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## DOCUMENT

**Title: Disciplinary Codes & Procedures**

A Disciplinary Procedure for dealing internally with complaints against members.

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Page 1 of 5

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National Golf Clubs' Advisory Association Limited

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## 1. **COMPETITIONS**

In any competition organised by the Club Rule 34.3 of the Rules of Golf 2012-2015 or any Rule in substitution therefor shall be applied.

## 2. **COMPLAINTS PROCEDURE**

- 2.1 In all matters other than those contained in section 1 above, the Club shall exercise its powers under this Code in the manner set out below and shall;
- a. delegate its powers to decide disciplinary matters to a disciplinary panel ('Panel') in accordance with paragraph 4; and
  - b. delegate its power to decide upon any appeal against a decision of the panel to an appeals committee which shall comprise the [general] committee in accordance with paragraphs 5 and 8.
- 2.2 The Club shall have jurisdiction;
- a. to consider any formal complaint of Misconduct (as defined in paragraph 3) and any matter which the management committee/ board of the Club may consider misconduct.
  - b. to appoint a person or persons who will not further sit on any disciplinary panel to investigate any matter which it considers does or may amount to Misconduct.

## 3. **MISCONDUCT**

3.1 Misconduct is:

- a. A breach of the Club's Rules and/or regulations and/or Bye-laws;
- b. A breach of any of the Club's published policies relating to:
  - i. Equal Opportunities
  - ii. Social Media
  - iii. Behaviour toward employees
  - iv. (Other )
- c. Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

## 4. **DISCIPLINARY PANEL**

- 4.1 The [General] Committee shall appoint a Disciplinary Panel ('Panel') from amongst the Club membership which shall from time to time comprise not less than [3] persons one of whom shall be appointed by the [General] Committee as its chairman ('Chairman').
- 4.2 The Chairman shall chair any Panel upon which he sits and shall appoint a chairman to chair any Panel upon which he does not.

- 4.3 The Panel shall hear and adjudicate upon disciplinary matters referred to it.
- 4.4 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.
- 4.5 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.

## 5. **APPEALS COMMITTEE**

- 5.1 The Appeals Committee ('AC') shall comprise the [General] Committee which shall hear and adjudicate upon appeals made to it from the decisions of the Panel.
- 5.2 The chairman of the [General] Committee or, failing him any other [committee 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 4.4 in respect of the matter the subject of the appeal) to advise (but not sit on) the AC.
- 5.3 The appellant shall be entitled to object to the appointment of a person to chair the AC by notice in writing given to the [General] Committee within seven days of the appellant having been given written notice of the identity of the proposed chairman of the AC pursuant to paragraph 5.2 and setting out the reasons for his objection. The chairman of the AC and shall within seven days of having received it notify the appellant in writing if the composition of the AC has changed and providing details or, if it has not changed, giving reasons therefore.

## 6. **FULL DISCIPLINARY PROCEDURE**

- 6.1 The Panel 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.
- 6.2 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.
- 6.3 After receiving the Member's reply or, failing receipt of a reply after the expiry of the period for delivery of the same, the Panel shall set a date for hearing by the Panel.
- 6.4 Not less than 7 days before the hearing date the Committee shall:
- a. deliver to the Member details of the evidence the intended to adduce at the hearing, and
  - b. request the Member to provide details of witnesses and other evidence the Member intends to take before the Panel.
- 6.5 If the Member fails to deliver the details required of him in a timely manner the hearing may be adjourned or may proceed at the absolute discretion of the Committee.
- 6.6 Proceedings of and all hearings before the Panel shall be held in private.
- 6.7 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.

- 6.8 If the Member was under 14 years of age when the matter the subject of the Charge 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. At any hearing before the Panel of a Charge 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.
- 6.9 At the hearing the Panel will consider the evidence which is placed before it. The Member shall be entitled to cross examine all witnesses.
- 6.10 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.
- 6.11 At the conclusion of the proceedings, the Panel shall consider its decision in private. It shall first consider whether to uphold the allegation of misconduct. If it has, it shall inform the Member (in writing).
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 The Panel shall have the power to regulate its own procedure including (without limitation) to extend or vary any time limit set out in this Code; adjourn any proceedings at any time; allow time for the submission of further evidence or for any other reason; ask questions of any party or witness to any proceedings before it; admit or exclude any evidence on grounds of relevance or for failure to comply with directions; give or make directions at any time with regard to proceedings before it or to be held before it; and 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.

## 7. PENALTIES

- 7.1 If the Panel or the Appeals Committee finds a Charge of Misconduct proved it may impose upon the Member one or more of the following penalties:
- a. a censure, caution or reprimand in respect of his/her conduct;
  - b. a suspension from competition or other involvement in any capacity in any event organised or sanctioned by the Club;
  - c. expulsion from membership of the Club;
  - e. [a penalty pursuant to [clause 24] of the CONGU Unified Handicapping System];
  - f. suspension of all membership rights for a period not exceeding twelve months
  - g. [ other?]

## 8. APPEALS

- 8.1 A Member wishing to appeal against a decision of, or any penalty imposed by, the Panel ('Appellant') shall lodge notice of his/her appeal in writing within 14 days of the date of delivery to the Appellant of the (written) decision of the Panel pursuant to paragraph 6.13.

- 8.2 If the appeal is against a finding of the Panel the appeal shall be by way of re-hearing and the procedure set out in paragraphs 6.9 to 6.13 shall apply to the appeal proceedings.
- 8.3 The [General] Committee 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.
- 8.4 In reaching its decision the [General] Committee shall 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.
- 8.5 The decision of the [General] Committee is final and binding.
- 8.6 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.
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 Charge 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 the Board may determine.
- 9.3 The construction, validity, and enforceability of this Code shall be governed by English Law.

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