



TAWGC

DISCIPLINARY DOCUMENT

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1. Introduction

1.1. By virtue of Bye-Law 5.7.1 of the Club's Rules and Bye-laws this Disciplinary Procedure Policy Document holds the status of a Club rule. It details the procedures that should be followed should a complaint of misconduct be received by the Club against one of its members.

1.2. To ensure the Club's rules are observed and standards are maintained the Club's Disciplinary Procedure Policy Document is the means by which misconduct is dealt with. These procedures are very similar to the ACAS (The Advisory, Conciliation and Arbitration Service) procedures that have been developed for dealing with disciplinary matters in the work place. The procedures in the policy are used primarily to help and encourage members to improve their standards where they have fallen rather than just as a way of imposing punishment. With the exception of issues of gross misconduct that may lead to the member being expelled, the aim is to provide a method of dealing with any apparent shortcomings in conduct so that the member understands what is expected of them in the future.

1.3. The Club's Board Chairman holds the responsibility for ensuring that all disciplinary matters will be dealt with in a fair, effective and a consistently applied manner. Whilst having no official role within the disciplinary process, the Captain of the Club may act as a go between or a point of contact for either party during any disciplinary issue.

2. Misconduct

2.1. On receipt of a formal complaint of misconduct against a Member, the General Manager will report the matter to the Board Chairman and a disciplinary investigation will commence without delay.

Misconduct is deemed to be:-

- A breach of the Club's Rules and Bye-Laws;
- A breach of any of the Club's published policies;
- Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership. A Member subject to a disciplinary investigation shall be notified as soon as practicable.

2.2. Gross misconduct - The following list is not exhaustive, but they are examples that are likely to bring about suspension from the Club whilst investigations are carried out. Further, if the misconduct is proved at a disciplinary hearing it is likely to see the Member expelled or asked to resign from the Club:-

- Theft from the Club, other members or staff;
- Assault on other members or staff;
- Serious acts of discrimination/harassment on other members or staff;
- Fraud or financial irregularities against the Club;
- Deliberate damage to the property of the Club, other members or staff;

- Actions which intentionally damages or likely to damage the reputation of the Club;
- Threatening behaviour, either physical or verbal, towards a fellow member, a member of staff or visitor to the club.
- Conviction in a Court of Law for an offence whilst not connected to the Club, nevertheless makes the Member unsuitable for continued membership.

2.3. Other misconduct - The majority of instances of misconduct will not normally be sufficiently serious to warrant expelling the Member from the Club without a previous warning. The following list is not exhaustive but provides examples of this form of misconduct:-

- Failure to comply with legitimate instructions from staff at the Club;
- Verbal abuse to other members or staff;
- Failure to comply with Club Rules and Bye-laws, and published policies;
- Cheating in competitions;
- Making a false, misleading, inaccurate oral or written statement against the Club, other members or staff; this includes any posts or comments on social media.
- Failure to provide a statement during a discipline investigation.

3.0. The Investigation.

3.1. Upon receipt of a complaint, the club shall appoint a Disciplinary Secretary who shall be independent of the matter, who will carry out the investigation and liaise with the Board Chairman throughout. They can call upon the assistance of any other member to assist with the investigation. During the investigation care should be taken to deal with the Member in a fair and reasonable manner. The nature and extent of the investigations will depend on the seriousness of the matter and the more serious it is then the more thorough the investigation should be. It is important to keep an open mind and look for evidence which supports the Member's case as well as evidence against.

3.2. Where other members of the Club may be involved as witnesses they should be interviewed, a written statement should be taken and they should be advised that they may be required to give evidence at a future disciplinary hearing.

3.3. It may be necessary to hold an investigatory meeting (often called a fact finding meeting) with the Member concerned. If a meeting is held, the Member should be given advance warning and time to prepare. Any investigatory meeting should be confined to establishing the facts of the case. It is important that disciplinary action is not considered at an investigatory meeting. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a disciplinary hearing at which the Member will have the right to be accompanied by another member of the Club.

3.4. Throughout the course of the investigation the General Manager should keep the Board Chairman regularly apprised and no other member/person should become involved outside of those who were selected for the purpose. Once the investigation has been completed the General Manager in consultation with the Board Chairman will determine whether there is case to answer or not.

3.5. Where there is a case to answer the Board Chairman will send a summary of the alleged misconduct together with a brief factual summary of the evidence in support of it to the Member under investigation. The Member shall have 14 days to respond to the complaint. If the Member fails to respond within the time limit (or such longer period as may have been agreed in writing) then the Member may be liable to suspension from involvement in golf until their reply has been received. It should be noted that email communication is a valid form of communication during this time, provided the member has an email address lodged with the club.

3.6. If the member was under 14 years of age when the allegation took place all correspondence and communication shall be addressed only to the member's parent or guardian. If the Member is between 14 and 18 years of age copies of all correspondence will be addressed to their parent or guardian as well as to the Member

3.7. Where a Member's reply admits the misconduct, and in the opinion of the General Manager and Board Chairman the evidence indicates that the misconduct was of a minor nature, arrangements will be made for the Board Chairman to interview the Member. The interview will take place in the presence of the General Manager and the Member will be given an informal (oral) warning. If during the course of the interview the Board Chairman decides the Member should receive a more formal warning, the interview is to be terminated. The Member should be advised that the misconduct will need to be dealt with on a formal basis and a hearing in front of a Disciplinary Panel will be arranged.

3.8. On receiving a Member's reply to what is considered a more serious matter than in 3.7 or, failing receipt of a reply after the expiry period, the Board Chairman shall set a date for a hearing by a Disciplinary Panel.

3.9. Not less than 7 days before the hearing date the Board Chairman shall:-

- Deliver to the Member details of the evidence and witnesses that will be used at the hearing.
- Request the Member to provide details of witnesses and other evidence they intend to take before the hearing. If the Member fails to deliver the details required of them in a timely manner the hearing may be rescheduled, adjourned or may proceed at the absolute discretion of the Panel.

4. Disciplinary and Appeals Panels

4.1. The Club President, Club Captain, Vice Captain, Trustees and Board Members (except Board Chairman) will form a Panel list of members available to sit on Disciplinary Panels and Appeal Panels. The Board Chairman will select three from the Panel list to sit on each Panel. In the case of the Disciplinary Panel the Club Captain should be selected to chair the Panel providing they are available. Where they are unavailable the Vice Captain should take this role. For the Appeals Panel the Club President should be selected to chair the panel. In their absence a Trustee should take the role. (Any Disciplinary Committee Member can be replaced should they have an interest (whether actual or potential) and state why that reason is for giving the decision to replace that Member)

4.2. As soon as an investigation commences those on the Panel list will be informed of the Member involved and advised to avoid both contact with them and detailed knowledge of the misconduct. No one will be allowed to sit on a Panel by way of recent involvement, detail knowledge or personal interest with the Member under investigation. Anyone on the list who believes their position may have been compromised should inform the General Manager who will liaise with the Board Chairman. A decision will

be taken whether to exclude the Panel Member from any possible hearing involving the Member concerned.

4.3 APPEALS - ENGLAND GOLF FRAMEWORK

4.3.1 Decisions which relate to the Rules of Golf or to handicapping infringements fall within the England Golf Disciplinary Framework and are subject to a right of appeal as set out below.

Matter arising at	Disciplinary body at first instance	Appeal level
Club	Club	County
County	County	England Golf
National	England Golf	England Golf Appeals Panel

There will no further right of appeal.

5. Disciplinary Panel Hearing

5.1. Where the Member fails to attend the Disciplinary Panel hearing there should be an adjournment while enquiries are made. If there are legitimate grounds for the Member's non-attendance then the hearing should be rearranged. If however there are no acceptable grounds the Panel may, at their discretion, determine to carry on the hearing without the Member being present.

5.2. Throughout the proceedings all concerned shall treat the matter in strict confidence and the hearing before the Panel shall be held in private. The Member is entitled to be accompanied by another member of the Club who may speak before the Panel on the Member's behalf. They may not be accompanied by someone who is not a member of the Club. The exception to this will be in the case of a Member under the age of 18 at the date of the hearing where their parent or guardian shall be entitled to attend the hearing, to speak on their behalf and make such representations as they think appropriate.

5.3. The Panel Chairman is responsible for the fair running of the hearing and will open the hearing by asking those present to introduce themselves. Where the Member is accompanied by another member the Panel Chairman will ask whether or not the other member will be conducting the case on their behalf. Whilst the other member will be allowed to take on this role and cross examine witnesses, they may not answer questions that have been directed at the Member by the Panel. Where a Member refuses to answer the Panel's questions, this will not on its own confirm the burden of proof, however the Panel are entitled to make of it what they will.

5.4. The Panel Chairman will advise the hearing that in coming to a decision the Panel will use the burden of proof found in civil law which is 'the balance of probability'. The Panel Chairman will also advise that the Panel is not required to be unanimous, a majority of the Panel in favour of any decision is sufficient.

5.5. The Panel Chairman will read out the charge of misconduct and ask the Member if they 'Admit' or 'Deny' the charge?

5.6. The General Manager will present the evidence to the Panel. The Panel may ask questions of witnesses and the Member is entitled to cross examine all witnesses. The Member shall be entitled to present their

defence to the Panel and to call such supporting witnesses as they wish. The General Manager may cross examine any of the witnesses and the Panel will be entitled to ask any questions of the witnesses.

5.7. At the conclusion of receiving all of the evidence the Panel shall consider its decision in private. It shall first consider whether to uphold the allegation of misconduct

5.8. After having reached its decision as to whether the allegation has been proved the Panel shall communicate that decision to the member either at the time of the hearing or in writing within 7 days. Where the case has been proved the Panel will also inform the member of any penalties imposed as detailed in 8.1.

5.9. The Panel shall not be obliged to follow the strict rules of evidence and shall be entitled to admit such evidence and accord it such weight as it thinks fit. It will also have the power to regulate its own procedure which may include:-

- adjourning the hearing at any time;
- allow time for the submission of further evidence or for any other reason;
- admit or exclude any evidence on the grounds of relevance or for failure to comply with directions;
- give or make directions at any time with regard to proceedings before it; and to order that costs of and incidental to any proceedings before it (or that a contribution towards such costs) be paid by any party.

6.0. Appeals

6.1. A member wishing to appeal against the decision of the Disciplinary Panel, or any penalty with the exception of a first written warning where this is the sole penalty awarded, must lodge a notice of appeal in writing within 14 days from the date of the decision of the Panel. The notice, giving the grounds for the appeal, should be sent to the General Manager who will liaise with the Board Chairman. If the appeal is against a finding of the Panel the appeal will be by way of a re-hearing. The Board Chairman will appoint an Appeals Panel as described in 4.1. from those on the Panel list that had no involvement in the original Disciplinary panel. The Board Chairman may also appoint any legal or other expert to advise (but not sit on) the Appeals Panel in respect of any matter that may be referred to it.

7.0. Appeals Panel Hearing

7.1 The procedure set out in paragraphs 4.1. to 5.9. will apply to the appeals hearing. In addition where the Appeals Panel re-hears the case they may admit new evidence or witnesses. In reaching its decision the Appeals Panel shall take account of all the evidence before it as though it was an initial hearing. Where the case is proved the Appeals panel may impose one or more penalties as described in 8.1.

7.2. Where an appeal is against the penalty awarded, the Member may attend the Appeals Panel to make a statement in mitigation. The Appeals Panel will not re-hear the case but will look at all the evidence that was considered by the original Disciplinary Panel together with any mitigating statement made by the

Member. In reaching its decision the Appeals Panel may reduce or confirm the original penalty. They may not increase the penalty.

7.3. The decision of the Appeals Panel is final and binding. For the avoidance of doubt, there is no right of appeal to County, or other association, or to England Golf in respect of any proceedings or of any decisions taken under the Club's disciplinary rules and guidance notes.

8.0. Penalties

8.1 Where the Disciplinary Panel or the Appeals Panel find a charge of misconduct proved it may impose upon the member one or more of the following penalties:-

- A first written warning which will remain on the Member's record for a period up to but not more than 12 months. There is no appeal where this is the sole penalty.
- A final written warning which will remain on the member's record for a period up to but not more than 24 months.
- A suspension from competition or other involvement in any capacity in any event organised or sanctioned by the Club;
- Suspension of all membership rights for a period not exceeding twelve months during which period the member will be liable for all dues;
- A requirement on the member to resign forthwith, and if they fail to do so to expel them. They will not be entitled to a refund on their annual subscription.

9.0. General

9.1 No breach of procedure or failure to follow any directions given in the course of any proceedings under these rules shall invalidate any hearing by a Disciplinary Panel or Appeals Panel unless such breach or failure shall have materially and substantially prejudiced the member against whom a charge of misconduct has been made