

Cricket Scotland Match Officials Association

Complaint Procedure

November 2020

N.B. It should be noted that anywhere in this document;

- Any reference to a person in the male gender refers equally to the female gender. It should be understood that this expression is not discriminatory and is used only for the sake of brevity.
- The term 'in writing' is deemed to 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.
- b) All Members are always expected to uphold the Aims and Objectives of CSMOA .
- c) If any Member is considered by the Management Committee to have brought CSMOA or the game of cricket into disrepute or has been the subject of a complaint that the CSMOA Management Committee deem of a serious nature, he shall be subject to the complaints procedure set out below.
- d) Any complaint regarding the behaviour of a Member must be lodged in writing to the Secretary within 7 days of the incident.

2. Complaint Committee

- a) The Secretary shall be responsible for proposing to the Management Committee
 - A panel of Members from whom Complaints Committee Chairmen be drawn;
 - A panel of Members from whom a Complaints Committee can be drawn;
 - Appoint the Appeals Committee Chairman. This appointment should be Chair of CSMOA wherever possible.
 - A panel of Members from whom an Appeals Committee can be drawn
- b) The members of the Complaints Committee and Appeals Committee shall consist, but not exclusively, wherever possible of members of the CSMOA Management Committee and Extended Committee.
- c) The Chair of CSMOA shall endorse these appointments.

3. Complaints Procedure

- a) If any Member is subject to the Complaints Procedure (see 1c and 1d above), a Complaints Committee Chairman shall be appointed by the Secretary from the panel of Chairmen described in 2a above, and both shall consider within 7 days whether:
 - to take no further action, record the complaint and notify the Member and the complainant of the outcome; or
 - to refer the matter to a complaint hearing, and to notify the complainant and the Member of that decision.
- b) 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 Complaint Committee Chairman. The Complaint Committee Chairman shall draw two panel members from those described in 2a above.
- c) The accused Member may
 - Submit written statements to the hearing;
 - Attend in person to state his/her case;
 - Be legally represented or assisted by a colleague; and
 - Call witnesses.
- d) Any Member called before a complaint hearing shall be responsible for his/her own costs and other expenses.
- e) The case shall be decided on the balance of probabilities.
- f) The outcome of any hearing, including any penalties, shall normally be announced immediately after the hearing.

4. Penalties

a) The Complaint Committee may impose any of the following penalties on any Member found guilty of an offence:

- Severe reprimand.
- Demotion
- Suspension from appointment to specified types of cricket match for a specified period;
- Suspension from membership for a specified period
- Expulsion from membership for a specified period, up to and including life.
- Or other, as deemed appropriate.

5. Appeals Committee

a) If a Member called to a complaint hearing feels he/she has grounds for appeal against either the verdict or any penalty imposed, he shall have the right to submit an appeal. He/she must do so in writing to the Secretary within 7 days of the end of the outcome of the complaint hearing being announced. Appeals shall not normally be founded on the facts of the case as decided by the Complaint Committee but may be based on procedural or legal grounds.

b) The Member must submit any appeal in writing to the Secretary, stating the grounds for the appeal. The appellant Member must also 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 Chairman. The Appeals Committee Chairman shall draw two panel members from those described in 2a above. Neither the Appeals Committee Chairman nor the members of the Appeals Committee may have been involved in any way in the complaint hearing.

d) The appellant Member may attend the hearing and make representations. He/she will only be permitted to call witnesses in exceptional circumstances. He/she may be represented by a lawyer or assisted by a colleague.

e) 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.

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