

Board Disciplinary Panel Operating Procedures



Introduction

Rule 2(c)(iii) of the Club Rules provides:

“Without prejudice to the provisions of 2c(i), the Directors will approve and publish from time to time the procedures to be operated by the Club in the event of any allegations of misconduct of a Member other than non-payment of subscription.”

And Rule 2(c)(iv) provides:

“Procedures approved under Rule 2(c)(iii) may (without prejudice to Rule 2(c)(i)) delegate the Directors’ powers under Rule 2(c)(i) provided that any decision made on a delegated basis may be rescinded or amended by the Directors on appeal or otherwise.

And Rule 2(c)(v) provides:

“Neither the imposition of any sanction under Rule 2(c) nor any derogation from the rights and privileges of membership which results from such a sanction shall entitle any member to any reduction or rebate of fees or charges which would otherwise accrue prior to any termination of membership”

These are the procedures approved by the Directors for the purpose of Rule 2(c)(iii) on the 29th November 2018.

Procedure

Constitution of Panel

1. If it appears to the Board that a member may have conducted themselves as a member in a way which might make the suspension or termination of his or her membership or any other decision within this procedure appropriate, the Chairman (or in his absence the Company Secretary) shall promptly constitute a panel (the “Panel”) comprising of four directors, who are independent and not involved in the incident in question. The Chairman will designate one Panel member as Panel Chairman. The Panel will operate by majority and the Panel Chairman will have a casting vote.
2. Members (including the member in question) are expected to provide their full cooperation to the Panel.

Assembling Evidence

3. The Chief Executive will:
 - 3.1 Assemble such material relevant to the facts as the Panel Chairman considers appropriate and promptly supply it to the Panel.
 - 3.2 Designate a member of staff or other person to act as secretary to the Panel.

Panel Investigation

4. The Panel will direct what further enquiries (if any) it wishes to be undertaken.

5. The Panel may call any member (including the member in question) or employee of the Club to attend a meeting with it to provide information. The member in question may be accompanied by another member of their choice.
6. The Panel may make or direct any further enquiries it considers appropriate.

A Case to Answer

7. The Panel may conclude that there is no case to answer and that the matter should be closed but if the Panel considers that there are matters which require formal explanation it will formulate these in writing and provide them to the member in question (together with any written statements or other relevant documentary evidence in the Club's possession) and the member shall respond in writing within 14 days (or such other period as the Panel considers fair and appropriate).

Panel Meeting

8. The Panel will then call the member to a meeting with it to provide any further oral explanations or representations, to answer questions and provide clarification as the Panel thinks appropriate. The member may be accompanied by a person of the member's choice.

Panel Options

9. Following consideration the Panel may:
 - 9.1 decide that no further action is necessary; or
 - 9.2 reprimand the member and warn them as to future conduct; and/or
 - 9.3 withdraw any membership rights or privileges for a period of not more than twelve months;
 - 9.4 suspend the member for such period as it considers appropriate or
 - 9.5 terminate the member's membership.
10. The Panel will provide a brief summary of the reasons for its decision in writing to the member in question and any complainant.

Appeal against Panel Decision

11. Either the relevant Member or the Chief Executive may by written notice to the Chairman received within 7 days of notification of the decision appeal that decision ("Appeal Notice"). An Appeal Notice must set out the grounds and representations that form the basis of the appeal.
12. Upon receipt of an Appeal Notice in accordance with paragraph 11, the Chairman (or in his absence the Company Secretary) will nominate three directors, who were not members of the original Panel, to form an Appeal Panel.
13. The Appeal Panel may (but is not required to) call the member to a meeting with it to provide any further oral explanations or representations, to answer questions and provide clarification as the Appeal Panel thinks appropriate. If such a meeting is called, the member may be accompanied by a person of the member's choice.

14. The Appeal Panel may:
 - 14.1 Determine the appeal with power to make any decision which was available to the original Panel;
or
 - 14.2 make a report to the Board to enable the full Board to determine the appeal and if it does so, the Appeal Panel may suspend the operation of any sanction imposed by the original Panel (on such terms as it considers appropriate) pending the Board's further consideration.

The Board's Powers on Referral under paragraph 13.2

15. The Board (excluding any members of the Original Panel) will consider any report from the Appeal Panel taking into account any relevant Club policies. The Board may take (but is not limited to) any of the decisions open to an Appeal Panel.
16. The Board or Appeal Panel (as appropriate) will provide a brief summary of the reasons for its decision in writing to the member in question and any complainant.

General

17. In the event of any conflict between this Procedure and the Club's Child Protection Policy (including the Child Protection Policy Statement and Guidance), the Child Protection Policy shall take precedence. In the event of doubt the Chairman shall determine if and how the Child Protection Policy applies.
18. 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.

Matter arising at	Disciplinary body at first instance	Appeal level
Club	Club	County
County	County	England Golf
National	England Golf	England Golf Appeals Panel

19. There will be no further right of appeal.
20. Where the Board consider it necessary to do so in the best interests of the Club or to ensure fairness to any member or group of members, the Board may vary the procedure set out above in any particular case.
21. The Directors may, acting by the Chairman and Company Secretary or in their absence any two Directors or in the absence of one of them any other director, suspend a Member with immediate effect in cases of urgency or otherwise in circumstances which to them in their absolute discretion appear to require such suspension.
22. No individual shall participate in any decision under this procedure either in circumstances in which a conflict of interest makes it inappropriate for them to do so or if they were involved in the incident in question.
23. Nothing in these procedures is intended to limit any power given to the Directors by Rule 2(c)) (i) nor to remove the right of requisition in that clause.