

**HUNSTANTON GOLF CLUB (THE “CLUB”) DISCIPLINARY  
CODE AND PROCEDURES**

**JURISDICTION AND DISCIPLINARY MATTERS**

1. These disciplinary regulations (the “Regulations”) are Bye-Laws made by the Club pursuant to the Club Committee’s powers under Article 71 of the Club’s Articles of Association in relation to any disciplinary matters which include without limitation the following:
  - (1) Breaches of the Articles of Association and/or Club Rules (other than a breach of Rule 4 (Fees and Subscriptions), which shall be dealt with in accordance with that Rule) and/or the Club Code of Conduct
  - (2) Breaches of any of the Club’s published policies and/or standards of conduct reasonably to be expected of a member of the Club relating to:
    - i. Equal Opportunities
    - ii. Social Media
    - iii. Behaviour toward Club employees, staff, persons working on the Club’s premises, other members or their guests, visitors, or members of the public on or in close proximity to the course.
    - iv. Health & Safety
    - v. Equality, diversity and inclusion.
    - vi. Safeguarding
  - (3) Deliberate breaches of the Rules of Golf and/or dishonest handicap infringements, and/or dishonest breaches of the rules of a Club Competition intended to gain an advantage and/or cause disadvantage; and

(4) Any conduct or behaviour which a Member or his guest(s) engage in which is dishonest, inappropriate, unlawful, unsporting, unsafe, or detrimental to the interests of the Club, its Members, or any section of the Club's membership or which is unacceptable or contrary to the general interests of the Club or the sport of golf or which brings the Club into disrepute.

2. The Regulations apply to all categories of Members of the Club and visitors to the Club in any capacity.
3. The Regulations may be amended or replaced by resolution of the Club Committee at any time and at its sole discretion and any such amendment or replacement shall be effective from the date stated or, if no date is stated, the date of the resolution of the Club Committee.
4. The Club Committee shall appoint a Disciplinary Secretary to carry out such duties and perform such functions as may be set out in these Regulations.
5. Subject to Regulation 13 below, formal 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, including by observation, orally or by electronic communication, of a disciplinary matter as referred to in Regulation 1 above.
6. In the event the Disciplinary Secretary is involved in a disciplinary matter, either as a Complainant or Respondent then the matter shall be referred to the Club Committee who shall appoint a new Disciplinary Secretary for that matter.

## **DISCIPLINARY PANEL.**

7. For any disciplinary proceedings the Club Committee shall establish a Disciplinary Panel consisting of 3 members appointed from the Disciplinary Committee appointed in accordance with Regulation 40. At least one member of the Disciplinary Panel shall be legally qualified. The Disciplinary Panel shall elect one of its members to act as Chair. In the event the Disciplinary Panel is not able to elect a Chair, the Club Committee shall appoint the Chair.
8. The Disciplinary Panel shall have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons (“Respondents”) who are the subject of formal disciplinary proceedings in accordance with the Regulations.
9. Each member of the Disciplinary Panel must have no personal interest in the outcome of the proceedings under consideration, other than to see the decision is fair, and have no previous involvement with the matter under consideration. In the event a matter is referred to the Disciplinary Panel and a member of the Panel either declares an interest or is deemed to have an interest by the Disciplinary Secretary and/or the Club Committee, then such person shall be replaced on the Disciplinary Panel by another member of the Disciplinary Committee appointed by the Club Committee. The Disciplinary Secretary and/or the Club Committee in assessing whether a member of the Disciplinary Panel has an interest in the outcome of proceedings shall give due consideration to any objections raised by the Respondent.

## **APPEAL COMMITTEE**

- 10.** For any appeal from a decision of the Disciplinary Panel the Club Committee shall establish an Appeal Committee consisting of a different 3 members of the Disciplinary Committee which shall hear and adjudicate upon appeals made to it from the decisions of the Disciplinary Panel. The Appeal Committee shall elect one of its members to act as Chair. At least one member of the Appeal Committee shall be legally qualified.
  
- 11.** No member of the Appeal Committee shall have any interest or any previous involvement in the disciplinary matter which is to be considered by the Appeal Committee. In the event 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 Club Committee such member shall be replaced on the Appeal Committee by another member of the Disciplinary Committee appointed by the Club Committee. The Club Committee in assessing whether a member of the Appeal Committee has an interest in the disciplinary matter shall give due consideration to any objections raised by the Appellant.

## **INITIAL INVESTIGATION**

12. On receipt of a complaint (a “Complaint”) from any person (the “Complainant”) or the Disciplinary Secretary otherwise becoming aware of a disciplinary matter regarding a Member, the Disciplinary Secretary shall;

- (1) Where justified, having regard to the nature and/or seriousness of the conduct alleged in the complaint, suspend the member’s access to all or any of the Club’s premises, including the course and practice facilities, and/or from all or specified competitive golf and/or general play at the Club and/or from representing the Club in any capacity pending the outcome of the investigation and/or disciplinary hearing and/or appeal hearing.
  - a. Suspension under this paragraph requires the approval of two members of the Disciplinary Committee.
  - b. The member must be informed in writing (letter, e-mail, text message or Whats App) within 24 hours of the decision with full details of the nature, extent and duration of the suspension and the reasons therefor.
  - c. The member may, within 7 days, by written submission, challenge the suspension in whole or in part and may elect to be heard orally by the Disciplinary Secretary and the aforesaid two Disciplinary Committee members. The member may be represented at the oral hearing.
  - d. The Disciplinary Secretary shall inform the member of the outcome of the said challenge in writing within 7 days of receipt of the written submission or of the oral hearing.
  - e. The member may invite the Disciplinary Secretary and the said two Disciplinary Committee members to review the suspension on the grounds of undue delay and/or a material change of circumstances.

- (2) Commence an initial investigation into the matter in order to gather information and evidence;
- (3) Forward a summary of the alleged misconduct together with a brief factual summary of the evidence in support of it to the Respondent and invite a written response from the Respondent, such response to be received within 14 days or such longer period as may be specified by the Disciplinary Secretary;
- (4) Undertake any further investigation deemed appropriate to ascertain the best course of action to resolve the Complaint including inviting the Respondent to attend a meeting to give an oral response. The Respondent shall be entitled to be accompanied to that meeting by any other Member of the Club, other than a Member involved in the complaint, who may speak on his behalf.

**13.** Upon completion of the steps set out in Regulation 12 above the Disciplinary Secretary may take the following steps:

- a. Take no further action where the Disciplinary Secretary together with 2 members of the Disciplinary Committee in their absolute discretion decide that no further action is justified, for example, where; the conduct or behaviour complained of, if proved, would not fall within Regulation 1; or
- b. it does not fall within the jurisdiction of the Club;
- c. the complaint is withdrawn or
- d. there is not enough evidence to support the complaint.

(1) Deal with the matter informally, for example, by way of advice, information, or mediation between the respective parties, where the Disciplinary Secretary together with 2 members of the Disciplinary Committee in their absolute discretion, taking into account the age and/or state of health of the Respondent, consider that taken at its highest the breach, conduct or behaviour alleged would not be sufficiently serious to warrant any sanction under Regulation 33.

(2) Deal with the matter by a written warning or reprimand without it being referred to the Disciplinary Panel where the conduct and/or breach alleged falls within Regulation 1, and

- a. The Disciplinary Secretary and 2 members of the Disciplinary Committee agree that taken at its highest such breach, conduct or behaviour would not justify a sanction other than a written warning or reprimand; and
- b. The member accepts his responsibility for the breach, conduct or behaviour alleged:

(3) Refer the matter to the Disciplinary Panel constituted in accordance with Regulation 7.

**14.** As soon as is reasonably practicable the Disciplinary Secretary shall inform the Complainant and the Respondent in writing of the course of action to be taken explaining the reasons for that decision. If the Disciplinary Secretary refers the matter to the Disciplinary Panel the Respondent shall be informed of the precise terms of the Complaint being brought and granted the opportunity to either accept or deny it.

15. If the Respondent accepts the Complaint the matter shall be referred to the Disciplinary Panel for a hearing to determine the sanction and the Respondent may only appeal on the ground that the sanction imposed was disproportionate to the circumstances of the case.

16. If the Respondent denies the Complaint the matter shall be determined at a hearing of the Disciplinary Panel in accordance with these Regulations.

### **DISCIPLINARY HEARINGS**

17. Where a matter is referred to the Disciplinary Panel by the Disciplinary Secretary the Disciplinary Panel shall hear the disciplinary matter by way of oral hearing unless both the Complainant and the Respondent agree in writing that the Disciplinary Panel may consider the complaint on the basis of written submissions from the Respondent and the Club/Complainant.

18. Unless the Disciplinary Panel, in its absolute discretion, determine otherwise all Disciplinary Panel hearings shall be held in private.

19. In the event that an oral hearing is to be held, the Disciplinary Secretary shall make arrangements for the hearing to be held within a reasonable time.

- a. Not less than 21 days prior to the hearing date before the Disciplinary Panel the Disciplinary Secretary shall deliver to the Respondent copy statements of the evidence of any witnesses to be called at the hearing on behalf of the Club/Complainant together with details of any additional evidence likely to be adduced at the hearing in support of the complaint.



b. The Respondent shall deliver to the Disciplinary Secretary copy statements of the evidence of any witnesses to be called at the hearing on his behalf together with details of any additional evidence likely to be adduced at the hearing in support of the defence to the complaint within 14 days of receipt of the evidence referred to in Regulation 19(1).

**20.** If the Respondent fails to deliver the evidence required of him within the time allowed in Regulation 19(2), the Disciplinary Panel may, in the exercise of its discretion, and having considered any representations made by the Complainant and/or the Respondent adjourn the hearing or direct that it should proceed and give reasons therefor.

**21.** 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, other than one involved in the complaint, attends in support however such Member shall not be permitted to make submissions to the Disciplinary Panel.

**22.** The procedure for an oral hearing shall be flexible and shall be at the discretion of the Chair of the Disciplinary Panel, who shall at the commencement of the hearing outline a suggested procedure for the hearing and having given the Complainant and the Respondent the opportunity to make observations give such directions as necessary to ensure the orderly and effective conduct of the hearing, subject to the overriding requirement of fairness.

**23.** If the Respondent does not attend the hearing as arranged above, provided that the Disciplinary Panel 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.

**24.** Unless otherwise agreed following representations by the Respondent and/or the Respondent's parents or guardian:

- a. If the Respondent was under 14 years of age when the matter the subject of the Complaint took place all correspondence and communication shall be addressed only to the Respondent's parent or guardian.
- b. If the Respondent was between 14 and 18 years of age when the matter the subject of the Complaint took place all correspondence shall be addressed to his parent or guardian as well as to the Respondent.

**25.** At any hearing before the Disciplinary Panel of a complaint against a Respondent who is a Young Person 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 to make such representations to the Disciplinary Panel as they think appropriate on the Respondent's behalf.

**26.** Further where a disciplinary matter involves a Young Person or a Member whom the Disciplinary Secretary (acting reasonably) determines is an adult at risk of harm ("Adult at Risk of Harm") the Club, the Disciplinary Secretary and the Disciplinary Panel must be mindful of the needs of the person in question and take those into account when deciding:

- a. the format of proceedings
- b. whether any action is taken against such a person
- c. by whom he should be accompanied at the hearing to ensure he fully understands the process taking place
- d. if the Panel should include at least one Member who has received safeguarding training, who may be co-opted on to the Disciplinary Panel for this purpose.

- 27.** For the avoidance of doubt, the refusal of the parent, Young Person or Adult at Risk of Harm to co-operate shall not preclude the Club from taking disciplinary action against the Young Person or Adult at Risk of Harm.
- 28.** The Disciplinary Panel shall not be obliged to follow the strict rules of evidence in the course of any proceedings and shall be entitled to admit such evidence and accord it such weight as it thinks fit.
- 29.** The Disciplinary Panel shall have the power to regulate its own procedure including, but without limitation, to extend or vary any time limit set out in the Regulations; adjourn any proceedings at any time; allow time for the submission of further evidence or for any other reason; ask questions of any party or witness to any proceedings before it; admit or exclude any evidence on grounds of relevance or for failure to comply with any directions; or give or make directions at any time with regard to the proceedings before it.
- 30.** The extent to which, if at all, the proceedings or decision are published is in the absolute discretion of the Panel.
- 31.** A standard hearing procedure is set out at Appendix 1 which may be followed by the Chair of the Disciplinary Panel at his discretion.

## **DECISION AND SANCTIONS**

- 32.** The Disciplinary Panel shall either communicate its reasoned decision to the parties at the end of a hearing or provide the decision in writing at a later date as determined by the Disciplinary Panel in its absolute discretion.
- 33.** The Disciplinary Panel may dismiss the Complaint against the Respondent where the case is not proved or if proved or admitted impose such sanctions upon the Respondent as it thinks fit including but without limitation:
- a. A written warning or reprimand in respect of the misconduct or breach committed;
  - b. Suspension of the member's access to all or any of the Club's premises, including the course and practice facilities, and/or from all or specified competitive golf and/or general play at the Club and/or from representing the Club in any capacity for a specified period of time and/or
  - c. Suspension or exclusion from holding office within the Club for a specified or indefinite period of time;
  - d. Suspension of the Member's membership of the Club for a specified period;
  - e. Expulsion from the Club;
  - f. A combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Panel.
- 34.** The decision taken by the Disciplinary Panel in relation to the sanction to be imposed must be reasonable and proportionate in all the circumstances and consideration may be given to the Respondent's previous disciplinary record.

**35.** If the Respondent is expelled or has his or her membership suspended, unless otherwise determined by the Disciplinary Panel (or on appeal), the Respondent shall not be entitled to any reimbursement of any subscription already paid and shall be obliged to continue to pay his subscription in respect of any period of suspension.

**36.** Where there are multiple complaints (whether or not some are admitted and others denied) the Disciplinary Panel must consider whether, in the interests of justice and fairness, it should deal with the together or separately.

## **APPEALS TO APPEAL COMMITTEE**

**37.** Should the Respondent (now the “Appellant”) wish to appeal a decision of the Disciplinary Panel, or any penalty imposed by, the Disciplinary Panel, he must lodge an appeal to the Club Committee in writing within 14 days of the decision being notified to him.

**38.** The grounds of appeal are as follows:

- a. 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;
- b. Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;
- c. 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
- d. The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.

**39.** The Appellant must set out the grounds of appeal in as much detail as possible including the nature of any new evidence he seeks to rely upon for consideration by the Appeal Committee if deemed appropriate. The Disciplinary Secretary shall respond in writing to the grounds of appeal within 14 days of receipt.

## **APPEAL HEARINGS**

- 40.** The Appeal Committee shall have jurisdiction to conduct hearings and shall have the power to:
- a. dismiss the appeal;
  - b. overturn any finding and any sanction imposed by the Disciplinary Panel;
  - c. remit the matter for a re-hearing by a differently constituted Disciplinary Panel;
  - d. substitute an alternative finding;
  - e. reduce or increase the original sanction; and/or
  - f. make such further order as it considers appropriate.
- 41.** 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 Appellant and the Club/Complainant as it determines appropriate. Where an appeal is considered by way of written submissions then the Appellant's and Complainant's consent must be received in writing prior to such consideration. Unless the Appeal Committee, in its absolute discretion, determines otherwise all appeal hearings will be held in private.
- 42.** The Appeal Committee shall determine the appeal from a Disciplinary Panel decision by way of review subject to the consideration of any further evidence which it deems appropriate.
- 43.** 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 outline the procedure for the Hearing having considered any representations by the Appellant or Respondent.

44. A standard hearing procedure for disciplinary appeals is set out at Appendix 1 which may be followed by the Chair of the Appeal Committee at his discretion.
45. The Appeal Committee shall either communicate its reasoned decision to the Appellant at the end of a hearing or it shall be provided in writing at a later date as directed by the Appeal Committee in its absolute discretion.
46. The extent to which, if at all, the proceedings or the decision are published is in the absolute discretion of the Committee.
47. There shall be no further right of appeal.

#### **MISCELLANEOUS PROVISIONS**

48. Members of any Disciplinary Panel or Appeal Committee shall be drawn from a list of at least 10 members appointed by the Club Committee from time to time (the “Disciplinary Committee”) of which at least four shall be legally qualified. Members of the Disciplinary Committee shall serve a term of no more than 5 years after which time they will be re-appointed or replaced. If a member of the Disciplinary Committee shall resign, cease to be a member of the Club or otherwise be unable to perform his duties the Club Committee shall have the power to appoint another member in his place.
49. The words he, his and him cover all genders.
50. The standard of proof in all cases before the Disciplinary Panel and the Appeal Committee is the balance of probabilities.



- 51.** A “Young Person” is a person under the age of 18 at the date of the hearing. An “Adult at Risk of Harm” is a person over the age of 18 who is vulnerable due to age, or state of health.
- 52.** Any time limit required to be implemented in respect of the Regulations may be amended by the Disciplinary Secretary, the Disciplinary Panel or by the Appeal Committee which shall be done on a case-by-case basis taking into account all the relevant circumstances of the case.
- 53.** The Disciplinary Panel and the Appeal Committee in their absolute discretion may appoint an independent person to act as adviser in respect of any complaint under consideration.
- 54.** The Disciplinary Panel and Appeal Committee shall decide any issue by majority and no member of the Disciplinary Panel or Appeal Committee may abstain from voting.
- 55.** The Disciplinary Secretary and two members of the Disciplinary Committee may, in their absolute discretion, rule that, having regard to the nature and/or gravity and/or circumstances of a complaint, the identity of the complainant and/or a witness should remain anonymous unless and until the interests of justice require disclosure to the Respondent or more widely.
- 56.** 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 complaint has been made.

**57.** The Club 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 these Regulations. Unless and to the extent otherwise determined by the Disciplinary Panel or the Appeal Committee (as the case may be), any disciplinary proceedings and all evidence or written materials produced in connection therewith and any record thereof, including any decision made by the Disciplinary Panel or the Appeal Committee, shall be disclosed only to the Respondent, Complainant, members of the Disciplinary Panel and Appeal Committee involved in the matter and to the Club Committee.

**58.** The construction, validity and enforceability of this Code shall be governed by English Law.

**59.** All decisions required to be made under these Regulations by two or more parties may be carried by a majority.

**60.** Incidents of a safeguarding nature must be referred to the England Golf Governance team before any disciplinary action is taken under these Regulations. This Regulation must not prevent or delay the reporting of a matter to the police.

## **APPENDIX 1**

1. Prior to any hearing, the Disciplinary Panel shall set appropriate deadlines for the submission of written evidence/representations (if any) from the Disciplinary Secretary or the Respondent and give such other directions as are necessary in the circumstances of the case.
2. The hearing shall be convened by the Disciplinary Panel at any time suitable to the parties and communicated to the parties by the Disciplinary Secretary.
3. The case against the Respondent will be presented by a person (who need not be a member of the Club) appointed by the Committee or in default thereof by the Disciplinary Secretary, together with the relevant evidence, including witness evidence, if appropriate.
4. The Respondent will be granted the opportunity to present his case, challenge the evidence presented against him, submit his 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 sole discretion of the Chair of the Disciplinary Panel.
5. Those representing a Respondent at a hearing may present and sum up his 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 Panel 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 Panel may limit cross-examination as it deems appropriate.
10. The Respondent and the person representing the Club/Complainant will be allowed to make a closing statement to the Disciplinary Panel.
11. The room will be cleared or the Disciplinary Panel will retire to a different room and the Disciplinary Panel will deliberate and determine whether, on the balance of probabilities, the disciplinary complaint has been proved.
12. The hearing will reconvene and the Chair of the Disciplinary Panel shall either communicate its reasoned decision to the parties at the end of the hearing or notify the decision in writing at a later date as set by the Disciplinary Panel.
13. Where the charge is proved the Respondent shall 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 or the Disciplinary Panel will retire to a different room and the Disciplinary Panel shall determine the appropriate sanction in accordance with the Regulations.
16. The hearing shall be documented in writing by the Disciplinary Secretary or someone appointed by him and a record kept of all disciplinary proceedings and hearings.
17. The above procedure may also be followed by the Appeal Committee in which case references above to the Respondent shall be treated as references to the Appellant and references to the Disciplinary Panel shall be treated as references to the Appeal Committee.