

# **PENRITH GOLF CLUB**

## **The Procedure and Conduct of Disciplinary Committees**

**1.** In these Instructions the following expressions shall bear the following meanings:

Governing Committee: The General Committee of Penrith Golf Club. (GCPGC)

Appeals Committee: Three or more Impartial Members of the GCPGC.

D.C. Chairman: The Chairman of the Inquirer's Disciplinary Committee.

D.C. Secretary: The Secretary to the Inquirer's Disciplinary Committee.

Disciplinary Committee: (DC) A committee of not less than three Impartial Members (appointed to conduct a particular Inquiry) of which one member shall act as D.C. Chairman.

Impartial Member: In relation to an Inquiry, a person who has no personal interest in or involvement with the subject matter of the Inquiry or with the Inquiree and who is appointed in accordance with these Instructions to be a member of a Disciplinary Committee or Appeal Committee.

Inquiree: Any Member who is the subject of an Inquiry.

Inquirer: The GCPGC charged with the responsibility of holding an Inquiry.

Inquiry: An Inquiry held by The GCPGC concerning the conduct of an Inquiree.

**2.** (1) The GCPGC has a grievance procedure, which may be invoked at the sole discretion of the Club. The purpose of the grievance procedure is to sort out in an informal manner minor misunderstandings or unintended offensive behaviour.

(2) If an inquiry is to be conducted, the GCPGC shall appoint a Disciplinary Committee. The Chairman of GCPGC shall nominate three Impartial Members to act as the DC for the Inquiry and shall appoint one of the three members to be the Chairman.

(3) If, in respect of any Inquiry, it is not possible for an Inquirer to find enough Impartial Members to form a DC, the GCPGC shall appoint other impartial or suitable persons to constitute the DC. A person shall not be appointed to serve on the DC if he has any personal interest in or involvement with the subject matter of the Inquiry or the Inquiree.

(4) At any Inquiry the members of the DC must be Impartial Members. The DC must discharge its responsibilities in accordance with the principles of natural justice.

(5) The Club Secretary of the Inquirer (or a deputy nominated by the Chairman of the Club) shall act as D.C. Secretary. He shall attend and serve the DC as its clerk, but shall not be a member thereof, nor shall he act in a judicial capacity or have a vote.

(6) 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;

d) have consideration and respect for all parties to an inquiry including witnesses.

**3.** An Inquiry may be initiated by either:

(1) the complainant sending to the Inquirer a written report identifying the Inquiree and giving details of the conduct in respect of which the complaint is made; or

(2) the GCPGC referring any complaint to its Secretary in writing, identifying the Inquiree and giving details of the conduct in respect of which the complaint is made.

**4.** On receipt of a report under paragraph 3, the Secretary of the Inquirer shall as soon as practicable:

a) inform the Chairman of the GCPGC who may exercise the power set out in paragraph 2 (1) and thereafter, when appropriate, paragraphs 2 (2);

b) assemble such facts as are reasonably available;

c) notify the Inquiree in writing of the complaint made against him and inform the Inquiree that if he wishes he may submit in writing any observations on the complaint. It must be made clear that the Inquiree is under no obligation to make any statement but that any statement, which the Inquiree wishes to make, should be submitted within seven days.

d) On the expiration of seven days from the date of notification to the Inquiree, convene a meeting of the DC by serving not less than 14 days' notice of the date, time and place of the hearing on the members of the DC, the Inquiree and such other bodies or persons as the D.C Chairman decides are appropriate.

e) There shall be annexed to the notice given to the Inquiree under paragraph 4 (c), a copy of these Instructions, a copy of the report referred to in paragraph 3, a copy of any statement submitted by the Inquiree and a statement of any other facts of which the Secretary of the Inquirer is aware and which are likely to assist the DC and the parties to the Inquiry.

**5.** (1) At every Inquiry, the Inquiree shall have the right:

a) to be present in person

b) to state his case, call witnesses and furnish evidence; and

c) to be assisted at the hearing by a fellow Club member or colleague of his choosing. In the case of an inquiree under the age of 18, at least one parent/guardian/carer/responsible adult must attend the DC.

(2) Evidence of the conduct being considered may be in writing or given orally.

Anonymous or unattributed opinions are inadmissible as evidence. Hearsay evidence is admissible but the DC must treat it with caution. The Inquiree has the right to:

a) be given access to the evidence;

b) respond to the evidence;

c) know the name of the person(s) giving evidence;

d) challenge the evidence; and

e) expect that the evidence will be presented systematically and thoroughly.

The D.C. Chairman shall have discretion to proceed with the Inquiry in the absence of the Inquiree if notification has been given to the Inquiree in accordance with these Instructions but the Inquiree has failed to attend the meeting of the DC or give any reasonable explanation for such failure.

(3) The standard of proof in all cases shall be the balance of probabilities

(4) The Chairman may in appropriate cases give directions for the hearing.

(5) The DC may appoint a solicitor to attend an Inquiry and advise the DC. Such solicitor shall not have a vote.

**6. An Inquiry shall be conducted as follows:**

(1) The D.C. Secretary shall confirm that the Inquiree has copies of all the relevant documents.

(2) The Inquiree shall be advised by the D.C. Chairman that he may either submit a written statement or make a verbal statement to the DC or remain silent. The Inquiree shall be further advised that if he makes a verbal statement to the DC it will carry more weight than remaining silent. An Inquiree will be liable to be asked questions by the DC about any written or verbal statement.

(3) Witnesses may be called, make statements and be questioned by the DC or Inquiree.

(4) The DC shall consider its decision. Only members of the DC shall be present when it is considering its decision, but the DC may invite its legal adviser to attend and advise the DC but who should then retire to allow the DC to reach its decision.

(5) The Chairman may announce the decision and reasons in open session immediately or adjourn the Inquiry to allow the DC further time to make enquiries or deliberate. The Inquiree shall have the right to respond to any matters arising out of any further enquiries carried out. If a response is required then the Inquiree shall be given written notice of matters arising out of the further enquiries and given seven days to respond in writing. The Chairman may if he considers it necessary reconvene the hearing to allow the Inquiree to respond. The DC will make a decision within seven days of the conclusion of the final hearing.

(6) The D.C. Secretary shall take minutes of the proceedings of the DC. The Inquiree appealing against the decision of the DC is entitled to a copy of the minutes.

(7) The D.C. Chairman may admit such other matters as are relevant to the subject matter of an Inquiry. The D.C. Chairman may decide the procedure and order of the Inquiry (including any adjournment thereof) as he may deem appropriate, bearing in mind the requirement at all times to give the Inquiree a fair hearing.

**7. Penalties**

A Disciplinary Committee may, on finding the Inquiree guilty of an offence, impose one or more of the following penalties:

a) A reprimand

b) Suspension from the Club Premises and/or course

c) Suspension or loss of the Inquiree's membership

d) A penalty pursuant to clause 24 of the Council of National Golf Unions (CONGU) Unified Handicapping System

The Disciplinary Committee shall on a finding of guilt invite the Inquiree to make submissions on penalty and take into account any such submissions, the gravity of the offence and any previous examples of misconduct by the Inquiree.

**8.** Within seven days of the announcement of the Disciplinary Committee's decision, the D.C. Secretary shall serve written notice of that decision and the reasons for it on the Inquiree and all other persons and authorities concerned.

**9.** A record of all Inquiries and decisions of Disciplinary Committees and the minutes of their meetings must be maintained by the Inquirer for a minimum period of three years.

**10. (1)** An Inquiree may by written notice appeal against the decision of the Disciplinary Committee to the GCPGC. Such notice shall be served on the Inquirer within 14 days of the date of the service of the decision on the Inquiree under paragraph 7. If such notice of appeal is not served within the said 14-day period the Inquiree's right of appeal shall lapse. In giving notice of appeal, the Inquiree shall provide a written statement indicating the grounds for the appeal, together with such accompanying documents as they feel are appropriate.

(2) On receipt of a notice of appeal the Secretary of the Club shall inform the GCPGC which shall as soon as possible appoint an Appeal Committee for the purpose of dealing with the appeal.

(3) From the date of receipt by the Inquirer of a notice of appeal until the determination of the appeal the decision of the relevant Disciplinary Committee shall be suspended except in the following circumstances

a) If the Inquiree has been penalised pursuant to clause 10 of The EGU Ltd's Anti-Doping Policy then the decision of the Anti- Doping Disciplinary Committee will remain in force pending the appeal.

b) If the inquiree has been suspended pursuant to any relevant clause contained in the Child Protection or Equity Policy then that suspension will remain in place pending the appeal.

If the said decision involves any suspension of the Inquiree's handicap or the Inquiree's right to play golf, the Inquiree may not play in any competition.

**11.** The appeal shall be heard by the duly appointed Appeal Committee. The D.C. Secretary shall act as Secretary to the Appeal Committee. Clause 2 and clauses 4 to 9 (inclusive) shall apply to the conduct of an appeal subject only to the substitution of "Appeal Committee" for "Disciplinary Committee" and "Appeal" for "Inquiry" throughout.

**12.** The decision of an Appeal Committee shall be final and there shall be no right of appeal by the Inquiree or any other person or body against it.

**13.** All notices to be given or served by any person or body under the provisions of these Rules shall be served by hand on, or sent by recorded delivery or first-class prepaid post to, the addressee at their last address known to the sender. Notices delivered by hand shall be 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.

Reviewed by the General Committee 06/11/2018