

The Wiltshire Disciplinary Code and Procedures

1. Overview

1.1. This is a Disciplinary Procedure for dealing internally with complaints against members and their conduct.

1.2. Where a breach of competition rules, in accordance with the competition Terms and Conditions is reported, these will be addressed by the Competitions Committee. Any issue where the current R&A Rules of Golf or WHS are in dispute or any Rule in substitution thereof, the Competitions Committee will enlist the assistance of either a qualified referee or the handicap Secretary in their deliberations.

2. Background Information

2.1. The Wiltshire Golf, Hotel and Leisure is privately owned facility which was formed in 1992. The Wiltshire Golf Club (the Club) Committees are drawn predominantly from volunteers to represent the Club's Membership.

2.2. The aim of the Club's Committees is to improve the membership experience, by taking account of membership views and to provide feedback to Management, both informally and through regular Committee Meetings, on Course Improvement/Maintenance Work, Competitions, Handicaps and other appropriate issues. Minutes of Committee Meetings are published on the Club's web site.

2.3. The aims of the 'Disciplinary Code and Procedures' are to provide a context and framework for complaints to be taken forward constructively within the Club and to set out the respective roles of Section Committees, Disciplinary Panel and the Appeals Committee

2.4. The Club shall have jurisdiction to consider any formal complaint of Misconduct (as defined in paragraph 5) and any matter which the relevant section committees/general committee may consider misconduct.

2.5. In all matters other than those contained in para 1.2 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 the Disciplinary Panel in accordance with paragraph 6; and,
- b. delegate its power to decide upon any appeal against a decision of the committee to the Appeals Committee (AC) which shall be comprised in accordance with paragraphs 7 and 9.

3. Members Code of Conduct

3.1. All Club members have the right to be treated with dignity and respect at all times.

3.2. The Club aims to ensure that at all times, members behave appropriately and correctly. Any conduct that appears to endanger the character, interests or good order of the Club will not be tolerated.

3.3. The Club and the Golf Club Committees will positively and continually support this Code of Conduct in all contexts, including meetings, events and in dealing with Club members.

3.4. The Club will not tolerate any form of bullying, harassment or inappropriate behaviour towards and by Club members. In particular, the Club does not condone any form of bullying or harassment on account of gender, religion, race, age, sexual orientation or disability.

3.5. It is the responsibility of Club members to report immediately Misconduct or inappropriate/unacceptable conduct or offensive behaviour to their Section captain or any other committee member.

4. Complaints Procedure

4.1. Any complaint may be submitted directly to the Club President, however, the expectation is that disputes between members will be resolved amicably and members are encouraged to initially seek assistance from within their respective committees. That said, if the complaint cannot be resolved informally at section level, then it should be brought formally to the attention of the Club President.

4.2. Any complaint may be submitted directly to the Club President. The complaint should be submitted in writing, within 7 days of the alleged incident or informal action (see para 4.1) not being successful, whichever is the latter, signed and dated by the complainant.

4.3. The complainant must specify the details of the alleged incident or grounds for complaint, including where appropriate, which Club Policy or Code of Conduct has been breached. The Club President will forward a copy of the complaint to the member in question (Respondent) and request a written reply within 7 days. The Club President will then consider if the complaint may be resolved through a one-to-one meeting between the complainant and the respondent. If this is not possible, or the matter remains unresolved, then, within 21 days of the Club President's receipt of the complaint, the Club President shall escalate the matter to the Disciplinary Panel (DP).

4.4. If the Club President is unable to resolve the matter at first instance, or the Misconduct relates to a breach of any Club Policy, then the Club President will form a DP, within 7 days to process the complaint and forward all relevant paperwork to the DP.

5. Misconduct

5.1. 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.

6. Disciplinary Panel

6.1. The Club President shall appoint a 3-person DP from amongst the Club membership, which should comprise, normally two members from the section committees and one general member. A DP will be formed in response to each formal complaint received. Whilst the expectation is that all members will serve on the DP or AC if called to do so, thereby promoting transparency and fairness of process, should there be extenuating circumstances that prevent the member from serving they should notify the Club President of the same. The Club President shall then appoint another from amongst the Club membership to serve in their stead. The Club President will maintain a list of members who express a wish to sit on either a DP or AC, although members outside of this list may also be asked to sit. Once formed, the DP will appoint a chairperson (Chair).

6.2. The DP shall hear and adjudicate upon allegations and disciplinary matters referred to it.

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

6.4. It shall be the responsibility of each DP member to advise the Chair as soon as is reasonably practicable of any personal interest in the issue before it, and the Chair shall determine whether the nature and circumstances thereof are such that the DP member concerned should not sit on the DP in relation to the matter in question.

7. Disciplinary DP Actions

7.1. The DP shall send to the subject of the complaint, the Respondent, within 14 days of being formed, a summary of the alleged misconduct together with any supporting evidence.

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

7.3. After receiving the Respondent's reply or, failing receipt of a reply after the expiry of the period for delivery of the same, the DP shall set a date for hearing, no later than 21 days after the DP informed the respondent of the complaint, and will notify the Respondent and any other interested party (including but not limited to the complainant) of the time and date so set.

7.4. Not less than 7 days before the hearing date the DP shall:

- a. deliver to the Respondent details of any additional evidence it is intended to adduce at the hearing, and
- b. request the Respondent to provide details of witnesses and other evidence the Respondent intends to bring before the DP.

7.5. If the Respondent 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 DP.

7.6. Proceedings of and all hearings before the DP shall be held in private.

7.7. The Respondent shall be entitled to be accompanied by any other member of the Club who may speak before the DP on his/her behalf.

7.8. If the Respondent was under 14 years of age when the subject of the complaint took place all correspondence and communication shall be addressed only to the respondent's parent or guardian. If the Respondent 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 Respondent. At any hearing before the DP of a complaint against a Respondent under the age of 18 at the date of the hearing the parent or guardian of the Respondent shall be entitled to attend the hearing, to speak on behalf of the Respondent and make such representations to the DP as they think appropriate on the Respondent's behalf.

7.9. At the hearing the DP will consider the evidence which is placed before it. The Respondent shall be entitled to cross examine all witnesses.

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

7.11. At the conclusion of the proceedings, the DP shall consider its decision in private.

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

7.13. After having reached its decision as to whether the allegation has been proved and what Penalty, if any, is to be imposed the DP shall communicate that decision to the Respondent and the complainant, in writing, within 7 days of the hearing.

7.14. The DP 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.

8. Appeals Committee

8.1. The AC shall comprise of the Club President and a Captain of the section that the appellant does not belong to, plus one general Club member selected randomly from a list held by the Club President.

8.2. 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 DP under paragraph 4.3 in respect of the matter the subject of the appeal) to advise (but not sit on) the AC.

8.3. The appellant shall be entitled to object to the appointment of a person to chair or any other member of 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 8.2 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.

9. Penalties

9.1. If the DP or the AC finds the allegation 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. expulsion from membership of the Club; (only with the approval of the General Manager)
- c. suspension of all membership rights for a period not exceeding twelve months (only with the approval of the General Manager)

10. Appeals

10.1. A Respondent wishing to appeal against a decision of, or any penalty imposed by, the DP shall lodge notice of his/her appeal in writing within 14 days of the date of delivery to him/her of the (written) decision of the DP pursuant to paragraph 7.13.

10.2. If the appeal is against a finding of the DP the appeal shall be by way of re-hearing which will sit within 7 days of an appeal being lodged and the procedure set out in paragraphs 7.9 to 7.13 shall apply to the appeal proceedings.

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

10.4. 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.

10.5. If the appeal is only against the level of a Penalty imposed then appellant should state in writing the reasons for appealing the Penalty, in which case the AC will consider the appeal on its merits.

10.6. The decision of the AC is final and binding and will be delivered, in writing, within 3 days of the conclusion of the Appeal hearing.

10.7. For the avoidance of doubt, 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 unless such proceeding is concerned with the application of the Rules of Golf, Terms of Competition or the World Handicapping System.

11. General

11.1. 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.

11.2. 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.