


Non Employee - Disciplinary Policy and Procedures



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Approved Date – 1st November 2016
Next Review – November 2018
Location: GUW Admin Policies

Authorising Signature: 

Golf Union of Wales

Owner: CEO

Policy No 11

Revision 1st November 2016

The Golf Union of Wales Limited (GUW) has adopted the ensuing disciplinary procedure and recommends Member Clubs to adopt a similar procedure to administer matters of a disciplinary nature. If a Member is charged with an offence pursuant to the GUW Ltd.'s Anti-Doping, Child Protection, Gender or Equity & Diversity Policies then the disciplinary provisions of the relevant policy will apply.

There is also a separate disciplinary policy for employees of the GUW.

Definitions

In this procedure the following definitions shall bear the following meanings:

"Affiliated Club" means a golf club affiliated to the GUW;

"Anti-Doping Policy" means the Anti-Doping Policy of the GUW

"Appeals Panel" means an Appeals Panel appointed by the GUW;

"Board" means the Board of the GUW;

"Chief Executive" means the Chief Executive of the GUW;

"Code of Conduct" means the Code of Conduct of the GUW;

"CONGU" means the Council of National Golf Unions;

"Disciplinary Committee" means the Disciplinary Committee of the GUW;

"Championships Manager" means the Championships Manager of the GUW;

"Gender" includes all genders, any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality);

"GUW" means Golf Union of Wales Limited;

"Incident Report" means any written complaint made regarding a disqualification from or an act of misconduct at a GUW National Competition fixture or a breach of the Code of Conduct or a complaint regarding any participant of any national team or squad selected by the GUW. Incident Reports may or may not be on the form attached to these procedures;

"Inquiry" means an inquiry held by the GUW or Member Club concerning the conduct of a Member

"Member" means as any person/club who pays an affiliation/registration fee to the GUW via a member club;

"Member Clubs" shall have the same meaning as Affiliated Clubs;

"National Competition" means any national competition staged under the auspices of the GUW;

"Official" means a coach, manager or referee, or any other person who has a direct association with an Affiliated Club or is a GUW appointed official or has an association with GUW;

"Player" means a person who plays the game of golf;

"Procedures" means these Procedures;

"Referee" means an official(s) appointed by the GUW or a member club to officiate at a tournament;

"Rules of Golf" means the rules of golf as defined by the Royal & Ancient Golf Club of St Andrews;

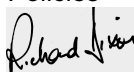
"Subject Person" means any person, group of persons or club who is/are the subject of an Incident Report or a Disciplinary Committee or Appeals Panel hearing;

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"UHS" means the Unified Handicapping System.

1. Summary

Disciplinary matters may occur at different levels within golf. These include the local level i.e. member and at national and international level.

Disciplinary action may be informal or formal. Informal disciplinary action will involve discussing the problem with the member and/or the official with a view to resolving the issue. Formal disciplinary action will be in accordance with these Procedures.

- 1.1 These Procedures deal with hearings in respect of:
 - 1.1.1 Breaches of the Code of Conduct
 - 1.1.2 Disqualifications;
 - 1.1.3 Any complaint about any person acting on behalf of the G UW; and
 - 1.1.4 Complaints regarding any person competing officially in any G UW competition or teams or any person selected by the G UW to participate in any Welsh team.
- 1.2 Decisions taken by the Disciplinary Committee or the Appeals Panel may be taken into account by all member associations (including Member Clubs) when making their own disciplinary decisions.
- 1.3 The Procedures apply only to members or other individuals who act on behalf of the G UW or compete in its competitions.


2. Membership and Powers of Committees

Minor conduct issues can often be resolved informally. These discussions should be held promptly, without any undue delay whenever there is cause for concern and involve the relevant staff and as necessary Board members. Where appropriate, a note of such discussions may be made and may be used, if considered appropriate by the Disciplinary Committee, in any future disciplinary proceedings. Formal steps will be taken under this procedure if the matter is not resolved or if informal discussions are not appropriate.

If an Inquiry is to be conducted, the G UW or the relevant Member Club (as the case may be) shall appoint a Disciplinary Committee.

- 2.1 The G UW (or its duly authorised officers), can appoint an independent Disciplinary Committee to hear and determine disciplinary proceedings in the following circumstances:
 - 2.1.1 To deal with alleged breaches of the Code of Conduct or acts of misconduct occurring at G UW Championships, competitions or fixtures and/or involving G UW representative players;
 - 2.1.2 To deal with any other incident or alleged breach of the Code of Conduct referred to it by the Chief Executive (or his/her nominee) at his/her absolute discretion.
 - 2.1.3 On receipt of an Incident Report regarding the disqualification of or misconduct of a player in a National Competition, the Chief Executive shall have the authority to:

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- (a) Take no further action;
 - (b) Decide on further action after considering the written or oral response of the subject person;
 - (c) Refer the incident to the Disciplinary Committee for consideration where there are no precedents set or where the matter requires further investigation;
- 2.1.4 Where a person lodges a written complaint about the conduct of persons other than employees who are acting on behalf of the GUW and alleges that there has been a breach of the Code of Conduct by such persons.
- 2.2 The membership of any Disciplinary Committee will be determined by the Board.
- 2.3 The Disciplinary Committee shall:
- (a) Be unbiased;
 - (b) Be familiar with the procedures outlined in these instructions;
 - (c) Act within their Constitutional powers and not be afraid to seek advice on any matter about which they are unsure; and
 - (d) Have consideration and respect for all parties to an Inquiry including witnesses.
- 2.4 Any decision made by the GUW in respect of any person, club or team may be taken into consideration by affiliated member associations of the GUW.

3. Specific Procedures

Disqualification


- 3.1 Where a player is disqualified during a National Competition they are automatically disqualified from the competition. The disqualification is not subject to appeal.
- 3.2 Where a player is disqualified, the official in charge of the competition in question, may submit an Incident Report (which should be in the form attached in Appendix 1) if they believe the player's behaviour warrants further action, to the Championships Manager, at the GUW offices, within 48 hours of the completion of the event concerned, or such further time as is allowed by the Championships Manager.
- 3.3 The Championships Manager shall:
- 3.3.1 Forward a copy of the Incident Report to the individual and request a written response within 7 days;
 - 3.3.2 Undertake any further investigation he/she sees fit;
 - 3.3.3 Forward the Incident Report, written response and investigation report, if applicable, to the Chief Executive for consideration.
- 3.4 The Chief Executive on receipt of the Incident Report and written responses shall consider the information and either:
- 3.4.1 Decide that no further action is required and notify the player and lead official accordingly in writing;
 - 3.4.2 Decide on further action; or
 - 3.4.3 Refer the incident to the Disciplinary Committee for consideration where there are no precedents set or where the matter requires further investigation.

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Complaint in respect of an alleged breach of the UHS

- 3.5 Any complaint must be made in writing by completing an Incident Report (which must be in the form attached in Appendix 1) and delivered to the G UW office or the Chief Executive (or his/her nominee).
- 3.6 The complaint must be lodged within 7 days of the alleged incident or such further time as is allowed by the Chief Executive (or his/her nominee).
- 3.7 The complaint must specify the details of the alleged incident including which provision of the UHS has been breached.
- 3.8 After receipt of the Incident Report, the procedures as set out in paragraphs 3.3 to 3.4 above shall apply.
- 3.9 If the Disciplinary Committee decides to charge the Subject Person with a breach of the UHS, the Chief Executive (or his or her nominee) will notify the Member charged and the Member's home club of the disciplinary action to be taken.

Code of Conduct or Misconduct

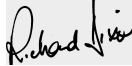
- 3.10 Any complaint must be made in writing by completing an Incident Report (which may be in the form attached in Appendix 1) and delivered to the G UW offices or the Chief Executive (or his/her nominee).
- 3.11 The complaint must be lodged within 7 days of the alleged incident or such further time as is allowed by the Chief Executive (or his/her nominee).
- 3.12 The complaint must specify the details of the alleged incident including if appropriate which provision of the Code of Conduct has been breached.
- 3.13 A breach of the Code of Conduct includes but is not limited to a breach of the Anti-Doping Policy or acts of misconduct.
- 3.14 If the Disciplinary Committee decides to charge the Subject Person with a breach of the Code of Conduct or in relation to an act of misconduct, the Chief Executive (or his or her nominee) will notify the Member charged of the disciplinary action to be taken.

4. Disciplinary Hearing

An investigation report will be compiled prior to any calling any disciplinary hearing as detailed in the Sections above to ascertain whether a full disciplinary hearing is required.

- 4.1 We will inform you in writing about the nature of the charge or complaint and the potential penalties that may apply.
- 4.2 We may also supply you with a copy of the Incident Report, investigation report or other relevant evidence where appropriate.
- 4.3 We will also inform you in writing of the date, place and time of the hearing. The hearing will be held as soon as reasonably practicable, but you will usually be given a reasonable amount of time to prepare your case. At least 7 days' notice of a disciplinary hearing should usually be given, however a shorter notice period can be given if agreed with the respective parties.

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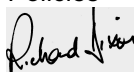
- 4.4 You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion should be a fellow Member but not a family member or friend. In the case of a junior player, then he/she should have an appropriate adult present. You must tell us who your chosen companion is, in good time before the hearing.
- 4.5 A Member is not obliged to act as a companion if they do not wish to do so.
- 4.6 If your choice of companion is unreasonable or not available, we may require you to choose someone else, for example:
- 4.6.1 if in our opinion, your companion may have a conflict of interest or may prejudice the meeting; or
- 4.6.2 if your companion is unavailable at the time a meeting is scheduled
- 4.7 We may, at our discretion, allow you to bring a companion who is not a Member (for example, a member of your family) where this will help, for example, overcome a disability or where you have difficulty understanding English.
- 4.8 If you or your companion cannot attend the hearing, you should inform us immediately and we will endeavour to arrange an alternative time. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.
- 4.9 Unless the Disciplinary Committee otherwise directs the procedure will be as follows:
- 4.9.1 The Disciplinary Committee will explain the procedures to be used and advise of the rights of appeal;
- 4.9.2 The Incident Report will be considered followed by the written or oral response, if any, provided by the Subject Person;
- 4.9.3 Any further evidence will be heard;
- 4.9.4 Any other witnesses to be called will then be heard (or in the situation where the witness is unable to attend, then their signed written statement will be read out);
- 4.9.5 Any witnesses, other than the Incident Report writer and the Subject Person/s are to be excluded from the hearing until required to give their evidence and must retire immediately after giving their evidence and answering any questions from the Disciplinary Committee;
- 4.10 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness but you will not normally be permitted to cross examine witnesses.
- 4.10.1 Questioning of the parties or any witnesses may only be directed by the Disciplinary Committee or as otherwise permitted by the Disciplinary Committee at its discretion.
- 4.10.2 Your companion may make representations to the Disciplinary Committee and ask questions, but should not answer any questions on behalf of the Subject Person. You may confer privately with your companion at any time during the hearing.
- 4.10.3 We may adjourn the disciplinary hearing if we need to carry out any further investigations. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 4.10.4 The parties will then be given the opportunity to make final submissions.

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We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing, although there may be occasions where this will not be possible, in which case we shall inform you of this fact and provide you with a likely timescale for a decision.

5. Appeal Hearing

A Member has the right of appeal to the relevant Appeal Committee of the G UW arising from a decision of the Disciplinary Committee of the G UW. This policy is written for the G UW, which member clubs may then choose to adopt but should insert their own wording where appropriate.

- 5.1 The Disciplinary Committee and Appeals Panel shall exercise their function independently of the G UW. They shall be fully autonomous and in particular any decision they make shall be binding on all parties involved.
- 5.2 The Appeals Panel will have the full powers and authorities of the Disciplinary Committee including the power to increase, decrease or accept any such penalties already imposed and/or impose any such new penalties as outlined in clause 7 below.
- 5.3 The G UW (or their nominee) may require that an appeal shall be accompanied by a deposit of £100. The Appeals Panel will decide on whether or not a deposit paid on the lodgement of an appeal, or any part of it, is refundable. However, the standard practice shall be to return the deposit in the event of a successful appeal.
- 5.4 An appeal must be lodged within 14 days of the decision being notified in writing to the Member.
- 5.5 An appeal shall be lodged when a Notice of Appeal is received, accompanied by the Appeal Fee if appropriate, by the G UW offices or the Chief Executive (or his/her nominee). The Notice of Appeal shall be in writing, signed by the appellant and shall specify:
 - The name of the appellant;
 - The decision appealed against;
 - The date of the decision appealed against; and
 - The specific grounds of the appeal.
- 5.6 On receipt of an appeal, the Board (or their nominee) will decide on the composition of the Appeals Panel and will forward all documentation to the members of the Appeals Panel.
- 5.7 The Chair of the Appeals Panel shall communicate with the parties and:
 - 5.7.1 Determine what, if any, further evidence will be heard;
 - 5.7.2 Determine if further written evidence is to be accepted, and if so, set a date by which time further written evidence must be submitted;
 - 5.7.3 Set a time, date, and place for the hearing of the appeal.
- 5.8 The Chief Executive (or his/her nominee) will inform the appellant of the composition of the Appeals Panel.
- 5.9 The appellant is entitled to, within 48 hours of notification; lodge a written objection against any member of the Appeals Panel who can be shown to have a direct personal involvement or interest in the matter. Supporting evidence should be

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- provided in support of any such claim. Any objection will be considered by the Chief Executive (or his/her nominee), whose decision shall be final.
- 5.10 All documentation to be used by any party at the appeal must be with all of the parties entitled to attend the appeal hearing as soon as is reasonably practicable and in any event at least 1 days prior to the appeal hearing.
- 5.11 The Appeals Panel may, in its absolute discretion, rehear the whole or any part of the evidence given before the Chief Executive and/or the Disciplinary Committee as it considers appropriate.
- 5.12 The Appeals Panel shall be entitled to hear and receive such further evidence on appeal as it deems competent.
- 5.13 Any further evidence to be heard shall be made available to all parties concerned prior to the appeal hearing. Parties shall have the right to respond in writing to any further evidence to be presented.
- 5.14 Where evidence is given before the Appeals Panel, there shall only be cross examination or questioning of witnesses by the Appeals Panel.
- 5.15 Following the appeal hearing we may:
- 5.15.1 confirm the original decision;
 - 5.15.2 revoke the original decision; or
 - 5.15.3 substitute a different penalty.
- 5.16 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There will be no further right of appeal.

6. General Provisions


- 6.1 The Disciplinary Committee and the Appeals Panel shall have the power to abridge or extend any time limits set out in these Procedures, if at their absolute discretion; it is considered appropriate in the circumstances.
- 6.2 The Disciplinary Committee and the Appeals Panel shall not be entitled to introduce or consider opinion evidence other than expert opinion evidence.
- 6.3 Except for a disqualification, no penalty shall be imposed on any person or body in disciplinary proceedings unless the alleged misconduct against the person or body is proved on the balance of probabilities.
- 6.4 The onus is on the party who alleges the offence and the Disciplinary Committee or Appeals Panel to establish the elements of the charge.
- 6.5 Where a player is disqualified from a competition:
- 6.5.1 All Disciplinary and Appeal hearings must give effect to the Rules of Golf;
 - 6.5.2 Where there is a conflict in evidence before the Disciplinary Committee and the Appeals Panel which it is unable to resolve, it may adjourn the hearing for the purpose of obtaining further evidence which may assist in resolving the dispute.
- 6.6 A member suspended in accordance with these Procedures is not permitted to play in any GUW competition or team until either:
- 6.6.1 Any subsequent appeals have been heard and finally determined before the Appeals Panel, unless s/he is specially authorised to do so by the Appeals Panel by which his/her case will be heard; or
 - 6.6.2 The period of any suspension has expired when the player may resume playing notwithstanding that the appeal has not been heard.

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- 6.7 The lodging of an appeal shall not have the effect of deferring any suspension imposed as it constitutes grounds for temporary ineligibility.
- 6.8 The Disciplinary Committee and the Appeals Panel shall endeavour to ensure that disciplinary or appeal proceedings are not held in the absence of the Subject Person but nothing in this rule or otherwise shall prevent a hearing proceeding in the absence of the Subject Person where such person elects not to attend the hearing and /or has unreasonably refused to attend or make themselves available within a reasonable time period.
- 6.9 In any case where a witness required by the Disciplinary Committee or the Appeals Panel to attend the meeting refuses or fails to attend, the Disciplinary Committee or Appeals Panel may refuse to allow the evidence of that witness to be given in any form.
- 6.10 For any appeal regarding an alleged breach of the Anti-Doping Policy, G UW will invite an observer from UK Sport to the appeal hearing to confirm fair and open procedures have been followed.
- 6.11 The hearing of proceedings by the Disciplinary Committee or the Appeals Panel shall be recorded by the taking of minutes.
- 6.12 Copies of the record shall be made available to any person affected by the decision of the Disciplinary Committee or Appeals Panel.
- 6.13 The decision of the Disciplinary Committee or the Appeals Panel shall be issued to all parties as soon as reasonably practicable after the conclusion of the hearing.
- 6.14 Where a Subject Person is suspended from participating in affiliated member club activity, the Chief Executive (or his/her nominee) will notify all affiliated Member Clubs of the Disciplinary Committee or Appeals Panel decision within 7 days wherever possible.

7. Penalties

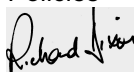
- 7.1 If a complaint is proved to its satisfaction, the Disciplinary Committee and Appeals Panel shall have the power to impose the following penalties:
 - 7.1.1 A reprimand;
 - 7.1.2 Suspension from G UW golf activities (including competitions, teams or meetings or other events either as a referee, coach, player or a designated official of a team) for a specified period of time;
 - 7.1.3 Suspension from G UW golf activities for a period of time or permanently;
 - 7.1.4 Forfeiture of any competition and/or other points as specified;
 - 7.1.5 A penalty pursuant to clause 24 of the Council of National Golf Unions (CONGU) UHS
 - 7.1.6 A combination of any of the above, or any other disciplinary action as considered appropriate and in accordance with the objects of the G UW.
- 7.2 A suspension received by a player does not necessarily prevent a player from participating as a referee, coach or other official. However a person may in addition be suspended from other forms of participation.
- 7.3 When a penalty is imposed consideration will be given to the following:
 - 7.3.1 Consistency and uniformity in the level of penalty imposed;

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7.3.2 That where possible periods of suspension be imposed by reference to specific dates rather than playing days e.g. 1 April to 1 June.

- 7.4 All notices to be given or served by any person or body under the provisions of these G UW, a Member County, or a Member Club, the notice shall be addressed to the deemed to be served at the time of delivery. Notices sent by first-class pre-paid post shall be deemed to be delivered on the second day following posting. Recorded delivery notices are deemed received when the delivery of the same has been recorded by the relevant postal official. The relevant notice period shall commence with the deemed date of receipt.

8. Championships, Competitions, Fixtures and G UW National Squad

- 8.1 The Procedures apply to all G UW Championships, Competitions and G UW National Squads, Teams and Fixtures. However it may be that there are separate rules and conditions which include disciplinary and appeal procedures which are developed for use at particular Tournaments, Competitions, Fixtures and on a tour. Such rules and conditions must be consistent with these Procedures.
- 8.2 There is no right of appeal (a) against the decision of a Championship Committee regarding a breach of the Rules in any competition or match, or (b) against the decision of the Handicap Committee under Clause 19 of the UHS Scheme (adjustment of handicap).
- 8.3 In general, decisions that are made at competitions, tournaments and fixtures in respect of disciplinary or appeal matters are final with no further rights of appeal. However the Championships Manager (or his/her nominee) may refer the matter to the Chief Executive if s/he believes in her/his absolute discretion that further action may be appropriate in the circumstances.
- 8.4 Any breach of the Rules of Amateur Status shall be referred to the Royal and Ancient Golf Club of St Andrews.

9. Natural Justice


- 9.1 The Rules of Natural Justice will be followed where appropriate. These include giving the accused member details of the charge and an opportunity to rebut it. No member of the Disciplinary Committee nor the Member or member of the public bringing the charge will have been personally involved in the case, but the fact that a member of the Disciplinary Committee personally knows the accused is not sufficient to disbar membership of the Disciplinary Committee. A contemporary written record of the proceedings of the Disciplinary Committee will be made under the direction of the Chairman.

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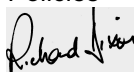
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**APPENDIX 1
 INCIDENT REPORT**

| | |
|------------------------------------|---|
| Report Writer (Print full name) | |
| Position | |
| Signature | |
| Date | |
| | |
| Venue | |
| Competition/Activity | |
| Person/club cited | |
| Person/club cited | |
| Charge (tick box): | <input type="checkbox"/> Disqualification from GUW National Competition <input type="checkbox"/> A breach of the Code of Conduct or an act of misconduct namely: (provide detail of the principles breached) |
| | Statement of facts surrounding the incident |

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GENERAL NOTICE: PENALTIES INCLUDE:

If a complaint is proved to its satisfaction, the Disciplinary Committee and the Appeals Panel shall have the power to impose any of the following penalties that it considers appropriate in the circumstances:

- (i) Reprimand;
- (ii) Suspension from G UW golf activities (including competitions, teams or meetings or other events either as a referee, coach, player or a designated official of a team) for a specified period of time;
- (iii) Suspension from G UW golf activities for a period of time or permanently;
- (iv) Forfeiture of any competition and/or other points as specified;
- (v) A combination of any of the above, or any other disciplinary action as considered appropriate and in accordance with the objects of the G UW.

A combination of any of the above, or any other disciplinary action as considered appropriate and in accordance with the objects of the Union.

Report received by

Signature

Date

Time

ALL REPORTS MUST BE PASSED TO THE CHIEF EXECUTIVE OF (or his/her representative)

Assessment on Report: Noted/Actioned/Disciplinary Hearing

(CIRCLE ONE)

Action taken:

Chair of Disciplinary Committee Signatur

Date

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