



CLACTON-ON-SEA GOLF CLUB DISCIPLINARY PROCEDURES POLICY

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1 DEFINITIONS

“Appeal Committee” The Appeal Committee of the Club as appointed in accordance with these Regulations: For guidance, the Appeal Committee is the Board of Directors.

“Appellant” The person or body who appeals a Decision of the Disciplinary Committee.

“Board of Directors” The body that is running the Golf Club;

“Charge/Complaint” The charge which is brought against the Respondent in respect of the disciplinary matter.

“Club” CLACTON-ON-SEA GOLF CLUB, Clacton-on-Sea, Essex, CO15 1AJ

“Club Rules” The rules of the Club which may include its byelaws, code of conduct and any other rules by which the Members are bound in accordance with their membership of the Club.

“Club Tournament” The rules of any tournament 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 Regulation 2;

“Complainant” The person or body from whom a Complaint has been received by the Disciplinary Committee.

“County” The County Golf Union or Association to which the Club affiliates – Clacton-on-Sea Golf Club affiliates with the Essex Golf Union.

“Disciplinary Committee” The Disciplinary Committee of the Club as appointed in accordance with these Regulations.

“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 or visitor of the Club;

“Notice of Complaint” The notice of the Complaint received by the Disciplinary Committee from the Complainant.

“Respondent” The person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Secretary under the Regulations.

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“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 JURISDICTION AND DISCIPLINARY MATTERS

2.1 These disciplinary regulations (the “Regulations”) are made 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, 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.

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

2.3 The Regulations may be amended by the Club at any time and at its sole discretion and such amendments shall be effective from the date stated.

2.4 Disciplinary proceedings shall be commenced against a Member in accordance with the Regulations where the Disciplinary Committee receives a Notice of Complaint or where the Disciplinary Committee becomes aware of a disciplinary matter referred to in Regulation 2.1 above.

2.5 In the event that any member of the Disciplinary Committee is involved in a disciplinary matter, either as Complainant or Respondent then the matter shall be referred to the Disciplinary Committee who shall appoint/second a new member for that matter.

2.6 As a general rule the Disciplinary Committee, where considered appropriate and in its sole and absolute discretion, may deal with a disciplinary matter in an informal manner, however, should the Disciplinary Committee, in its sole and absolute discretion, deem a matter to be sufficiently serious it may commence formal disciplinary proceedings these Regulations shall

apply. Where the matter is to be dealt with on an informal basis it may be dealt with by the most appropriate person/s or body of the Club.

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3 NOTICES OF COMPLAINTS

3.1 In the first instance a notice of Charge/Complaint should be logged with the CEO and/or the Club Chairman by any person or body which shall include without limitation, another Member, an employee/officer of the Club.

3.2 The Notice of Complaint shall be made in writing as soon as practicable but no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant) and shall set out the details of the Complaint including, where applicable, the specific Club Rule, Competition 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/Charge, the CEO & Club Chairman on becoming aware of an alleged disciplinary matter regarding a Member, they shall within 14 days commence an initial investigation into the matter gather information and evidence, as per the decision agreed by the Board and reported in the Board Meeting minutes of September 2016.

4.2 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent.

4.3 if the Respondent fully and unconditionally accepts the complaints made against them, then the Board may take any of the following actions without a formal hearing being necessary:

- issue verbal warning
- issue warning letters
- issue appropriate punishment
- the Boards decision is final and there can be NO appeal

4.4 if the Respondent disputes or challenges the complaints made against them, the Board may 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.

4.5 Upon completion of the steps set out in Regulation 4.1-4.4 the CEO/Chairman may take any of the following steps:

4.6 decide that no further action is required in which case the CEO/Club Chairman shall:
notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed, for example:

4.7 it does not fall within the authority of the Club.

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

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4.9 it is vexatious and/or malicious and/or of a serious nature and/or a repeat offence in which case the Complainant's actions will be referred to the Disciplinary Committee for further consideration.

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

4.11 if deemed appropriate and the matter is of a serious nature, following consultation with the Club Chief Executive Officer & Club Chairman and the Board of Directors the matter may be referred to England Golf or another appropriate body; or

4.12 refer the matter to the Disciplinary Committee to be constituted in accordance with Regulation 5.

If the matter has been referred to the Disciplinary Committee, as soon as is practicable, the Disciplinary Committee Chair shall inform the Complainant and the Respondent of the course of action taken.

The Respondent shall be informed by the Disciplinary Committee of the Charge/Complaint being brought and granted the opportunity to either accept or deny the Charge.

4.13 If the Respondent accepts the Complaint/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.

4.14 If the Respondent denies the Complaint/Charge then the matter shall be determined at a hearing of the Disciplinary Committee in accordance with Regulation 5.

4.15 Where the Complainant is not a member, or employee/officer of the Club or the Club Committee, the Club's duty to inform as detailed in Regulations 4.2 - 4.14 above shall not apply and the Complainant shall not have a right to be involved in action taken under these Regulations following the lodging of a Notice of Complaint.

5 DISCIPLINARY COMMITTEE

5.1 The Board shall establish a Disciplinary Committee consisting of 7 Full (7-day members) members who are appointed by the Board of Directors. Three of the 7 to act as primary coordinators who shall then elect a chair for each Charge/Complaint. Whenever deemed necessary, the Disciplinary Committee can comprise of a mix of both Members and suitably experienced or qualified independent non-members.

5.2 The members of the Disciplinary Committee, including the Chair, shall be reviewed every 3 years.

5.3 The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a Complaint/charge.

5.4 If a member of the Disciplinary Committee shall resign, or otherwise becomes unable to perform his/her duties on the Disciplinary Committee, the Board of Directors and/or Chief Executive shall have the power to appoint another member in his/her place.

5.5 Each member of the Disciplinary Committee must have no personal interest in the outcome of proceedings (other than to see that the decision is fair) and have no previous knowledge or involvement with the matter under consideration. If a matter is referred to the Disciplinary Committee and a member of the Disciplinary Committee either declares an interest or is deemed to have an interest by the Disciplinary Chair or the Board of Directors, then such person shall be replaced on the Disciplinary Committee for that matter only. The Disciplinary Committee and/or the Board of Directors say is final.

5.6 In assessing whether a member of the Disciplinary Committee has an interest in the outcome of proceedings they shall give due consideration to any objections raised by the Respondent.

6 DISCIPLINARY HEARINGS

6.1 Where a matter is referred to the Disciplinary Committee by the Disciplinary Chair, the Disciplinary Committee may hear a disciplinary matter by way of oral hearing or consider the charge based on written submissions from the Respondent and the Club / Complainant as appropriate and at the request of the parties. If an oral hearing shall be held, the Disciplinary Chair 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 procedure 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 procedure of the hearing. A standard hearing

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procedure is set out at Appendix 1 which may 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

The Disciplinary Committee will inform the Board before a decision is sent to the complainant & respondent to inform them of their decisions/actions.

7.1 The Disciplinary Committee shall communicate its decision in writing later 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 dismiss the case where the Charge/Complaint is not proven.

7.2.2 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.

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

7.2.6 expulsion from the Club.

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

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 the format of proceedings.

8.1.2 whether any action is taken against such a person.

8.1.3 The Panel should include at least one member who has received safeguarding training.

8.1.4 Whether any standard directions set out in these Regulations 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 Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.

9 APPEALS

9.1 Should an Appellant wish to appeal a decision of the Disciplinary Committee; the Appellant must lodge the appeal to the Club Committee 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 if deemed appropriate.

10 APPEAL COMMITTEE

10.1 The Club Appeal Committee is the Board of Directors

10.2 No member of the Appeal Committee shall have any interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Committee nor be a member of the Disciplinary Committee. In the event that a decision is appealed to the Appeal Committee and a member of the Appeal Committee either declares an interest or is deemed to have an interest by the Disciplinary Chair and/or any member of the Board of Directors, then such member shall be replaced on the Appeal Committee for that matter only.

11 APPEAL HEARINGS

11.1 The Appeal Committee shall have jurisdiction to conduct appeal hearings and have the power 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 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 at its absolute discretion and on a case by case basis, whether an appeal of 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 procedure 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 procedure of the Hearing.

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

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

12 MISCELLANEOUS PROVISIONS

12.1 The standard of proof in all cases before the Disciplinary Committee and the Appeal Committee is the balance of probabilities.

12.2 Any time frame required to be implemented in respect of the Regulations may be amended on a case by case basis with consideration 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 Regulations.

12.3 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.

12.4 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.

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

12.6 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.

12.7 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.

Approved by the Board of Directors

Date: 16th January 2024

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APPENDIX 1

STANDARD DISCIPLINARY HEARING PROCEDURE

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 Chair 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 Chair, 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 Regulations 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, 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 Chair will 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 disciplinary 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 a 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 Regulations.

16 The hearing shall be documented in writing by a person requested by the Disciplinary Committee and a record 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 Board of Directors is the Appeal Committee.

17 Any decision by the Board of Directors is final. There is no further appeal.