



## THORPE HALL GOLF CLUB DISCIPLINARY REGULATIONS

### 1. DEFINITIONS

"Appeal Panel"	the Appeal Panel of the Club as appointed in accordance with these Regulations;
"Appellant"	the person or body who appeals a Decision of the Disciplinary Panel;
"Board"	The body that is running the Golf Club;
"Chairman"	The Chairman of Thorpe Hall Golf Club as appointed by the Board of Directors;
"Chair"	Chair of the Disciplinary/Appeals Panel;
"Club"	Thorpe Hall Golf Club, Thorpe Hall Ave, Thorpe Bay, Essex, SS1 3AT;
"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;
"Club Competition"	The rules of any Competition administered by the Club from time to time;
"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;
"Complainant"	the person or body from whom a Complaint has been received by the Disciplinary Panel;
"County"	The County Golf Union or Association to which the Club affiliates
"Disciplinary Panel"	the Disciplinary Panel of the Club as appointed in accordance with these Regulations;
"Disciplinary Secretary"	the person who is nominated as the Disciplinary Secretary by the Board;
"England Golf"	the trading name of English Golf Union Limited, The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, LN10 6PU, Company Number: 5564018;
"Member"	Any member of the Club;
"Notice of Complaint"	the notice of the Complaint received by the Disciplinary Panel from the Complainant;
"Respondent"	the person who is the subject of the Complaint or disciplinary action brought by the Disciplinary Secretary 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.

## **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.** Any matter in which a Member engages in conduct that is inappropriate, unlawful, unsporting, or behaves in a manner that is unacceptable, opposed to the general interests of the Club or the sport of golf, or brings the Club into disrepute.

**2.2.** The Board has delegated responsibility to the Men’s and Ladies’ Committees, respectively, for investigating all complaints and grievances relating to:

- Alleged breaches of the Rules of Golf.
- Etiquette (including failure to comply with the directions of the Course Marshall or official starters).
- Dress standards on the course.

**2.3.** The respective Committees shall proceed in accordance with the governing principles of the England Golf Disciplinary and Appeal Regulations published by England Golf. If there is a conflict between these Regulations and the provisions of the England Golf Disciplinary and Appeal Regulations, these Regulations shall prevail.

**2.4.** In complex cases, the respective Committees may seek the assistance of the Board in carrying out an investigation or forming a Disciplinary Panel. A Disciplinary Panel appointed by the Men’s Committee or the Ladies’ Committee shall have the powers set out in paragraph 8 of these Regulations (save that there shall be no power to expel a member but a right to recommend expulsion to the Board). The Rights of Appeal set out in paragraph 10 below shall apply.

**2.5.** The Regulations apply to all Members and playing visitors of the Club.

**2.6.** 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.

**2.7.** Disciplinary proceedings shall be commenced against a Member in accordance with the Regulations where the Disciplinary Secretary receives a Notice of Complaint or becomes aware of a disciplinary matter referred to in Regulation 2.1 above.

**2.8.** In the event that the Disciplinary Secretary is involved in a disciplinary matter, either as Complainant or Respondent, the matter shall be referred to the Board, which shall appoint a new Disciplinary Secretary for that matter.

**2.9.** As a general rule, the Disciplinary Secretary, in consultation with the Chairman, has the discretion to deal with a disciplinary matter in an informal manner. However, should the Disciplinary Secretary deem a matter sufficiently serious, formal disciplinary proceedings under these Regulations shall apply. If the matter is dealt with informally, it may be handled by the most appropriate person or body of the Club.

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### **3. NOTICE OF COMPLAINTS**

**3.1.** A Notice of Complaint may be lodged with the Disciplinary Secretary by any person or body, including, without limitation:

- Another Member.
- An employee/officer of the Club.
- The Board.
- A member of the public.

This applies to any alleged disciplinary matter referred to in Regulation 2 above.

**3.2.** The Notice of Complaint shall be made in writing as soon as practicable, but no later than 28 days following the alleged incident (or knowledge of the incident by the Complainant). It shall set out details of the Complaint, including, where applicable, the specific Club Rule, Competition Rule, or Regulation that is alleged to have been breached by the Respondent.

### **4. INITIAL INVESTIGATION**

#### **4.1.**

On receipt of the Notice of Complaint or the Disciplinary Secretary otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Secretary, in consultation with the Chairman, shall, within 14 days:

- **4.1.1.** Commence an initial investigation into the matter in order to gather information and evidence. This should include the date and time of the alleged incident, a full description, and the name of any witnesses.
- **4.1.2.** Forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent within 7 days.
- **4.1.3.** Undertake any further investigation deemed appropriate in order 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 Secretary, in consultation with the Chairman, may take any of the following steps:

- **4.2.1.** Decide that no further action is required, in which case the Disciplinary Secretary shall notify the Respondent and the Complainant in writing, explaining the reasons why the Complaint has been dismissed. Examples include:
  - **4.2.1.1.** It does not fall within the authority of the Club.
  - **4.2.1.2.** There is not enough evidence to justify further action being taken.
  - **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.

- **4.2.1.4.** Give a clear instruction to or reprimand a member, keeping a written note of the action taken, or issue a written warning. Notes of action taken and copies of written warnings shall be retained for a minimum of 6 years.
- **4.2.2.** Deal with the matter informally by way of advice, information, or mediation between the respective parties.
- **4.2.3.** If deemed appropriate, and the matter is of a serious nature, following consultation with the Chairman/Board, the Disciplinary Secretary shall have the power to suspend a member pending a full investigation.
- **4.2.4.** Refer the matter to the Disciplinary Panel, to be constituted in accordance with Regulation 6.

## **5. ISSUING A NOTICE OF CHARGE**

### **5.1.**

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:

- **5.1.1.** The Regulation, rule, or provision that the Respondent is alleged to have breached.
- **5.1.2.** A summary of the facts or circumstances that led to the Complaint and the Charge.
- **5.1.3.** Confirmation that these Regulations apply to the determination of the matter.
- **5.1.4.** The time, date, and location of any meetings that have been organised to discuss or otherwise deal with the matter.

### **5.2.**

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

### **5.3.**

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

### **5.4.**

As soon as is practicable, the Disciplinary Secretary shall inform the Complainant and the Respondent of the course of action taken.

### **5.5.**

If the Disciplinary Secretary, following consultation with the Chairman, refers the matter to the Disciplinary Panel, the Respondent shall be informed of the charge being brought and granted the opportunity to either accept or deny the Charge.

## **5.6.**

If the Respondent accepts the Charge, then the matter shall be referred to the Disciplinary Panel for a hearing to determine the sanction. The Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

## **5.7.**

If the Respondent denies the Charge, then the matter shall be determined at a hearing of the Disciplinary Panel, in accordance with Regulation 6.

## **5.8.**

Where the Complainant is not a Member or employee/officer of the Club or the Board, the Club's duty to inform, as detailed in Regulations 4.2.1 and 5.4, shall not apply, and the Complainant shall not have a right to be involved in action taken under these Regulations following the lodging of a Notice of Complaint.

## **6. DISCIPLINARY PANEL**

### **6.1.**

The Disciplinary Secretary, in consultation with the Chairman, shall establish a Disciplinary Panel consisting of three members approved by the Board. The Disciplinary Panel shall elect one of its members to act as Chair. In the event that the Disciplinary Panel is not able to elect a Chair, the Board shall decide upon the Chair.

### **6.2.**

The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a charge.

### **6.3.**

Each member of the Disciplinary Panel must:

- Have no personal interest in the outcome of proceedings (other than to see that the decision is fair).
- Have no previous knowledge or involvement with the matter under consideration.

In the event that a matter is referred to the Disciplinary Panel and a member either declares an interest or is deemed to have an interest by the Disciplinary Secretary or Board, that person shall be replaced on the Disciplinary Panel for that matter only.

The Disciplinary Secretary and/or the Chairman/Board, when assessing whether a member of the Disciplinary Panel has an interest in the outcome of proceedings, shall give due consideration to any objections raised by the Respondent.

## **7. DISCIPLINARY HEARINGS**

### **7.1.**

Where a matter is referred to the Disciplinary Panel by the Disciplinary Secretary, the Panel may:

- Hear the disciplinary matter by way of an oral hearing; or
- Consider the charge on the basis of written submissions from the Respondent and Complainant, as appropriate and at the request of the parties.

If an oral hearing is to be held, the Disciplinary Secretary shall make arrangements for the hearing to be held within 14 days.

### **7.2.**

The Respondent may be represented at the hearing, and such a representative may make submissions on the Respondent's behalf. The Respondent may also request that another Member attends in support; however, such a Member shall not be permitted to make submissions to the Disciplinary Panel.

### **7.3.**

The procedure for an oral hearing shall be flexible and at the discretion of the Chair of the Disciplinary Panel, who may make decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Panel will outline the basic procedure of the hearing.

A standard hearing procedure is set out in Appendix 1, which may be followed at the discretion of the Chair of the Disciplinary Panel.

### **7.4.**

If the Respondent does not attend the hearing as arranged, provided that the Disciplinary Panel is satisfied that notice of the hearing was properly served, the Panel may proceed to hear the evidence and decide the case in the absence of the Respondent.

## **8. DECISION AND AVAILABLE SANCTIONS**

### **8.1.**

The Disciplinary Panel shall either:

- Communicate its decision to the parties at the end of a hearing; or

- Notify the decision in writing within 14 days.

## **8.2.**

The Disciplinary Panel may:

- 8.2.1. Dismiss the case where the Charge is not proven.
- 8.2.2. Issue a warning or reprimand for the misconduct or rule breach committed.
- 8.2.3. Impose suspension or exclusion from:
  - Club activities, including Club Competitions, teams, or meetings.
- 8.2.4. Impose suspension or exclusion from holding office within the Club for a specified or indefinite period.
- 8.2.5. Suspend the Member's Club membership for a specified period.
- 8.2.6. Expel the Member from the Club.
- 8.2.7. Impose a combination of the above or any other disciplinary action as deemed appropriate by the Disciplinary Panel.

## **8.3.**

The sanction imposed by the Disciplinary Panel must be reasonable and proportionate in all circumstances. Consideration may be given to the Respondent's previous disciplinary record. The Disciplinary Panel will provide reasons for its decision.

## **8.4.**

A Member expelled or suspended shall not be entitled to:

- Relief from subscription liabilities.
- Any refund.

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

### **9.1.**

Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the Club, Disciplinary Panel, and/or Appeal Panel must be mindful of the needs of the individual and take these into account when deciding:

- 9.1.1. The format of proceedings.
- 9.1.2. Whether any action is taken against such a person.
- 9.1.3. If the Panel should include at least one member who has received safeguarding training.
- 9.1.4. Whether any standard directions in these Regulations should be varied.

## **9.2.**

Written permission should be obtained from any parent/carer of a Young Person or Adult at Risk of Harm when such a person is asked to provide evidence and/or attend a hearing.

If 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 their parent/carer. The Disciplinary Panel shall ensure that the Young Person or Adult at Risk of Harm fully understands the process taking place.

## **9.3.**

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

## **10. APPEAL**

**10.1.** Should an Appellant wish to appeal a decision of the Disciplinary Panel, the Appellant must lodge the appeal to the Disciplinary Secretary in writing within 14 days of the decision being notified to the Respondent.

**10.2.** The Appellant must set out the grounds of appeal in as much detail as possible, including the nature of any new evidence he/she seeks to rely upon, which may be considered by the Appeal Panel if deemed appropriate.

**10.3.** The Disciplinary Secretary will refer the appeal to the Chairman to hear in accordance with these Regulations.

## **11. APPEAL PANEL**

**11.1.** The Chairman shall form an Appeal Panel consisting of 3 members.

**11.2.** No member of the Appeal Panel shall have any interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Panel nor be a member of the Disciplinary Panel.

**11.3.** In the event that a decision is appealed to the Appeal Panel and a member of the Appeal Panel either declares an interest or is deemed to have an interest by the Disciplinary Secretary and/or Chairman/Board, then such member shall be replaced on the Appeal Panel for that matter only.

## **12. APPEAL HEARINGS**

### **12.1. APPEALS – ENGLAND GOLF FRAMEWORK**

**12.1.1.** 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.

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

**12.1.2.** There will be no further right of appeal.

**12.1.3.** 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.

**12.1.4.** 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:

- **12.1.5.** The decision was based on an error of fact or could not have been reasonably reached by a Disciplinary Panel when faced with the evidence before it.
- **12.1.6.** Serious procedural or other irregularity in the proceedings before the Disciplinary Panel.
- **12.1.7.** 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.
- **12.1.8.** The sanction imposed was manifestly unreasonable in light of the facts before the Disciplinary Panel.

**12.1.9.** 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 Essex 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.

**12.1.10.** The Essex 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.

**12.2.** The Appeal Panel shall have jurisdiction to conduct appeal hearings and have the power to:

- **12.2.1.** Dismiss the appeal.
- **12.2.2.** Overturn any finding and any sanction imposed by the Disciplinary Panel.
- **12.2.3.** Remit the matter for a re-hearing by the Disciplinary Panel.
- **12.2.4.** Substitute an alternative finding.
- **12.2.5.** Reduce or increase the original sanction.
- **12.2.6.** Make such further order as it considers appropriate.

**12.3.** The Appeal Panel 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.

**12.4.** The Appeal Panel shall determine at its absolute discretion and on a case-by-case basis, 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.

**12.5.** The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Chair 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. The Chair of the Appeal Panel will then outline the basic procedure of the Hearing.

**12.6.** A standard hearing procedure for disciplinary hearings is set out at Appendix 1, which may be followed by the Chair of the Appeal Panel at his/her discretion.

**12.7.** The Appeal Panel shall either communicate its decision to the Appellant at the end of a hearing or it shall be notified in writing no later than 14 days following the Appeal hearing.

### **13. MISCELLANEOUS PROVISIONS**

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

**13.2.** 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.

**13.3.** If the Chair of the Disciplinary Panel / Appeal Panel deems it appropriate, bearing in mind all the circumstances surrounding the case, the appropriate Panel may, at its discretion, request an independent person to act as adviser to the Disciplinary / Appeal Panel.

**13.4.** The Disciplinary Panel / Appeal Panel 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.

**13.5.** The Disciplinary Panel and Appeal Panel shall decide any issue by majority and no member of the Disciplinary Panel or Appeal Panel may abstain from voting.

**13.6.** The Club 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.

### **APPENDIX 1**

#### **STANDARD DISCIPLINARY HEARING PROCEDURE**

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

**B.** The hearing shall be convened by the Disciplinary Panel at a time suitable to the parties and communicated to the parties by the Disciplinary Secretary.

**C.** The case against the Respondent will be presented by the Disciplinary Secretary, together with relevant evidence, including witness evidence, if appropriate.

**D.** 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 sole discretion of the Chair of the Disciplinary Panel.

**E.** 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.

**F.** 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.

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

**H.** The Respondent shall have the opportunity to raise questions in cross-examination.

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

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

**K.** The Disciplinary Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven. The decision by the Appeals Panel is final.

**L.** The Chair of the Disciplinary Panel shall either communicate its decision to the parties following deliberation at the end of a hearing or notify the decision in writing no later than 14 days following the hearing.

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

**N.** The Disciplinary Panel shall determine the appropriate sanction in accordance with the Regulations.

**O.** Notices and/or letters delivered by hand shall be deemed to be received at the time of delivery, and if sent by first-class post, to have been received on the day following posting.

**P.** The hearing shall be documented in writing by the Disciplinary Secretary, and a record kept for 6 years of all disciplinary proceedings and hearings.

**Q.** Only on application by a member to the Disciplinary Secretary can any penalty under these Regulations be disclosed following the determination of any appeal, except where the appeal resulted in the complaint being rescinded. The Disciplinary Secretary disclosure is restricted to the Respondent's name, the nature of the complaint, and the penalty imposed.

**R.** The above procedure may also be followed by the Appeal Panel whereby the Respondent is the Appellant and the Disciplinary Panel is the Appeal Panel.