



# **Bishop's Stortford Golf Club**

## **Disciplinary Procedure** **(August 2012 rev 1)**



## **Disciplinary Procedure**

The following procedure is intended to cover situations resulting from inappropriate actions or behaviour of members of BSGC.

### **Executive Summary**

Whenever a member transgresses the Rules of Golf, the Rules of BSGC or generally accepted rules of behaviour then this disciplinary procedure may be instigated. Such transgressions may be brought to the attention of the Captain either by an individual member, a group of members or the Board of Directors.

However it is hoped that the majority of disputes involving members can be resolved by discussion with the Captain.

It is therefore anticipated that the majority of transgressions will be “managed” quickly and without initiating this procedure.

Simple Rules of Golf transgressions would normally be sorted out by the Competition’s Secretary / Committee and would normally result in a penalty as detailed within the Rules of Golf. Any further penalties would require the agreement of the Captain.

Simple transgressions of BSGC Rules etc. would normally be dealt with by the Captain by discussion with the parties involved.

Where resolution of the issue cannot be made via the above “short form” route, or the transgression is considered sufficiently serious, then the formal procedure as detailed below will come into effect.

This formal procedure will be initiated either by the sending of a written complaint by any member to BSGC or by the Board of Directors or by the Captain after failure of the “short form” process.

On receipt of such a complaint the Secretary will assemble the facts as are reasonably attainable, advise the person complained about of the complaint and convene a meeting of the Disciplinary Committee at which the evidence will be considered – the complained against person may attend this meeting and submit evidence on his / her own behalf.

At the end of the Disciplinary meeting the Chairman of the Committee may announce his decision – or he / she may delay such announcement if appropriate.

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



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

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

**Appeals Committee:** Three or more Impartial Members of the Board of Directors different to those who were members of the Disciplinary Committee.

**D.C. Chairman:** The Chairman of the specific Disciplinary Committee.

**D.C. Secretary:** The Secretary to the Disciplinary Committee. This post will be normally be filled by the Club Secretary / Manager.

**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.

**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 BSGC Member who is the subject of an Inquiry due to his / her actions.

**Inquirer:** Bishop's Stortford Golf Club (BSGC) charged with the responsibility of holding an Inquiry.

**Inquiry:** An Inquiry held by BSGC concerning the conduct of an Inquiree.

2.

(1) The Golf Club should have a grievance procedure, which may be invoked at its sole discretion. The purpose of the grievance procedure is to sort out, in an informal manner, minor misunderstandings or unintended inappropriate behaviour. If an Inquiry is to be conducted, The Golf Club shall appoint a Disciplinary Committee.

(2) The Club Captain shall nominate three Impartial Members to act as the Disciplinary Committee for any Inquiry to be conducted by BSGC and shall appoint one of the three members to be the D.C. Chairman. Unless there is good reason to select other Impartial Members three of the four Club Competition's Secretaries (Juniors, Bishops, Ladies, and Men) shall be chosen and the Chairman shall be the Competition Secretary of the section that the Inquiree is a member of.

(3) 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.

(4) The D. C. Secretary shall serve the Disciplinary Committee as it's clerk, but shall not be a member thereof, nor shall he / she act in a judicial capacity or have a vote.



- (5) 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;
  - 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 Board of Directors referring any complaint to the Company Secretary / Manager in writing, identifying the Inquiree and giving details of the conduct in respect of which the complaint is made.
  - (3) the Captain on failure of the "short form"
  
4.
  - (1) On receipt of a report under paragraph 3, the Company Secretary / Manager of the Inquirer shall as soon as practicable:
    - (a) inform the Chairman of The Board who may exercise the power set out in paragraph 2 (1) and thereafter, when appropriate, paragraphs 2 (2).
  
    - (b) assemble such facts as are reasonably available;
  
    - (c) Notify the Inquiree in writing of the complaint made against him / her and inform the Inquiree that if he / she wishes he / she 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 / her case, call witnesses and furnish evidence; and
  - (c) to be assisted at the hearing by a person of his / her 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 / she 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 / she 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 six years.



10.

- (1) An Inquiree may by written notice appeal against the decision of the Disciplinary Committee to the Board of Directors. 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 8. 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 / she feels are appropriate.
- (2) On receipt of a notice of appeal the Secretary of the Inquirer shall inform the Board of Directors 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 inquiree 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 determined, from time to time, by the EGU Ltd. Currently such multiplier is 25. 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, or sent by Royal Mail's Recorded Signed For service to the addressee at his / her or its last address known to the sender. In the case of BSGC, the notice shall be addressed to the last known Secretary / Manager thereof at the Registered Office of BSGC. Notices delivered by hand shall be deemed to be served at the time of delivery. Notices sent by Recorded Signed For 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.