



BUCKINGHAM GOLF CLUB Ltd

Complaints & Disciplinary Regulations

1. DOCUMENT CONTROL

Created by	Geoff Robb & Tony Ulph	22 June 2016
Revised	Robbie Macpherson	30 June 2016
Updated	Geoff Robb & Tony Ulph	1 July 2016
Adopted V1.0	The Board	7 July 2016
Updated & Adopted V2.0	The Managing Committee	27 June 2017
Updated Adopted V2.1	The Managing Committee	13 April 2018 16 April 2018

2. SUMMARY

This procedure is referred to under Rule 10.1 of Buckingham Golf Club Rules. It will be used when a complaint is raised by a club member, the Club Manager or the Membership Committee/Disciplinary Panel. It should be noted, as defined in rule 10.1, that It does not preclude the Membership Committee from instigating an investigation into the conduct of a member without a complaint being raised by another member.

Whenever a member transgresses the Rules of Golf, the Rules of Buckingham Golf Club Ltd (BGC) or generally accepted code of behaviour then this procedure may be instigated. Such transgressions may be brought to the attention of the Captain or the Club Manager either by an individual member, a group of members or the Membership Committee.

Simple Rules of Golf transgressions would normally be sorted out by the Chair of Handicaps & Competitions/Competitions' Committee and would normally result in a penalty as detailed within the Rules of Golf.

This formal procedure must be initiated by the completion of a Notice of Complaints Form and submitted to the Club Manager in the Office.

Formal complaints, other than complaints raised by the Membership Committee will not be pursued until a Notice of Complaint Form is received. On receipt of such a complaint the Club Manager will pass the information to the Disciplinary Secretary (appointed by the President) who will acknowledge receipt to the person raising the complaint, compile the facts as are reasonably attainable, advise the person complained about of the complaint and convene a meeting of the Membership Committee who may then pass it to a Disciplinary Panel at which time the evidence will be considered. The complained against person may attend this meeting, and if they wish along with another member, and submit evidence on his/her own behalf. The complainee should also attend the meeting. At the end of the Disciplinary meeting the Disciplinary Panel Chair will provide the decision to affected parties or within 7 days.

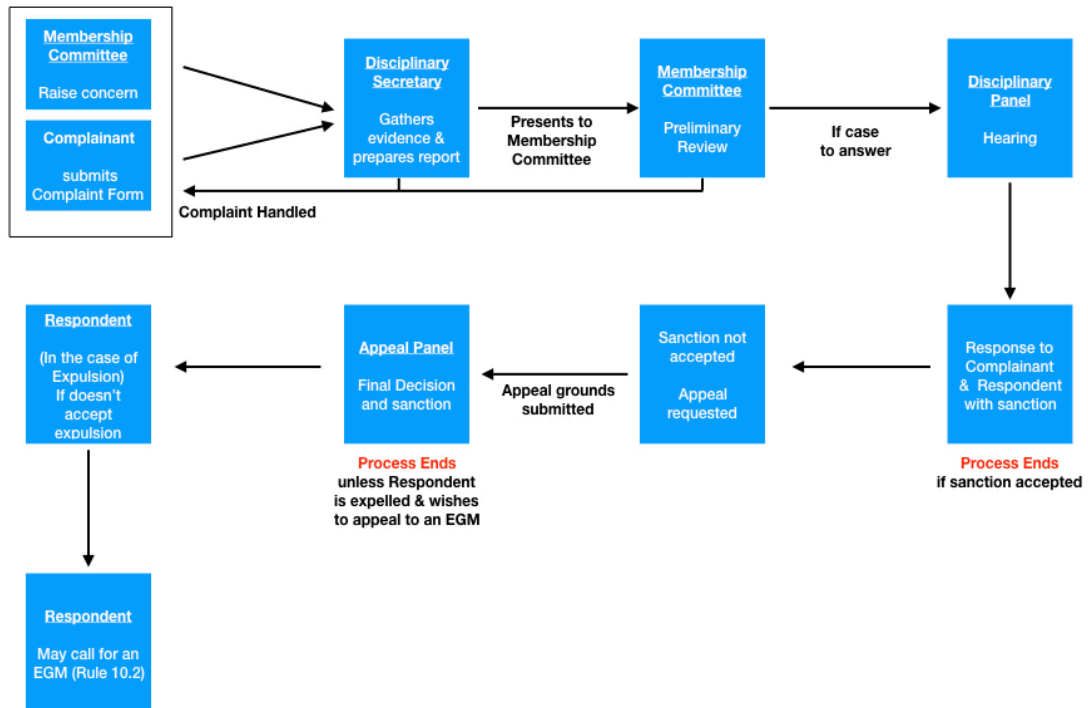
If the complainant and or respondent is not satisfied with the decision there is an opportunity to appeal where the complaint will be reviewed by an Appeal Panel who's decision will be final.

If the complaint is upheld then the appropriate penalty will be applied.

The Disciplinary Panel members shall be unbiased, be familiar with the clubs procedures, act within their constitutional powers and have respect for all parties to an inquiry. They shall be drawn from a list of members. or in the case of an Appeal from the Managing Committee.

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BGC Complaints & Disciplinary
Simplified Flow Chart



June 2017

EGM (Rule 10.2)

June 2017

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2. DEFINITIONS

"Appeal Panel"	the Appeal Panel of the Club is made up of three (3) members from the Managing Committee;
"Appellant"	the person or body who appeals a decision of the Disciplinary Committee;
"BGC"	Buckingham Golf Club Ltd;
"Board"	the Board of Directors of Buckingham Golf Club Ltd;
"Captain"	the elected Buckingham Golf Club Ltd Club Captain;
"Managing Committee"	means those elected members who sit on the Managing committee;
"Charge"	the charge which is brought against the Respondent in respect of the disciplinary matter;
"Club Rules"	the rules of the Club which may include its bye-laws, code of conduct and any other rules by which the Members are bound in accordance with their membership of the Club;
"Club Competition"	The rules of any 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 the Complaints procedure;
"Complainant"	the person or body who submits a complaint that has been received by the Membership Committee;
"Disciplinary Panel"	a Disciplinary Panel of the Club that is appointed in accordance with these Regulations;
"Disciplinary Secretary"	the person nominated by the Membership 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;
"Member"	any member of Buckingham Golf Club Ltd;
"Membership Committee"	means those elected committee members who sit on the Membership Committee;
"Notice of Complaint"	the notice of the Complaint received from the Complainant;
"Respondent"	the person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Secretary under the Regulations;
"Rule"	the rules of Buckingham Golf Club Ltd;
"Rules of Golf"	the rules governing the playing of golf as jointly issued by the R&A and the USGA from time to time;
"Secretary/Manager"	The person employed by BGC as the Secretary/Club Manager;
"The Club"	Buckingham Golf Club Ltd;

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3. JURISDICTION AND DISCIPLINARY MATTERS

- 3.1. These disciplinary regulations (the "Regulations") are made by the Club in relation to any disciplinary matters raised by members or the Membership Committee, which include without limitation the following:
 - 3.1.1. alleged breaches of the Club Rules;
 - 3.1.2. alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a Club competition; and
 - 3.1.3. any matter in which a Member engages in any conduct which is inappropriate, unlawful, unsporting or 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.
 - 3.1.4. Any complaint about any member
- 3.2. The Regulations apply to all Members of the Club.
- 3.3. The Regulations may be amended by the Managing Committee/Board at any time and at its sole discretion and such amendments shall be effective from the date stated. They subsequently must be ratified at the next AGM as per Rule 20.1.
- 3.4. Disciplinary proceedings shall govern and apply to be commenced against a Member in accordance to these Regulations where the Chair of Membership or Disciplinary Secretary receives a Notice of Complaint, where the Disciplinary Secretary becomes aware of a disciplinary matter referred to in Regulation 4.1 or otherwise becomes aware of a matter referred to in Regulation 3.1 above or 4.1 below.
- 3.5. 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 Membership Committee who shall appoint a new Disciplinary Secretary for that matter.
- 3.6. As a general rule the Disciplinary Secretary, where considered appropriate and in agreement with the Club Captain, may deal with a disciplinary matter in an informal manner, following consultation with the Membership Committee. 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. Should the Disciplinary Secretary and or Club Captain, at their discretion, deem a matter to be sufficiently serious the Membership Committee may commence formal disciplinary proceedings and these Regulations shall apply. Any matters which are the subject of Legal proceedings will immediately fall under the jurisdiction of the Board of Directors who will take appropriate advice and actions.

4. NOTICE OF COMPLAINTS

- 4.1. A Notice of Complaint must be drafted and signed by the complainant and lodged with the Secretary/ Club Manager (Rule 12.1) which may include without limitation, another Member, an employee/officer of the Club or a member of the public, in relation to an alleged disciplinary matter which is referred to in Complaints Procedure.
- 4.2. The Notice of Complaint shall be made in writing using the Notice of Complaint Form as soon as practicable but no later than 7 days following the alleged incident (or knowledge of the incident by the Complainant) and shall set out details of the Complaint including evidence and, where applicable, the specific Club Rule, Competition Rule or Regulation which is alleged to have been breached by the Respondent.
- 4.3. A complaint raised against a member of staff will be passed to the Board for investigation and ruling.

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5. INITIAL REVIEW

- 5.1. 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;
 - 5.1.1. acknowledge receipt of the Notice of Complaint to the Complainant within 7 days;
 - 5.1.2. commence gathering relevant information and facts;
 - 5.1.3. forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent within 7 days; and
 - 5.1.4. Produce a report which will be presented to the Membership Committee which will include information gathered along with the facts provided in the Complaint Form and then proceed to step 5.2
 - 5.1.5. *Note:* To reflect good practice, notes should be taken at all stages and all correspondence, discussions, meeting minutes and decisions should be clearly and precisely documented. These documents should be held by the Club Manger/Secretary for future reference should they be required, taking account of any Data Protection rules that are in place at the time.
- 5.2. Upon completion of the steps set out in Regulation 5.1, the Disciplinary Secretary will present the evidence to the Membership Committee together with a recommendation of any of the following steps within 10 days:
 - 5.2.1. 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:
 - 5.2.1.1. it does not fall within the authority of the Club;
 - 5.2.1.2. there is not enough evidence to justify further action being taken; or
 - 5.2.1.3. it is vexatious and/or malicious in which case the Complainant's actions may be referred to the Managing Committee for further consideration;
 - 5.2.2. deal with the matter informally by way of advice, information or mediation between the respective parties;
- 5.3. The Membership Committee will meet to consider the recommendation and decide to ratify or modify it. The Disciplinary Secretary may help the other members of the Membership Committee to better understand the evidence and reasons for its recommendation.
- 5.4. Within 7 days or as soon as practicable, the Disciplinary Secretary shall inform the Complainant and the Respondent of the course of action taken. If the Membership Committee chooses to refer the matter to the Disciplinary Panel the Respondent shall be informed of the charge being brought and granted the opportunity to either accept or deny the Charge.
- 5.5. If the Respondent accepts the charge then the matter shall be referred to the Disciplinary Panel for sanction (which in all cases must be in proportion to the charge) and the Respondent shall be limited in respect of his/her grounds of appeal in accordance with Regulation. Where a matter is referred to the Disciplinary Panel and the Respondent admits the Charge, the matter may be dealt with summarily (i.e. without a hearing) by the Disciplinary Panel who may impose an appropriate sanction (which in all cases must be in proportion to the charge) set out in the Regulations at its discretion with due consideration to any arguments provided in mitigation by the Respondent.
- 5.6. If the Respondent denies the Charge then the matter shall be determined at a hearing of the Disciplinary Panel in accordance with Regulation 6.

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6. DISCIPLINARY PANEL

- 6.1. The President shall establish a Disciplinary Panel consisting of three [3] members who are appointed by the President. The Disciplinary Panel shall elect one of its members to act as Chair. In the event that the Disciplinary Panel are not able to elect a Chair, The President shall decide upon the Chair.
- 6.2. The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a Charge.
- 6.3. The members of the Disciplinary Panel, including the Chair, shall be called from a body of members who have agreed to act as part of a Panel, They shall serve a term of one year after which time they will either be re-elected or replaced.
- 6.4. The members of the Disciplinary Panel shall serve on a rotational basis, with the Chair having (where possible) a minimum of 1 years experience as an officer of the club.
- 6.5. Each member of the Disciplinary Panel must have no personal interest in the outcome of proceedings (other than to see that the decision is fair) and have no previous involvement with the matter under consideration. In the event that a matter is referred to the Disciplinary Panel and a member of the Disciplinary Panel either declares an interest or is deemed to have an interest by the Disciplinary Secretary then such person shall be replaced on the Disciplinary Panel for that matter only.

7. DISCIPLINARY HEARINGS

- 7.1. Where a matter is referred to the Disciplinary Panel by the Membership Committee, the Disciplinary Panel 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.
- 7.2. The Respondent may request that another Member attends in support however such Member shall not be permitted to make submissions to the Disciplinary Panel.
- 7.3. All documentation in relation to the matter must be disclosed to all parties prior to any Hearings or Appeals
- 7.4. The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel, 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 Panel will outline the basic procedure of the hearing.

A standard hearing procedure is set out at **Appendix 1** which may be followed by the Chair of the Disciplinary Panel at his/her discretion.

- 7.5. 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.

8. DECISION AND AVAILABLE SANCTIONS

- 8.1. The Disciplinary Panel shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing within 7 days of the meeting or at a later date as set by the Disciplinary Panel.
- 8.2. The Disciplinary Panel 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:
 - 8.2.1. dismiss the case where the Charge is not proven;

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- 8.2.2. a warning or reprimand in respect of the misconduct or rule breach committed;
 - 8.2.3. suspension or exclusion from Club activities including Club Competitions, teams, meetings or otherwise;
 - 8.2.4. suspension or exclusion from holding office within the Club for a specified or indefinite period of time;
 - 8.2.5. suspension of the Member's membership of the Club for a specified period;
 - 8.2.6. expulsion from the Club;
 - 8.2.7. a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel.
- 8.3. The decision taken by the Disciplinary Panel 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.

9. APPEAL COMMITTEE

- 9.1. The Appeal Panel is made up of three [3] members of the Managing Committee. The Managing Committee may bring in other members who are not currently sitting on the Managing Committee.
- 9.2. No member of the Appeal Panel shall have any interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Panel nor be a member of the Disciplinary Panel. In the event that a decision is appealed to the Appeal Panel and a member of the Appeal Panel either declares an interest or is deemed to have an interest by the Disciplinary Secretary, then such member shall be replaced on the Appeal Panel for that matter only.
- 9.3. The appellant is entitled to, within 48 hours, of notification, lodge a written objection against any member of the Appeal Panel who can be shown to have a direct personal involvement of interest in the matter. Supporting evidence must be provided in support of such claim. Any objection will be considered by the Chair of the Board (or his/her nominee), who's decision shall be final.

10. APPEAL HEARINGS

- 10.1. Should an Appellant wish to appeal a decision of the Disciplinary Panel, the Appellant must lodge the appeal in writing with the Club Manager within 7 days of the decision being notified to the Respondent.
- 10.2. 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 Panel if deemed appropriate.
- 10.3. The Appeal Panel shall have jurisdiction to conduct appeal hearings and have the power to:
- 1. dismiss the appeal;
 - 2. overturn any finding and any sanction imposed by the Disciplinary Panel;
 - 3. substitute an alternative finding, eg. finding against the appellant;
 - 4. reduce or increase the original sanction; and/or
 - 5. Make such further order as it considers appropriate
- 10.4. The Appeal Panel will hear an appeal by way of written submissions received from the Respondent or from the Complainant as appropriate. The Appellant's consent must be received in writing prior to such consideration.

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- 10.5. The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Panel, 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 Panel will then outline the basic procedure of the Hearing.

A standard hearing procedure for disciplinary hearings is set out in **Appendix 1** which may be followed by the Chair of the Appeal Panel at his/her discretion.

- 10.6. The Appeal Panel shall either communicate its decision to the Appellant at the end of a hearing or it shall be notified in writing within 7 days of the meeting or at a later date as set by the Appeal Panel.
- 10.7. The Appeals Panels decision is final. There will be no further recourse to appeal with the exception of any penalty involving expulsion from the club. The respondent in this case will have the right to call an EGM in accordance with Rule 10.2 of the Clubs General rules.

11. MISCELLANEOUS PROVISIONS

- 11.1. The standard of proof in all cases before the Disciplinary Panel and the Appeal Panel is to review the facts and apply a standard of proof "beyond reasonable doubt".
- 11.2. Any time frame required to be implemented in respect of the Regulations may be amended on a case by case basis with consideration of all of 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 Regulations.
- 11.3. If the Chair of the Disciplinary Panel / Appeal Panel deems it appropriate, bearing in mind all the circumstances surrounding the case, the appropriate Panel may, at its discretion, request an independent person to act as adviser to the Panels.
- 11.4. The Disciplinary Panel / Appeal Panel 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.
- 11.5. The Disciplinary Panel and Appeal Panel shall decide any issue by majority and no member of the Disciplinary Panel or Appeal Panel may abstain from voting.
- 11.6. 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 Regulations.
- 11.7. All those acting on behalf of the club in a disciplinary capacity will be covered by Club Insurance
- 11.8. Any relevant contact details for the Disciplinary Secretary and the Disciplinary Panel / Appeal Panel shall be available from the Club and communicated to Members from time to time.

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APPENDIX 1

STANDARD DISCIPLINARY/APPEALS HEARING PROCEDURE

1. If deemed to be required, prior to any hearing, the Disciplinary/Appeal Panel 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/Appeal Panel 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 their case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the Disciplinary / Appeal Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the sole discretion of the Chair of the Disciplinary/Appeal Panel.
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, this shall not apply in relation to the Complainant or Respondent.
7. Questions may be put by the Disciplinary/Appeal Panel 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/Appeal Panel may limit cross-examination as it deems appropriate.
10. The Respondent and the Disciplinary Secretary will be allowed to make a closing statement to the Disciplinary/Appeal Panel.
11. The room will be cleared and the Disciplinary/Appeal Panel will, unless it is deemed that a decision cannot be made immediately, deliberate and determine whether, "on the balance of probabilities", the disciplinary charge has been proven. If a decision cannot be made immediately then this must be agreed with 3 days.
12. The hearing will reconvene and the Chair of the Disciplinary/Appeal Committee shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing within 7 days or at a later date as set by the Disciplinary/Appeal Committee.
13. The hearing shall be documented in writing by the Disciplinary Secretary and a record kept of all disciplinary proceedings and hearings.