Disciplinary Policy and Procedures (Members)

1 DEFINITIONS

"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;
"Board"	The body of individuals within the County responsible for decision making.
"County"	Hertfordshire Golf Limited
"County Rules"	The rules of the County which may include its Articles of Association, 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;
"Disciplinary Secretary"	the person who is nominated as the Disciplinary Secretary by the Board from time to time;
"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.
"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 by a Member;

2.1.2 alleged breaches by a Member 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 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 Disciplinary Secretary receives a Notice of Complaint or where the Disciplinary Secretary becomes aware of a disciplinary matter referred to in Regulation 2.1 above.

2.5 In the event that the Disciplinary Secretary is involved in a disciplinary matter, either as Complainant or Respondent then the matter shall be referred to the Board who shall appoint a new Disciplinary Secretary for that matter.

2.6 As a general rule the Disciplinary Secretary, where considered appropriate and in its sole and absolute discretion, may deal with a disciplinary matter in an informal manner, however, should the Disciplinary Secretary, in its sole and absolute discretion, deem a matter 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.

2.7 The Regulations do not cover matters of employment for staff or volunteers who are subject to the Hertfordshire Golf Disciplinary Policy: Employees and Volunteers.

3 NOTICE OF COMPLAINTS

3.1 A Notice of Complaint may be lodged with the Disciplinary Secretary by any person or body which shall include without limitation, another Member, an employee/officer of the County, the Board, 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 the Notice of Complaint or the Disciplinary otherwise becoming aware of an alleged disciplinary matter regarding a Member, the Disciplinary Secretary shall within 14 days;

4.1.1 commence an initial investigation into the matter in order to gather information and evidence;

4.1.2 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent; and

4.1.3 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, 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 Secretary may take any of the following steps:

4.3.1 decide that no further action is required in which case the Disciplinary 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 Board 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 Board and any other appropriate person/committee of the County, refer the matter to England Golf or another appropriate body; or

4.3.4 refer the matter to the Disciplinary Committee to be constituted in accordance with Regulation 5.

4.4 As soon as is practicable, the Disciplinary Secretary shall inform the

Complainant and the Respondent of the course of action taken. If the Disciplinary Secretary chooses to refer the matter to the Disciplinary Committee the Respondent shall be informed of the Charge being brought and granted the opportunity to either accept or deny the Charge.

4.5 If the Respondent accepts the facts of the Complaint, then the matter shall be referred to the Disciplinary Committee for a hearing to determine the sanction and the Respondent shall only be granted leave to appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

4.6 If the Respondent denies the facts of the Complaint, then the matter shall be determined at a hearing of the Disciplinary Committee in accordance with Regulation 5.

4.7 Where the Complainant is not a Member or employee/officer of the County or the Board, the County's duty to inform detailed in Regulations 4.3 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 COMMITTEE

5.1 The Board shall establish a Disciplinary Committee to deal with the Complaint. This will consist of at least 3 members but no more than 5. Members of the Disciplinary Committee must be the County Secretary, Board members, members of the HG Championship Committee, Team Managers or other individuals deemed appropriate by the Board. A member of the Disciplinary Committee must not have any personal interest in the Complaint. The Disciplinary Committee will choose one of its members to act as Chair.

5.2 The Disciplinary Committee shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to an allegation.

6 DISCIPLINARY HEARINGS

6.1 Where a matter is referred to the Disciplinary Committee by the Disciplinary Secretary, the Disciplinary Committee may hear a disciplinary matter by way of oral hearing or consider the charge on the basis of written submissions from the Respondent and the County / Complainant as appropriate and at the request of the parties. In the event that an oral hearing shall be held, the Disciplinary Secretary shall make such arrangements for the hearing to be held within a reasonable time.

6.2 The Respondent may be represented at the hearing and such representative may make submissions on the Respondent's behalf. The Respondent may also request that another Member attends in support however such Member shall not be permitted to make submissions to the Disciplinary Committee.

6.3 The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Disciplinary Committee will outline the basic procedure of the hearing.

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

6.4 If the Respondent does not attend the hearing as arranged above, provided that the Disciplinary Committee is satisfied that notice of the hearing was served properly, it may proceed to hear the evidence and decide the case in the absence of the Respondent.

7 DECISION AND AVAILABLE SANCTIONS

7.1 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.

7.2 The Disciplinary Committee may dismiss the Complaint against the Respondent or where a disciplinary matter is found proven impose such sanctions upon the Respondent as it thinks fit including without limitation:

7.2.1 dismiss the case where the Charge is not proven;

7.2.2 a warning or reprimand in respect of the misconduct or rule breach committed;

7.2.3 suspension or exclusion from County activities including County Tournaments, teams, meetings or otherwise;

7.2.4 suspension or exclusion from holding office within the County for a specified or indefinite period of time;

7.2.5 suspension of the Member's membership of the County for a specified period;

7.2.6 suspension of a Member's handicap for a specified period;

7.2.7 expulsion from the County;

7.2.8 a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Committee as appropriate.

7.3 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.

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

8.1 Where a disciplinary matter involves a Young Person or an Adult at Risk of Harm, the County, the Disciplinary Committee and/or Appeal Committee must be mindful of the needs of the person in question and take these into account when deciding

8.1.1 the format of proceedings

8.1.2 whether any action is taken against such a person.

8.1.3 if the Panel should include at least one member who has received safeguarding training.

8.1.4 Whether any standard directions set out in these Regulations should be varied.

8.2 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.

8.3 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.

9 APPEAL

9.1 Should an Appellant wish to appeal a decision of the Disciplinary Committee, the Appellant must lodge the appeal in writing to the Disciplinary Secretary within 14 days of the decision being notified to the Respondent.

9.2 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 Appeal Committee if deemed appropriate.

9.3 The County will 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.

9.4 No further appeal is permitted.

10 APPEAL COMMITTEE

10.1 The County shall establish an Appeal Committee consisting of three [3] members who are appointed by The Board.

10.2 No member of the Appeal Committee shall have any interest or any previous involvement in a disciplinary matter which is to be considered by the Appeal Committee nor be a member of the Disciplinary Committee. In the event that a decision is appealed to the Appeal Committee and a member of the Appeal Committee either declares an interest or is deemed to have an interest by the Disciplinary Secretary and/or The Board, then such member shall be replaced on the Appeal Committee for that matter only.

11 APPEAL HEARINGS

11.1 The Appeal Committee shall have jurisdiction to conduct appeal hearings and have the power to:

11.1.1 dismiss the appeal;

11.1.2 overturn any finding and any sanction imposed by the Disciplinary Committee;

11.1.3 remit the matter for a re-hearing by the Disciplinary Committee;

11.1.4 substitute an alternative finding;

11.1.5 reduce or increase the original sanction; and/or

11.1.6 make such further order as it considers appropriate.

11.2 The Appeal Committee 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.

11.3 The Appeal Committee 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.

11.4 The procedure for an Appeal Hearing shall be flexible and shall be at the discretion of the Chair of the Appeal Committee, who may make such decisions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness. The Chair of the Appeal Committee will then outline the basic procedure of the Hearing.

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.

11.5 The Appeal Committee shall either communicate its decision to the Appellant at the end of a hearing or it shall be notified in writing at a later date as set by the Appeal Committee.

12 MISCELLANEOUS PROVISIONS

12.1 The standard of proof in all cases before the Disciplinary Committee and the Appeal Committee is the balance of probabilities.

12.2 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.

12.3 If the Chair of the Disciplinary Committee / Appeal Committee 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 to the Disciplinary / Appeal Committee.

12.4 The Disciplinary Committee / Appeal Committee 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.

12.5 The Disciplinary Committee and Appeal Committee shall decide any issue by majority and no member of the Disciplinary Committee or Appeal Committee may abstain from voting.

12.6 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.

12.7 Any relevant contact details for the Disciplinary Secretary and the Disciplinary / Appeal committees shall be available from the County and communicated to Members from time to time.

13 PUBLICATION OF DECISIONS

13.1 County may publish details of any decision made by the Disciplinary Committee 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.

Responsible Person: County Secretary
1st Adopted: 22 November 2021
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A**PPENDIX 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 requested from the Disciplinary Secretary or the Respondent.

2 The hearing shall be convened by the Disciplinary Committee 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 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 Disciplinary Secretary will be allowed to make a closing statement to the Disciplinary Committee.

11 The room will be cleared and the Disciplinary Committee 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 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.

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

14 The Disciplinary Committee will review the Respondent’s previous disciplinary record, where relevant, to consider sanctions.

15 The room will again be cleared and the Disciplinary Committee shall determine the appropriate sanction in accordance with the Regulations.

16 The hearing shall be documented in writing by the Disciplinary Secretary and a record kept of all disciplinary proceedings and hearings.

The above procedure may also be followed by the Appeal Committee whereby the Respondent is the Appellant and the Disciplinary Committee is the Appeal Committee.