



## WEYBROOK PARK GOLF CLUB LTD DISCIPLINARY REGULATIONS

### 1 DEFINITIONS

"Adult at Risk of Harm"	An individual aged 18 or over who: <ul style="list-style-type: none"><li>• is unable to look after their own wellbeing, property, rights or other interest;</li><li>• and is at risk of harm (either from another person's behaviour or their own behaviour); and</li><li>• because they have a disability, mental disorder, illness or physical or mental infirmity, they are more vulnerable to being harmed than other adults;</li></ul>
"Appeal Committee"	The Appeal Committee of the Club as appointed in accordance with these regulations;
"Appellant"	The person or body who appeals a Decision of the Disciplinary Manager;
"Board"	The body that is governing the Golf Club;
"Charge"	The Charge which is brought against the Respondent in respect of the disciplinary matter;
"Club"	Weybrook Park Golf Club Ltd, Rooksdown Lane, Basingstoke RG24 9NT
"Club Competition"	The rules of any Competition administered by the Club from time to time;
"Club Rules"	The Rules of the Club 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 Club;
"Complainant"	The person or body from whom a Complaint has been received by the Disciplinary Manager;
"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;
"County"	The County Golf Union or Association to which the Club affiliates;
"Disciplinary Manager"	The person who is appointed by the Board from time to time to manage the disciplinary procedures 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
"General Manager"	The person who is appointed by the Board to manage the Club's day to day operations;
"Member"	Any member of the Club;
"Notice of Complaint"	The Notice of the Complaint received by the Disciplinary Manager from the Complainant;
"Respondent"	The person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Manager 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;
"Young Person"	A person under 18 years of age.



## **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 Competition; 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, the sport of golf, or which brings the Club into disrepute.

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

2.2 The Regulations apply to all Members and playing 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 Manager receives a Notice of Complaint or where the Disciplinary Manager becomes aware of a disciplinary matter referred to in Regulation 2.1 above.

2.5 In the event that the Disciplinary Manager is involved in a disciplinary matter, either as Complainant or Respondent, then the matter shall be referred to the Board who shall appoint a new Disciplinary Manager for that matter.

2.6 As a general rule the Disciplinary Manager, may deal with a disciplinary matter informally, however, should the Disciplinary Manager, in their sole and absolute discretion, deem a matter to be sufficiently serious they may commence formal disciplinary proceedings where these Regulations shall apply.

2.7 Under no circumstance shall a Member reprimand an employee of the club or a hired contractor.

## **3 NOTICE OF COMPLAINTS**

3.1 A Notice of Complaint may be lodged with the Disciplinary Manager by any person or body which shall include without limitation, another Member, an employee/officer of the Club, the Board, or a member of the public, in relation to an alleged disciplinary matter.

3.2 The Notice of Complaint shall be made in writing as soon as practicable but no later than 7 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 Club Rule, Competition Rule or Regulation alleged to have been breached by the Respondent.

## **4 INITIAL INVESTIGATION**

4.1 On receipt of the Notice of Complaint or on becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Manager shall as soon as practicable but no later than 7 days afterwards;



4.1.1 commence an initial investigation into the matter in order to gather information and evidence; and

4.1.2 forward a copy of the Notice of Complaint to the Respondent, draw their attention to these Regulations and, either discuss the matter with or invite a written response from the Respondent and;

4.1.3 undertake any further investigation deemed appropriate to ascertain the best course of action to resolve the Complaint, or commence disciplinary action against the Respondent.

4.2 Upon completion of the steps set out in Regulation 4.1 the Disciplinary Manager may take any of the following steps:

4.2.1 Dismiss the complaint in which case the Disciplinary Manager shall notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed, for example:

4.2.1.1 it does not fall within the authority of the Club. if deemed appropriate and the matter is of a serious nature, following consultation with Board, the matter may be referred to England Golf or another appropriate body;

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

4.2.1.3 it is vexatious and/or malicious in which case the Complainant's actions may be referred to the Board for further consideration; or

4.2.2 deal with the matter informally by way of advice, information or mediation resulting in agreement or acceptance by the respective parties; or

4.2.3 issue a warning or reprimand in respect of the misconduct or rule breach committed; or

4.2.4 decide that the matter may constitute Gross Misconduct and, as such, be sufficiently serious to potentially warrant formal sanctions, for example, to the Respondent's suspension for a set period, resignation or expulsion from the Club. In such cases, a Disciplinary Meeting will be constituted in accordance with Regulation 5. The Disciplinary Manager may also consider it appropriate to suspend the Respondent immediately pending the outcome of the disciplinary process. Examples of Gross Misconduct include, but are not limited to:

- Theft
- Fighting, assault, abusive or threatening behaviour towards any member, customer or employee
- Bullying or harassment of any member, customer or employee
- Malicious damage to the property of the Company, members, customers or employees

4.3 As soon as is practicable, the Disciplinary Manager or their substitute shall inform the Complainant and the Respondent in writing of the course of action taken.

## **5 DISCIPLINARY MEETINGS FOR MATTERS OF POTENTIAL GROSS MISCONDUCT**

5.1 The Disciplinary Manager shall make such arrangements for the meeting to be held as soon as possible within 2 weeks of the completion of the Initial Investigation.



5.2 The Respondent will be given full opportunity to defend themselves (with the right to be accompanied or represented by a member of their choice) and to justify or explain their conduct including the calling of any witnesses.

5.3 The procedure for a meeting shall be flexible and shall be at the discretion of the Disciplinary Manager, 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 Disciplinary Manager will outline the basic procedure of the hearing.

A standard meeting procedure is set out at Appendix 1 which may be followed by the Disciplinary Manager at their discretion.

5.4 If the Respondent does not attend the meeting, provided that the Disciplinary Manager is satisfied that notice of the meeting was served properly, they may proceed to hear the evidence and decide the case in the absence of the Respondent.

## **6 DECISION AND AVAILABLE SANCTIONS**

6.1 The Disciplinary Manager shall either communicate their decision to the parties at the end of a meeting or notify the decision in writing at a later date.

6.2 The Disciplinary Manager may either dismiss the Complaint against the Respondent where the Charge is not proven or, where a disciplinary matter is found proven, impose such sanctions upon the Respondent as they think fit including without limitation:

6.2.1 suspension from the Club for a specified period;

6.2.2 request that the member resigns from the club;

6.2.3 immediate expulsion from the Club and shall not be eligible for re-joining or for admission to the Club in any capacity;

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

6.3 The decision taken by the Disciplinary Manager 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.

6.4 The Respondent has the right of Appeal (section 8).

## **7 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM**

7.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the Club, the Disciplinary Manager and/or Appeal Committee must be mindful of the needs of the person in question and take these into account when deciding

7.1.1 the format of proceedings

7.1.2 whether any action is taken against such a person.

7.1.3 if the Disciplinary Meeting/Appeal hearing should if possible include at least one



member who has received safeguarding training.

7.1.4 Whether any standard directions set out in these Regulations should be varied.

7.2 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.

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

7.4 For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude the Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.

## 8 APPEAL - ENGLAND GOLF FRAMEWORK

8.1 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 be no further right of appeal.

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

8.3 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:

8.3.1 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;

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

8.3.3 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

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



- 8.4 Following receipt of a Notice of Appeal, the Disciplinary 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 Disciplinary Secretary considers that the Notice of Appeal is valid, he will forward it to the County Secretary of [*insert County*] Union or Association as appropriate. If the Disciplinary Secretary considers that the Notice of Appeal is not valid, he will return it to the Respondent and explain why it is not valid.
- 8.5 The Hampshire Golf 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.

## **9 APPEAL– INTERNAL CLUB MATTERS**

- 9.1 Should an Appellant wish to appeal a decision of the Disciplinary Manager, the Appellant must lodge the appeal to the Board 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 they seek to rely upon which may be considered by the Appeal Committee if deemed appropriate.
- 9.3 Where appropriate the Club will refer the appeal to County to hear in accordance with its Disciplinary Regulations. County shall determine at its own discretion whether the appeal is appropriate to be heard by County. If County determine not to hear the appeal, it shall be passed back to the Club to determine in accordance with these Regulations.

## **10 APPEAL COMMITTEE**

- 10.1 The Appeals Committee shall be chaired by the President of the Club who may appoint such members to the Committee as they shall (in their absolute discretion) decide.
- 10.2 The Appeals Committee shall respond to such a member within twenty one days of the date of their appeal.
- 10.3 If a meeting is held by the Appeals Committee in respect of an appeal, it may invite such persons to the meeting (whether members or non-members) as it may (in its absolute discretion) determine.
- 10.4 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 or the Disciplinary Manager. 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 Manager and/or the Board, 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 Manager;
  - 11.1.3 remit the matter for a re-hearing by the Disciplinary Manager;



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 Manager's decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Manager.

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.

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.

11.6 The decision of the Appeals Committee shall be final and binding.

## **12 MISCELLANEOUS PROVISIONS**

12.1 The standard of proof in all cases before the Disciplinary Manager 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 of 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 Disciplinary Manager / Appeal Committee deem it appropriate, bearing in mind all the circumstances surrounding the case, the Disciplinary Manager and / or the Appeal Committee may, at its discretion, request an independent person to act as adviser.

12.4 The Disciplinary Manager/ 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 Appeal Committee shall decide any issue by majority and no member of the Appeal Committee may abstain from voting. The Chair of the Appeal Committee has a casting vote in the event of a split decision.

12.6 The Club and the Board 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 Manager and the Appeal committee shall be available from the Club and communicated to Members from time to time.



## **APPENDIX 1**

### **STANDARD DISCIPLINARY MEETING PROCEDURE**

1. At least 48 hours before the meeting, the format of the meeting will be outlined to the Respondent together with details of the complaint that will be presented with relevant evidence including witnesses that will be called by the Disciplinary Manager.
2. If deemed to be required, prior to any hearing, the Disciplinary Manager shall set appropriate deadlines for the submission of any written evidence / representations requested from the Disciplinary Manager or the Respondent.
3. The hearing shall be convened at a time suitable to the parties and communicated to the parties by the Disciplinary Manager.
4. The case against the Respondent will be presented by the Disciplinary Manager, together with relevant evidence, including witness evidence, if appropriate.
5. The Respondent will be granted the opportunity to present their case, challenge the evidence presented against them, submit their own evidence, call witnesses and make representations to the hearing. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the sole discretion of the Disciplinary Manager.
6. 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.
7. 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.
8. Questions may be put by the Disciplinary Manager to the Respondent and each witness on conclusion of their evidence.
9. The Respondent shall have the opportunity to raise questions in cross-examination. 9 The Disciplinary Manager may limit cross-examination as it deems appropriate.
10. The Respondent and the Disciplinary Manager will be allowed to make a closing statement to the hearing.
11. The room will be cleared and the Disciplinary Manager will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven. The Disciplinary Manager will review the Respondent's previous disciplinary record, where relevant, to consider sanctions.
12. The hearing will reconvene and the Disciplinary Manager shall either communicate their decision to the parties at the end of a hearing or notify the decision in writing within 7 days.
13. Where a charge is proven the Respondent shall have the opportunity to present arguments in mitigation.
14. The hearing shall be documented in writing by the Disciplinary Manager and a record kept of all disciplinary proceedings and hearings.