



NORTHUMBERLAND UNION OF GOLF CLUBS

DISCIPLINARY REGULATIONS

1 DEFINITIONS

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| "Appeal Committee" | the Appeal Committee of the County as appointed in accordance with these Regulations; |
| "Appellant" | the person or body who appeals a Decision of the Disciplinary Committee; |
| "Charge" | The charge which is brought against the Respondent in respect of the disciplinary matter; |
| "County Rules" | The rules of the County 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 County; |
| "County Tournament" | The rules of any tournament administered by the County 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 Committee; |
| "Disciplinary Committee" | the Disciplinary Committee of the County as appointed 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; |
| "England Golf Disciplinary Regulations" | the disciplinary regulations of England Golf as approved by the England Golf Board from time to time. |
| "Executive" | The body of individuals within the County responsible for decision making. |
| "Member" | Any member of a golf club affiliated to the County; |
| "Notice of Complaint" | the notice of the Complaint received by the Disciplinary Committee 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 County in relation to any disciplinary matters which include without limitation the following:
 - 2.1.1 alleged breaches of the County Rules;
 - 2.1.2 alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a County Tournament; 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 County or the sport of golf or which brings the County into disrepute.
- 2.2 The Regulations apply to all Members and playing visitors of the County.
- 2.3 The Regulations may be amended by the County 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 County Secretary or a member of the County Executive receives a Notice of Complaint or where they become aware of a disciplinary matter referred to in Regulation 2.1 above
- 2.5 As a general rule the appointed Disciplinary Committee Chair, where considered appropriate and in its sole and absolute discretion, may deal with a disciplinary matter in an informal manner, however, should the matter be deemed to be sufficiently serious it may commence formal disciplinary proceedings these Regulations shall apply. Where the matter is to be dealt with on an informal basis it may be dealt with by the most appropriate person or body of the County.

3 NOTICE OF COMPLAINTS

- 3.1 A Notice of Complaint may be lodged with the County Secretary or member of the Executive by any person or body which shall include without limitation, another Member, an employee/officer of the County, the Executive, or a member of the public, in relation to an alleged disciplinary matter which is 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) and shall set out details of the Complaint including, where applicable, the specific County Rule, Competition Rule or Regulation which is alleged to have been breached by the Respondent.

4 INITIAL INVESTIGATION

- 4.1 On receipt of a complaint the President in conjunction with members of the Executive shall appoint a Chair and 2 further members of the Executive to act as the Disciplinary Committee. In doing so it will be important to avoid any potential conflict of interest.
 - 4.1.1 On receipt of the Notice of Complaint or the County otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Appointed Disciplinary Chair/ Committee shall within 14 days;
 - 4.1.2 commence an investigation into the matter in order to gather information and evidence;

- 4.1.3 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent; and
 - 4.1.4 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 Where appropriate and in its sole discretion, the County may refer the matter to England Golf to deal with in accordance with the England Golf Disciplinary Regulations.
- 4.3 Upon completion of the steps set out in Regulation 4.1 the Disciplinary Committee may consider the following outcomes
- 4.3.1 decide that no further action is required in which case the County Secretary shall notify the Respondent and the Complainant in writing explaining the reasons why the Complaint has been dismissed, for example:
 - 4.3.1.1 It does not fall within the authority of the County;
 - 4.3.1.2 There is not enough evidence to justify further action being taken; or
 - 4.3.1.3 It is vexatious and/or malicious in which case the Complainant's actions may be referred to the Executive for further consideration;
 - 4.3.2 deal with the matter informally by way of advice, information, or mediation between the respective parties;
 - 4.3.3 if deemed appropriate and the matter is of a serious nature, following consultation with The Executive and any other appropriate person/committee of the County issue,
 - 4.3.3.1 a warning or reprimand in respect of the misconduct or rule breach committed;
 - 4.3.3.2 suspension or exclusion from County activities including County Tournaments, teams, meetings or otherwise;
 - 4.3.3.3 expulsion from the County;
 - 4.3.3.4 a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Committee as appropriate.
- 4.4 The decision taken by the Disciplinary Committee 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.
- 4.5 As soon as is practicable, the County Secretary shall inform the Complainant and the Respondent of the course of action taken.
- 4.6 The Respondent has right of appeal then the matter shall be referred to the President who shall review the information and determine at a hearing of the outcome.
- 4.7 Where the Complainant is not a Member or employee/officer of the County or the Executive, the County's duty to inform detailed in Regulations 4.3.1 and 4.4 above. 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.

5 DISCIPLINARY MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK OF HARM

- 5.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the County, the Disciplinary Committee must be mindful of the needs of the person in question and take these into account when deciding
- 5.1.1 the format of proceedings
 - 5.1.2 whether any action is taken against such a person.
 - 5.1.3 if the Committee should include at least one member who has received safeguarding training.
 - 5.1.4 Whether any standard directions set out in these Regulations should be varied.
- 5.2 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 Committee shall make sure that the Young Person or Adult at Risk of Harm fully understands the process taking place.
- 5.3 For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude County from taking disciplinary action against the Young Person or Adult at Risk of Harm.

6 APPEAL

- 6.2 Should an Appellant wish to appeal a decision of the Disciplinary Committee, the Appellant must lodge the appeal in writing to the County Secretary within 14 days of the decision being notified to the Respondent.
- 6.3 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 County President if deemed appropriate.
- 6.4 The County may refer the appeal to England Golf to hear in accordance with its Disciplinary Regulations. England Golf shall determine at its own discretion whether the appeal is appropriate to be heard by England Golf. If England Golf determine not to hear the appeal, it shall be passed back to County to determine in accordance with these Regulations.

7 APPEAL HEARINGS

- 7.1 The President shall have jurisdiction to conduct appeal hearings and have the power to:
- 7.1.2 dismiss the appeal;
 - 7.1.3 overturn any finding and any sanction imposed by the Disciplinary Committee;
 - 7.1.4 remit the matter for a re-hearing by the Disciplinary Committee;
 - 7.1.5 substitute an alternative finding;

- 7.1.6 reduce or increase the original sanction; and/or
- 7.1.7 make such further order as it considers appropriate.
- 7.2 The President 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 County / 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.
- 7.3 The President shall determine at its absolute discretion and on a case by case basis, whether an appeal of a Disciplinary Committee decision shall be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Committee.
- 7.4 The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the President, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness.

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

8 MISCELLANEOUS PROVISIONS

- 8.1 The standard of proof in all cases before the is the balance of probabilities.
- 8.2 Any time frame required to be implemented in respect of the Regulations may be amended on a case by case basis with consideration 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.
- 8.3 If the Chair of the Disciplinary Committee / President on appeal deems it appropriate, bearing in mind all the circumstances surrounding the case, the appropriate Committee may, at its discretion, request an independent person to act as adviser.
- 8.4 The Disciplinary Committee / President on appeal 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.
- 8.5 The County 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.

9 PUBLICATION OF DECISIONS

- 9.1 The County may publish details of any decision made by where a Complaint is upheld and may notify England Golf, golf clubs any other relevant body of any details relating to the Complaint or Dispute as such body may need to know for the proper exercise of its functions.

APPENDIX 1

STANDARD DISCIPLINARY HEARING PROCEDURE

- 1 If deemed to be required, prior to any hearing, the Disciplinary Committee shall set appropriate deadlines for the submission of any written evidence / representations.
- 2 The hearing shall be convened by the Disciplinary Committee at a time suitable to the parties and communicated to the parties by the County Secretary.
- 3 The case against the Respondent may be presented by the complainant or the County 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 Committee. 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 Committee.
- 5 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.
- 6 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.
- 7 Questions may be put by the Disciplinary Committee to the Respondent and each witness on conclusion of their evidence.
- 8 The Respondent shall have the opportunity to raise questions in cross-examination.
- 9 The Disciplinary Committee may limit cross-examination as it deems appropriate.
- 10 The Respondent and the Complainant/ County Secretary will be allowed to make a closing statement to the Disciplinary Committee.
- 11 Following consideration, the Chair of the Disciplinary Committee 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 Committee.
- 12 The hearing shall be documented in writing by the Disciplinary Committee and a record kept of all disciplinary proceedings and hearings.