

Northland Cricket Association

Draft Complaints Policy March 2021

PREAMBLE- The NCA Board is responsible for overseeing the judicial and complaints processes, however, the CEO has the delegated authority to use his/her best endeavours to mediate and investigate all disputes and complaints and in the first instance will attempt to get the individuals, clubs, schools or entities involved to self mediate if it is appropriate. Matters may not proceed further than the CEO if they can be resolved to the mutual satisfaction of all parties involved in the dispute, incident or complaint.

The principles guiding this policy include:

- That the principles of Natural Justice will be applied.
- That expression of reasonable complaints and concerns is welcomed.
- That where possible, the persons investigating any complaint will report their findings to separate decision makers as to consequence or outcome – should a mutually agreeable solution not be found.
- That everyone within the cricket community is entitled to be treated with respect and be free from harassment, prejudice or unseemly behaviour.
- The Spirit of Cricket shall guide decisions where appropriate.
- For clarity – this policy does not apply to Employment issues or problems. In the event of any conflict between this policy and the provisions of any contract or Employment Agreement, those documents will take precedence.
- A “complaint” is likely to be formal and requiring of a formal process where matters are recorded in writing.
- A “concern” may be verbal and requiring of clarity or confirmation as opposed to a formal process and outcome.
- Note that “The General Rules and Playing Conditions” – as normally published by the NCA each season – will generally cover all matters or issues that arise within or around a specific game of cricket. This policy applies to issues that are not covered by that or other specific policies, for example, Employment or Contract matters.

1. The CEO can escalate any matter to the NCA Board at his/her discretion, with the following conditions:
 - a. Any affiliated body, or its member/s can ask for an issue or complaint to be heard by the Hearing Committee, the request must be officially sanctioned by an affiliated club with the proviso that the NCA Board will decide if a hearing is warranted and may decline the request.
 - b. If the complaint or concern is about or relates to the CEO, the complaint should be made directly to the NCA Board Chairperson.
 - c. If the complaint or concern is about or relates to a Board member, it should be made directly to the NCA Board Chairperson, unless it relates to the Chairperson in which case it should be made to the Deputy Chair.
2. THE DISCIPLINARY POWERS OF THE BOARD - are outlined in the NCA Constitution. The Code of Conduct and General Rules and Playing Conditions may also be relevant depending on the nature of the concern or complaint.

3. THIS POLICY COVERS- All junior and senior players involved in club/school or representative play under the auspices of NCA (Inc) including games involving teams from other associations. Also all officials, volunteers, contractors and staff involved in NCA cricket.
4. The NCA Board holds affiliated clubs responsible for the conduct and behaviour of its players, coaches, officials and parents/supporters and may use its disciplinary powers broadly if it believes the actions of associates of the club have brought discredit or disrepute to NCA or cricket.
5. COMPLAINTS – there are four types of complaint that can be considered by this policy.
 - a. PROTESTS - breaches of playing or competition regulations where there hasn't been a ruling by an officially appointed qualified umpire. Such protests must be put in writing stating the reason for the protest and the regulation believed to have been breached. This includes player eligibility and the awarding of championship points. The protest must be received by NCA no more than 72 hours after the completion of the match; otherwise the protest will be deemed invalid. The CEO will carry out an investigation of the facts and use his/her delegated authority to make a ruling. It is not expected that complaints in this category will go to the Hearing Committee but it may happen in some circumstances.
 - b. CODE OF CONDUCT- complaints about the conduct of an affiliated school/s, club/s or any of its member/s (including officials and supporters) prior to, during, or directly after a match controlled by NCA. Such complaints must be in the approved written format and timeframe- the format and timeframe will be notified to all club secretaries at the commencement of each season and apply for the duration of that season. NCA may charge an individual, group of individuals, team or club with misconduct. If this happens a hearing will take place within 10 days of notification (during which time member/s may be suspended) of the charge. All endeavours will be made to find a time that is suitable to all parties. Once properly notified a member/s must appear before the Hearing Committee, if they fail to attend the hearing can proceed without them. (Refer to the applicable Code of Conduct and/or General Rules and Playing Conditions)
 - c. COMPLAINTS ABOUT NON-SELECTION TO NCA REPRESENTATIVE TEAMS AND SQUADS. The only time such a complaint would be considered is if the complainant felt that NCA had not followed its own selection criteria in terms of eligibility and process. This category of complaint is to ensure that NCA complies with its own policies - it is NOT to reconsider or reselect a team or squad or to consider disappointment. The player, club or person would be required to be specific about the criteria and or eligibility rule that had been breached.
 - d. COMPLAINTS OR CONCERNS ABOUT THE CONDUCT OR INTEGRITY OF ANY NCA RELATED ENTITY OR PERSON NOT COVERED ELSEWHERE. This category is intended to ensure that any complaints or concerns of a general nature, or that are related to integrity or conduct not specified in a. to c. above can be tabled and considered.
6. THE HEARING COMMITTEE. The committee will be appointed by the board case-by-case taking into account any possible or perceived conflicts of interest. The Hearing Committee will comprise of not less than three (3) members who may or may not be on the NCA Board. One of the appointees will be chosen as convener. If the individual charged with misconduct

is contracted to NDCA or NZC an NDCA or NZC appointed Code of Conduct Commissioner must be part of the panel of three (3) if NDCA or NZC so require. The Hearing Committee will convene within the timeframe of this policy and will have the full delegated authority of the NCA Board.

- a. The Hearing Committee will have the power to
 - i. • Impose a fine and/or behaviour bond on any club/school or its member/s
 - ii. • Censure a club/school or its members/s
 - iii. • Suspend anybody or its member/s either indefinitely or for a set period from any competition, tournament or event controlled by NCA
 - iv. • Confirm, reverse or alter any result, allocation of points or title in regard to any match or competition controlled by NCA
 - v. • Require an undertaking of future good conduct
 - vi. • Impose such other penalty or requirement as it may deem appropriate.

The decision of the Hearing Committee will be announced at the Hearing and delivered in writing to all affected parties as soon as is practical.

7. APPEALS- Any club, school, player, coach or other official shall have the right of appeal to NDCA against any decision of NCA in accordance with NDCA' appeals regulations.