**AXE CLIFF GOLF CLUB**

**DISCIPLINARY REGULATIONS**

## 1. Definitions

**1.1.** In these Regulations the following words and phrases shall have the following meanings and interpretations:

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| "Adult at Risk of Harm" | an individual aged 18 or over who:<br>• is unable to look after their own wellbeing, property, rights or other interest; and<br>• is at risk of harm (either from another person's behaviour or their own behaviour); and<br>• because they have a disability, mental disorder, illness or physical or mental infirmity, they are more vulnerable to being harmed than other adults; |
| "Appeal Panel" | the individual or group of individuals appointed in accordance with these Regulations to deal with Appeals under these Regulations: |
| "Appellant" | the person or body who appeals a Decision of the Disciplinary Panel; |
| "Chairperson" | The individual appointed by the Disciplinary Secretary to chair the Disciplinary or Appeal Hearing; |
| "Charge" | The charge which is brought against the Respondent in respect of the disciplinary matter; |
| "Club" | Axe Cliff Golf Club, Squire Lane, Axmouth, Seaton, Devon. EX12 4AB |
| "Club Rules" | The rules of the Club which may include its bye-laws, constitution or articles of association, code of conduct and any other rules by which the Members are bound in accordance with their membership of the Club; |
| "Club Tournament" | The rules of any competition, golfing event or tournament administered by the Club from time to time; |
| "Complaint" | a complaint of misconduct or notification of a concern as referred to in Regulation 4; |
| Complainant" | the person or body from whom a Complaint has been received by the Disciplinary Panel; |

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|---|---|
| “Committee” | The body that is running the Golf Club; |
| County” | The County Golf Union or Association to which the Club affiliates |
| “Disciplinary Panel” | the group of individuals appointed by the Club to deal with disciplinary matters under these Regulations; |
| “Disciplinary Secretary” | the person who is nominated as the Disciplinary Secretary by the Committee from time to time; |
| “England Golf” | The National Golf Centre, The Broadway, Woodhall Spa, Lincolnshire, NP10 6PU |
| “Member” | Any member of the Club in any membership category, including social or honorary members; |
| “Notice of Charge” | A written notice sent to the Respondent in any matter notifying them of the Complaint(s) and Charge(s) made and brought against them; |
| “Participant” | Any person, whether a Member, a visitor, or a subscriber to the England Golf scheme, who takes part in or spectates at any golfing activity at the Club or who attends the clubhouse as a social/honorary member; |
| Player | Any person who plays golf at the Club, whether or not they are a Member. |
| “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; |
| “Young Person” | A person under 18 years of age. |

**GENERAL STATEMENT**

Axe Cliff Golf Club is responsible for setting and maintaining the standards of service and delivery to the members, stakeholders and the wider public. Axe Cliff Golf Club is committed to dealing with any complaint equitably and in a timely and comprehensive manner.

## 2. WHO IS BOUND BY THESE REGULATIONS?

**2.1.** These Regulations apply to all Members, Directors, Honorary Members, Players Participants, staff as employees, (but only up to Stage 1), and staff members, volunteers and contractors of, or visitors to the Club.

**2.2.** See also:

- Appendix 1: Standard Disciplinary Procedure
- Appendix 2: Protocol to be followed to resolve informally at Stage 1

## 3. JURISDICTION OVER DISCIPLINARY MATTERS

**3.1.** These Regulations will apply to:

**3.1.1.** alleged breaches of the Club Rules, Regulations, Codes and Practices, and its statement of values or standards of behaviour;

**3.1.2.** alleged breaches of the Rules of Golf, handicap infringements, disqualifications, and any breach of the rules of a Club Tournament;

**3.1.3.** any matter in which an individual 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 Club, or which brings the Club into disrepute; and

**3.1.4.** incidents of a safeguarding nature must be referred to the England Golf Governance team before any disciplinary action is taken under these Regulations.

## 4. RAISING OF COMPLAINTS

**4.1.** The emphasis of the Club's complaints procedure will be to ensure an early resolution of the matter or problem with a minimum disruption to its members.

**4.1.1** Therefore, the club will aim to:

- ensure an open and transparent environment in which complaints and feedback are welcomed by the Club;
- make the complaint process as simple as possible and therefore this procedure will be reviewed from time to time;
- deal with all complaints fairly, sympathetically and honestly;
- make all reasonable attempts to resolve the complaint informally at Stage1 of the process (**See Appendix 2:** Protocol to be followed to resolve informally, in the first instance; and
- ensure a detailed and full response to complaints where ever possible.

If Axe Cliff Golf Club, it's volunteers, members or usual processes and procedures are found to be at fault, this will be acknowledged and the appropriate communication will be provided to all necessary individuals and groups, outlining future action, if any, that will be taken to prevent similar problems occurring again.

## 5. AUTHORITY OF DISCIPLINARY MATTERS

**5.1.** This procedure and regulations will be enforced and applied to any of the following;

- any alleged breaches of the club rules, regulations, codes of conduct and values of behaviour statement (strategic values);
- any alleged breaches of the Rules of Golf, handicapping violations and any other breach of the Club's competition rules;
- any situation in which an individual displays any form of inappropriate, unlawful or unsporting conduct and behaviours that brings the club or sport into disrepute
- an expression of dissatisfaction regarding an action or situation in which Axe Cliff Golf Club made, including any volunteers, members or others; and
- any safeguarding incidents which in this situation must be reported to the Club's Lead Safeguarding Officer or England Golf Lead Safeguarding Officer before any disciplinary action is taken.

**5.2.** Any person or body may raise a complaint to be considered under these Regulations. Complaints may be raised verbally to the General Manager, and followed up formally in writing. However, the Club will make reasonable adjustments to deal with Complaints made in other ways where appropriate.

**5.3.** when the Club receives a Complaint, the Club shall appoint a Disciplinary Secretary, who shall be independent of the matter, to consider the matter and decide how to proceed.

**5.4.** The Disciplinary Secretary may be the Chair to the Board of Directors, a nominated Director, a Captain, the General Manager, the Safeguarding Lead or the Welfare Lead for the Club, but this list is not exhaustive.

**6.** Upon the Club receiving a formal complaint, or a matter considered to be misconduct has come to light, the Club will have up to 14 days to investigate the complaint, gather information and evidence.

**6.1.** The Disciplinary Secretary will investigate the complaint and;

- an outline of all rationales for determining the next steps will be recorded; and
- keep the complainant informed of progress with regard to their complaint, particularly important if there is likely to be a delay in answering the complaint for any reason
- these initial investigations shall be referred to as Stage 1

## 7. NEXT STEPS

**7.1.** Following the appointment, the Disciplinary Secretary may, without limitation:

**7.1.1.** commence an initial investigation to obtain more information or evidence. **See Appendix 2** below, which sets out the process to be followed, when attempting to resolve the **matter informally.** The process aims to resolve the issue informally in the first instance. Such a process involves face-to-face meetings with all concerned. Notes will be taken of all responses during these meetings. All involved will be required to submit written statements to the Disciplinary Secretary. This process is known as Stage 1.

**7.1.2.** contact the Respondent and/or any witnesses for a written response; and,

**7.1.3.** seek advice from or refer the matter to any other appropriate body.

Following the investigation, the Disciplinary Secretary will outline the appropriate next steps, which can include;

**7.1.4.** dismiss the case with no further action required;

**7.1.5.** deal with the complainant and resolve it informally wherever possible, and/or

**7.1.6.** refer to the complaint to a Disciplinary Panel. This will signal the start of Stage 2, which is the formal part of the process.

In the case that the complaint is referred to a Disciplinary Panel, a summary of the alleged misconduct with a summary of factual evidence gathered via the initial investigations, will be shared with the subject of the complainant (Member).

**7.1.7.** The Member will have 14 days to respond to the complaint. No response within the time period could result in suspension of the involvement in golf until the reply is received. Additionally, should no response be

received within the time period, this could result in the initial Disciplinary Panel going ahead using the notes made of any preceding fact-finding meetings i.e. at Stage 1

**7.1.8.** Should the matter be dealt with informally, if appropriate; this will be known as Stage 1 and an informal warning shall be given to the Respondent.

**7.1.9.** Should Stage 1 NOT result in the required behaviour expected, nor resolve the matter, the allegation shall be referred to the disciplinary panel for further action. This shall be known as Stage 2.

**7.1.10.** In any event, the Disciplinary Secretary will record the reasons for deciding on the appropriate next steps.

## 8. STAGE 2: DEALING WITH THE MATTER FORMALLY: CONSTITUTING A DISCIPLINARY PANEL

**8.1.** If the Disciplinary Secretary decides that the matter should be dealt with formally, a Disciplinary Panel will be set up to deal with the matter. This shall be known as Stage 2.

**8.2.** The Disciplinary Panel will be made up of 3 individuals, who will all be independent of the complaint or incident giving rise to the matter. One member of the Disciplinary Panel will be appointed as Chair.

**8.3.** If at any time a member of the Disciplinary Panel either declares an interest or is deemed to have an actual or potential interest by the Chair (or if it is the Chair, another member of the Disciplinary Panel) they will be replaced by another individual.

## 9. ISSUING A NOTICE OF CHARGE

**9.1.** 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:

**9.1.1.** the Regulation, rule or provision that the Respondent is alleged to have breached;

**9.1.2.** a summary of the facts or circumstances that led to the Complaint and the Charge;

**9.1.3.** a description and copies of the evidence that is being relied upon to support the Charge;

**9.1.4.** confirmation that these Regulations apply to the determination of the matter;

**9.1.5.** the time, date and location of any meetings that have been organised to discuss or otherwise deal with the matter;

**9.1.6.** the rights of the Respondent under these Regulations to have a fair opportunity to make representations in their defence; and

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

The Disciplinary Panel will set the date of the Hearing Meeting following the Member replying to the alleged misconduct summary.

**9.1.8.** No less than 7 days before the hearing meeting date, the panel will share the details of the formal complaint and/or alleged misconduct including any evidence gathered that will be presented at the hearing meeting.

The panel will provide the Member the opportunity to share details of any witnesses and/or other evidence.

The Panel will outline the following to the Member ahead of the hearing meeting date;

- the rights of the respondent under these outline procedures and regulations, having an equitable opportunity to make representations in their defence of the allegations

## 10. ADMITTING OR DENYING THE CHARGE

**10.1.** The Respondent shall have at least 14 days from the date of the initial Notice of Charge to respond (a repeat Notice of Charge will be sent on the 10th day if no acknowledgement of receipt of the first Notice has been received by the Disciplinary Secretary) and either:

**10.1.1.** admit the Charge; or

**10.1.2.** deny the Charge, in which case the matter will be dealt with by a full disciplinary hearing.

**10.2.** If the Respondent admits the Charge, the Disciplinary Panel may deal with Decisions and Sanctions as set out below. The Respondent may make written representations in mitigation within 7 days from accepting the Charge or having been deemed to accept the Charge.

**10.3.** If the Respondent does not accept the Charge, the Disciplinary Panel will call a Disciplinary Hearing in accordance with Regulations as set out below.

**10.4.** If the Respondent does not respond to the Notice of Charge within the time period outlined above, the Disciplinary Panel may call a Disciplinary Hearing, and may treat the Respondent as having admitted the Charge.

**10.5.** If there are multiple Charges, the Respondent may admit or deny all or some of the Charges. The Disciplinary Panel may deal with Charges that are Admitted and Denied separately.

**10.6.** The Disciplinary Panel may deal with a disciplinary matter by way of an oral hearing either conducted in person or by audio or video conference call (ie Facetime etc) or deal with the matter by way of written submissions, whichever method is most appropriate and proportionate to the issues at hand, and considering the needs and wishes of the Respondent and any other witnesses in deciding how to deal with the hearing.

## 11. FORMAL PROCEDURES FOR MANAGING A COMPLAINT WHEN IT IS REFERRED TO THE DISCIPLINARY PANEL:

**SUBJECT OF COMPLAINT – RESPONSE AND ENTITLEMENT.**

**12.** In the instance that the subject of the complaint (Member) does not share the requested details within the agreed timeframe, the hearing meeting can be adjourned or will proceed in the Member's absence.

**13.** This decision is at the discretion of the Disciplinary Panel.

**14.** The Member will be given the opportunity to be accompanied by any other member of the Club to speak on their behalf during the hearing meeting. However, the

accompanying member may not answer any questions that have been asked directly to the Member by the Panel.

**15.** In cases where the subject of the complaint (Member) is under the age of 14, all correspondence shall be addressed only to the Member's parent or guardian.

**16.** In cases where the subject of the complaint (Member) is between the age of 14 and 18, all correspondence shall be addressed to the Member's parent or guardian and the Member.

**17.** In cases where the subject of the complaint (Member) is under the age of 18, the Member's parent or guardian can attend the hearing meeting and speak on the Members behalf.

**18.** In cases where the subject of the complaint (Member) is a young person or a vulnerable adult, there will be a consideration to include a representative on the Panel who has undertaken Safeguarding training.

## 19. NOTICE FOR DICIPLINARY HEARINGS

**19.1.** The Disciplinary Panel will give reasonable notice of any hearing or deadline for written submissions and should consider at least one re-scheduling to take into account prior commitments.

## 20. ORAL DISCIPLIANRY HEARINGS

**20.1.** The Respondent may be represented by a third party at any oral hearing, whether or not that person is a member of the Club (the "**Representative**"), and the Representative may make submissions but not give evidence on behalf of the Respondent.

**20.2.** The Respondent may be accompanied by another Member for support (the "**Friend**"), or relevant Union representative, but the Friend may not make representations on behalf of the Respondent.

**20.3.** The procedure for an oral hearing will be at the discretion of the Chair. A standard hearing procedure is set out at **Appendix 1** of this document, which may be followed by the Chair of the Disciplinary Panel.

**20.4.** Regardless of the procedures followed, the Respondent must be given a fair opportunity to make representations and present evidence in their defence. The Respondent must also be given the opportunity to review and challenge evidence in support of the Complaint and Charge.

**20.5.** If the Respondent does not attend the hearing as arranged above, provided that the Disciplinary Panel is satisfied that notice of the hearing was received it may proceed and decide the case in the absence of the Respondent.

**20.5.1.** The proceedings of all hearing meetings before the panel shall be held in private.

**20.5.2.** The Disciplinary Panel will consider all of the evidence that has been presented.

**20.5.3.** The subject of the complaint (Member) will be entitled to present their case to the Panel, including presenting any evidence, calling witnesses and cross-examining witness during the hearing meeting.

## 21. DISCIPLINARY DECISIONS

**21.1.** Following the conclusion of the hearing meeting, the Disciplinary Panel will make a decision for next steps and/or impose a sanction(s) as they deem necessary in private.

This can include, but not limited to:

- Upholding the complaint and if so, informing the Member (in writing)
- A decision will be communicated by the Panel to the Member either at the hearing meeting date or within 7 days after the date of the hearing.

**21.2.** The decision of the Panel does not need to be unanimous, a majority in favour of the decision is suitable. The standard of proof in all cases before the Disciplinary Panel and any Appeal Panel, is a consideration of the evidence available, alongside the balance of probabilities, or likelihood.

**21.2.1.** The Panel shall have the authority to regulate the procedure including (without limitation);

- extend or vary any timeframes set out in this procedure;
- adjourn any proceedings at any given time;
- allow time for the collection and submission of any evidence;
- ask questions to any witness(s) before any proceedings; and

- admit or exclude any evidence on the basis of its relevance or failure to comply with directions.

## 22. DECISIONS AND SANCTIONS

**22.1.** The Disciplinary Panel may reach such decision and/or impose such sanctions as it sees fit, including without limitation, to:

**22.1.1.** dismiss the Charge as unproven;

**22.1.2.** issue a warning or reprimand in respect of the misconduct or rule breach committed;

**22.1.3.** suspend or exclude the Respondent from the Club and/or Club Competitions, Tournaments, Teams, meetings or other activities;

**22.1.4.** suspend or exclude the Respondent from holding office within the Club for a specified or indefinite period of time;

**22.1.5.** suspend the Respondent's Membership of the Club, and/or their ability or authority to attend the Club and exercise playing rights at the Club for a defined period;

**22.1.6.** permanently expel the Respondent from the Club; and/or

**22.1.7.** a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel as appropriate.

**22.2.** The decision taken by the Disciplinary Panel in relation to sanctions must be reasonable and proportionate in all the circumstances. The Disciplinary Panel will give reasons for its decision.

**22.3.** The decision of the Disciplinary Panel will be communicated to the Respondent in writing within a reasonable time of the decision being made and after the process and decision has been **ratified by two Directors** not linked to the allegation or process in any way. **Ratification is to ensure that the policy has been consistently applied, has considered all representations and evidence in the round, and has based their decision on the balance of probabilities or likelihood.** The Club will commit to ensuring a written confirmation of the decision is sent to the Respondent within 10 working days.

**22.4.** If a right of appeal exists from the decision, the written decision must set out how that right can be exercised.

## 23. MATTERS INVOLVING YOUNG PERSONS OR ADULTS AT RISK

**23.1.** Where a disciplinary matter involves a Young Person and/or Adult at Risk of Harm, the Club, the Disciplinary Panel must be mindful of the specific needs and wellbeing of the individual in question and take these into account when deciding:

**23.1.1.** the format of proceedings;

**23.1.2.** whether any action is taken against a Young Person or an Adult at Risk of Harm, presenting with specific needs; and

**23.1.3.** whether any provisions in these Regulations should be varied.

**23.2.** The Disciplinary Panel should inform the Club Welfare Officer or, in their absence, the County Welfare Officer or the England Golf Safeguarding team of the circumstances surrounding the Young Person and/or the Adult at Risk of Harm before taking any action under these Regulations.

**23.3.** 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 or specialized support worker The Disciplinary Panel shall liaise closely with the parent/carer and/or support worker, to develop a shared understanding (as far as possible) that the Young Person or Adult at Risk of Harm fully understands the process taking place.

**23.4.** The refusal of the parent, Young Person or Adult at Risk of Harm to engage in the process, shall not preclude the Club from discussing and undertaking a range of possible, proportionate and appropriate measures, aimed to deter, minimise or eliminate the possibility of the recurrence of a similar incident.

**23.5. APPEALS – ENGLAND GOLF FRAMEWORK**

**23.6.** 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.

| Matter arising at | Disciplinary body at first instance | Appeal level |
|---|---|---|
| Club | Club | County |
| County | Devon County | England Golf |
| National | England Golf | England Golf Appeals Panel |

There will be no further right of appeal.

**23.7.** 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.

**23.8.** 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:

**23.8.1.** 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;

**23.8.2.** serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

**23.8.3.** 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

**23.8.4.** the sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

**23.9.** 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/she will forward it to the County Secretary of Devon County Union If the Disciplinary Secretary considers that the Notice of Appeal is not valid, he/she will return it to the Respondent and explain why it is not valid.

**23.10.** The Devon County 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.

## 24. APPEALS – INTERNAL CLUB MATTERS

### EITHER – OPTION 1 – APPEAL WITHIN THE CLUB

**24.1.** If the Respondent wishes to appeal a decision of the Disciplinary Panel to which Regulation 23.5 does not apply, they (the "**Appellant**") must lodge the appeal to the Disciplinary Secretary in writing (an "**Appeal Request**") within **5 days** of the date of the Disciplinary Panel's original decision being notified to the Respondent.

**24.2.** 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:

**24.2.1.** 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;

**24.2.2.** serious procedural or other irregularity in the proceedings before the Disciplinary Panel;

**24.2.3.** 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

**24.2.4.** the sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

**24.3.** 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 not valid, he will return it to the Respondent and explain why it is not valid.

**24.4.** If the Disciplinary Secretary considers that the notice of appeal is valid, the Disciplinary Secretary will consider whether at least one ground of appeal being established, in which case the Disciplinary Secretary will appoint an Appeal Panel comprising 3 individuals who have had no prior involvement and have no actual or potential interest in the matter. If the Disciplinary Secretary does not consider that a ground of appeal has been established he/she will inform the Respondent with reasons.

**24.5.** The Appeal Panel shall determine 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, with due consideration being given to any requests made by any relevant party.

**24.6.** An Appeal Hearing may deal with an appeal on the basis of written submissions from the Appellant and the Respondent or by way of an oral hearing. If any party requests an oral hearing, then this will be facilitated unless exceptional circumstances mean that an oral hearing is impracticable.

**24.7.** The procedure for an Appeal Hearing shall be flexible and shall be at the discretion 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.

**24.8.** The standard hearing procedure for disciplinary hearings set out at **Appendix 1** may also be followed by the Appeal Panel at their discretion.

**24.9.** The Appeal Panel shall have the power to:

**24.9.1.** dismiss the appeal;

**24.9.2.** remit the matter for a re-hearing by the Disciplinary Panel;

**24.9.3.** remit the matter for a re-hearing by a new Disciplinary Panel made up of different individuals than those originally appointed;

**24.9.4.** substitute an alternative finding;

**24.9.5.** reduce or increase the original sanction; and/or

**24.9.6.** make such further order as they consider appropriate.

**24.10.** The decision of the Appeal Panel may be communicated at the Hearing, but must, in any event, be communicated in writing within 7 days of the hearing or deliberation of written submissions taking place.

## 25. ESTABLISHING AN APPEALS PANEL

**25.1.** If it is determined that the submitted appeals need to be formally dealt with, an Appeals Panel will be established.

**25.2.** The Appeals Panel will comprise of 3 individuals all of which will be independent of the complaint, meaning that they were not named in the raised complaint, or involved in the Disciplinary Panel proceedings

**25.3.** One of the Appeals Panel members will be appointed as Chair.

**25.4.** If at any point, a member of the Appeals Panel declares an interest, or perceived to have an actual, or potential interest, by another panel member, they will be replaced by another independent individual

**25.5.** The Appeals Panel will provide written notice to the Appellant of the date, time and place of the appeal hearing meeting.

**25.6.** The appeal hearing meeting may be a re-hearing of the original complaint or it may include a review of the Disciplinary Panel original decision.

**26.** The Appeal Panel will consider all information including:

- the original Disciplinary Panel procedure that was followed;
- any new information that has come to light;
- all documentation and evidence submitted at the original Disciplinary Panel hearing; and
- recall any witnesses that were heard at the original Disciplinary Panel hearing to provide any new evidence.

**26.1.** The Member will be given the opportunity the present their case to the Appeal Panel and provide any supporting witnesses. The Appeal Panel are entitled to ask any questions of the supporting witnesses.

**26.2.** The Appeal Panel procedure will follow the same Disciplinary Panel Hearing procedure. This includes process, entitlement and timeframes.

## 27. APPEAL PANEL DECISIONS

**27.1.** The Appeal Panel will give consideration to fairness when concluding the final decision.

**27.2.** The Appeal Panel will consider the presented evidence and the information provided to make a decision that may confirm, cancel, reduce or increase the original Disciplinary Panel decision. The standard of proof in all cases before the Disciplinary Panel and the Appeal Panel is the balance of probabilities or liklihood.

**27.3.** The decision of the Appeal Panel is final.

**27.4.** The decisions of the Appeal Panel will be communicated to the Appellant either at the Appeal hearing meeting or within 7 days after the hearing meeting date. This will be communicated in writing to the Appellant.

## 28. GENERAL

This procedure can be amended from time to time by the Club's Board of Directors as they deem necessary. Any amendments to the procedure will be communicated with the Club's membership.

## 29. OR OPTION 2 – APPEAL TO THE COUNTY BODY

**29.1** If the Respondent wishes to appeal a decision of the Disciplinary Panel to which Regulation 23.5 does apply, they (the "Appellant") must lodge the appeal to Devon County Golf Union in writing (an "Appeal Request") within 14 days of the date of the Disciplinary Panel's original decision being notified to the Respondent.

**29.2** The Devon County Union's Disciplinary Regulations will apply thereafter.

## 30. Miscellaneous provisions

**30.1.** The Disciplinary Panel will make decisions by a simple majority of over 50%. The Disciplinary Panel may give a single decision and is not obliged to disclose

to the Respondent how individual members of the Disciplinary Panel voted or whether the decision was a majority decision or a unanimous decision.

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

**30.3.** Any timescales or deadlines set in respect of matters dealt with under these Regulations may be extended by the Chair in the light of all material circumstances of the case and the individuals involved in the case.

**30.4.** The Disciplinary Panel or the Appeal Panel may, where they deem it to be appropriate bearing in mind all the circumstances of the matter, request an independent person to act as adviser to the Panel(s).

**30.5.** The Disciplinary Panel and Appeal Panel are not obliged to follow strict rules of evidence. They may admit such evidence, and attribute such weight to any piece of evidence, as they deem fit in the circumstances.

**30.6.** The Club will not be liable to any person, Member or Participant for any loss, however, caused, whether direct, indirect, financial or consequential arising out of or in connection with any matters taken under these Regulations.

**30.7.** Any relevant contact details for the Disciplinary secretary and any other relevant parties shall be available from the Club and communicated to Members from time to time and upon request.

**30.8.** The laws of England & Wales shall apply to these Regulations.

**APPENDIX 1**: **Standard Disciplinary Procedure**

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

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

**3** The case against the Respondent will be presented by the Disciplinary 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 Panel. The evidence of further witnesses not notified in accordance with the Regulations will be admitted only at the discretion of the Chair of the Disciplinary Panel.

**5** A Representative representing a Respondent at a hearing may present and sum up their case, but they may not answer questions put to the Respondent.

**6** Before being called, witnesses will not be allowed in the room while evidence is being given. This does not apply in relation to the Complainant or Respondent.

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

**8** The Respondent will have the opportunity to raise questions in cross-examination.

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

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

**11** The room will be cleared and the Disciplinary Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary charge has been proven.

**12** The hearing will reconvene and the Chair of the Disciplinary Panel shall either communicate its decision to the parties at the end of a hearing or notify the decision in writing at a later date (but not greater than 10 working days) as set by the Disciplinary Panel.

**13** Where a charge is proven the Respondent will have the opportunity to present arguments in mitigation.

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

**15** The room will again be cleared and the Disciplinary Panel will determine the appropriate

sanction.

**16** A record kept of all disciplinary proceedings and hearings and decisions (kept for 12 months)

**APPENDIX 2: Protocol to be followed to resolve the matter informally at Stage 1.**

**When is this Protocol to be used?**

This Protocol is to be used to inform Stage 1 of the Disciplinary Regulations' Policy, whereby the Disciplinary Secretary attempts to resolve the issue or complaint via informal means, in the first instance.

**What shall the Disciplinary Secretary do?**

In accordance with the Disciplinary Regulations', a Disciplinary Secretary is identified to deal with the complaint. This can be the General Manager, a Director, a Captain or a club member, depending on the circumstances. However, should a member of staff be the subject of the complaint, then the General Manager will always be the Disciplinary Secretary.

Once appointed, the Disciplinary Secretary undertakes the following:

- informs the respondent (the person subject to the complaint), or the employee, that a complaint has been made about them or an issue has come to light which needs investigating. This may be done verbally, but followed up in writing. Should the respondent be a member of staff, the General Manager may make the decision to suspend the member of staff pending investigation. Suspension is a neutral act to safeguard the member of staff from any further possible allegations, or any possible retaliation etc. Suspension of staff may be 'with' or 'without pay';
- undertakes some early investigations and any evidence gathering i.e. CCTV or identification of any witnesses etc.
- make arrangements to meet, face-to-face with the respondent to discuss their response to the allegation. Requests that the respondent provides a written statement within 3 working days;
- make arrangements to meet, face-to-face with any witnesses to discuss the allegation and request a written statement from them, to be provided within 3 working days;
- make arrangements to meet, face-to-face with the complainant, to discuss the complaint and allegation and to confirm their written original complaint remains in place. This meeting also serves to provide an update to the respondent with regards to the progression of the complaint.
- on receipt of all written statements, discuss next steps, with one other Director, or the General Manager i.e. this is to consider the written statements and any mitigating evidence and to decide whether or not to progress the case to Stage 2 which is the formal process.

It is important that strict confidentiality remains in place at all levels throughout, but particularly at the initial complaint stage. This is because panel members can only be appointed if they have no knowledge of the case in hand. Also, it is possible that two panels

may need to be convened; one to hear the initial case and another to act as an Appeal Panel, should this be required. It is also important to ensure there is no conflict of interest on identification of panel members, or when identifying the Disciplinary Secretary.

**What is Stage 2?**

Stage 2 is known as the formal process. Stage 2 involves the convening of a Disciplinary Panel comprising 3 others whom have to knowledge of the case in hand. The panel is appointed to hear the case, to consider all evidence and to decide on next steps. Decisions regarding next steps will be in accordance with the Disciplinary Regulations'.

Should the case involve a member of staff, the panel should not comprise members of the golf club. In such a case, Directors may be identified for both panels. Should the case involve a member of the club, then Captains and Vice Captains may be identified for each panel.

Signed: Date:

Review Date: January 2027