



# Complaint & Disciplinary Procedure

## Contents

1.	DEFINITIONS .....	2
2.	SCOPE.....	3
3.	PRELIMINARY .....	3
4.	COMPLAINTS.....	3
5.	INITIAL FORMAL STEPS .....	4
6.	THE COMMITTEE .....	4
7.	COMPLAINTS & DISCIPLINARY / APPEALS SUBCOMMITTEES .....	5
8.	DISCIPLINARY HEARING .....	6
9.	APPEAL HEARING .....	8
10.	PENALTIES.....	9
11.	GENERAL PROVISIONS.....	11
12.	APPENDIX 1 PROCESS FLOW .....	12



# Complaint & Disciplinary Procedure

## 1. DEFINITIONS

For the purpose of these procedures the following definitions apply:

**"Appeals Subcommittee"** means an Appeals Subcommittee appointed by the Committee.

**"Anti-Doping Policy"** means any relevant anti-doping policy relating to golf or Irish sport in general.

**"Appellant"** means any Member subject to a disciplinary decision who chooses to appeal it.

**"Club Rules"** means the Club Constitution, Club Bye Laws, Rules of Golf, Golf Competition Rules or any other Club Rules which have been established by the Committee and published on the Club notice board or website.

**"Club"** means Nenagh Golf Club.

**"Management Committee"** means the Committee established to deal with the business affairs of the Club.

**"Committee"** means the Men's or Women's Golf Committee when a matter is related to the playing of golf and otherwise it means the Management Committee.

**"Competition"** means any competition organised by the Men's or Women's Golf Committees.

**"Golf Competition Rules"** means the rules and conditions established by the Golf Committees and published on the Club notice board for the conduct of golf competitions.

**"Complainant"** means a person(s) who has made a complaint alleging a breach of discipline by a Member(s).

**"Complaints & Disciplinary Subcommittee"** means a Complaints & Disciplinary Subcommittee appointed by the Committee.

**"Complaint"** means a written Complaint about a Member(s) which has been received by the Honorary Secretary.

**"Constitution"** means the Constitution of Nenagh Golf Club

**"Honorary Secretary"** means the Men's Honorary Secretary if the matter relates to Men's Golf, or the Women's Honorary Secretary if the matter refers to Ladies' Golf.

**"Member"** means a Member of Nenagh Golf Club.



# Complaint & Disciplinary Procedure

**"Witness Statement"** means a statement of a person, who was present at the time of the alleged misconduct by a Member, and which outlines what he/she witnessed.

**"Respondent"** means any Member of the Club who is subject of a disciplinary investigation in accordance with these procedures;

**"Procedures"** means these Procedures;

**"Rules of Golf"** means the rules and etiquette of golf as defined by the Royal & Ancient Golf Club of St Andrews.

## 2. SCOPE

2.1. These Procedures shall apply to all Members of the Club and shall deal with;

2.1.1. **Breaches of discipline** involving breaches of Club Rules or any conduct or behaviour which is detrimental to the interests of the Club or injurious or offensive to its Members, visitors or employees.

2.1.2. A **Complaint** about any Member.

2.2. These procedures shall not apply where there are allegations of a criminal nature which will be dealt with by the appropriate statutory authorities.

## 3. PRELIMINARY

3.1. All complaints or disciplinary issues should initially be raised within fourteen days with the Honorary Secretary.

3.2. A minor complaint or disciplinary issue may be dealt with informally by the Honorary Secretary by discussing it with the Member and/or any Complainer with a view to resolving the issue

3.3. If not resolved, or if in the opinion of the Honorary Secretary is not resolvable on an informal basis, the following formal disciplinary procedures as set out below may be employed;

## 4. COMPLAINTS

4.1. A Complaint about a Member shall be sent in writing to the Honorary Secretary.

4.2. Such Complaint shall be lodged not later than fourteen days of the Honorary Secretary confirming that the matter should proceed to the formal stage.

4.3. The Complaint shall specify the details and the grounds for the Complaint including, if appropriate, which Club Rule has been breached.



# Complaint & Disciplinary Procedure

## 5. INITIAL FORMAL STEPS

- 5.1. The Honorary Secretary, as appropriate, shall proceed as follows in respect of any alleged or suspected breach of discipline arising either from a Complaint by a Member or otherwise;
  - 5.1.1. Undertake a preliminary investigation to establish any further information or evidence which might exist and this may include talking to any witnesses.
  - 5.1.2. Forward a copy of any Complaint and/or any signed Witness Statement and this Complaints and Disciplinary Procedure to the Respondent with a request for a written response within fourteen days.
  - 5.1.3. Report the matter to the Management Committee.

## 6. THE COMMITTEE

The Committee shall proceed as follows;

- 6.1. Based on available evidence and information the Committee shall decide if there is a case to answer and may, at its discretion, request additional clarification or a response from any party.
- 6.2. While these procedures require that a Complaint against any Member shall be in writing, the absence of a written complaint shall not preclude the further processing of any disciplinary issue where the Committee are of the opinion that this is warranted by circumstances.
- 6.3. If the Committee decides there is no case to answer both the Respondent and any Complainer shall be advised accordingly.
- 6.4. If a breach of discipline is admitted by the Respondent, the Committee shall decide what sanction, if any, should be imposed. Any sanction imposed shall be fair and proportionate and shall be subject to appeal, at the discretion of the Respondent, under the appeals section of this procedure.
- 6.5. If the Committee are of the view that further disciplinary procedures are warranted it shall appoint a Complaints and Disciplinary Subcommittee to proceed with the matter in accordance with the procedures set out hereunder and shall notify the Respondent accordingly.



# Complaint & Disciplinary Procedure

## 7. COMPLAINTS & DISCIPLINARY / APPEALS SUBCOMMITTEES

- 7.1. The Complaints and Disciplinary Subcommittee shall have the power to act in the name of the Club and determine disciplinary proceedings coming before it. The Subcommittee shall meet within fourteen days of the matter being referred to it.
- 7.2. The membership of any Complaints and Disciplinary Subcommittee shall be determined by the Committee and shall have no fewer than three members.
- 7.3. The Committee shall establish an Appeals Subcommittee of not fewer than three members to consider an appeal. None of its members shall be members of the Committee or the Complaints and Disciplinary Subcommittee.
- 7.4. Any person who sits on either the Complaints and Disciplinary Subcommittee or the Appeals Subcommittee shall;
  - 7.4.1. Be unbiased and have no personal interest in or involvement with the case.
  - 7.4.2. Be familiar with these procedures.
  - 7.4.3. Act within their powers under these procedures, fairly, reasonably and proportionately at all times.
  - 7.4.4. Take advice where appropriate including, if necessary, appointing a solicitor or legal representative to attend and advise at a hearing.
  - 7.4.5. Have consideration and respect for all parties and maintain confidentiality in so far as is possible.
  - 7.4.6. Apply the standard of proof as the balance of probability.
- 7.5. The Appeals Subcommittee shall have the full powers and authority of the Complaints and Disciplinary Subcommittee including the power to increase, decrease accept or set aside any such penalties already imposed and/or impose any such new penalties as outlined in these procedures.
- 7.6. Both the Complaints and Disciplinary Subcommittee and the Appeal Subcommittee shall each appoint a Chairperson who will preside over each Subcommittee.
- 7.7. Both Subcommittees shall hold any meetings they consider necessary and shall seek any additional information or documents they consider necessary from any source. All such requests and responses shall be in writing.
- 7.8. Both Subcommittees shall make decisions, including decisions as to guilt and appropriate sanctions, on the basis of a simple majority vote with the Chairperson holding a casting vote if no majority is reached.



# Complaint & Disciplinary Procedure

- 7.9. The Complaints and Disciplinary Subcommittee and the Appeals Subcommittee shall have the power to abridge or extend any time limits set out in these Procedures if, in their reasonable discretion, it is considered appropriate in the circumstances.
- 7.10. The Complaints and Disciplinary Subcommittee and the Appeals Subcommittee shall exercise their functions independently of the Committee except for any sanction involving the suspension/expulsion of a member which they may recommend but which shall require the approval of the Management Committee to be implemented.

## **8. DISCIPLINARY HEARING**

- 8.1. The Complaints and Disciplinary Subcommittee shall invite the Respondent to attend a meeting of the Subcommittee in writing. The invite shall include the following:
  - 8.1.1. The known details of the alleged breach of discipline, the purpose of the meeting, a statement that it is part of the complaints and disciplinary procedure and the Respondents right to be present and to put forward his/her case.
  - 8.1.2. A copy of any letter of Complaint and/or Witness Statement, this complaints and disciplinary procedure (if not already given) and copies of any other documents of an evidential nature.
  - 8.1.3. The venue, date and time of the meeting.
  - 8.1.4. That the Respondent must state in writing if he/she is willing to attend.
  - 8.1.5. That the Respondent has the option of an alternative date or time if more convenient.
  - 8.1.6. A list of persons who will be present.
  - 8.1.7. The Respondents right to be represented by one person and that such persons name must be notified to the Subcommittee not later than five days before the meeting.
  - 8.1.8. The Respondents right to call witnesses on his/her behalf and to have representations heard. Such names must be advised to the Subcommittee five days in advance of the meeting.
  - 8.1.9. The importance of co-operating with all questions and that the Respondent has the option of making a written submission to the Subcommittee to be received five days in advance of the meeting.
- 8.2. If the Respondent elects not to attend the meeting without good reason, the disciplinary hearing may proceed in his/her absence.
- 8.3. The procedure for the disciplinary hearing shall be as follows:



# Complaint & Disciplinary Procedure

- 8.3.1. The Complaints and Disciplinary Subcommittee shall explain the process to the Respondent and advise of the right of appeal
- 8.3.2. It shall then outline the details of the alleged breach of discipline and the possible disciplinary sanctions if proved on the balance of probability.
- 8.3.3. The Respondent will then be afforded the opportunity to admit or deny the alleged breach of discipline. In the event of an admission of guilt the Respondent will then be heard including any representations on his/her behalf.
- 8.3.4. In the event of the Respondent denying the alleged breach of discipline, the following procedures shall apply;
  - 8.3.4.1. Evidence of the alleged breach of discipline will be heard, followed by the evidence of any Complainant or witness.
  - 8.3.4.2. The Respondent or his/her representative may put questions to any Complainant or witnesses provided that such questions, in the opinion of the Subcommittee, are relevant to the case in question and are fair and reasonable.
  - 8.3.4.3. The Subcommittee may put questions to any Complainant and/or witnesses to clarify any of the evidence which they have given.
  - 8.3.4.4. Any Complainant or witnesses shall be excluded from the hearing until required to give evidence. They will retire immediately after giving their evidence and shall have no contact with witnesses who have yet to give evidence at the hearing.
  - 8.3.4.5. The Respondent shall then be given the opportunity to present his/her case including calling witnesses on his/her behalf.
  - 8.3.4.6. The Subcommittee may put questions to the Respondent and/or witnesses to clarify any of the evidence which they have given.
  - 8.3.4.7. The Subcommittee shall give reasonable time for all answers to questions and grant short adjournments if requested.
  - 8.3.4.8. The witnesses for the Respondent shall be excluded from the hearing until required to give their evidence and shall retire immediately after giving their evidence and shall have no contact with witnesses yet to give evidence at the hearing.



# Complaint & Disciplinary Procedure

8.3.4.9. The Respondent will then be given the opportunity to make final submissions, including submissions on sanctions in the event of the complaint being upheld.

8.3.4.10. The Chairman of the Subcommittee shall then summarise the meeting and advise the Respondent of the time frame for a decision.

8.3.4.11. The Complaints and Disciplinary Subcommittee shall consider all the evidence, submissions and representations made to it and any mitigating circumstances and shall by a simple majority vote of its members, with the Chairperson exercising a casting vote if necessary, reach a judgement on the issue and decide on any sanctions, if appropriate, to be imposed

8.3.4.12. The minutes of the Disciplinary Hearing as well as a notification of the decision, including any sanctions, with appropriate reasons, shall be issued by the Honorary Secretary in writing, to the parties within 7 days of the hearing.

## **9. APPEAL HEARING**

9.1. An appeal must be lodged within 14 days of the decision being notified in writing to the Respondent.

9.2. An appeal shall be lodged when a Notice of Appeal is received by the Honorary Secretary. The Notice of Appeal shall be in writing, signed by the Appellant and shall specify:

9.2.1. The name of the Appellant;

9.2.2. The decision appealed against;

9.2.3. The date of the decision appealed against; and

9.2.4. The specific grounds of the appeal (including in relation to sanctions).

9.3. On receipt of an appeal the Committee will appoint an Appeals Subcommittee and furnish it with all relevant documentation.

9.4. The Chair of the Appeals Subcommittee shall communicate with the Appellant and:

9.4.1. Set a time, date, and place for the hearing of the appeal

9.4.2. Advise of the composition of the Appeals Subcommittee;



# Complaint & Disciplinary Procedure

- 9.4.3. Advise of the rules of Procedure which govern the hearing and process.
- 9.5. The Appellant is entitled to, within 7 days of notification, lodge a written objection to the involvement of any member(s) of the Appeals Subcommittee. Any objection will be considered by the Committee who shall appoint a replacement(s) and their decision shall be final.
- 9.6. All documentation to be used by any party at the appeal must be with all of the parties entitled to attend the appeal hearing at least seven days prior to the appeal hearing.
- 9.7. The Appeals Subcommittee may, at its discretion, rehear the whole or any part of the evidence given before the Complaints and Disciplinary Subcommittee as it considers appropriate.
- 9.8. The Appeals Subcommittee shall be entitled to hear and receive such further evidence on appeal as it deems competent and fair.
- 9.9. Any further evidence to be heard, shall be made available to the Appellant seven days prior to the appeal hearing. Parties shall have the right to respond in writing to any further evidence to be presented.
- 9.10. Where evidence is given before the Appeals Subcommittee, there shall only be cross examination or questioning of witnesses by the Appeals Committee.
- 9.11. Written notification of the decision of the Appeals Subcommittee will be issued to the Appellant within ten days of the Appeal Hearing stating full reasons for the decision.
- 9.12. The decision of the Appeals Committee is final and binding

## **10. PENALTIES**

- 10.1. If a Member is found to have been in breach of discipline the Complaints and Disciplinary Subcommittee and Appeals Subcommittee shall have the power to impose the following penalties:
- 10.1.1. Reprimand/warning;
- 10.1.2. Suspension from Club membership or from competitions or from the clubhouse or from playing golf on the course or for any other designated Club activity for a specified period of time up to a maximum of 12 months.
- 10.1.3. Expulsion from Club membership on a permanent basis;
- 10.1.4. Disqualification in any competition and forfeiture of prizes;



# Complaint & Disciplinary Procedure

- 10.1.5. A penalty pursuant to clause 24 of the Council of National Golf Unions Unified handicapping System
- 10.1.6. A combination of any of the above.
- 10.1.7. If the recommended sanction is expulsion from the Club it may only be imposed after the Complaints and Disciplinary Subcommittee and/or the Appeals Subcommittee have submitted a report to the Management Committee recommending such sanction and the Management Committee has voted in favour by a simple majority of those present and voting with the Chairman exercising his/her casting vote if necessary to expel the Member from the Club. Members of the Management Committee who had any previous involvement in this disciplinary matter, other than as designated in Section 5 of these procedures, shall not be permitted to take part in the discussion or to vote. The decision of the Management Committee shall be final and binding.
- 10.1.8. When the Management Committee decides to proceed with the expulsion of a Member it shall give the Member seven days to tender his or her resignation and failure to do so on the part of the Member shall result in automatic termination of membership.
- 10.1.9. In the event of a sanction involving expulsion or suspension of a Member no rebate or refund of the Members annual membership subscription shall apply.
- 10.2. When a penalty is imposed consideration will be given to the following:
- 10.2.1. Consistency and uniformity in the level of the penalty imposed;
- 10.2.2. Whether the penalty is reasonable and proportionate in all the circumstances.
- 10.3. Any penalties imposed by the Complaints and Disciplinary Subcommittee shall be suspended, on any Notice of Appeal being received in accordance with this Policy until the outcome of the Appeal Hearing except in the following cases where they shall be upheld pending any Appeal Hearing:
- 10.3.1. Any penalty imposed under the Golf Ireland Anti-Doping Policy;
- 10.3.2. Any penalty imposed under the Clubs Junior Policy or applicable Child Safeguarding Policy.
- 10.3.3. Any penalty imposed relating to the Member's handicap or right to play golf.



# Complaint & Disciplinary Procedure

## **11. GENERAL PROVISIONS**

- 11.1. Accepted principles of best practice require the taking and holding of notes and minutes at every stage of the procedure. The record of the proceedings and all papers associated with the proceedings shall be held by the Honorary Secretary in a secure and appropriate manner for a minimum of six years.
- 11.2. Copies of records shall be made available to any person affected by the decision of the Complaints and Disciplinary Subcommittee or Appeals Subcommittee.
- 11.3. Any notices or correspondence to be sent to any Member or person under these procedures shall be sent by recorded delivery, first-class post or, if appropriate, secure electronic mail, to the last known address of that Member or person. Notices and correspondence should be deemed to be delivered in relation to electronic mail and recorded delivery as the next day after sending and in relation to first-class post, on the second day after posting. The relevant time period shall begin on the deemed date of receipt.
- 11.4. Whereas these procedures will generally apply to all disciplinary investigations and hearings, the Complaints and Disciplinary Subcommittee and the Appeals Subcommittee reserve the right to alter or augment these procedures in the event of unforeseen circumstances arising in a particular case. In such event the changes will be subject to prior discussion and agreement with the Respondent.
- 11.5. The Management Committee, having firstly obtained legal advice on the individual case from the Club's legal representative, may temporarily suspend a Member's right of access to Club property pending the outcome of the disciplinary procedure, if it considers it essential in the best interest of conducting full and fair proceedings and/or is in the interests of the safety and welfare of Club Members.



# Complaint & Disciplinary Procedure

## 12. APPENDIX 1 PROCESS FLOW



# Complaint & Disciplinary Procedure

