

HEATON MOOR GOLF CLUB Ltd
MEMBER DISCIPLINARY PROCEDURE.

1. General Standards of Conduct (Article 42): - All members of Heaton Moor Golf Club Limited are required, whether playing, on the Club's premises or representing the Club, to conduct themselves at all times in accordance with the accepted standards of playing etiquette and generally accepted standard of behaviour expected by the Club.

2. Disciplinary Matters: -

2.1 This document covers the process and procedures for dealing with written complaints arising in relation to the conduct or behaviour of a member of the Club, possibly meriting disciplinary action. A complaint may be made by a member, visitor, employee or a member of the public. Verbal or anonymous complaints are not covered by this procedure.

All complaints will be treated with due regard and shall in the first instance be considered by the Club Secretary. Based on the information presented the Club Secretary (in consultation with the Chairman of the Board) will determine whether the complaint can be resolved informally. It would be appropriate for those officers to deal with matters of a minor nature in this way.

2.2 A member may be liable to disciplinary action by the Club if a complaint is made that he or she

2.3.1 Fails to uphold the traditions and etiquette of golf;

2.3.2 Displays conduct which is likely to injure or discredit the reputation of the Club or any of its members or violates or disregards the Rules and/or Articles of Association or byelaws of the Club;

2.3.3 Commits a serious or persistent breach of the Rules of Golf as laid down by R&A Rules Ltd or a serious or persistent breach of the Club Local Rules;

2.3.4 Conducts himself in a violent, abusive, bullying, harassing or intimidating manner or acts in any other inappropriate manner in or around the Club or to any, member, visitor or employee or at any Club event or activity;

2.3.5 Has deliberately and with intent to deceive falsified any handicap, membership application or entry forms;

2.3.6 Has failed to comply with a reasonable request from a Club official representative or employee;

2.3.7 Makes a statement, which is likely to injure or discredit the reputation of the Club through the media, including Social Media sites or has information published or broadcast without checking with the Club that it is factually correct.

3. Disciplinary Panel, Heaton Moor Golf Club Limited.

3.1 If a complaint has been made that could warrant disciplinary action, a Disciplinary Panel will be selected by the Club Secretary and/or Chairman of

the Board from voting members of the Club. The Discipline Panel will not comprise of less than three members one of which will be selected as Chairman by the Club Secretary and/or Chairman of the Board.

3.2 The Disciplinary Panel shall as far as practical be unbiased, familiar with the Disciplinary Procedure and show consideration and respect for all parties involved.

3.3 Disciplinary Panel Members should treat all information relating to a complaint "in confidence" and it should only be discussed with individuals directly involved and this should never be done in the presence of others.

3.4 The Disciplinary Panel appointed will have the authority of the Board to deal with the complaint as required with no referral back to the Board.

3.5 If a member of the Disciplinary Panel, resigns, otherwise becomes unable to or cannot complete his or her duties the Club Secretary and/or Chairman of the Board will appoint another Disciplinary Panel Member in his or her place.

3.6 Any Disciplinary Panel Member declaring a conflict of interest in relation to a particular matter under consideration shall be excluded from the proceedings and if necessary and a replacement selected by the Club Secretary and/or Chairman of the Board.

3.7 No Disciplinary hearing may take place without a quorum of three members of the Disciplinary Panel being present.

4. Disciplinary Procedure:

4.1 If the Club Secretary/ Chairman of the Board/ Director decides there is a formal disciplinary case to be made they will appoint a Disciplinary Panel, see Section 3.1 & 3.2. The Club Secretary/ Chairman of the Board/Director will be responsible for investigating the matter, gathering all available evidence and providing all the relevant information to the Disciplinary Panel. The case papers will include; details of the alleged offence; any written or documentary evidence; together with a list of witnesses who may be asked to give evidence on the matter. Anonymous or unattributed evidence will not be considered.

4.2 The Club Secretary/ Chairman of the Board/Director shall inform any member against whom a complaint has been made of the grounds of complaint enclosing any supporting information or written evidence which documents the complaint and shall invite that member to make written representations in answer to it, within 14 days or longer if agreed in writing. The Club Secretary/ Chairman of the Board/Director will also advise the Member who has been appointed to the Disciplinary Panel.

4.3 After receiving the Member's reply, or failing receipt of a reply after the expiry of the period for delivery of the same, the Disciplinary Panel shall set a date for a hearing.

4.3.1 The member will be given at least 7 days' notice of the date, place and time of the personal hearing. The notice will state the complaint to be discussed and will provide details of any evidence against the Member.

4.3.2 The member will be asked to provide details of any witnesses and other evidence they intend to bring to the hearing at least 2 clear

days before the hearing;

4.3.3 If the member fails to provide the information required in a timely manner then the hearing may be adjourned or may continue at the discretion of the Disciplinary Panel Chairman.

4.3.4 The member may be represented or accompanied in the hearing by one other individual of his or her choice.

4.3.5 If the Member was under 14 years of age when the incident that resulted in the complaint took place all correspondence and communication shall be addressed only to the Member's parent or guardian. If the Member is between 14 and 18 years of age copies of all correspondence will be addressed to his/her parent or guardian as well as to the Member. At any hearing before the Panel of a complaint against a Member who is considered to be an:-

- adult 'at risk'
- adult with a disability
- or is under the age of 18 at the date of hearing

the Member shall be entitled to be supported by a parent, guardian or other appropriate adult acting in the best interests of the Member who may attend the hearing, to speak on behalf of the Member and make such representations to the Panel as they think appropriate on the Member's behalf.

4.3.6 The hearing will be held in private. Where the hearing involves an adult at risk or person under the age of 18 years of age, either as a witness or is subject of the proceedings consideration should be given to the time, date, location , potential length of hearing, commensurate with the age/disability of the person involved. (Advice should be sought from the Club Welfare Officer)

4.3.7 At the hearing the Disciplinary Panel shall take account of the written and oral evidence which is placed before it. Where a person involved is under the age of 18 years the Panel must ensure that the language used is age appropriate and clearly understood by the young person(s)/adult at risk involved. The member shall be entitled to cross examine witnesses. However other than in exceptional cases the Panel should avoid the cross examination of a witness who is under the age of 18 years. The Panel will determine how the evidence of a witness under 18 years of age will be heard/tested on a case by case basis. (Advice should be sought from the Club Welfare Officer)

4.3.8 The Member shall be entitled to present his/her case to the Disciplinary Panel and to call such supporting witnesses as he/she wishes. The Disciplinary Panel are entitled to ask any questions of these witnesses.

4.3.9 The failure of any person involved to attend a hearing or to answer any question or to produce any necessary papers shall not prevent the Disciplinary Panel from proceeding to a decision.

4.3.10 At the conclusion of the proceedings, the Disciplinary Panel shall consider its decision in private.

4.3.11 When reaching a decision, the Disciplinary Panel shall not be required to be unanimous. A majority of the Disciplinary Panel in favour of any decision is sufficient.

4.3.12 The decision of the Disciplinary Panel will be conveyed in writing to both the Member, and any person or persons who initiated the complaint, within 7 days of the decision being made. The Member will have the right to appeal against the decision.

4.3.13 The decision of the Disciplinary Panel shall be deemed to be a decision of the Board and the Club and binding on the Member concerned.

4.3.14 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. The standard of proof in all cases will be the balance of probabilities.

4.3.15 The Disciplinary Panel shall have the power to regulate its own procedure including (without limitation) to extend or vary any time limit set out in this Code; 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 directions; give or make directions at any time with regard to proceedings before it or to be held before it; and to order that the costs of and incidental to any proceedings before it be paid (or that a contribution towards such costs) be paid by any party.

5. Penalties:

If the complaint against the Member is upheld the Disciplinary Panel shall have the power to impose one or more of the following penalties. When considering the appropriate penalty, the Disciplinary Panel should take into account the members previous conduct and disciplinary record.

5.1 Issue a letter warning the Member as to his or her future behaviour.

5.2 Suspension of membership from the Club or Club facilities for a period decided by the Disciplinary Panel, with no refund of any subscriptions.

5.3 Suspension or expulsion from the Board or Sub Committee.

5.4 Expulsion from the Club, with no refund of any membership fees.

5.5 Any other reasonable sanction that the Disciplinary Panel may deem appropriate.

5.6 Request restitution where damage is done during an act of misconduct.

6. Appeals:

6.1 A Member wishing to appeal against a decision of, or penalty imposed by, the Disciplinary Panel shall lodge his or her appeal in writing with the Club Secretary within 14 days of the date of the letter of notification of the decision by the Disciplinary Panel pursuant to paragraph 4.4.11

6.2 In the event of an appeal the following procedures will be followed: -

6.2.1 Any penalty imposed by the Disciplinary Panel will be deferred pending the outcome of the appeal

6.2.2 The appeal will be heard by the Board of Directors of Heaton Moor Golf Club.

6.2.3 The appeal shall be by way of a rehearing and the procedure set out in paragraph 4.4 shall apply to the appeal proceedings.

6.2.4 The Board shall consider all documents and evidence submitted or presented to the Disciplinary Panel at the first hearing and shall have the power to request the recall of witnesses heard at that hearing and to admit new evidence.

6.2.5 In reaching its decision the Board shall take such account and give such weight to the evidence presented to it as it thinks appropriate and shall be entitled to make such decision on the facts as it thinks fit and may confirm, cancel, reduce or increase the penalty under appeal or substitute a different form of penalty.

6.2.6 The decision of the Board will be conveyed in writing to both the Member, and any person or persons who initiated the complaint, within 7 days of the decision being made. The decision of the Board is final and binding.

6.2.7 For the avoidance of doubt, there is no right of appeal to any relevant County or other association or to England Golf in respect of any proceedings of or any decision taken under or pursuant to the Club's disciplinary code and/or procedures.

7 General

7.1 No breach of procedure or failure to follow any directions given in the course of any proceedings under this procedure shall invalidate such proceedings unless such breach or failure shall have materially and substantially prejudiced the person against whom a complaint has been made.

7.2 This procedure may be amended from time to time by the Board as it sees fit and any such amendment shall come into force and have effect from such