

PORTAL GOLF CLUB
DISCIPLINARY REGULATIONS

1. DISCIPLINARY PROCESS

1.1. The process as defined below follows the guidance issued by England Golf.

2. WHO IS BOUND BY THESE REGULATIONS

2.1. These Regulations apply to all Members, Honorary Members and Players/Participants, an Individual, Person or Body.

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;

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.

3.2. Incidents of a safeguarding nature will 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.

4.2. When the Club receives a Complaint, the Club shall appoint a Disciplinary Secretary, who shall be independent of the matter, to consider the matter and decide how to proceed. In the first instance this will be the Chair of either the Mens or Ladies Competitions Committee. However, the chair may, at their discretion, appoint another member of the committee should they feel that this would be more appropriate.

4.3. Once appointed, the Disciplinary Secretary will inform the Complainant that the complaint has been received and that they have been appointed as Disciplinary Secretary to look into the matter.

5. NEXT STEPS

5.1. Following appointment, the Disciplinary Secretary may, without limitation:

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

5.1.2. Contact the Respondent for a response

5.1.3. seek advice from or refer the matter to any other appropriate body

5.1.4. resolve to deal with the matter informally

5.1.5. conclude that no further action is required

5.1.6. refer the matter to a disciplinary panel for further action.

5.2. In any event the Disciplinary Secretary will record the reasons for deciding on the appropriate next steps.

6. TIMELINESS

6.1 All those involved in the Complaint will make every effort to deal with the matter expeditiously.

7. DEALING WITH THE MATTER FORMALLY: CONSTITUTING A DISCIPLINARY PANEL

7.1. If the Disciplinary Secretary decides that the matter should be dealt with formally, a Disciplinary Panel will be set up to deal with the matter.

7.2. The Disciplinary Panel will be made up of 3 individuals chosen from Captain, Lady Captain, Vice Captain and Lady Vice Captain, who will all be independent of the complaint of incident giving rise to the matter. One member of the Disciplinary Panel will be appointed as Chair. If appropriate, the Chair may choose to ask any active club member to also sit on the panel.

7.3. 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 they will be replaced by another individual from those within 7.2 above.

8. ISSUING A NOTICE OF CHARGE

8.1. Once a Disciplinary Panel has been formed, the Disciplinary Secretary will notify the Complainant of the decision to deal with the matter under these Regulations, and send a Notice of Charge to the Respondent clearly setting out:

8.1.1. The Regulation, rule or provision that the Respondent is alleged to have breached; and

8.1.2. A summary of the facts or circumstances that led to the Complaint and the Charge; and

8.1.3. A description and copies of the evidence that is being relied upon to support the Charge; and

8.1.4. Confirmation that these Regulations apply to the determination of the matter; and

8.1.5. The time, date and location of any meetings that have been organised to discuss or otherwise deal with the matter; and

8.1.6. The rights of the Respondent under these Regulations to have a fair opportunity to make representations in their defence; and

8.1.7. Instructions on what the Respondent must do to either admit or deny the Charge and the deadline for indicating their response.

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. Admit the Charge; or

9.1.2. Deny the Charge, in which case the matter will be dealt with by a full disciplinary hearing.

9.2. If the Respondent admits the Charge, the Disciplinary Panel may deal with Decisions and Sanctions under Regulation 11 below. The Respondent may make written representations in mitigation within 7 days from accepting the Notice of Charge or having been deemed to accept the Notice of Charge.

9.3. If the Respondent does not accept the Charge, the Disciplinary Panel will call a Disciplinary Hearing in accordance with Regulations 9 – 10 below

- 9.4.** If the Respondent does not respond to the Notice of Charge within the time period outlined at Regulation 9.1 above, the Disciplinary Panel may call a Disciplinary Hearing, and may treat the Respondent as having admitted the Charge.
- 9.5.** If there are multiple Charges, the Respondent may admit or deny all or some of the Charges. The Disciplinary Panel may deal with Charges that are Admitted and Denied separately.
- 9.6.** The Disciplinary Panel may deal with a disciplinary matter by way of an oral hearing either conducted in person or by audio or video conference call, or deal with the matter by way of written submissions, whichever method is most appropriate and proportionate to the issues at hand, and considering the needs and wishes of the Respondent and any other witnesses in deciding how to deal with the hearing.

10. NOTICE FOR DISCIPLINARY HEARINGS

- 10.1.** 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. ORAL DISCIPLINARY HEARINGS

- 11.1.** The Respondent may be accompanied by another Member for support (the "**Friend**"), but the Friend may not make representations on behalf of the Respondent.
- 11.2.** The procedure for an oral 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.
- 11.3.** 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.
- 11.4.** 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. DECISIONS AND SANCTIONS

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

- 12.1.1.** dismiss the Charge as unproven;
- 12.1.2.** issue a warning or reprimand in respect of the misconduct or rule breach committed;
- 12.1.3.** suspend or exclude the Respondent from Club Competitions, Tournaments, Teams, meetings or other activities. This may include a recommendation to any external society/organisation that the suspension/exclusion is extended to that society/organisation where the respondent attends as a representative of Portal Golf Club;
- 12.1.4.** suspend or exclude the Respondent from holding office within the Club for a specified or indefinite period of time;
- 12.1.5.** recommend to Macdonalds that the Respondent should be suspended or permanently excluded from the membership of the club.
- 12.1.6.** a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel as appropriate.
- 12.2.** 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.
- 12.3.** 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.

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 the Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.

14. APPEALS (CLUB)

- 14.1.** If the Respondent wishes to appeal a decision of the Disciplinary Panel they must lodge the appeal to the Disciplinary Secretary in writing within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent.
- 14.2.** 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:
 - 14.2.1.** 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
 - 14.2.2.** serious procedural or other irregularity in the proceedings before the Disciplinary Panel
 - 14.2.3.** 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
 - 14.2.4.** the sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.
- 14.3.** 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. 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.
- 14.4.** If the Disciplinary Secretary considers that the Notice of Appeal is valid, the Disciplinary Secretary will consider whether at least one ground of appeal being established, in which case the Disciplinary Secretary will appoint an Appeal Panel comprising 3 individuals who have had no prior involvement and have no actual or potential interest in the matter. This panel will consist of the Club President and 2 past Captains/Lady Captains who are not currently sitting on any club committee. If the Disciplinary Secretary does not consider that a ground of appeal has been established he will inform the Respondent with reasons.
- 14.5.** The Appeal Panel shall determine whether an appeal of a Disciplinary Panel decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Panel, with due consideration being given to any requests made by any relevant party.
- 14.6.** An Appeal Hearing may deal with an appeal on the basis of written submissions from the Appellant and the Respondent or by way of an oral hearing. If any party requests an oral hearing, then this will be facilitated unless exceptional circumstances mean that an oral hearing is impracticable.

- 14.7.** The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Appeal Panel, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness.
- 14.8.** The standard hearing procedure for Disciplinary Hearings as set out at **Appendix 1** may also be followed by the Appeal Panel at their discretion.
- 14.9.** The Appeal Panel shall have the power to:
- 14.9.1.** dismiss the appeal;
 - 14.9.2.** remit the matter for a re-hearing by the Disciplinary Panel;
 - 14.9.3.** remit the matter for a re-hearing by a new Disciplinary Panel made up of different individuals than those originally appointed;
 - 14.9.4.** substitute an alternative finding;
 - 14.9.5.** reduce or increase the original sanction; and/or
 - 14.9.6.** make such further order as they consider appropriate.
- 14.10.** 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.

15. APPEALS (COUNTY)

- 15.1 Once the Club Appeals process as been concluded, the Respondent has the right to appeal any decision relating to the Rules of Golf or Handicapping to either The Cheshire Union of Golf Clubs or to England Golf. Any appeal must be made in writing within 14 days of the date of the Club Appeals decision being notified to the Respondent.
- 15.2 The Disciplinary Regulations of the Cheshire Union of Golf Clubs or England Golf will apply thereafter.

16 CLOSING THE COMPLAINT

- 16.1 Depending on the point at which the complaint was closed, the Disciplinary Secretary, Chair of Disciplinary Panel or Chair of Appeal Panel will have responsibility to ensure that:
- 16.1.1 the Respondent is fully informed of the outcome and is clear on any follow-up actions that will be taken,
 - 16.1.2 the complainant(s) is informed of the outcome,
 - 16.1.3 any follow-up actions are documented and assigned to an appropriate individual to progress,
 - 16.1.4 all documentation relating to the complaint is collated and passed to the Chair of the Competitions Committee for filing.

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 will be kept of all disciplinary proceedings and hearings and decisions.

APPENDIX 2

GUIDANCE ON DISCIPLINARY SANCTIONS

The following guidelines are not a definitive list but a set of examples to assist those carrying out the disciplinary review in order to aid consistent outcomes.

Discretion	Potential outcome
Competition Misdemeanours	
Multiple Misdemeanours relating to Competitions e.g. withdrawing without informing organiser/playing partners.	A Verbal warning to remain on a persons record for 6 months
Continued misdemeanours following the verbal warning above.	A formal written warning informing individual that sanctions will be imposed if this behaviour continues. To remain on a persons record for 12 months.
Continued misdemeanours following the formal written warning above.	Suspension from Competitions for up to one month.
Incorrect Scores	
Incorrect score on card (lower gross score than actual score).	A formal written warning informing individual of their responsibilities and that further sanctions may be taken if there is a repeat.
Incorrect score on card repeated after above warning.	Suspension from Competitions for up to two month.
Rules Infringement	
Incorrect Relief Taken e.g. 2 Club Lengths rather than 1	DQ from Competition and verbal warning to remain on a persons record for 6 months
Improving Lie of ball	DQ from Competition and written warning to remain on a persons record for 12 months
Dropping a new ball and playing that as the original	DQ from Competition, suspension from competitions for 3 months and written warning to remain on a persons record for 2 years
Behaviour	
Inconsiderate behaviour to playing partners e.g. talking when playing a shot	A Verbal warning to remain on a persons record for 6 months
Giving unsolicited advice during a competition	DQ from Competition + Verbal or Written warning depending on nature of advice e.g. 1 off or repeated throughout round.
Unsportsmanlike Conduct – deliberate attempts to negatively impact play of playing partner(s)	DQ from Competition + written warning to remain on a persons record for 6 moths.
Rude or Aggressive behaviour to another member, player or member of staff.	Depending on the nature of this:- <ul style="list-style-type: none"> • Final Written Warning • Suspension from Club Activities for up to 6 months • Suspension from Club Activities for 12 months and recommendation to Macdonalds to cancel membership