



## **RULES RELATING TO DISCIPLINE AND CONDUCT OF MEMBERS**

The purpose of this document is to provide advice and guidance for members, and the procedures to be followed in the event of a breach of Club rules being reported. Such matters are hereafter referred to as "discipline issues".

It is intended that interpretation of this document will ensure consistency, independence, impartiality and fairness to any person who becomes subject to its content.

*In general terms breaches of the Rules of Golf are not dealt with by this document, however this does not preclude such matters which may result in the consideration of severe penalties, such as expulsion from the Club or suspension of membership, being referred to Council through this process.*

**In general terms, the Competitions and Handicaps Committee will deal with breaches of the Rules of Golf, however this document may be applied in circumstances where the conduct of a member may result in the consideration of severe penalties.**

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

- 1.1.** 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.

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<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 no further right of appeal.

- 1.2.** 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.
- 1.3.** 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:
  - 1.3.1.** 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;
  - 1.3.2.** Serious procedural or other irregularity in the proceedings before the Disciplinary Panel;
  - 1.3.3.** 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

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

**1.4.** 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.

**1.5.** The [*insert 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.

## **2. APPEALS – INTERNAL CLUB MATTERS**

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

**2.1.** If the Respondent wishes to appeal a decision of the Disciplinary Panel to which Regulation 13 does not apply, 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.

- 2.2.** 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:
- 2.2.1.** 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
  - 2.2.2.** Serious procedural or other irregularity in the proceedings before the Disciplinary Panel
  - 2.2.3.** 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
  - 2.2.4.** The sanction imposed was manifestly unreasonable in the light of the facts before the Disciplinary Panel.
- 2.3.** 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.
- 2.4.** 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 will inform the Respondent with reasons.

- 2.5.** 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.
  
- 2.6.** 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.
  
- 2.7.** 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.
  
- 2.8.** The standard hearing procedure for disciplinary hearings set out at **Appendix 1** may also be followed by the Appeal Panel at their discretion.
  
- 2.9.** The Appeal Panel shall have the power to:
  - 2.9.1.** Dismiss the appeal;
  - 2.9.2.** Remit the matter for a re-hearing by the Disciplinary Panel;
  - 2.9.3.** Remit the matter for a re-hearing by a new Disciplinary Panel

made up of different individuals than those originally appointed;

**2.9.4.** Substitute an alternative finding;

**2.9.5.** Reduce or increase the original sanction; and/or

**2.9.6.** Make such further order as they consider appropriate.

**2.10.** 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.

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

14.1. If the Respondent wishes to appeal a decision of the Disciplinary Panel to which Regulation 13 does not apply, they (the “Appellant”) must lodge the appeal to [insert relevant contact details of County Union/Association/Merged Body] in writing (an “Appeal Request”) within 14 days of the date of the Disciplinary Panel’s original decision being notified to the Respondent.

14.2. The [County Union/Association/Merged Body]’s Disciplinary Regulations will apply thereafter.

#### 15. MISCELLANEOUS PROVISIONS

15.1. 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.

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

15.3. 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.

15.4. 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).

15.5. 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.

15.6. 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.

15.7. 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.

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

*Council will appoint a sub-committee hereafter referred to as the Disciplinary Committee (DC) to deal with disciplinary issues on its behalf. The DC will consist of a Chair (who will be independent and not involved in the incident) who will be appointed by Council and be a member of Council, plus a Secretary and not less than 3 other members. The Chair may delegate enquires to any person to assist in its dealings.*

**Council will appoint a team of five people, approved by the President and hereafter referred to as the Complaints Committee (CC), to deal with issues on its behalf.**

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*In the event of any disciplinary issue arising these should be reported to the Club Secretary who will inform the President and cause the Chair of the DC to inquire. The Secretary must notify the member or members concerned of the circumstances giving rise to the disciplinary issues, the notification must be in writing and sent in accordance with Article 78 of the Articles of Association of the Club giving the member or members 21 days to respond. Responses should be addressed to the Club Secretary who will liaise with the Chair of the DC.*

**In the event of a complaint arising, this should be reported to the Club Secretary who will inform the President and cause the the CC to inquire. The Secretary must notify the member or members concerned of the circumstances giving rise to the issues, the notification must be in writing and sent in accordance with Article 78 of the Articles of Association of the Club giving the member or members 21 days to respond. Responses should be addressed to the Club Secretary who will liaise with the Chair of the CC.**

If no response is received within 21 days the Chair of the DC may make recommendations for resolution of the disciplinary issue to Council, who in turn may determine the outcome as they see fit.

Upon being informed of a disciplinary issue the Chair of DC should, as soon as reasonably practicable, and in any case within 48 hours, make a decision as to the status of the member or members concerned eg temporary suspension of membership or temporary exclusion from the clubhouse or parts thereof. Such temporary measure is intended to protect parties in the discipline issue, be under constant review and whilst may be subject to change, remain in force until the conclusion of the disciplinary process. All such temporary measures should be approved by the President or Vice President.

As enquires are be made into circumstances of the discipline issue it may be that the person or persons responsible do not dispute the allegation and accept

*Telephone: 01274 851266*

*Ext 1 for Secretary, Ext 2 for Professional, Ext 3 for Catering & Ext 4 for Course Information*

*E-mail: [info@cleckheatongolfclub.co.uk](mailto:info@cleckheatongolfclub.co.uk)*

*Website: [www.cleckheatongolfclub.co.uk](http://www.cleckheatongolfclub.co.uk)*

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responsibility for their actions. At this point the DC chair may recommend resolution to Council.

The member concerned may request a hearing at which point the matter will be referred to the DC who will request, in writing, their observations and explanation of the circumstances giving rise to the disciplinary issue. The member must reply to this request in writing within 7 days from the date of the letter, which may be extended by the chair of the DC.

Within 7 days from receipt of this reply the DC will fix a date, time and place for a hearing. The hearing should take place within 21 days from the date it was fixed. The member concerned must be notified as soon as practicable and in any case within 7 days of the date, time and place of the hearing. There shall be annexed to the notice:

- A copy of these rules [L] [SEP]
- A statement setting out the circumstances giving rise to the disciplinary issues [L] [SEP]
- A copy of the observations or explanations of the member concerned [L] [SEP]
- Copies of any other statements or evidence which the DC intend to introduce to the hearing [L] [SEP]
- Copies of any other statements or evidence which the member intends to introduce to the hearing. Such statements or evidence must be submitted to the DC at least 24 hours prior to the hearing, failure to do so will render them inadmissible. [L] [SEP] At the hearing the member concerned shall have the right to be present in person and the right to be represented. [L] [SEP] Evidence of the conduct considered shall be presented in person or in writing as the member concerned requests and as approved by the DC Chair [L] [SEP] The DC Chair shall have the discretion to proceed in the absence of the member

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concerned. The DC may appoint a solicitor to attend the hearing to advise the DC. The solicitor may not have a vote. The hearing shall be conducted as follows: The DC Chair shall read a statement of the circumstances. Witnesses may be called, make statements and be asked questions. Independent evidence may be introduced eg CCTV footage. The member concerned may submit a written or verbal statement, or remain silent. The member shall be advised that if they submit a statement, they may be asked questions. The DC Chair may admit such other information as he may consider relevant and decide the procedure and order thereof taking into account the requirement at all times to give the member a fair hearing.

Only members of the DC and the solicitor may be present whilst the DC considers its decision. The DC may adjourn the hearing whilst this consideration takes place.

In the event of an adjournment the DC shall reach a decision within 7 days.

The DC secretary will take minutes of the proceedings.

The DC will inform the member concerned, the person initiating the discipline issue and Council in writing of its decision as soon as practicable and in any case within 7 days of reaching its decision.

The member concerned may by written notice appeal to Council against the decision of the DC. Such notice of appeal shall be submitted to the Club Secretary within 14 days of the date of written confirmation of the decision of the DC to the member concerned. If such notice is not served within the said 14 days the member's right of appeal shall be lost.

On receipt of a notice of appeal the Secretary shall inform Council which shall within 7 days fix a date, time and place for hearing the appeal and shall give the member 7 clear days written notice thereof.

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From the date of receipt of the notice of appeal until the determination of the appeal the decision of the DC shall be suspended however the President shall instruct on the continue current status of the member.

The appeal shall be heard by Council which shall so far as practical, follow the rules and procedures set out for the DC.

In case the conduct of any member on or away from the Club premises shall in the opinion of the Council be injurious to the character or interest of the Club, the Council may suspend or expel such member from the Club, temporarily or permanently, provided that 21 clear days notice be given to such member stating the nature of the complaint against him and the grounds upon which removal is sought. No expulsion shall take place unless the vote for expulsion be agreed to by four fifths of the Council present and voting at a meeting specially summoned for the purpose, and attended by at least one half of the Council, and at which such member shall have the opportunity to be heard and of defending himself before the Council. (Article 15)

The decision of Council shall be final and there shall be no further right of appeal by the member concerned.

A record of all hearings and the minutes thereof and all papers concerned therewith must be retained by Council for animus of six years.

On ceasing to be a member of the Club the person concerned forfeits all rights to and claim upon the Club and its property and funds that he would have by reason of his membership. The person is not entitled to any return of subscription and remains liable for any subscription or other fees outstanding at that time.

**APRIL 2023**