

## **UPCHURCH RIVER VALLEY GOLF CLUB**

### **Discipline Committee and procedures**

The following document is taken from the website of Golf England. The instructions are recommended for use by all affiliated Clubs. As such URVGC fully adopts the principles and procedures therein.

Summary:

- The Discipline Committee (DC) will sit as necessary.
- It will consist of 3 members of the Club Committee with the Club Secretary as its Secretary.
- On receipt of a written complaint the DC will decide as to whether to deal with the complaint as a grievance or hold an Inquiry.
- The Inquiree must be given notice ASAP and the opportunity to respond
- The Inquiree can be accompanied at any Inquiry.
- Penalties include a reprimand, suspension of membership, suspension of handicap
- Appeals on decisions can be made to the Club Committee.

### **Instructions for the Procedure and Conduct of the Disciplinary Committee**

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

Appeals Committee: Three or more Impartial Members of the Inquirer's Governing Committee.

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

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

Disciplinary Committee: 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.

Governing Committee: The main Executive Committee in which is constitutionally vested the care and control of the affairs of the body concerned.

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 Playing Member who is the subject of an Inquiry.

Inquirer: The EGU Ltd., a Member County or a Member Club charged with the responsibility of holding an Inquiry.

Inquiry: An Inquiry held by The EGU Ltd., a member County or a Member Club concerning the conduct of an Inquiree.

2. (1) The English Golf Union Ltd., each Member County and Member Club should have a grievance procedure, which may be invoked at the sole discretion of the EGU Ltd., the Member County or the Member Club. The purpose of the grievance procedure is to sort out, in an informal manner, minor misunderstandings or unintended offensive behaviour. If an Inquiry is to be conducted, The EGU Ltd. or the relevant Member County or the relevant Member Club (as the case may be) shall appoint a Panel for Discipline (the "Panel").
- (2) The EGU Ltd's Panel shall consist of all members of the Governing Committee. The Chairman of the Governing Committee shall nominate three Impartial Members to act as the Disciplinary Committee for any Inquiry to be conducted by The EGU Ltd. and shall appoint one of the three members to be the D.C. Chairman.
- (3) A Member County's Panel shall consist of at least three members of its Governing Committee. The Chairman of the Governing Committee shall nominate three Impartial Members to act as the Disciplinary Committee for any Inquiry to be conducted by the Member County and shall appoint one of the three members to be the D.C. Chairman.
- (4) A Member Club's Panel shall consist of at least three members of the Member Club who serve on its Governing Committee. The Chairman of the Governing Committee shall nominate three Impartial Members to act as the Disciplinary Committee for any Inquiry to be conducted by the Member Club and shall appoint one of the three members to be the D.C. Chairman.
- (5) If, in respect of any Inquiry, it is not possible for an Inquirer to find amongst the Panel enough Impartial Members to form a Disciplinary Committee, the Panel shall appoint other impartial or suitable persons to constitute the Disciplinary Committee. A person shall not be appointed to serve on the Disciplinary Committee if he has any personal interest in or involvement with the subject matter of the Inquiry or the Inquiree.
- (6) At any Inquiry the members of the Disciplinary Committee must be Impartial Members. The Disciplinary Committee must discharge its responsibilities in accordance with the principles of natural justice.
- (7) The Secretary of the Inquirer (or a deputy nominated by the Chairman of the Club, County or The EGU Ltd for the purpose) shall act as D.C. Secretary. He shall attend and serve the Disciplinary Committee as it's clerk, but shall not be a member thereof, nor shall he act in a judicial capacity or have a vote.
- (8) 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.

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 Inquirer's Governing Committee 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. (1) On receipt of a report under paragraph 3, the Secretary of the Inquirer shall as soon as practicable:

- (a) inform the Chairman of the Inquirer's Governing Committee who may exercise the power set out in paragraph 2 (1) and thereafter, when appropriate, paragraphs 2 (2), (3) and (4);
- (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 Disciplinary Committee by serving not less than 14 days notice of the date, time and place of the hearing on the members of the Disciplinary Committee, the Inquiree and such other bodies or persons as the D.C. Chairman decides are appropriate.

- (2) There shall be annexed to the notice given to the Inquiree under paragraph 4 (1) (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 Disciplinary Committee 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.

- (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 Disciplinary Committee 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 Disciplinary Committee 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 Disciplinary Committee may appoint a solicitor to attend an Inquiry and advise the Disciplinary Committee. 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 Disciplinary Committee or remain silent. The Inquiree shall be further advised that if he makes a verbal statement to the Disciplinary Committee it will carry more weight than remaining silent. An Inquiree will be liable to be asked questions by the Disciplinary Committee about any written or verbal statement.
- (3) Witnesses may be called, make statements and be questioned by the Disciplinary Committee or Inquiree.
- (4) The Disciplinary Committee shall consider its decision. Only members of the Disciplinary Committee shall be present when it is considering its decision, but the Disciplinary Committee may invite its legal adviser to attend and advise the Disciplinary Committee but who should then retire to allow the Disciplinary Committee to reach its decision.
- (5) The Chairman may announce the decision and reasons in open session immediately or adjourn the Inquiry to allow the Disciplinary Committee 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 Disciplinary Committee 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 Disciplinary Committee. The Inquiree appealing against the decision of the Disciplinary Committee 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:

- (1) A reprimand
- (2) Suspension from the Club Premises and/or course
- (3) Suspension or loss of the Inquiree's membership
- (4) 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 Inquirer's Governing Committee. 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, together with the deposit under paragraph 11, 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 he feels are appropriate.
  - (2) On receipt of a notice of appeal the Secretary of the Inquirer shall inform the Inquirer's Governing Committee 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 enquiree 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. An Inquiree shall, when sending a notice of appeal under paragraph 10, contemporaneously lodge with the Inquirer a cash deposit. Such cash deposit shall be the then current fee per Playing Member (paid by Member Clubs to The EGU Ltd in accordance with Rule 2 of The EGU Ltd Rules [adopted by the Union under Article 5 of the Union's Memorandum & Articles of Association]) multiplied by a multiplier from time to time determined by the EGU Ltd. Currently such multiplier is as follows:  
Appeal against a decision by a Member Club 25  
Appeal against a decision by a Member County 30  
Appeal against a decision of a Disciplinary Committee of the EGU Ltd 50  
If the appeal is unsuccessful, the relevant Appeal Committee may (at its discretion) apply the cash deposit to defray the expenses of the appeal. If the cash deposit is not sufficient to defray the expenses of the appeal, the Inquirer shall absorb the deficit.
12. 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.
13. 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.
14. 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 pre-paid post to, the addressee at his or its last address known to the sender. In the case of The EGU Ltd., a Member County, or a Member Club, the notice shall be addressed to the last known Secretary thereof at his last known address. 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.