

## **PENRITH GOLF CLUB DISCIPLINARY PROCEDURES**

<b>1.DEFINITIONS</b>	
"Appeal Committee"	The Appeal Committee of the Club as established in accordance with these Procedures
"Appellant"	The person or body who appeals against a decision of the Disciplinary Committee or the Appeal Committee as the case may be
"Charge"	The charge which is brought against the Respondent in respect of a disciplinary matter
"Club"	Penrith Golf Club
"Club Rules"	The Rules for the Government of Penrith Golf Club which include its bye-laws, Code of Conduct and any other rules by which Members are bound in accordance with their membership of the Club
"Club Tournament"	Any tournament or competition administered by the Club from time to time
"Complaint"	A complaint of misconduct or notification of a concern regarding particular circumstances and/or conduct of a Member as referred to in Procedure 2
"Complainant"	The person or body from whom a Complaint has been received by the Disciplinary Secretary
"County"	The County Golf Union or Association to which the Club is affiliated
"Disciplinary Committee"	The Disciplinary Committee of the Club as appointed in accordance with these Procedures
"Disciplinary Secretary"	The person appointed as the Disciplinary Secretary by the Management Committee
"England Golf"	The trading name of English Golf Union Limited, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, Company Number 5564018
"Management Committee"	The body elected by the Members at an Annual General Meeting and which is governing the Club
"Member"	Any member of the Club
"Notice of Complaint"	The notice of the Complaint received by the Disciplinary Secretary from the Complainant
"Respondent"	The person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Secretary under the Procedures
"Rules of Golf"	The rules governing the playing of golf as jointly issued by the R&A and the USGA from time to time

## **2. POWERS IN DISCIPLINARY MATTERS**

2.1 These disciplinary procedures (the "Procedures") are adopted by the Club in relation to any disciplinary matters which include without limitation the following:

2.1.1 alleged breaches of the Club Rules;

2.1.2 alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a Club Tournament; and

2.1.3 any matter in which a Member engages in any conduct which is inappropriate, unlawful or unsporting or otherwise behaves in a manner which is unacceptable or opposed to the general interests of the Club or the sport of golf or which brings the Club into disrepute.

2.2 The Procedures apply to all Members and playing visitors of the Club.

2.3 Disciplinary action shall be commenced against a Member in accordance with the Procedures where the Disciplinary Secretary receives a Notice of Complaint or where the Disciplinary Secretary becomes aware of a disciplinary matter referred to in Procedure 2.1 above.

2.4 In the event that the Disciplinary Secretary is involved in a disciplinary matter, either as Complainant or Respondent, then the matter shall be referred to the Management Committee who shall appoint a temporary Disciplinary Secretary for that matter.

2.5 As a general rule the Disciplinary Secretary, where they consider appropriate and in their sole and absolute discretion, may deal with a disciplinary matter in an informal manner. Where the matter is to be dealt with on an informal basis it may be dealt with by the most appropriate person or body of the Club. However, should the Disciplinary Secretary, in their sole and absolute discretion, deem a matter to be sufficiently serious they may commence formal disciplinary action and these Procedures shall apply.

### **3. NOTICE OF COMPLAINTS**

3.1 A Notice of Complaint may be lodged with the Disciplinary Secretary by any person or body which shall include without limitation, another Member, an employee/officer of the Club, the Management Committee, or a member of the public, in relation to an alleged disciplinary matter such as is referred to in Procedure 2 above.

3.2 The Notice of Complaint shall be delivered in writing as soon as practicable but no later than 28 days following the alleged incident (or of the incident becoming known by the Complainant) and shall set out details of the Complaint including, where applicable, the specific Club Rule, Club Tournament Rule or Regulation which is alleged to have been breached by the Respondent.

### **4. INITIAL INVESTIGATION**

4.1 On receipt of the Notice of Complaint or the Disciplinary Secretary otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Secretary shall within 14 days;

4.1.1 commence an initial investigation into the matter in order to gather information and evidence;

4.1.2 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent within fourteen days thereafter; and

4.1.3 undertake any further investigation deemed appropriate in order to ascertain the best course of action to resolve the Complaint or commence disciplinary action against the Respondent.

4.2 Upon completion of the steps set out in Procedure 4.1 the Disciplinary Secretary may take any of the following steps:

4.2.1 decide that no further action is required, in which case the Disciplinary Secretary shall notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed, for example:

4.2.1.1 it does not fall within the authority of the Club;

4.2.1.2 there is not enough evidence to justify further action being taken; or

4.2.1.3 it is vexatious and/or malicious, in which case the Complainant's actions may be referred to the Management Committee for further consideration;



4.2.2 deal with the matter informally by way of advice, information or mediation between the respective parties;

4.2.3 if deemed appropriate and if the matter is of a serious nature, following consultation with Management Committee and any other appropriate person/committee of the Club, refer the matter to England Golf or any other appropriate body; or

4.2.4 refer the matter to a Disciplinary Committee to be created for the purpose of the issue in accordance with Procedure 5.

4.3 As soon as is practicable, the Disciplinary Secretary shall inform the Complainant and the Respondent of the course of action to be taken. If the Disciplinary Secretary chooses to refer the matter to the Disciplinary Committee the Respondent shall be informed of the Charge being brought and granted the opportunity to either accept or deny the Charge.

4.4 If the Respondent accepts the Charge then the matter shall be referred to the Disciplinary Committee for a hearing to determine the sanction and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

4.5 If the Respondent denies the Charge then the matter shall be determined at a hearing of the Disciplinary Committee established in accordance with Procedure 5.

4.6 Where the Complainant is not a Member or employee/officer of the Club, the Club's duty to inform detailed in Procedures 4.2.1 and 4.3 above shall not apply and the Complainant shall not have a right to be involved in action taken under these Procedures following the lodging of a Notice of Complaint.

## **5. DISCIPLINARY COMMITTEE**

5.1 The Disciplinary Secretary shall where they deem it appropriate establish a Disciplinary Committee consisting of 3 impartial members (to reflect, as far as possible, a representative cross-section of the Club). The Disciplinary Committee shall elect one of its members to act as Chair. In the event that the Disciplinary Committee are not able to elect a Chair, the Management Committee shall decide upon the Chair.

5.2 The Disciplinary Committee shall have power to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a Charge.

5.3 Each member of the Disciplinary Committee must have no personal (or conflicting) interest in the outcome of proceedings (other than to see that the decision is fair) and must have no previous knowledge or involvement with the matter under consideration.

## **6. DISCIPLINARY HEARINGS**

6.1 Where a matter is referred to the Disciplinary Committee by the Disciplinary Secretary, the Disciplinary Committee may hear a disciplinary matter by way of oral hearing or consider the Charge on the basis of written submissions from the Respondent and the Club / Complainant as appropriate and at the request of the parties. In the event that an oral hearing shall be held, the Disciplinary Secretary shall make such arrangements for the hearing to be held within a reasonable time.

6.2 The Respondent may be represented at the hearing and such representative may make submissions on the Respondent's behalf. The Respondent may also request that another Member attends in support. However such Member shall not be permitted to make submissions to the Disciplinary Committee.

6.3 The process for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Committee will outline the basic process of the hearing.

A standard hearing process is set out at Appendix 1 which may or may not be followed by the Chair of the Disciplinary Committee at his/her discretion.

6.4 If the Respondent does not attend the hearing as arranged above, provided that the Disciplinary Committee is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence and decide the case in the absence of the Respondent.

## **7. DECISION AND AVAILABLE SANCTIONS**

7.1 The Disciplinary Committee shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing at a later date as set by the Disciplinary Committee.

7.2 The Disciplinary Committee may dismiss the Complaint against the Respondent or, where a disciplinary matter is found proven, impose such sanctions upon the Respondent as it thinks fit including without limitation:

7.2.1 dismissal of the case where the Charge is not proven;

7.2.2 issue of a warning or reprimand in respect of the misconduct or rule breach committed;

7.2.3 suspension or exclusion from Club activities including Club Tournaments, teams, meetings or otherwise;

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

7.2.5 suspension of the Member's membership of the Club for a specified period;

7.2.6 expulsion from the Club; or

7.2.7 a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Committee.

7.3 The decision taken by the Disciplinary Committee in relation to the sanction to be imposed must be reasonable and proportionate in all circumstances and consideration may be given to the Respondent's previous disciplinary record.

## **8. DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM**

8.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the Club, the Disciplinary Committee and/or Appeal Committee must be mindful of the needs of the person in question and take these into account when deciding

8.1.1 the format of proceedings

8.1.2 whether any action is taken against such a person.

8.1.3 whether the Committee concerned should include the Club Welfare Manager or at least one member who has received safeguarding training.



8.1.4 whether any standard directions set out in these Procedures should be varied.

8.2 Written permission should be obtained from any parent / carer of a Young Person or Adult at Risk of Harm where such person is asked to provide evidence and / or attend a hearing. Where a Young Person or Adult at Risk of Harm is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / carer and the Disciplinary Committee shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place.

8.3 For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude the Club from proceeding with appropriate disciplinary action against the Young Person or Adult at Risk of Harm.

## **9. APPEAL**

9.1 Should an Appellant wish to appeal against a decision of the Disciplinary Committee or the Appeal Committee, the Appellant must lodge the appeal with the Disciplinary Secretary in writing within 14 days of the decision being notified to the Respondent.

9.2 The Appellant must set out the grounds of appeal in as much detail as possible including the nature of any new evidence he/she seeks to rely upon which may be considered by the Appeal Committee or County, as the case may be, if deemed appropriate.

9.3 If the Appellant wishes to appeal against the decision of the Appeal Committee the Disciplinary Secretary will refer the appeal to County to hear in accordance with its Disciplinary Regulations. County shall determine at its own discretion whether the appeal is appropriate to be heard by County. If County determines not to hear the appeal, it shall be passed back to the Discretionary Secretary to determine in accordance with these Procedures.

## **10. APPEAL COMMITTEE**

10.1 The Disciplinary Secretary shall establish an Appeal Committee consisting of 3 impartial Members (to reflect, as far as possible a representative cross-section of the Club). If there are insufficient members who are willing or qualified to act in this capacity the matter shall be referred to the Management Committee for decision

10.2 No member of the Appeal Committee shall have any personal (or conflicting) interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Committee nor have been a member of the Disciplinary Committee.

## **11. APPEAL HEARINGS**

11.1 The Appeal Committee shall have power to conduct appeal hearings and to:

11.1.1 dismiss the appeal;

11.1.2 overturn any finding and any sanction imposed by the Disciplinary Committee;

11.1.3 remit the matter for a re-hearing by the Disciplinary Committee;

11.1.4 substitute an alternative finding;

11.1.5 reduce or increase the original sanction; and/or

11.1.6 make such further order as it considers appropriate.

11.2 The Appeal Committee may hear an appeal by way of oral hearing or consider the appeal on the basis of written submissions received from the Respondent and the Club / Complainant as appropriate. Where an appeal is to be considered by way of written submissions then the Appellant's consent must be received in writing prior to such consideration.

11.3 The Appeal Committee shall determine in its absolute discretion and on a case by case basis, whether an appeal against a Disciplinary Committee decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Committee.

11.4 The process for an Appeal Hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Appeal Committee will then outline the basic process of the Hearing.

A standard hearing process for disciplinary hearings is set out at Appendix 1 which may or may not be followed by the Chair of the Appeal Committee at their discretion.

11.5 The Appeal Committee shall either communicate its decision to the Appellant at the end of a hearing or in writing at a later date as set by the Appeal Committee.

## **12. MISCELLANEOUS PROVISIONS**

12.1 Any time frame required to be followed in respect of the Procedures may be amended on a case by case basis with consideration of all the circumstances of the case and the setting of such time frame shall be at the discretion of the person/body who has the power to impose a deadline pursuant to the Procedures.

12.2 If the Chair of the Disciplinary Committee / Appeal Committee deems it appropriate, bearing in mind all the circumstances surrounding the case, the appropriate Committee may, at its discretion, request an independent person to act as adviser to the Disciplinary / Appeal Committee.

12.3 The Disciplinary Committee / Appeal Committee are not obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances.

12.4 The Disciplinary Committee and the Appeal Committee shall decide any issue by majority and no member of the Disciplinary Committee or Appeal Committee may abstain from voting.

12.5 The Club will not be liable to any person, Member, or body for any loss, however caused, whether direct, indirect, financial or consequential arising out of or in connection with any disciplinary action taken under the Procedures.

12.6 Any relevant contact details for the Disciplinary Secretary and the Disciplinary / Appeal Committees shall be available from the Club and communicated to Members from time to time.

12.7 The Disciplinary Secretary shall notify the Management Committee of the results of any disciplinary matters referred to them and provide:

12.7.1 A summary of the issue;

12.7.2 A summary of the process followed; and

12.7.3 Details of the action taken or sanction imposed,

AND the Management Committee must report these matters (without naming the parties) in the minutes of its next meeting.

12.8 The Disciplinary Secretary must report to the Management Committee any issues which arise in the course of dealing with a disciplinary matter which reveal a need to amend the Club's general business processes.



## **APPENDIX 1 STANDARD DISCIPLINARY HEARING PROCESS**

1. If deemed to be required, prior to any hearing, the Disciplinary Committee shall set appropriate deadlines for the submission of any written evidence / representations requested from the Disciplinary Secretary or the Respondent.
2. The hearing shall be convened by the Disciplinary Committee at a time suitable to the parties and communicated to the parties by the Disciplinary Secretary.
3. The case against the Respondent will be presented by the Disciplinary Secretary, together with relevant evidence, including witness evidence, if appropriate.
4. The Respondent will be granted the opportunity to present its case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary Committee. The evidence of further witnesses not notified in accordance with the Procedures will be admitted only at the sole discretion of the Chair of the Disciplinary Committee.
5. Those representing a Respondent at a hearing may present and sum up their case, but they are not permitted to answer questions put to the Respondent.
6. Before being called, witnesses will not be allowed in the room while evidence is being given, but this shall not apply in relation to the Complainant or Respondent.
7. Questions may be put by the Disciplinary Committee to the Respondent and each witness on conclusion of their evidence.
8. The Respondent shall have the opportunity to raise questions in cross-examination.
9. The Disciplinary Committee may limit cross-examination as it deems appropriate.
10. The Respondent and the Disciplinary Secretary will each be allowed to make a closing statement to the Disciplinary Committee.
11. The room will be cleared and the Disciplinary Committee will deliberate and determine whether, on the balance of probabilities, the Charge has been proven.
12. The hearing will reconvene and the Chair of the Disciplinary Committee shall either communicate its decision to the parties at the end of the hearing or notify the decision in writing at a later date as set by the Disciplinary Committee.
13. Where a charge is proven the Respondent shall have the opportunity to present arguments in mitigation.
14. The Disciplinary Committee will review the Respondent's previous disciplinary record, where relevant, to consider sanctions.
15. The room will again be cleared and the Disciplinary Committee shall determine the appropriate sanction in accordance with the Procedures.
16. The hearing shall be documented in writing by the Disciplinary Secretary and a record shall be kept of all disciplinary proceedings and hearings.

***The above procedure may also be followed by the Appeal Committee whereby the Respondent is the Appellant and the Disciplinary Committee is the Appeal Committee.***