DISCIPLINARY REGULATIONS

1. DEFINITIONS

1.1. In these Regulations the following words and phrases shall have the following meanings and interpretations:

"Adult at Risk of Harm"an individual aged 18 or over who:

- is unable to look after their own wellbeing, property, rights or other interest; and
- is at risk of harm (either from another person's behaviour or their own behaviour); and
- because they have a disability, mental disorder, illness or physical or mental infirmity, they are more vulnerable to being harmed than other adults.

"Club Rules" The rules of the Club which may include its bye-laws, constitution or articles of association, code of conduct and any other rules by which the Members are bound in accordance with their membership of the Club;

"Disciplinary Panel" The group of individuals appointed by the Club to deal with disciplinary matters under these Regulations;

"England Golf" The English Golf Union Limited, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, Company Number: 5564018;

"Rules of Golf" The rules governing the playing of golf as jointly issued by the R&A and the USGA from time to time;

"Young Person" A person under 18 years of age.

2. WHO IS BOUND BY THESE REGULATIONS

2.1. These Regulations apply to all Members of the Club.

3. JURISDICTION OVER DISCIPLINARY MATTERS

3.1. These Regulations will apply to:

3.1.1. Alleged breaches of the Club Rules, Regulations, Codes and Practices, and its statement of values or standards of behaviour.

3.1.2. alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a Club Tournament; and

3.1.3. any matter in which an individual 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 which brings the Club into disrepute.

3.1.4. any matter in which an individual engages in any conduct which is inappropriate, unlawful, unsporting or behaves in a manner which is which brings the sport of golf into disrepute.

3.2. Incidents of a safeguarding nature must be referred to the England Golf Governance team before any disciplinary action is taken under these Regulations.

4. RAISING OF COMPLAINTS

4.1. Any person or body may raise a complaint to be considered under these Regulations. Complaints should be made in writing, but the Club will make reasonable adjustments to deal with Complaints made in other ways where appropriate.

5. NEXT STEPS

5.1. On receipt of a complaint, the Hon Secretary, supported by the Chair of Membership will:

5.1.1. Consider the gravity of the complaint. Minor matters such as complaints relating to course matters such as filtering in, bunker raking, incorrect dress etc. will, where appropriate, be handled directly by the Hon Secretary or Chair of Membership by means of a direct approach either face to face or by written communication whichever is most suitable.

5.1.2. For more serious matters the Hon Secretary will initially provide the Respondent with details of the alleged misconduct in writing.

5.1.3. Where appropriate, provide the Respondent with a copy of these procedures, highlighting the potential outcomes of the disciplinary procedures.

5.1.4. Commence an initial investigation to obtain more information or evidence.

5.1.5. Require the Respondent to attend a fact-finding interview with the Hon Secretary and the Chair of Membership. The Respondent may bring with them another member or supporter, not being a member of the club, to the interview.

5.1.6. Prepare a written record of the interview and request that the Respondent signs it to accept it as a true record, within 14 days of the interview.

5.1.7. Seek advice from or refer the matter to any other appropriate body.

5.1.8. Report the findings in writing to the Main Committee.

5.2. The Hon Secretary will record all relevant interactions as described above.

6. CONSTITUTING A DISCIPLINARY PANEL

6.1. The Main Committee minus the Hon Secretary and the Chair of Membership shall act as a Disciplinary Panel. The matter shall be dealt with at the next scheduled Committee meeting or at a specially convened meeting of the Committee if deemed to be necessary.

6.2. If at any time a member of the Disciplinary Panel either declares an interest or is deemed to have an actual or potential interest by the Chair (or if it is the Chair, another member of the Disciplinary Panel) they will be removed from the panel.

7. CONSIDERATION OF THE COMPLAINT

7.1. The Disciplinary Panel may decide:

7.1.1. That the member has made a satisfactory explanation of his behaviour or

7.1.2. Their conduct, though unsatisfactory, does not merit suspension or expulsion or

7.1.3. Their conduct may warrant suspension or expulsion.

7.2. Once the Committee has agreed the above it will then:

7.2.1. In the case of 7.1.1 inform the Respondent that no further action will be taken

7.2.2. In the case of 7.1.2 require the Hon Secretary to write to the member expressing the Committee's disquiet and warning that any further action may lead to their suspension or expulsion

7.2.3. In the case of 7.1.3 require the Hon Secretary to write to the Respondent and to inform them of their suspension and its term, or their expulsion and advise them of their right to appeal.

8. DECISIONS AND SANCTIONS

8.1. The Disciplinary Panel may reach such decision and/or impose such sanctions as it sees fit, including without limitation, to:

8.1.1. Dismiss the Charge as unproven;

8.1.2. Issue a warning or reprimand in respect of the misconduct or rule breach committed;

8.1.3. Suspend or exclude the Respondent from the Club and/or Club Competitions, Tournaments, Teams, meetings or other activities;

8.1.4. Suspend or exclude the Respondent from holding office within the Club for a specified or indefinite period of time;

8.1.5. Suspend the Respondent's Membership of the Club, and/or their ability or authority to attend the Club and exercise playing rights at the Club for a defined period;

8.1.6. Permanently expel the Respondent from the Club; and/or

8.1.7. A combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel as appropriate.

8.2. The decision taken by the Disciplinary Panel in relation to sanctions must be reasonable and proportionate in all the circumstances. The Disciplinary Panel will give reasons for its decision.

8.3. The decision of the Disciplinary Panel may be communicated to the Respondent orally at any oral Hearing, but must, in any event, be communicated in writing within a reasonable time of the decision being made.

8.4. If a right of appeal exists from the decision, the written decision must set out how that right can be exercised.

9. ADMITTING OR DENYING THE CHARGE

9.1. The Respondent shall have at least 14 days from the date of the Notice of Charge to respond and either:

9.1.1. Accept the Committee decision; or

9.1.2. Request an appeal.

9.2. If the Respondent accepts the decision of the Disciplinary Panel and the proposed sanctions, then the sanctions will come in to force as soon as appropriate.

9.3. If the Respondent does not accept the Decision of the Disciplinary Panel, he will be entitled to request an Appeal Hearing.

9.4. If the Respondent does not respond to the Notice of Charge within the time period outlined at Regulation 9.1 above, the decision of the Disciplinary Panel will stand.

9.5. The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:

9.5.1. The decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it

9.5.2. Serious procedural or other irregularity in the proceedings before the Disciplinary Panel

9.5.3. Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision, and/or

9.5.4. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

10. FORMATION OF AN APPEALS PANEL FOR AN INTERNAL CLUB MATTER

10.1. The Hon Secretary will maintain a list of Past Captains and Past Lady Captains who have served as Captains within the last 10 years, none of which are to be serving Committee Members, willing to form an Appeals Panel when required under Regulation 9.3 above.

10.2. Three past Captains from that list shall then be convened by the Secretary of the Past Captains to form the Appeals Panel. In the case of action against a Lady Member, a past Lady Captain will be a member of the Appeals Panel.

11. NOTICE OF AN APPEALS HEARING

11.1. The Hon Secretary will call a meeting of the Appeals Panel and will provide at least 14 days notice to the Respondent unless an earlier date is agreed by all parties. The Disciplinary Panel will give reasonable notice of any hearing or deadline for written submissions and should consider at least one re-scheduling to take into account prior commitments.

11.2. One of the Past Captains will be appointed as the Chair of the Panel

11.3. The Appeals Panel should consider at least one re-scheduling to take into account prior commitments.

12. APPEALS HEARINGS

12.1. The Respondent may be represented by a third party at any appeals hearing, whether or not that person is a member of the Club (the "Representative"), and the Representative may make submissions but not give evidence on behalf of the Respondent.

12.2. The Respondent may be accompanied by another Member for support (the "Friend"), but the Friend may not make representations on behalf of the Respondent.

12.3. The procedure for an appeals hearing will be at the discretion of the Chair. A standard hearing procedure is set out at Appendix 1 of this document, which may be followed by the Chair of the Disciplinary Panel.

12.4. Regardless of the procedures followed, the Respondent must be given a fair opportunity to make representations and present evidence in their defence. The Respondent must also be given the opportunity to review and challenge evidence in support of the Complaint and Charge.

12.5. If the Respondent does not attend the hearing as arranged above, provided that the Disciplinary Panel is satisfied that notice of the hearing was received it may proceed and decide the case in the absence of the Respondent.

12.6. The Appeal Panel shall have the power to:

12.6.1. Dismiss the appeal;

12.6.2. Substitute an alternative finding;

12.6.3. Reduce or increase the original sanction; and/or

12.6.4. Make such further order as they consider appropriate.

12.7. The decision of the Appeal Panel may be communicated at the Hearing, but must, in any event, be communicated in writing within 7 days of the hearing or deliberation of written submissions taking place.

12.8. The decision of the Appeal Panel is final.

13. MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK

13.1. Where a disciplinary matter involves a Young Person and/or Adult at Risk of Harm, the Club, the Disciplinary Panel must be mindful of the needs of the person in question and take these into account when deciding:

13.1.1. The format of proceedings;

13.1.2. Whether any action is taken against such a Young Person or an Adult at Risk of Harm;

13.1.3. Whether any provisions in these Regulations should be varied.

13.2. The Disciplinary Panel should inform the Club Welfare Officer or, in their absence, the County Welfare Officer or the England Golf Safeguarding team of the circumstances surrounding the Young Person and/or the Adult at Risk of Harm before taking any action under these Regulations.

13.3. 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 Panel shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place.

13.4. 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.

14. APPEALS – ENGLAND GOLF FRAMEWORK

14.1. 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.

14.2. If the Respondent wishes to appeal a decision of the Disciplinary Panel, they (the "Appellant") must lodge the appeal to the Hon Secretary in writing (an "Appeal Request") within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent.

14.3. The Appeal Request must set out one or more of the grounds of appeal below and any further evidence on which the Appellant wishes to rely, together with reasons why the ground of appeal(s) applies. The grounds of appeal are as follows:

14.3.1. The decision was based on error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it;

14.3.2. Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

14.3.3. Significant and relevant new evidence has become available which was not available before the conclusion of the hearing but, had it been available, may have caused the Disciplinary Panel to reach a materially different decision; and/or

14.3.4. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

14.4. Following receipt of a Notice of Appeal, the Hon Secretary shall consider whether the Notice of Appeal is valid, that is received in time and sets out a valid ground or grounds of appeal (but not whether any grounds of appeal have been made out). If the Hon Secretary considers that the Notice of Appeal is valid, they will forward it to the County Secretary of Yorkshire Union or Association as appropriate. If the Hon Secretary considers that the Notice of Appeal is not valid, they will return it to the Respondent and explain why it is not valid.

14.5. The Yorkshire Union or Association Disciplinary Regulations will apply thereafter to any appeal, unless England Golf has determined that it should hear the matter, in which case the England Golf Disciplinary Regulations will apply.

15. MISCELLANEOUS PROVISIONS

15.1. The Disciplinary and Appeals Panels will make decisions by a simple majority of over 50%. The Disciplinary Panel may give a single decision and is not obliged to disclose to the Respondent how individual members of the Disciplinary Panel voted or whether the decision was a majority decision or a unanimous decision.

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

15.3. Any timescales or deadlines set in respect of matters dealt with under these Regulations may be extended by the Chair in the light of all material circumstances of the case and the individuals involved in the case.

15.4. The Disciplinary Panel or the Appeal Panel may, where they deem it to be appropriate bearing in mind all the circumstances of the matter, request an independent person to act as adviser to the Panel(s).

15.5. The Disciplinary Panel and Appeal Panel are not obliged to follow strict rules of evidence. They may admit such evidence, and attribute such weight to any piece of evidence, as they deem fit in the circumstances.

15.6. The Club will not be liable to any person, Member or Participant for any loss, however, caused, whether direct, indirect, financial or consequential arising out of or in connection with any matters taken under these Regulations.

15.7. Any relevant contact details for the Hon secretary and any other relevant parties shall be available from the Club and communicated to Members from time to time and upon request.

15.8. The laws of England & Wales shall apply to these Regulations.

15.9. In this policy, wherever the context permits, the masculine includes the feminine. “He” included “She”, “Him” includes “Her” and “His” includes “Hers”.

APPENDIX 1

STANDARD DISCIPLINARY HEARING PROCEDURE

1 If deemed to be required, prior to any hearing, the Disciplinary Panel will set appropriate deadlines for the submission of any written evidence / representations requested from the Disciplinary Secretary or the Respondent.

2 The hearing will be convened by the Disciplinary Panel 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 Secretary, 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 Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the discretion of the Chair of the Disciplinary Panel.

5 A Representative representing a Respondent at a hearing may present and sum up their case, but they may not answer questions put to the Respondent.

6 Before being called, witnesses will not be allowed in the room while evidence is being given. This does not apply in relation to the Complainant or Respondent.

7 Questions may be put by the Disciplinary Panel to the Respondent and each witness on conclusion of their evidence.

8 The Respondent will have the opportunity to raise questions in cross-examination.

9 The Disciplinary Panel may limit cross-examination as it deems appropriate.

10 The Respondent and the Disciplinary Secretary will be allowed to make a closing statement to the Disciplinary Panel.

11 The room will be cleared and the Disciplinary Panel 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 Panel 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 Panel.

13 Where a charge is proven the Respondent will have the opportunity to present arguments in mitigation.

14 The Disciplinary Panel will review the Respondent's previous disciplinary record, where relevant, to consider sanctions.

15 The room will again be cleared and the Disciplinary Panel will determine the appropriate sanction.

16 A record kept of all disciplinary proceedings and hearings and decisions.