

## **1. Disciplinary Procedure:**

- a) A complaint, in writing, from any source, against a member, alleging inappropriate conduct, will be considered in the first instance by the Manager of TBGC. In the case of minor issues, the Manager should do their utmost to resolve the issue as soon as possible, maintaining notification to the Board of the Club.
- b) If the Manager is unable to resolve the issue and decides there is a formal disciplinary case to be made, the Manager will be responsible for bringing the case formally before the Board who will determine the next course of action and appointment, if necessary, of the Disciplinary Committee. The case will be written up giving details of the alleged offence; any written evidence will be attached; together with a list of witnesses who may be asked to give evidence on the matter.
- c) The President shall inform any member against whom a complaint has been made of the grounds of complaint enclosing any supporting information or written evidence which documents the complaint and shall invite that member to make written representations in answer to it, all within a reasonable time-scale not exceeding 14 days.
- d) A personal hearing may be required or offered by the Disciplinary Committee and, in any event, will be offered if it is possible that a sanction could be expulsion or suspension in the event the complaint is proved.
- e) If, after offer, a personal hearing is not required or requested within 7 days by the member, the matter will be dealt with by the Disciplinary Committee within a reasonable time-scale (28 days) considering the written representations of the relevant member and any other evidence, written or oral, available. That evidence will be made available to the member concerned.
- f) If a personal hearing is to take place:-
  - i) The Manager give to the relevant member at least 5 days' notice of the date, place, and time of the personal hearing. The notice will state the complaint to be discussed and will provide details of any evidence against the Member.
  - ii) the relevant member may be represented or accompanied in the hearing by one other Member of his or her choice;
  - iii) the Disciplinary Committee shall take account of the written and oral representations of the relevant Member and any other evidence, written or oral, available;
  - iv) the failure of any person involved to attend a hearing or to answer any question or to produce any necessary papers shall not prevent the Disciplinary Committee from proceeding to a decision.

- g) The Disciplinary Committee will normally consider a complaint fully before any question of suspension arises but, where a complaint is related to a serious breach of the rules of the Club, a power to suspend forthwith a Member's playing rights and/or related activities may be exercised by the Disciplinary Committee as soon as the complaint is received. Such suspension will last until the formal hearing of the matter by the Disciplinary Committee which will take place no more than 14 days from the beginning of the period of suspension.
- h) The recommendation of the Disciplinary Committee will be conveyed to the Board immediately for them to consider and make final decisions and actions.
- i) The decision of the Board will be conveyed in writing to both the Member, and any person or persons who initiated the complaint, within 7 days of the decision being made. The relevant Member/s will have the right to appeal against the decision.
- j) The decision of the Board shall be deemed to be a decision of the Club and binding on the Member/s concerned.

## **2. Penalties:**

If a member is found to be in breach of the rules of the Club, the Board shall have the power to impose on the Member one or more of the following penalties: -

- i) issue a letter warning the Member as to his or her future behaviour;
- ii) suspension of membership of the Club for a period decided by the Board, with no refund of any membership fees;
- iii) permanent withdrawal of membership, with no refund of any membership fees;
- iv) request restitution where damage is done during an act of misconduct.

## **3. Appeals:**

- a) A member wishing to appeal against a decision of, or penalty imposed by, the Board under the disciplinary procedure above, shall lodge his or her appeal in writing with the Manager within 14 days of the date of the letter of notification of the decision by the Board.
- b) In the event of the lodgement of an appeal the following procedures will be followed:
  - i) any penalty imposed by the Disciplinary Committee will be deferred pending the outcome of the appeal.
  - ii) an Appeal Committee shall be appointed by The Past Captains comprising three of the said group, none of whom had been members of the Disciplinary Committee or Board which reached the original decision on the matter;
  - iii) the Manager shall give to the relevant member at least 14 days' notice in writing of the date, time and place of the appeal hearing and shall give him or her the opportunity of being heard in person or by written submission. The notice shall

set out details of any additional evidence which has been made available to them since the original hearing;

- iv) if the member is attending the hearing in person the rules detailed in **4.f)** above shall apply.
  - v) the Appeal Committee shall adjudicate upon the matter taking into consideration the written or oral evidence of the relevant member and seeking such further evidence, written or oral, as it thinks fit.
- c) The Appeal Committee may cancel, reduce, confirm, or increase the penalty under appeal or substitute a penalty of a different form. If the penalty being appealed includes suspension, the start of the period of suspension may be deferred pending the outcome of the appeal.
- d) The decision of the Appeal Committee is final.

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

- a. 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

There will be no further right of appeal.

- b. 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.
- c. 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:

- i. 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;
  - ii. Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;
  - iii. 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
  - iv. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.
- d. 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 [*insert County*] 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.
- e. The Yorkshire 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.