Complaints Committee can be selected (as per Clause 3b);
 - iii. Appoint the Appeals Committee Chair. This appointment should be Chair of CSMOA, wherever possible.
 - iv. A panel of *Members* from whom an Appeals Committee can be selected.
- b) The members of the Complaints Committee and Appeals Committee shall, wherever possible but not exclusively, consist of *Members* of the CSMOA Management Committee and Sub-Committees.
- c) The Chair of CSMOA shall endorse these appointments.

3. Complaints Procedure

- a) If any *Member* is subject to the Complaints Procedure (see Clauses 1c & 1d above), a Complaints Committee Chair shall be appointed by the Secretary, on behalf of the Management Committee, from the panel of Chairs (as defined in Clause 2a) i) above). Both the Secretary & selected Complaints Committee Chair shall, on behalf of the Management Committee, consider within 7 days whether to:
 - i. take no further action, record the complaint, and notify the *Member* and the complainant of the outcome or,
 - ii. refer the matter to a complaint hearing, and to notify the *Member* and the complainant of that decision.
- b) The Complaints Committee Chair shall select two (2) panel members from those defined in Clause 2a) ii) above. The Complaints Committee shall therefore consist of a Chair and two (2) other *Members*, making a total of three (3) *Members*. This Committee shall investigate the case prior to the hearing using appropriate methods.

- c) The Secretary shall be responsible for setting up any complaint hearing within 30 days of the parties having been notified that a hearing will take place. In exceptional circumstances, the hearing may be delayed, subject to the discretion of the Complaints Committee Chair.
- d) The accused *Member* may:
 - i. Submit written statements to the hearing;
 - ii. Attend in person to state their case;
 - iii. Be legally represented or assisted by a colleague; and
 - iv. Call witnesses.
- e) Any *Member* involved in a complaint hearing, in any capacity, shall be responsible for their own costs and other expenses.
- f) The case shall be decided on the balance of probabilities.
- g) The outcome of any hearing, including any penalties (as outlined in Section 4), shall normally be announced immediately after the hearing. Any parties not in attendance at the hearing will be notified of the outcome, including any penalties, as soon as practicable. Records of the complaint, investigation, hearing & outcome/penalties will be kept by the Secretary.

4. Penalties

- a) The Complaint Committee may impose any of the following penalties on any *Member* found guilty of an offence:
 - i. Severe reprimand;
 - ii. Demotion;
 - iii. Suspension from appointment to specified types of cricket match for a specified period;
 - iv. Suspension from membership for a specified period;
 - v. Expulsion from membership for a specified period, up to and including life;
 - vi. Or other penalty, as deemed appropriate.

5. Appeals Procedure

- a) If either party (complainant or *Member*), who have been involved in a complaint hearing, believe they have grounds for appeal against either the verdict or any penalty imposed, they shall have the right to submit an appeal. Appeals shall not be founded on the facts of the case, as decided by the Complaints Committee, but may be based on procedural or legal grounds.
- b) The party submitting any appeal must do so *in writing* to the Secretary:
 - i. within seven (7) days of the outcome of the complaint hearing being announced (as defined in Clause 3g) and,
 - ii. stating the grounds for the appeal, and
 - iii. lodge a deposit of £100 with the Secretary.
- c) The Secretary shall be responsible for setting up any appeals hearing within 14 days of the parties having been notified that a hearing will take place. In exceptional circumstances, the hearing may be delayed, subject to the discretion of the Appeals Committee Chair.
- d) The Appeals Committee Chair shall draw two (2) panel members from those described in Clause 2a) iv) above. The Appeals Committee shall therefore consist of a Chair and two (2) other *Members*, making a total of three (3) *Members*. Neither the Appeals Committee Chair, nor the members of the Appeals Committee may have been involved in any way in the complaint hearing (as defined in Section 3).
- e) The appellant may attend the hearing and make representations. They will only be permitted to call witnesses in exceptional circumstances. They may be represented by a lawyer or assisted by a colleague.
- f) The Appeals Committee shall have the power to uphold, reduce or increase any penalty and shall have absolute discretion as to whether the appellant's deposit shall be returned or retained by CSMOA.

- g) The decision of the Appeals Committee shall be binding and final on all parties with no further right of appeal.

Change Record (not including spelling, grammatical or formatting changes):

- April 2022:
 - *Definitions & throughout document: removal of gendered terms preamble, changes where appropriate throughout document to gender-neutral terms.*
 - *Clause 2b: removal of "Extended Committee" reference after removal of this at CSMOA AGM (28th February 2022). Replaced with "sub-committees" which remains a defined term in CSMOA Constitution. Rewording of suggested approach to co-opt Members onto Complaints and Appeals Committees to increase clarity.*
 - *Clause 3b: Rewording for clarity to define the number of members to sit on Complaint Committee.*
 - *Clause 3c: Reordering of former Clause 3b into Clauses 3b & 3c for clarity. All subsequent clauses in Section 3 move down by one.*
 - *Clause 3g: Addition of process to notify all relevant parties of outcome, including those not in attendance. Also clarification on records kept.*
 - *Clause 5a/5b: Moving of reference to seven (7) day period in which appeal submission must be made within from Clause 5a into Clause 5b for clarity and avoidance of repetition. All subsequent clauses in Section 5 moved down by one.*