

## **FINNISH CRICKET ASSOCIATION DISCIPLINARY GUIDELINES**

These guidelines have been adopted by the FCA Committee on 16 May 2017 and supersede the previous version of the guidelines adopted on 3 November 2014.

### **I Reporting/Notification Procedure**

#### **1 General**

1.1. An alleged breach of the FCA Code of Conduct and the Spirit of Cricket (henceforth the Code of Conduct) can be reported by

- a) the umpires,
- b) the clubs representing the playing teams
- c) the Disciplinary Committee Chairperson (henceforth the DCC)
- d) any member of the cricketing society through the DCC

1.2. A report must be made in writing by the person(s) who have witnessed the alleged breach. The report is to be e-mailed to the DCC or delivered by other electronic means as specified by the DCC. The DCC will decide which reports will initiate a disciplinary process.

#### **2 Reports relating to alleged breaches of the FCA Code of Conduct and the Spirit of Cricket committed on the field of play or within the precincts of the ground during a Match or on the day of the match:**

2.1 If any person eligible to lodge a report decides to lodge a report relating to an alleged breach of the Code of Conduct committed on the field of play during a Match or otherwise than on the field, but within the precincts of the ground on the day of the match, that person must lodge the report with the DCC within 7 days of the match played. In the occurrence of serious offences, such as doping violations or match-fixing, reports received later than the 7 days mentioned above can be accepted at the discretion of the DCC.

2.2 The DCC will decide whether the report is grounds for a disciplinary process. The report of the umpire(s) will be seen as central to this deliberation.

2.3 If the report leads to a disciplinary process, the DCC will immediately notify the person charged and the charged person's team captain and / or club chairperson of the player being reported.

2.4 In case the DCC recuses themselves from a disciplinary process due to a conflict of interest, or the DCC is otherwise prevented from participating in a process, the FCA Committee shall designate an interim DCC for the process at hand. The delay incurred to the process by the designation of an interim DCC shall not be counted towards the time limits stipulated in these Guidelines

#### **3 Responsibility of the Captain and documentation of reports**

3.1 In the event of an alleged breach where it is not possible to identify the particular Player(s) who has breached the Code of Conduct, the Captain may be the person charged and, if appropriate, sanctioned.

3.2 It shall be the DCC's responsibility to keep a written record of all reports lodged, as well as a written record of the action pursuant to receipt of the reports.

3.3 Copies of the written records kept by the DCC shall be forwarded as soon as reasonably practicable to the FCA Chairperson.

#### **4 Disciplinary processes concerning teams / clubs**

This document outlines the disciplinary process concerning individual players or officials. The disciplinary process concerning teams / clubs is defined in LSC guidelines concerning official FCA leagues.

## II Disciplinary Procedure

### 1. Charges

As soon as reasonably practicable (and in any event, within 14 days) after notification, the DCC shall provide an official charge describing the section of the Code of Conduct it is alleged to have been breached (based on the particulars notified) to the persons charged and their team captain and / or club chairperson. The particulars, in addition to identifying which section of the Code of Conduct it is alleged has been breached, shall give a brief statement of how it is alleged to have been breached (also based on the particulars notified). If more than one breach is alleged, whether of the same or separate section of the Code of Conduct, each alleged breach must be individually identified. All the evidence collected (original report, umpires' reports, captains' reports etc.) for the case shall be included in the charge.

### 2. Hearing and decision

- 2.1 In Level 2, 3, and 4 charges, the Disciplinary Panel members shall be drawn from a pool of experienced volunteers (henceforth the pool) put forward by the clubs. Should a member of the Panel become prevented from participating in the Panel during the process, an alternate will be appointed by the DCC.
- 2.2 In Level 1 charges, as defined in the Code of Conduct, the person charged will be asked to reply to the charges by email within 7 days of notification. After this, the case material, including the original report, the reply of the person charged, as well as any other relevant material, will be processed by the DCC and the DCC will make a decision based on this material. The DCC may, at their discretion, request additional statements from any involved parties. Based on this material, the DCC will make a decision within 7 days of receiving all relevant material. The decision(s) will be informed to all relevant parties with specified sanctions by the DCC. The decision of the DCC may be appealed to the Finnish Sports Arbitration Board within 30 days of receiving notice of the decision.
- 2.3 In Level 2 charges, as defined in the Code of Conduct, the person charged will be asked to reply to the charges by email within 7 days of notification. After this, the case material, including the original report, the reply of the person charged, as well as any other relevant material, will be sent by the DCC to two Disciplinary Panel members who will make a decision based on this material with the DCC acting as the chairperson of the Panel. The Panel may, at its discretion, request additional statements from any involved parties. Based on this material, the Panel will make their decision within 7 days of receiving all relevant material. The decision(s) of the Panel will be informed to all relevant parties with specified sanctions by the DCC.
- 2.4 In Level 3 and 4 charges, as defined in the Code of Conduct, the person charged will be asked to reply to the charges by email within 7 days of notification. After this, the case material, including the original report, the reply of the person charged, as well as any other relevant material, will be sent by the DCC to four Disciplinary Panel members who will make a decision based on this material with the DCC acting as the chairperson of the Panel. The Panel may, at its discretion, request additional statements from any involved parties. Based on this material, the Panel will make its decision within 7 days of receiving all relevant material. The decision(s) of the Panel will be informed to all relevant parties with specified sanctions by the DCC.
- 2.5 In Level 3 and 4 charges, an oral hearing will be held if
  - a) the DCC or the Disciplinary Panel so decides and / or
  - b) one of the involved parties so requests

This hearing will be held as soon as reasonably practicable and unless exceptional circumstances apply, it shall be heard no later than 14 days after the original notification.

In addition to the Disciplinary Panel, the persons present at the hearing shall be:

- the person charged;
- if the person charged is a Player, his Captain and Club Chairperson (or, if the player charged is the Captain, his Vice-Captain and Club Chairperson);
- if the person charged is a Team Official, the relevant Captain and Club Chairperson (or, if the person charged is the Club Chairperson, his Captain and one other person nominated by the Team Official's Home Board).
- any witnesses either the Disciplinary Panel or the charged person(s) wish to call

If a person required to be present at the hearing is absent for an acceptable cause, the hearing can be conducted by teleconference. The absence of any of the persons required to be present shall not impede the Panel from reaching a decision in the matter. Unexplained absence from the hearing and absence due to unacceptable reasons shall constitute a Level 2 Offence according to section 2.2.11. of the Code of Conduct.

### 3. Legal advice

The Disciplinary Panel is entitled to seek legal advice prior to or during any hearing (for which purpose the Disciplinary Panel is entitled to adjourn the hearing) and/or prior to giving its decision.

### 4. Temporary bans

In serious Level 3 and 4 charges, the DCC may, after consultation with the members of the Disciplinary Panel, impose a temporary official ban until a disciplinary decision is reached. Any matches the charged person misses during this ban will be deducted from the final sanctions.

## III Decisions and appeals

### 1. Decision

Once the decision has been given the DCC shall inform the person charged, the captain of the charged person's team and / or the chairperson of the charged person's club, as well as the FCA Chairperson of its finding(s), and the sanction(s) (if any) they have imposed and a description of the appeals procedure.

### 2. Appeals

2.1 Appeals in respect of Level 2, 3, and 4 offences are permissible.

2.2 Appeals procedure:

2.2.1 A Player or Team Official charged shall be permitted to appeal against a Disciplinary Panel's finding and/or penalty in respect of a Level 2, Level 3, or Level 4 offence.

The relevant Player or Team Official seeking to appeal against a decision (the Appellant) is to lodge with the DCC written notice of appeal setting out the grounds of the appeal within 7 days of notification to the Player or Team Official of the Disciplinary Panel's decision.

2.2.2 In all appeals, the Appellant / the Appellant's club shall submit a processing fee payable to the FCA. In the case that the Appellant appeals, the sum shall be 100 euros and in case the appeal is lodged by a club, the sum shall be 250 euros. If the appeal is successful, the fee will be returned in full to the Appellant / the Appellant's club. If the appeal is unsuccessful, the fee will not be returned. An appeal will not be handled until the processing fee has been received on the FCA's bank account.

2.2.3 Within 2 days of receiving the Appellant's notice of appeal and the payment of the processing fee, the DCC shall provide a written statement setting out all relevant circumstances, documents and evidence, as well as the decision of the Disciplinary Panel.

This statement shall be forwarded to the Appellant, the Appeals Panel and the FCA Chairperson.

- 2.2.4 Level 2 Offences: Within 5 days of receipt of the appeal and the processing fee, the DCC shall appoint two members from the pool to form an Appeals Panel. The appointed members must be from a club other than those involved (in any way) in the match, and not be involved as players in the same league as the charged persons. The appointed members shall not have been involved in the processes related to the incident prior to their appointment to the Appeals Panel. The appointed members shall determine the appeal within 7 days of their appointment.
- 2.2.5 Level 3 and Level 4 Offences: Within 5 days of receipt of the appeal and the processing fee, the DCC shall appoint three members from the pool to form an Appeals Panel. The appointed members must be from a club/other than those involved (in any way) in the match, and not be involved as players in the same league as the charged persons. The appointed members shall not have been involved in the processes related to the incident prior to their appointment to the Appeals Panel. The appointed members shall determine the appeal within 7 days of their appointment.
- 2.2.6 The process for conducting the hearing shall be left to the discretion of the Appeals Panel. Oral representations (either in person or by telephone conference) can be permitted unless there are good reasons for relying on written submissions only. Where it is available, the Panel shall view any recording of the incident which is the subject of the appeal.
- Provided that notice has been given to the Appellant of the time and place for any hearing, the hearing shall not be delayed or adjourned by reason of the fact that the Appellant does not attend.
- 2.2.7 The Appeals Panel shall provide a written decision to the DCC within 24 hours of making said decision, which shall be forwarded to the Appellant and the FCA Committee as soon as possible upon receipt by the DCC.
- 2.2.8 The Appeals Panel shall have the power to increase, decrease, amend or otherwise substitute their own decision from that of the Disciplinary Panel if they believe it is appropriate to do so.
- 2.2.9 Pending resolution of an appeal, a Player shall be permitted to play in a match that is scheduled to commence prior to the announcement of the final decision, unless a temporary ban described in II.4 is in force.
- 2.2.10 The decision of the Appeals Panel can be appealed by lodging an appeal with the Finnish Sports Arbitration Board within 30 days of receiving notice of the decision.

## IV Publicity of decisions

### 1. General

The decisions of the DCC, the Disciplinary Panel, and the Appeals Panel are public.

### 2. Publication of decisions

The decisions of the DCC, the Disciplinary Panel and the Appeals Panel shall be published unless there are compelling reasons to withhold their publication.

## V Language versions

### 1. Sole paragraph

The FCA may publish translations of these guidelines, but only the English text shall be authoritative.