

The Millbrook Golf Club

Disciplinary Regulations

V1.0 - May 2020

Definitions

“Appeal Committee”	the Appeal Committee of the Club as appointed in accordance with these Regulations;
“Appellant”	the person or body who appeals a Decision of the Disciplinary Committee;
“Charge”	The charge which is brought against the Respondent in respect of the disciplinary matter;
“Club”	THE MILLBROOK GOLF CLUB
“Club Rules”	The rules of the Club which may include its bye-laws, 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 tournament administered by the Club 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;
“Management Committee”	The body that is running the Golf Club;
“County”	The County Golf Union or Association to which the Club affiliates
“Disciplinary Committee”	the Disciplinary Committee of the Club as appointed in accordance with these Regulations;
“Disciplinary Secretary”	the person who is nominated as the Disciplinary Secretary by the Management Committee 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;
“Member”	Any member of the Club;
“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;

1 Jurisdiction and Disciplinary Matters

- 1.1 These disciplinary regulations (the “Regulations”) are made by the Club in relation to any disciplinary matters which include without limitation the following:
 - 1.1.1 alleged breaches of the Club Rules,
 - 1.1.2 alleged breaches of the Rules of Golf, handicap infringements, disqualifications and any breach of the rules of a Club Tournament,
 - 1.1.3 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 Club or the sport of golf or which brings The Millbrook into disrepute.
- 1.2 The Regulations apply to all members of the Club. The Club reserves the right to refuse visitors playing privileges without prejudice.
- 1.3 The regulations may be amended by the Club at any time and at its sole discretion, and such amendments shall be effective from the date stated.
- 1.4 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 1.1 above.
- 1.5 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 Management Committee who shall appoint a new Disciplinary Secretary for that matter. If the matter is deemed to fall into the realms of safeguarding, the Club Welfare Officer will take appropriate action.
- 1.6 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 Club.

2 Notice of Complaints

- 2.1 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 Club, The Management Committee, or a member of the public, in relation to an alleged disciplinary matter which is referred to in Regulation 1.1 above.

- 2.2 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 Club Rule, Competition Rule or Regulation which is alleged to have been breached by the Respondent.

3 Initial Investigation

- 3.1 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:
 - 3.1.1 commence an initial investigation into the matter in order to gather information and evidence,
 - 3.1.2 forward a copy of the Notice of Complaint to the Respondent and invite a written response from the Respondent,
 - 3.1.3 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.
- 3.2 Upon completion of the steps set out in Regulation 3.1 the Disciplinary Secretary may take any of the following steps:
 - 3.2.1 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:
 - 3.2.1.1 it does not fall within the authority of the Club,
 - 3.2.1.2 there is not enough evidence to justify further action being taken; or
 - 3.2.1.3 it is vexatious and/or malicious in which case the Complainant's actions may be referred to The Management Committee for further consideration,
 - 3.2.2 deal with the matter informally by way of advice, information or mediation between the respective parties,
 - 3.2.3 if deemed appropriate and the matter is of a serious nature, following consultation with The Management Committee and any other appropriate person/committee of the Club, refer the matter to England Golf or another appropriate body; or
 - 3.2.4 refer the matter to the Disciplinary Committee to be constituted in accordance with Regulation 4.
- 3.3 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 against them and granted the opportunity to either accept or deny the charge.

- 3.4 If the Respondent accepts the charge 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.
- 3.5 If the Respondent denies the charge then the matter will be determined at a hearing of the Disciplinary Committee in accordance with Regulation 4.
- 3.6 Where the Complainant is not a Member or employee/officer of the Club or The Management Committee, the Club's duty to inform detailed in Regulations 3.2.1 and 3.3 above. will not apply and the Complainant will not have a right to be involved in action taken under these Regulations following the lodging of a Notice of Complaint.

4 Disciplinary Committee

- 4.1 The Millbrook will establish a Disciplinary Committee consisting of three members who are appointed by The Management Committee. The Disciplinary Committee will elect one of its members to act as Chair. In the event that the Disciplinary Committee are not able to elect a Chair, The Management Committee will decide upon the Chair.
- 4.2 The Disciplinary Committee will have jurisdiction to conduct disciplinary hearings and impose sanctions upon those persons who are subject to a charge.
- 4.3 The members of the Disciplinary Committee including the Chair shall serve a term of one year after which time they will either be re-elected or replaced. If a member of the Disciplinary Committee resigns, is no longer a member, or otherwise becomes unable to perform his/her duties on the Disciplinary Committee, the Management Committee has the power to appoint another member in his/her place.
- 4.4 Each member of the Disciplinary Committee must have no personal interest in the outcome of proceedings (other than to see that the decision is fair) and have no previous knowledge or involvement with the matter under consideration. In the event that a matter is referred to the Disciplinary Committee and a member of the Disciplinary Committee either declares an interest or is deemed to have an interest by the Disciplinary Secretary or the Management Committee, then such person will be replaced on the Disciplinary Committee for that matter only. The Disciplinary Secretary and/or the Management Committee in assessing whether a member of the Disciplinary Committee has an interest in the outcome of proceedings will give due consideration to any objections raised by the Respondent.

5 Disciplinary Hearings

- 5.1 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 Club / Complainant as appropriate and at the request of the parties. In the event that an oral hearing is held, the Disciplinary Secretary will make such arrangements for the hearing to be held within a reasonable time.
- 5.2 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.
- 5.3 The procedure for an oral hearing is flexible and will 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.
- 5.4 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.

6 Decision and Sanctions

- 6.1 The Disciplinary Committee will 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.
- 6.2 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:
 - 6.2.1 dismiss the case where the charge is not proven,
 - 6.2.2 a warning or reprimand in respect of the misconduct or rule breach committed,
 - 6.2.3 suspension or exclusion from The Millbrook activities including Club Tournaments, teams, meetings or otherwise,
 - 6.2.4 suspension or exclusion from holding office within the Club for a specified or indefinite period of time,
 - 6.2.5 suspension of membership from The Millbrook for a specified period,
 - 6.2.6 expulsion from The Millbrook,
 - 6.2.7 a combination of any of the above or any other disciplinary action as considered appropriate by the Disciplinary Committee as appropriate.
- 6.3 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.

7 Disciplinary Matters Involving Young People and Vulnerable Adults

- 7.1 Where a disciplinary matter involves a young person or vulnerable adult, The Millbrook, 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,
- 7.1.1 the format of proceedings
 - 7.1.2 whether any action is taken against such a person.
 - 7.1.3 if the Panel should include at least one member who has received safeguarding training, ie the Club Welfare Officer.
 - 7.1.4 Whether any standard directions set out in these regulations should be varied.
- 7.2 Written permission should be obtained from any parent / carer of a young person or vulnerable adult where such person is asked to provide evidence and / or attend a hearing. Where a young person or vulnerable adult 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 vulnerable adult fully understands the process taking place. The Club Welfare Officer will be involved in the process to ensure fair procedure.
- 7.3 For the avoidance of doubt, the refusal of the parent, young person or vulnerable adult to co-operate shall not preclude the Club from taking disciplinary action against the Young Person or vulnerable adult.

8 **Appeal**

- 8.1 Should an Appellant wish to appeal a decision of the Disciplinary Committee, the Appellant must lodge the appeal to the Management Committee in writing within 14 days of the decision being notified to the Respondent.
- 8.2 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.
- 8.3 The Club will refer the appeal to the County to hear in accordance with its Disciplinary Regulations. The County shall determine at its own discretion whether the appeal is appropriate to be heard by County. If the County determine not to hear the appeal, it will be passed back to Club to determine in accordance with these regulations.

9 Appeal Committee

- 9.1 When an appeal is made, The Millbrook will establish an Appeal Committee consisting of three members of The Management Committee or from the membership should three members of The Management Committee not be available.
- 9.2 No member of the Appeal Committee will 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 Management Committee, then such member will not be part of the Appeal Committee.

10 Appeal Hearings

- 10.1 The Appeal Committee will have jurisdiction to conduct appeal hearings and have the power to:
- 10.1.1 dismiss the appeal,
 - 10.1.2 overturn any finding and any sanction imposed by the Disciplinary Committee,
 - 10.1.3 remit the matter for a re-hearing by the Disciplinary Committee,
 - 10.1.4 substitute an alternative finding,
 - 10.1.5 reduce or increase the original sanction; and/or
 - 10.1.6 make such further order as it considers appropriate.
- 10.2 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 Club / 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.
- 10.3 The Appeal Committee will determine at its absolute discretion and on a case by case basis, whether an appeal of a Disciplinary Committee decision will be by way of review only or a full re-hearing of all the evidence presented to the Disciplinary Committee.
- 10.4 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.
- 10.5 The Appeal Committee will either communicate its decision to the Appellant at the end of a hearing or be notified in writing at a later date as set by the Appeal Committee.

11 Miscellaneous Provisions

- 11.1 The standard of proof in all cases before the Disciplinary Committee and the Appeal Committee is the balance of probabilities.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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 the Regulations.
- 11.7 Any relevant contact details for the Disciplinary Secretary and the Disciplinary / Appeal committees is available from the Club Manager and published on The Millbrook website.

APPENDIX 1

Standard Disciplinary Hearing Procedure

- 1 If deemed to be required, prior to any hearing, the Disciplinary Committee 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 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 will 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 will 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.