Disciplinary Codes and Procedures for Club Members

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Disciplinary Code and Procedure for Club Members

This document is a disciplinary procedure for dealing internally with complaints of misconduct against Club members.

The document can be completed to suit the Club's needs. Please insert details, amend, delete or accept the bold type in square brackets to complete the draft.

For further information, please refer to the Guidance Note on Handling a Disciplinary Matter

WATERLOOVILLE GOLF CLUB

Disciplinary Code and Procedure for Club Members

1. COMPLAINTS PROCEDURE

1.1. In all matters, the Club shall exercise its powers under this Code in the manner set out below and shall:

1.1.1. delegate its powers to decide disciplinary matters to a disciplinary panel in accordance with paragraph 3; and

1.1.2. delegate its power to decide upon any appeal against a decision of the panel to an appeals committee which shall comprise 3 members of the Board in accordance with paragraphs 4 and 7.

1.2. The Club shall have jurisdiction to:

1.2.1. consider any complaint of misconduct (as defined in paragraph 2) and any other matter which the management committee/board of the Club may consider misconduct (together 'Misconduct'); and

1.2.2. appoint a person or persons ('Investigating Officer') (who will not sit on any disciplinary panel) to investigate any matter which it considers does or may amount to Misconduct.

2. MISCONDUCT

2.1. Misconduct is:

2.1.1. A breach of the Club's Rules and/or regulations and/or Bye-laws;

2.1.2. A breach of any of the Club's published policies and procedures applicable to members, including but not limited to:-

2.1.2.1. Code of Conduct
2.1.2.2. Equality;
2.1.2.3. Social Media;
2.1.2.4. Behaviour toward employees;
2.1.2.5. Golf Buggies;

2.1.2.6. Members' Handbook

2.1.3. A breach of competition rules;

2.1.4. Unlawful conduct taking place on Club premises and/or affecting, concerning or relating to the Club, it's employees, members, visitors or other persons or organisations connected with the Club.

2.1.5. Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

3. DISCIPLINARY PANEL

3.1. The Board shall appoint a disciplinary panel ('Panel') from amongst the Club membership which shall comprise not less than 3 persons one of whom shall be appointed by the Board as its chairman ('Chairman').

3.2. The Chairman shall chair any Panel upon which he sits and shall appoint a chairman to chair any Panel upon which he does not.

3.3. The Panel shall hear and adjudicate upon disciplinary matters referred to it.

3.4. The Chairman may at his discretion appoint any legal or other expert to advise (but not sit on) the Panel in respect of any matter referred to it.

3.5. Save as the Chairman may determine, no Panel member shall sit on the Panel in relation to a matter in respect of which he has, or may reasonably be thought to have had, any previous involvement or personal interest. It shall be the responsibility of each Panel member to advise the Chairman as soon as is reasonably practicable of any such previous involvement or personal interest and the Chairman shall determine whether the nature and circumstances thereof are such that the Panel member concerned should not sit on the Panel in relation to the matter in question.

4. APPEALS COMMITTEE

4.1. The Appeals Committee ('AC') shall comprise **three** members of the Board which shall hear and adjudicate upon appeals made to it from the decisions of the Panel. The members of the AC shall be different to the members of the Panel.

4.2. The Chairman of the Board or, failing him any other Board member shall chair the meeting. The chairman of the meeting constituted as the AC may at his discretion appoint any legal or other expert (not having been appointed to advise the Panel under paragraph 3.4 in respect of the matter the subject of the appeal) to advise (but not sit on) the AC.

4.3. The Appellant shall be entitled to object to the appointment of a person to chair the AC by notice in writing given to the Board within seven days of the Appellant having been given written notice of the identity of the proposed chairman of the AC pursuant to paragraph 4.2 and setting out the reasons for his objection. The chairman of the AC shall within seven days of having received it, notify the appellant in writing if the composition of the AC has changed and provide details or, if it has not changed, give reasons therefore.

5. FULL DISCIPLINARY PROCEDURE

5.1. Within 14 days of the Club receiving a formal complaint or becoming aware of any matters considered to be Misconduct, it shall appoint an Investigating Officer to investigate the matter and gather relevant information and evidence.

5.2. On completion of the investigation, the Investigating Officer shall decide upon the most appropriate course of action which may be:

5.2.1. to dismiss the matter with no further action;
5.2.2. to deal with the matter informally; or
5.2.3. to refer the matter to a Panel.

5.3. Where the matter is referred to a Panel, it shall send to the subject of the complaint (the Member) a summary of the alleged Misconduct together with a brief factual summary of the evidence in support of it.

5.4. The Member shall have 14 days within which to respond to the complaint. If the Member fails to respond within such period (or such longer period as may have agreed in writing) then the Member may be liable to suspension from involvement in golf until their reply has been received.

5.5. After receiving the Member's reply or, failing receipt of a reply after the expiry of the period for receipt of the same, the Panel shall set a date for hearing by it.

5.6. Not less than 7 days before the hearing date, the Panel shall:

5.6.1. deliver to the Member details of the formal complaint and/or alleged Misconduct along with details of the evidence they intend to adduce at the hearing; and

5.6.2. request the Member to provide details of witnesses and other evidence the Member intends to rely upon before the Panel.

5.7. If the Member fails to deliver the details required of him in a timely manner, the hearing may be adjourned or may proceed in the Member's absence at the absolute discretion of the Panel.

5.8. Proceedings of and all hearings before the Panel shall be held in private.

5.9. The Member shall be entitled to be accompanied by any other member of the Club who may speak before the Panel on his/her behalf, except that they may not answer questions put directly to the Member.

5.10. If the Member was under 14 years of age when the matter the subject of the complaint took place, all correspondence and communication shall be addressed only to the Member's parent or guardian. If the Member is between 14 and 18 years of age, copies of all correspondence will be addressed to his/her parent or guardian as well as to the Member.

5.11. At any hearing before the Panel of a complaint against a Member under the age of 18 at the date of the hearing, the parent or guardian of the Member shall be entitled to attend the hearing, to speak on behalf of the Member and make such representations to the Panel as they think appropriate on the Member's behalf. Where the Member is a young person or vulnerable adult at risk of harm, the Board should consider whether the Panel or AC members should include a member who has received safeguarding training.

5.12. At the hearing the Panel will consider the evidence which is placed before it.

5.13. The Member shall be entitled to present his/her case to the Panel and to call such supporting witnesses as he/she wishes.

5.14. The Member shall be entitled to cross examine the witnesses.

5.15. At the conclusion of the proceedings, the Panel shall consider its decision in private. It shall first consider whether to uphold the complaint of Misconduct. If it has, it shall inform the Member (in writing).

5.16. When reaching a decision, the Panel shall not be required to be unanimous. A majority of the Panel in favour of any decision is sufficient.

5.17. After having reached its decision as to whether the allegation has been proved, the Panel shall communicate that decision to the Member either at the time of the hearing or within 7 days thereafter.

5.18. The Panel shall not be obliged to follow the strict rules of evidence in the course of any proceedings and shall be entitled to admit such evidence and accord it such weight as it thinks fit, giving consideration to the principles of fairness and reasonableness.

5.19. The Panel shall have the power to regulate its own procedure including (without limitation):-

5.19.1. to extend or vary any time limit set out in this Code;
5.19.2. adjourn any proceedings at any time;
5.19.3. allow time for the submission of further evidence or for any other reason;
5.19.4. ask questions of any party or witness to any proceedings before it;
5.19.5. admit or exclude any evidence on grounds of relevance or for failure to comply with directions;
5.19.6. give or make directions at any time with regard to proceedings before it or to be held before it; and
5.19.7. to order that the costs of and incidental to any proceedings before it be paid (or that a contribution towards such costs) be paid by any party.

6. PENALTIES

6.1. If the Panel or the AC finds a complaint of Misconduct proven, it may impose upon the Member one or more of the following penalties:

6.1.1. a censure, caution, warning or reprimand in respect of his/her conduct;
6.1.2. a suspension or exclusion from competition or other involvement in any capacity in any event organised or sanctioned by the Club;
6.1.3. expulsion from membership of the Club;

6.1.4. suspension of all membership rights for a specified period **[**not exceeding twelve months**]**;

6.1.5. suspension or exclusion from holding office within the Club for a specified period of time; or

6.1.6. a combination of any of the above or any other penalty considered appropriate.

6.2. All penalties imposed shall, in the opinion of the Panel or AC, be fair, reasonable and proportionate to the Misconduct.

7. APPEALS

7.1. A Member wishing to appeal against a decision of, or any penalty imposed by the Panel ('Appellant') shall lodge notice of his/her appeal to the Board in writing within 14 days of the date of delivery to the Appellant of the (written) decision of the Panel pursuant to paragraph 5.17. The notice of appeal shall include full details of the grounds of appeal.

7.2. The Club will give the Appellant written notice of the date, time and place of the appeal hearing.

7.3. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the Panel's original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Club's discretion depending on the circumstances of the case.

7.4. The AC shall consider all documents and evidence submitted or presented to the Panel at the first hearing and shall have the power to request the recall of witnesses heard at that hearing and to admit new evidence. The Member shall be entitled to present his/her case to the Panel and to call such supporting witnesses as he/she wishes. The Panel may be entitled to ask any questions of these witnesses.

7.5. The procedure set out in paragraphs 5.15 to 5.19 will apply to the appeal hearing.

7.6. In reaching its decision the AC shall, giving consideration to the principles of fairness and reasonableness, take such account and give such weight to the evidence presented to it as it thinks appropriate and shall be entitled to make such decision on the facts as it thinks fit and may confirm, cancel, reduce or increase the penalty under appeal or substitute a different form of penalty.

7.7. The decision of the AC is final and binding. After reaching its decision the AC shall communicate their decision to the Appellant either at the time of the hearing or in writing within 7 days thereafter.

7.8. For the avoidance of doubt, there is no right of appeal to any relevant County or other association or to England Golf in respect of any proceedings of or any decision taken under or pursuant to the Club's disciplinary code and/or procedures.

8. APPEALS – ENGLAND GOLF FRAMEWORK

8.1. Decisions which relate to the Rules of Golf or to handicapping infringements fall within the England Golf Disciplinary Framework and are subject to a right of appeal as set out below.

Matter arising at	Disciplinary body at first instance	Appeal level
Club	Club	County
County	County	England Golf
National	England Golf	England Golf Appeals Panel

There will be no further right of appeal.

8.2. If the Respondent wishes to appeal a decision of the Disciplinary Panel, they (the "**Appellant**") must lodge the appeal to the Board in writing (an "**Appeal Request**") within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent.

8.3. The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:

8.3.1. The decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it;

8.3.2. Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

8.3.3. Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision; and/or

8.3.4. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

8.4. Following receipt of a Notice of Appeal, the Board shall consider whether the Notice of Appeal is valid, that is received in time and sets out a valid ground or grounds of appeal (but not whether any grounds of appeal have been made out). If the Board considers that the Notice of Appeal is valid, they will forward it to the County Secretary of Hampshire Golf Union or Association as appropriate. If the Board considers that the Notice of Appeal is not valid, they will return it to the Respondent and explain why it is not valid.

8.5. The Hampshire Golf Union or Association Disciplinary Regulations will apply thereafter to any appeal, unless England Golf has determined that it should hear the matter, in which case the England Golf Disciplinary Regulations will apply.

9. GENERAL

9.1. No breach of procedure or failure to follow any directions given in the course of any proceedings under this Code shall invalidate such proceedings unless such breach or failure shall have materially and substantially prejudiced the person against whom a complaint has been made.

9.2. This Code may be amended from time to time by the Board as it sees fit and any such amendment shall come into force and have effect from such date as it may determine.

9.3. The construction, validity, and enforceability of this Code shall be governed by the laws of England and Wales.