



BEHAVIOUR & DISCIPLINARY POLICY

This policy outlines the expected behaviour of players and officials and outlines the process and procedure for hearing and determining serious complaints regarding behaviour by players and officials within the BEARS competition and representative program.

Nb: the expected behaviour has been taken (and modified as appropriate) from Queensland Cricket Policies. In addition to this document, Cricket Australia and Queensland Cricket have various other policies and procedures in relation to conduct and behaviour – BEARS will also be guided by those policy where nothing specific exists in the BEARS policies.

ALL PLAYERS AND OFFICIALS SHOULD BE WELL AWARE OF THE STANDARDS EXPECTED AND CONSEQUENTLY ANY PLAYER OR OFFICIAL WHO BREACHES THIS CODE CAN EXPECT LITTLE SYMPATHY IF FOUND GUILTY.

It is the responsibility of everyone associated with BEARS - Club Officials, Team Officials, Team Captains and especially the Players - to ensure the level of conduct and sportsmanship traditionally inherent in the Game is observed.

Notes: This policy applies to all BEARS competitions (including representative fixtures).

This Code applies to any player or official representing BEARS, including participating in any competition, tour or training camp.

“Official” means the manager or a member of the coaching, medical or fitness staff of a team; the selectors of a team; any other person acting in an official capacity for BEARS or a Cricket Club in relation to a team; or an umpire of a match.

1. CODE OF BEHAVIOUR

- [a] The captains (and in junior sides, also coaches and managers) are responsible at all times for ensuring that play is conducted within the spirit of the game as well as within the Laws.
- [b] This Code applies to all registered players and officials (including parents and spectators). Sections 1[b][v], 1[b][vii], 1[b][viii] of this Code apply at any time. Sections 1[b][i], 1[b][ii], 1[b][iii], 1[b][iv], 1[b][vi] apply whether participating or spectating at any match or event under the auspices of BEARS, including matches sanctioned by Queensland Cricket or Queensland Junior Cricket. This Code applies in addition to and not in substitution for the ICC Code of Conduct and the Cricket Australia Code of Behaviour, Racial and Religious Vilification Code and the Anti Harassment Policy, [the Codes]. Specifically:
 - [i] Players and officials must not abuse cricket equipment or clothing, ground equipment or fixtures and fittings.
 - [ii] Players and officials must not assault or attempt to assault an umpire, a player, an official or spectator.
 - [iii] Players and officials must not react with unnecessary obvious dissension, displeasure or disapproval either towards an umpire, his decision, or generally, following an umpiring decision.
 - [iv] Players and officials must not use crude or abusive language, or otherwise engage in conduct detrimental to the spirit of the game. An umpire would be expected to caution the player and advise the captain of his concern before reporting any player for this type of behaviour.
 - [v] Players and officials must not indulge in conduct detrimental to the game.
 - [vi] Players and officials must in no way use crude or abusive hand signals.
 - [vii] Players and officials must not engage in any form of racial or religious abuse or harassment as defined in the Queensland Cricket Racial and Religious Vilification Code, the Cricket Australia Racial and Religious Vilification Code or Anti-Harassment Policy.



[viii] Without limiting any other rule, players and officials must not make public or media comment which is detrimental to the interests of the game.

Note: Public comment includes comment on Club websites and other electronic media.

2. DISCIPLINARY PROCEDURES FOR SERIOUS COMPLAINTS

This will involve complaints or reports relating to conduct or actions of a player or official in contravention of one or more of the following:-

- a) Cricket Australia Codes of Behaviour, Guidelines or Policies
- b) Queensland Cricket Codes of Behaviour, Guidelines or Policies
- c) BEARS code of behaviour as outlined in Section 1 above
- d) BEARS Expectations and Etiquette Policy
- e) BEARS selection policy
- f) Relevant official's or player's club Code of Behaviour, Code of Conduct or policies

The President shall keep the parties involved informed about the complaint process.

The Executive shall protect the person complaining and the person being complained about from victimisation.

3. COMPLAINTS AND REPORTS TO BE DEALT WITH UNDER THIS POLICY

Characteristics of serious complaints, appropriate to be considered and determined under this policy include:

- a) Any behaviour in breach of items 2 (a) to (f) above
- b) Unlawful behaviour
- c) Repeated pattern or entrenched behaviour
- d) More than one person impacted upon
- e) More than one person perpetuating the behaviour
- f) Person complaining unable to address issue /Power imbalance Conflict of interest
- g) Person complaining wants formal disciplinary measures imposed; or
- h) The complaint or report has been unsuccessfully resolved at informal level.

Examples of serious issues that should be dealt with using the formal processes in this policy include:

- Angry/volatile spectators
- Bullying (e.g. initiation rituals/hazing, cyber bullying, ostracising behaviour by an individual or group).
- Sexual harassment
- Racial harassment and vilification
- Homophobia
- Extreme inappropriate coaching style (e.g. profanities accompanying aggressive/threatening gestures)

4. PROCEDURE FOR DEALING WITH REPORTS AND COMPLAINTS

The Executive of BEARS shall determine, in response to a complaint, what option is best for determining the complaint. Relevant options for resolving serious complaints include the following:

1. Mediation
2. Conduct Committee hearing & decision
3. Escalation within sport (to district/state or national level)

Option 1: Mediation

The BEARS executive may use this option where:



1. The person complaining requests it and the person being complained about is likely to be agreeable to this;
2. The allegations don't or are unlikely to warrant any form of disciplinary action; and
3. The facts are not likely to be disputed

The BEARS Executive will adopt the following steps in implementing this option:

1. Explain to the person complaining and the person being complained about that mediation is a process that may help them understand and explore their issues and find resolution with the help of an independent third party
2. Get agreement from both parties that they are willing to meet with a mediator to try and sort out their problems
3. Contact a mediation agency to discuss the issue and arrange mediation if appropriate. Appoint a mediator
4. Ensure that the BEARS Executive and its constituent members monitor the situation and review policies and procedures to prevent the problem from reoccurring.

Option 2: Conduct Committee Hearing & Decision

The BEARS executive may use this option where:-:

1. Mediation is not possible;
2. The parties disagree about what has happened;
3. There is a potential detriment to either party;
4. There is a real possibility that the allegations in the complaint or report may result in any form of disciplinary action;
5. The matter is one better resolved at this level (rather than escalated to the next level of the sport); or
6. The matter is unlikely to require an external investigation (e.g. child abuse, physical or sexual assault). Any such allegations MUST be referred to police and relevant child protection authorities.

The Bears executive will adopt the following steps in hearing and determining the complaint or content of the report:

1. The President or his or her nominee shall respond, preferably in writing, to any complaint and explain the process the committee will take in dealing with the complaint.
2. The President or his or her nominee shall inform the person being complained about of the allegation and the process the committee will take in dealing with the complaint.
3. The BEARS executive shall appoint a Conduct Committee to hear the complaint who are unbiased and don't have a conflict of interest.
4. The Conduct Committee shall comprise the President of BEARS or his or her nominee, and two other persons, one of whom is not a current official of BEARS – Delegates will appoint a panel at the AGM each year who will be available for hearings.
5. The Conduct Committee will ensure both parties get to tell their side of the story before any decision is made by the committee.
6. The Conduct Committee may require both parties to attend a committee hearing or to provide information to a nominated representative of the committee prior to the committee hearing.
7. Decisions of the Conduct Committee must be based on the facts and could include dismissal of the complaint, disciplinary action, referral to Queensland Cricket or Queensland Junior Cricket for investigation and/or decision.
8. The Conduct Committee will keep all relevant parties informed throughout the process and communicate any decisions as soon as possible.
9. The Conduct Committee shall make its decision, by a majority of its members, and may impose such disciplinary sanctions on the player or official as it deems appropriate including, with reference to the Options the Conduct Committee May Take references below.
10. The Conduct Committee may make recommendations to the BEARS executive regarding the policies, codes of behaviour and guidelines so as to prevent further issues arising.



Option 3: Escalation to Queensland Cricket or Queensland Junior Cricket

The BEARS executive may adopt this option when:

- 1) There is a possible conflict of interest (or close relationship) between the people on the Conduct Committee and any of the parties to the complaint
- 2) It is beyond the skills of the Conduct committee and specific expertise or experience may be required to manage the complaint
- 3) The complaint has not been able to be resolved at the BEARS level
- 4) The issue is more serious than first thought

Steps to follow:

If appropriate, the BEARS executive may refer the complaint to Queensland Cricket or Queensland Junior Cricket.

The President shall keep the parties involved informed about the complaint process.

The Executive shall protect the person complaining and the person being complained about from victimisation.

GUIDELINE OFFENCES

1. Level 1 Offences

The Offences set out at 1.1 to 1.6 below are Level 1 Offences. Players and, where applicable, officials must not:

1.1 Abuse cricket equipment or clothing, ground equipment or fixtures and fittings

Includes actions outside the course of normal cricket actions such as hitting or kicking the wickets and actions which intentionally or negligently result in damage to the advertising boards, boundary fences, dressing room doors, mirrors, windows and other fixtures and fittings.

1.2 Show dissent at an umpire's decision by action or verbal abuse

Includes excessive, obvious disappointment with an umpire's decision or with an umpire making the decision and obvious delay in resuming play or leaving the wicket.

This Rule does not prohibit the bowler involved in the decision or a team captain from asking an umpire to provide an explanation for a decision or a Team official from making a formal complaint.

1.3 Use language that is obscene, offensive or insulting and/or the making of an obscene gesture

This includes swearing and offensive gestures which are not directed at another person such as swearing in frustration at one's own poor play or fortune.

This offence is not intended to penalise trivial behaviour. The extent to which such behaviour is likely to give offence shall be taken into account when assessing the seriousness of the breach.

1.4 Engage in excessive appealing

Excessive shall mean repeated appealing when the bowler/fielder knows the batsman is not out with the intention of placing the umpire under pressure. It is not intended to prevent loud or enthusiastic appealing. However, the practice of celebrating or assuming a dismissal before the decision has been given may also come within this Rule.

1.5 Point or gesture towards the pavilion in an aggressive manner upon the dismissal of a batsman

Self explanatory.

1.6 Breach any regulation regarding approved clothing or equipment

This includes regulations regarding bat logos and regulations regarding other logos or advertising which may be worn or displayed.

2. Level 2 Offences

The Offences set out at 2.1 to 2.9 below are Level 2 Offences. Players and, where applicable, officials must not:

2.1 Show serious dissent at an umpire's decision by action or verbal abuse



Dissent should be classified as serious where the dissent is expressed by a specific action such as the shaking of the head, snatching cap from umpire, pointing at pad or inside edge, other displays of anger or abusive language directed at the umpire or excessive delay in resuming play or leaving the wicket.
This Rule does not prohibit the bowler involved in the decision or a team captain from asking an umpire to provide an explanation for a decision or a Team official from making a formal complaint.

2.2 Engage in inappropriate and deliberate physical contact with other players or officials in the course of play

Without limitation, players will breach this regulation if they deliberately walk or run into or shoulder another player, official or match official.

2.3 Charge or advance towards the umpire in an aggressive manner when appealing.
Self explanatory.

2.4 Deliberately and maliciously distract or obstruct another player or official on the field of play
Without limitation, players will breach this rule if they deliberately attempt to distract a striker by words or gestures or deliberately shepherd a batsman while running or attempting to run between wickets.

2.5 Throw the ball at or near a player or official in an inappropriate and/or dangerous manner
This Rule will not prohibit a fielder or bowler from returning the ball to the stumps in the normal fashion.

2.6 Use language that is obscene, offensive or of a seriously insulting nature to another player, official or spectator.
This refers to language or gestures which are directed at another person. See comments under Rule 1.3 above in relation to the seriousness of the breach.

2.7 Change the condition of the ball in breach of Law 42.3
Prohibited behaviour includes picking the seam or deliberately throwing the ball into ground for the purpose of roughening it up and the application of moisture to the ball, save for perspiration and saliva.

2.8 Attempt to manipulate a Match in regard to the result, net run rate, bonus points or otherwise. The captain of any team guilty of such conduct shall be held responsible.
Prohibited conduct under this rule will include incidents where a team bats in such a way as to either adversely affect its own, or improve its opponent's, bonus points, net run rate or quotient.

2.9 Seriously breach any regulation regarding approved clothing or equipment.
See guideline for Rule 1.6 above. Without limitation, a breach will be considered serious if it is done in bad faith or where it has serious commercial consequences (eg display of logo of competing CA or State sponsor)

3. Level 3 Offences

The Offences set out at 3.1 to 3.6 below are Level 3 Offences. Players and, where applicable, officials must not:

3.1 Intimidate an umpire or referee whether by language or conduct.
Includes appealing in an aggressive or threatening manner.

3.2 Threaten to assault another player, Team official or spectator
Self explanatory.

3.3 Use language or gestures that offend, insult, humiliate, intimidate, threaten, disparage or vilify another person on the basis of that person's race, religion, colour, descent or national or ethnic origin
Self explanatory.

3.4 Physically assault another player, umpire, referee, official or spectator
Self explanatory

3.5 Engage in any act of violence on the field of play
Self explanatory



3.6 Make public or media comment detrimental to the interests of the game

Prohibited conduct under this rule includes:

- Denigrating or criticising any player, official, team, Cricket Australia, Queensland Cricket or any Commercial Partner of Cricket Australia, Queensland Cricket or the respective Premier Cricket Clubs;
- Denigrating or criticising any player, umpire or official by inappropriately commenting on any aspect of his or her performance, abilities or characteristics;
- Commenting on the likely outcome of or criticising the outcome of a hearing, report or any appeal; or
- Criticising any evidence, submission, or comment made by any person at the hearing of a report or any appeal.

Note: 3.6 includes comment on Club websites and other electronic media. Each Club shall be responsible for advising Queensland Cricket of the Club Official that is responsible for monitoring their website.

OPTIONS THE CONDUCT COMMITTEE MAY TAKE

Level 1: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence
- a one [1] match suspension
- offer a penalty to a player or official that pleads guilty or,
- refer the report to the Conducts Committee who may impose any penalty as it sees fit.

Level 2: The Conduct Committee may invoke any of the following options:

- official reprimand
- a suspended sentence
- a two [2] match suspension
- offer a penalty to a player or official that pleads guilty or,
- refer the report to the Conducts Committee who may impose any penalty as it sees fit.

Level 3: The Conduct Committee may offer a penalty to a player or official that pleads guilty or refer the matter to a Queensland Cricket who may impose any penalty as it sees fit.

If found guilty of a Level 1 offence, a player would ordinarily expect to receive a minimum one [1] multi-day match suspension [or equivalent]. If found guilty of a Level 2 offence, a player would ordinarily expect to receive a minimum two [2] multi-day match suspension [or equivalent].

The Conduct Committee may vary the level of offence [higher or lower]

A breach of the Code of Behaviour will be graded and the penalty determined within the three [3] levels as outlined.

For level 2 or level 3 offences, the Conduct Committee or Queensland Cricket has discretion to determine whether a suspension applies for representative matches

The findings of the Conducts Committee should clearly define the suspension, be it for one day match[es], two day match[es] or a time frame.

Each of the rules for behaviour has a guideline. The guidelines are intended as an illustrative guide only and in the case of any doubt as to the interpretation of the Rule, the provisions of the Rule itself shall take precedence over the provisions of the guidelines. The guidelines should not be read as an exhaustive list of offences or prohibited conduct.

In considering a penalty to be imposed in each case, the Conducts Committee must first consider whether the player or official has previously been found guilty of any offences under the Code of Behaviour (or any predecessor regulations that may have applied) within a period of eighteen months prior to the date on which the proven offence took place.



APPEALS

BEARS adopts the Queensland Cricket Appeals Process as set out in the below extract from the Queensland Cricket Code of Behaviour. Any appeal against the decision of the Conducts Committee must be lodged with the President of BEARS within 7 Days of receiving notice of the Findings of the Conducts Committee. Upon receipt of an appeal, the President shall forward the appeal to Queensland Cricket to be submitted to the Queensland Cricket Appeals Tribunal. The Queensland Cricket Appeals Tribunal will hear the appeal.

QUEENSLAND CRICKET APPEALS TRIBUNAL

There shall be an Appeals Tribunal appointed by the Queensland Cricket Board of Directors (Board).

- (a) The membership of the Appeals Tribunal shall be determined by the Queensland Cricket Board of Directors at its first meeting following the Annual General Meeting.
- (b) Members of the Tribunal must be fit and proper persons as determined by the Board but must not be current members of the Board.
- (c) A member of the Tribunal need not be a member of Queensland Cricket, its affiliates or associated clubs.
- (d) The Tribunal shall consist of five members. Three members will sit on each hearing of the Tribunal, one of whom shall Chair the Tribunal.
- (e) The chairperson for each hearing shall be appointed from their number by the members of the Tribunal or if they cannot agree, shall be appointed by the Board.
- (f) A member of the Tribunal must not sit on a hearing/determination involving a player from the same club or affiliate as the Tribunal member.
- (g) Subject to (l), the Appeals Tribunal shall be responsible for receiving all appeals from decisions of the Conducts Committee, Premier Cricket Committee and from Affiliates Codes of Conducts processes as the case may be.
- (h) Any appeal against the decision of the Conducts Committee must be lodged with the President of BEARS within 7 Days of receiving notice of the Findings of the Conducts Committee. The suspended player or players shall not be permitted to participate in the Grade or other Competitions until the penalty has been met or an appeal against such finding and/or severity of the sentence has been adjudged by the Appeals Tribunal.
- (i) The Appeals Tribunal shall hear and determine each appeal by reference only to all documentary and written evidence presented to the hearing before the Conducts Committee together with the *Findings Sheet* and summary of outcomes from that hearing and shall receive from all interested parties written submissions only with respect to the evidence and submissions presented before that initial hearing.
- (j) Subject to (l) the appeal shall not constitute a re-hearing.
- (k) Subject to (m), there shall be no right of appearance before the Appeals Tribunal by any of the parties or their representatives who appeared before the initial hearing of the Conducts Committee or Premier Cricket Committee.
- (l) Any new or additional evidence shall be received by the Appeals Tribunal only at the discretion of the Appeals Tribunal.
- (m) Where the matter under appeal is regarded by a majority of the Appeals Tribunal as sufficiently serious, leave may be given by the Chairman of the Appeals Tribunal to permit appearance by any or all of the interested parties and/or their representatives.
- (n) The Appeals Tribunal shall be furnished with all information and documentation relevant to the hearing of the Appeal including information on prior offences, the *Register of Penalties* and *Findings Sheet/s*. The Secretary of the Conducts Committee from which the appeal originates should furnish this information to Queensland Cricket. The papers should be bound in chronological order with a List of Contents appended.
- (o) Unless special circumstances are demonstrated, the appellant's Affiliate body and/or Club should present any appeal made to the Appeals Tribunal.
- (p) The Appeals Tribunal may order a re-hearing if, in their opinion, sufficient anomalies exist in the process followed by a Conducts Committee. At its discretion, the Appeals Tribunal may designate the membership of the Conducts Committee to re-hear the case.
- (q) The Appeals Tribunal shall, in each case, be the final arbiter and its decision absolutely final.
- (r) Should an appeal subsequently be upheld any suspension or penalty previously served shall nevertheless be deemed to be valid.
- (s) An appeal may be withdrawn at any time, except that once the hearing of the appeal has commenced the appeal may be withdrawn only with the Appeals Tribunal's approval.



- (t) As a matter of procedure only, a report of each determination of the Appeals Tribunal shall be provided to the Board for its noting but the failure to provide such a report shall not affect the final and binding nature of each decision of the Tribunal.

Approved
BEARS Executive
February 2020

