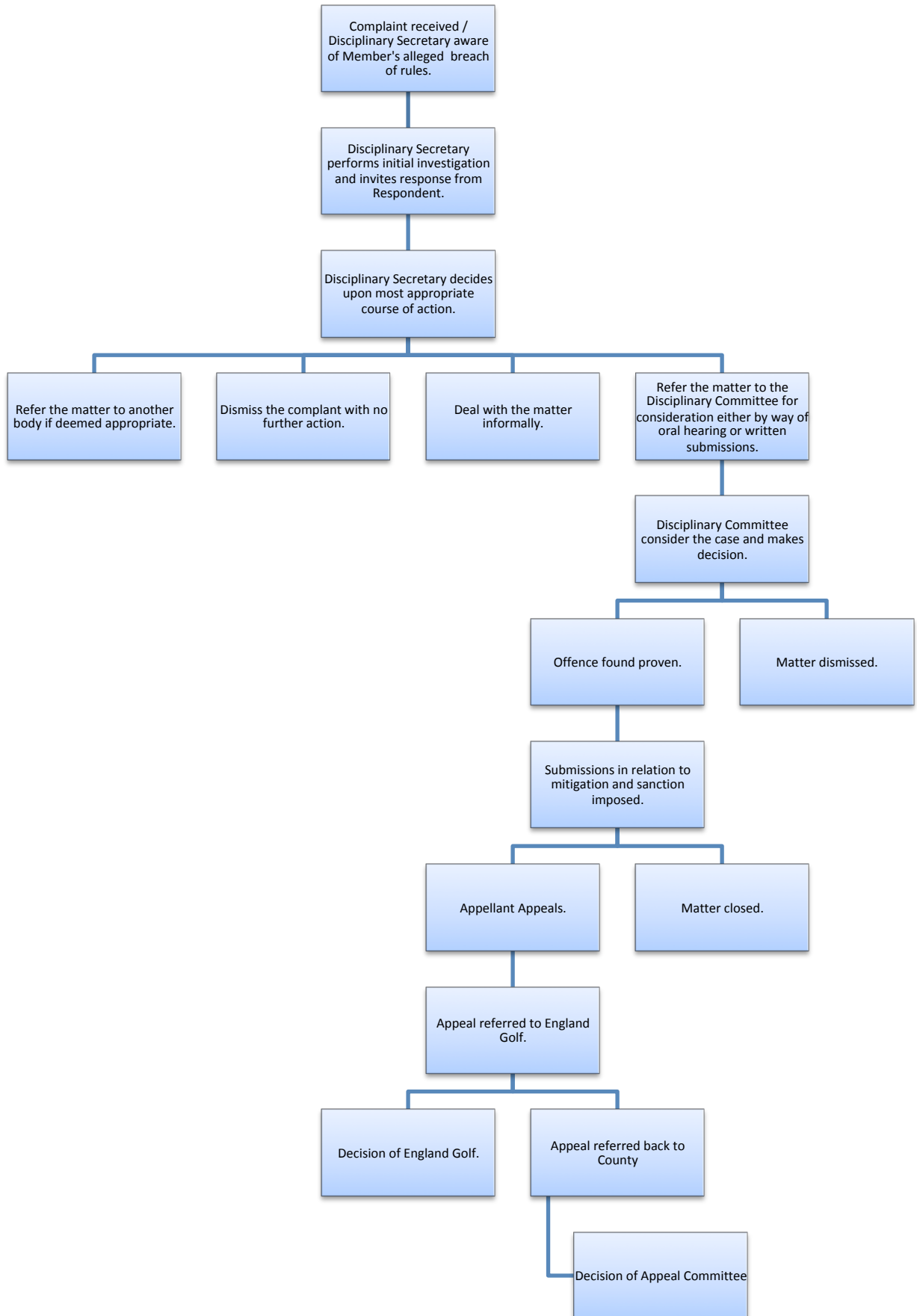




**YORKSHIRE LADIES' COUNTY**  
**GOLF ASSOCIATION**  
**DISCIPLINARY REGULATIONS**  
**GUIDANCE**

# DISCIPLINARY REGULATIONS

## PROCESS OVERVIEW



## **Disciplinary Secretary Guidance**

The Disciplinary Secretary shall perform investigative and administrative duties in relation to the proper implementation of the Disciplinary Regulations at the County.

### Appointment

- The Disciplinary Secretary should be appointed by the Executive and may be the current County Secretary who will simply take on further duties in the event that disciplinary matters arise.
- The Disciplinary Secretary shall be appointed for a term of one year which may be renewed on an ongoing basis with consideration to the Disciplinary Secretary's duties and the requirement for all disciplinary matters to be dealt with in a fair and just manner.

### Powers / Duties

The Disciplinary Secretary shall:

- Be independent of all disciplinary matters and in the event that a conflict of interest arises a new Disciplinary Secretary shall be appointed by Executive in respect of that matter;
- Be notified of all Complaints received from individuals or bodies relating to conduct of Members;
- Conduct the initial investigation into a disciplinary matter following receipt of a Complaint or becoming aware of a disciplinary matter involving a Member. The Disciplinary Secretary may seek guidance / advice from any individual they deem fit which may include seeking independent legal advice in respect of a disciplinary matter;
- Choose the most appropriate course of action for dealing with a disciplinary matter following completion of the initial investigation;
- Keep the Complainant (if applicable) and the Respondent fully apprised of the ongoing disciplinary proceedings and the course of action chosen with regards dealing with the matter;
- Act as secretary / administrator to the Disciplinary Committee / Appeal Committee (as applicable) and communicate any arrangements as deemed necessary by the Disciplinary Committee / Appeal Committee (as applicable) for the conduct of a hearing which shall include considering reasonable and appropriate time frames in order for a Respondent to receive a fair hearing;
- Present the case to the Disciplinary Committee / Appeal Committee (as applicable) who shall then consider the matter at its discretion and in accordance with the Regulations;

- Act as an intermediary between the Disciplinary Committee / Appeal Committee (as applicable) and those persons who are subject to disciplinary action as necessary from time to time.
- Refer any appeal to the England Golf and act as an intermediary between the County and England Golf.
- Keep a written record of all disciplinary decisions made by the Disciplinary Committee / Appeal Committee.

## **YORKSHIRE LADIES' COUNTY GOLF ASSOCIATION**

### **DISCIPLINARY REGULATIONS**

#### **1 DEFINITIONS**

“Appeal Committee”	the Appeal Committee of the County as appointed in accordance with these Regulations;
“Appellant”	the person or body who appeals a Decision of the Disciplinary Committee;
“Charge”	The charge which is brought against the Respondent in respect of the disciplinary matter;
“County”	<b>YORKSHIRE</b>
“County Rules”	The rules of the County 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 County;
“County Tournament”	The rules of any tournament administered by the County 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;
“Disciplinary Committee”	the Disciplinary Committee of the County as appointed in accordance with these Regulations;
“Disciplinary Secretary”	the person who is nominated as the Disciplinary

	Secretary by the Executive from time to time;
“England Golf”	the trading name of English Golf Union Limited, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, Company Number: 5564018;
“England Golf Disciplinary Regulations”	the disciplinary regulations of England Golf as approved by the England Golf Board from time to time.
“Executive”	The body of individuals within the County responsible for decision making.
“Member”	Any member of a golf club affiliated to the County;
“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;
“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 County in relation to any disciplinary matters which include without limitation the following:

2.1.1 alleged breaches of the County Rules;

2.1.2 alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a County 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 County or the sport of golf or which brings the County into disrepute.

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

**[COMMENT** - Counties may wish to provide that playing visitors are subject to the disciplinary proceedings in order to have jurisdiction to ban individuals who may breach County Rules. Whilst it is unlikely that visitors would attend or engage in a disciplinary process, sanctions may be imposed against visitors who are not welcome in certain Counties.]

2.3 The Regulations may be amended by the County 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 Secretary receives a Notice of Complaint or where the Disciplinary Secretary becomes aware of a disciplinary matter referred to in Regulation 2.1 above.
- 2.5 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 Executive who shall appoint a new Disciplinary Secretary for that matter.
- 2.6 As a general rule the Disciplinary Secretary, where considered appropriate and in its sole and absolute discretion, may deal with a disciplinary matter in an informal manner, however, should the Disciplinary Secretary, 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 or body of the County.

### **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 County, the Executive, or a member of the public, in relation to an alleged disciplinary matter which is referred to in Regulation 2 above.
- 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 details of the Complaint including, where applicable, the specific County 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 or the Disciplinary 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; 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 Where appropriate and in its sole discretion, County may refer the matter to England Golf to deal with in accordance with the England Golf Disciplinary

Regulations.

- 4.3 Upon completion of the steps set out in Regulation 4.1 the Disciplinary Secretary may take any of the following steps:
  - 4.3.1 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:
    - 4.3.1.1 it does not fall within the authority of the County;
    - 4.3.1.2 there is not enough evidence to justify further action being taken; or
    - 4.3.1.3 it is vexatious and/or malicious in which case the Complainant's actions may be referred to the Executive for further consideration;
  - 4.3.2 deal with the matter informally by way of advice, information or mediation between the respective parties;
  - 4.3.3 if deemed appropriate and the matter is of a serious nature, following consultation with The Executive and any other appropriate person/committee of the County, refer the matter to England Golf or another appropriate body; or
  - 4.3.4 refer the matter to the Disciplinary Committee to be constituted in accordance with Regulation 5.
- 4.4 As soon as is practicable, the Disciplinary Secretary shall inform the Complainant and the Respondent of the course of action 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.
- 4.5 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.
- 4.6 If the Respondent denies the Charge then the matter shall be determined at a hearing of the Disciplinary Committee in accordance with Regulation 5.

## **5 DISCIPLINARY COMMITTEE**

- 5.1 The County shall establish a Disciplinary Committee consisting of **3** members of the Executive. 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 Executive shall decide upon the Chair.

**COMMENT** – These should be named positions. These should be a panel of un-named individuals who could be called upon to use their relevant experience/knowledge for each case which could be Juniors/Handicap or Child Protection issues.

- 5.2 The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a Charge.
- 5.3 The members of the Disciplinary Committee including the Chair shall serve a term of one year after which time they will either be re-elected or replaced. If a member of the Disciplinary Committee shall resign, [is no longer a Member], or otherwise becomes unable to perform his/her duties on the Disciplinary Committee, the Executive shall have the power to appoint another experienced member in his/her place.
- 5.4 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. In the event that 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 Secretary or The Executive, then such person shall be replaced on the Disciplinary Committee for that matter only.

## **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 County / 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 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 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**

- 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 dismiss the case where the Charge 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 County activities including County Tournaments, teams, meetings or otherwise;
  - 7.2.4 suspension or exclusion from holding office within the County for a specified or indefinite period of time;
  - 7.2.5 suspension of the Member's membership of the County for a specified period;
  - 7.2.6 a fine not exceeding £100 payable within any specified period of time.
  - 7.2.7 expulsion from the County;
  - 7.2.8 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 County, 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 if 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 County from taking disciplinary action against the Young Person or Adult at Risk of Harm.

## **9 APPEAL**

- 9.1 Should an Appellant wish to appeal a decision of the Disciplinary Committee, the Appellant must lodge the appeal in writing to the Disciplinary Secretary 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.
- 9.3 The County will refer the appeal to England Golf to hear in accordance with its Disciplinary Regulations. England Golf shall determine at its own discretion whether the appeal is appropriate to be heard by England Golf. If England Golf determine not to hear the appeal, it shall be passed back to County to determine in accordance with these Regulations.

## **10 APPEAL COMMITTEE**

- 10.1 The County shall establish an Appeal Committee consisting of **3** members who are appointed by The Executive.
- 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 Secretary and/or The Executive, then such member shall be replaced on the Appeal Committee for that matter only.

**COMMENT:** 3 suitable experienced persons should be chosen from the Executive or wider circle who are not involved in the initial Disciplinary Hearing.

## **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 County / 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.

**COMMENT:** As above, Counties should consider the appropriate way in which they wish to conduct appeal proceedings to fit individual circumstances. It should be noted that the County is in charge not the appellant.

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 County 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 County and communicated to Members from time to time.

## **13 PUBLICATION OF DECISIONS**

- 13.1 County may publish details of any decision made by the Disciplinary Panel where a Complaint is upheld and may notify England Golf, golf clubs any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions.

**IT MUST STRESSED TO ANY PERSON INVOLVED IN ANY DISCIPLINARY PROCEDURE THAT CONFIDENTIALITY IS PARAMOUNT. ANY BREACH COULD HAVE SERIOUS CONSEQUENCES. IF WE DO PUT THAT IN WRITING TO ANY INDIVIDUAL, WE WOULD BE PROTECTED SHOULD ANY BREACH OCCUR.**

