

## **The Wiltshire Disciplinary Code and Procedures**

This is a Disciplinary Procedure for dealing internally with complaints against members only.

### **1. Competitions**

In any competition organised by the Club, the R&A Rules of Golf 2019 or any Rule in substitution therefor shall be applied.

### **2. Complaints Procedure**

2.1 In all matters other than those contained in section 1 above, the Club shall exercise its powers under this Code in the manner set out below and shall;

- a. delegate its powers to decide disciplinary matters to a disciplinary panel ('Panel') in accordance with paragraph 4; and
- b. delegate its power to decide upon any appeal against a decision of the committee to an appeals committee which shall be comprised in accordance with paragraphs 5 and 8.

2.2 The Club shall have jurisdiction;

- a. to consider any formal complaint of Misconduct (as defined in paragraph 3) and any matter which the section committees/general committee may consider misconduct.
- b. to appoint a person or persons who will not further sit on any disciplinary panel to investigate any matter which it considers does or may amount to misconduct.

### **3. Misconduct**

3.1 Misconduct is:

- a. A breach of the Club's Terms and Conditions;
- b. A breach of any of the Club's published policies relating to:
  - i. Equality and Diversity
  - ii. Social Media
  - iii. Safeguarding and Child Protection
  - iv. Committee Code of Conduct
- c. Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

### **4. Disciplinary Panel**

4.1. The Club President, or Section Captain, shall appoint a Disciplinary Panel ('Panel') from amongst the Club membership, which should comprise not less than 3 persons, normally from members of the section committees. If any one of the normally appointed members is unwilling or unable to serve on the panel, then the General Committee shall appoint another from amongst the Club membership to serve in their stead. One of the serving members of the panel shall be appointed as its chairperson (Chair).

4.2. The Panel shall hear and adjudicate upon disciplinary matters referred to it.

4.3. The Chair may at their discretion appoint any legal or other expert to advise (but not sit on) the Panel in respect of any matter referred to it.

4.4. The Chair may reject a Panel member if they believe that he or she may have had, any previous involvement or personal interest. It shall be the responsibility of each Panel member to advise the Chair as soon as is reasonably practicable of any such previous involvement or personal interest and the Chair shall determine whether the nature and circumstances thereof are such that the Panel member concerned should not sit on the Panel in relation to the matter in question.

## **5. Appeals Committee**

5.1 The Appeals Committee ('AC') shall comprise the Club President and two section Captains which shall hear and adjudicate upon appeals made to it from the decisions of the Panel.

5.2 The Club President or, failing them any other committee member shall chair the meeting. The Chair of the meeting constituted as the AC may at their discretion appoint any legal or other expert (not having been appointed to advise the Panel under paragraph 4.3 in respect of the matter the subject of the appeal) to advise (but not sit on) the AC.

5.3 The appellant shall be entitled to object to the appointment of a person to chair the AC by notice in writing given to the Club General Manager within seven days of the appellant having been given written notice of the identity of the proposed Chair of the AC pursuant to paragraph 5.2 and setting out the reasons for their objection. The General Manager shall within seven days of having received the objection, notify the appellant in writing of the revised composition of the AC providing details or, if it has not changed, giving reasons therefore.

## **6. Full Disciplinary Procedure**

6.1 The Panel shall send to the subject of the complaint (the Member) a summary of the alleged misconduct together with a brief factual summary of the evidence in support of it.

6.2 The Member shall have 14 days within which to respond to the complaint. If the Member fails to respond within such period (or such longer period as may have agreed in writing) then the Member may be liable to suspension from involvement in golf until their reply has been received.

6.3 After receiving the Member's reply or, failing receipt of a reply after the expiry of the period for delivery of the same, the Panel shall set a date for hearing by the Panel.

6.4 Not less than 7 days before the hearing date the Panel shall:

- a. deliver to the Member details of the evidence the intended to adduce at the hearing, and
- b. request the Member to provide details of witnesses and other evidence the Member intends to take before the Panel.

6.5 If the Member fails to deliver the details required of him in a timely manner the hearing may be adjourned or may proceed at the absolute discretion of the Panel.

6.6 Proceedings of and all hearings before the Panel shall be held in private.

6.7 The Member shall be entitled to be accompanied by any other member of the Club who may speak before the Panel on his/her behalf.

6.8 If the Member was under 14 years of age when the subject of the complaint 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 his/her parent or guardian as well as to the Member. At any hearing before the Panel of a complaint against a Member under the age of 18 at the date of the hearing the parent or guardian of the Member shall be entitled to attend the hearing, to speak on behalf of the Member and make such representations to the Panel as they think appropriate on the Member's behalf.

6.9 At the hearing the Panel will consider the evidence which is placed before it. The Member shall be entitled to cross examine all witnesses.

6.10 The Member shall be entitled to present his/her case to the Panel and to call such supporting witnesses as he/she wishes. The Panel may be entitled to ask any questions of these witnesses.

6.11 At the conclusion of the proceedings, the Panel shall consider its decision in private. It shall first consider whether to uphold the allegation of misconduct. If it has, it shall inform the Member (in writing).

6.12 When reaching a decision, the Panel shall not be required to be unanimous. A majority of the Panel in favour of any decision is sufficient.

6.13 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 within 7 days thereafter.

6.14 The Panel shall not be obliged to follow the strict rules of evidence in the course of any proceedings and shall be entitled to admit such evidence and accord it such weight as it thinks fit.

6.15 The Panel shall have the power to regulate its own procedure including (without limitation) to:

- a. extend or vary any time limit set out in this Code;
- b. adjourn any proceedings at any time;
- c. allow time for the submission of further evidence or for any other reason;
- d. ask questions of any party or witness to any proceedings before it;
- e. admit or exclude any evidence on grounds of relevance or for failure to comply with directions; and,
- f. give or make directions at any time with regard to proceedings before it or to be held before it.

## **7. Penalties**

7.1 If the Panel or the Appeals Committee finds a Charge of Misconduct proved it may impose upon the Member one or more of the following penalties:

- a. a censure, caution or reprimand in respect of his/her conduct;
- b. a suspension from competition or other involvement in any capacity in any event organised or sanctioned by the Members;
- c. expulsion from membership of the Club; (*only with the approval of the General Manager*)

- d. a penalty pursuant to the World Handicap System (WHS)
- e. suspension of all membership rights for a period not exceeding twelve months (*only with the approval of the General Manager*)

**8. Appeals**

8.1 A Member wishing to appeal against a decision of, or any penalty imposed by, the Panel shall lodge notice of his/her appeal in writing within 14 days of the date of delivery to the Appellant of the (written) decision of the Panel pursuant to paragraph 6.13.

8.2 If the appeal is against a finding of the Panel the appeal shall be by way of re-hearing and the procedure set out in paragraphs 6.9 to 6.13 shall apply to the appeal proceedings.

8.3 The AC shall consider all documents and evidence submitted or presented to the Panel at the first hearing and shall have the power to request the recall of witnesses heard at that hearing and to admit new evidence.

8.4 In reaching its decision the AC shall take such account and give such weight to the evidence presented to it as it thinks appropriate and shall be entitled to make such decision on the facts as it thinks fit and may confirm, cancel, reduce or increase the penalty under appeal or substitute a different form of penalty.

8.5 Subject to 8.7 below, decision of the AC is final and binding.

8.6 For the avoidance of doubt, subject to 8.7, there is no right of appeal to any relevant County or other association or to England Golf in respect of any proceedings of or any decision taken under or pursuant to the Club's disciplinary code and/or procedures.

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

**8 General**

9.1 No breach of procedure or failure to follow any directions given in the course of any proceedings under this Code shall invalidate such proceedings unless such breach or failure shall have materially and substantially prejudiced the person against whom a Charge has been made.

9.2 This Code may be amended from time to time by the General Committee as it sees fit and any such amendment shall come into force and have effect from such date as the General Committee may determine.

9.3 The construction, validity, and enforceability of this Code shall be governed by English Law.