



## Disciplinary Procedures Policy – Members

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## 1. Disciplinary Code and Procedure - Preamble

This document sets out the procedure to be followed by Lyme Regis Golf Club ("Club") should it be required to investigate any alleged breach of Club rules or inappropriate conduct by a Club member and decide upon any corrective measures or sanctions. It should be pointed out that a complaint against a member can be raised by an employee, by another member, by a visitor to the Club or by a member of the public and will be handled in the same way.

The order of documentary priority when the inappropriate conduct is undertaken by a member, is:

1. Disciplinary Procedures Policy (this document).
2. Club policies.

1.1. In all matters, the Club shall exercise its powers under this policy in the manner set out below and shall:

1.1.1. delegate its powers to decide disciplinary matters to either the Club Manager or a disciplinary panel in accordance with this policy,

1.1.2. delegate its power to decide upon any appeal against a decision of the Club Manager or the Disciplinary panel to an Appeals Committee which shall ideally comprise 3 members amongst the Management Committee. In the event that the Club can not raise three appropriate members of the Management Committee, it shall be permitted to form an Appeal Committee from the Captain's Committee or from amongst the Club membership.

1.2. The Club shall have jurisdiction to:

1.2.1. consider any complaint of misconduct (as defined below) and any other matter which the Management Committee or Club Manager may consider misconduct (together 'Misconduct'); and

1.2.2. appoint a person or persons ('Investigating Officer'), who will not sit on any disciplinary panel, to investigate any matter which it considers does or may amount to Misconduct.

## 2. MISCONDUCT

2.1. Misconduct is:

2.1.1. A breach of the Club's Articles, Rules and/or regulations and/or Bye-laws;

2.1.2. A breach of any of the Club's published policies and procedures applicable to members, including but not limited to:-

- 2.1.2.1. Equality;
- 2.1.2.2. Social Media;
- 2.1.2.3. Behaviour toward employees or other members;
- 2.1.2.4. Golf Buggies;
- 2.1.2.5. Club policies.

- 2.1.3. A breach of competition rules or any competition guidelines. The Chairman or the Club Manager can delegate to the Competitions Committee or Rules Committee any matters specific to competitions that may be classed as Misconduct or Misdemeanors by members concerning a competition or handicapping and as such do not require a full disciplinary procedure. The Competitions Committee or Rules Committee may decide on / recommend suitable sanctions or penalties to be imposed on a Defendant. These sanctions can only be golf related. Should the Competitions Committee or Rules Committee feel that they are unable to judge a matter or set a suitable sanction or penalty, they shall refer the matter back to the Club Manager or Chairman who will then decide how to handle the matter henceforth.
- 2.1.4. Unlawful conduct taking place on Club premises and/or affecting, concerning or relating to the Club, it's employees, members, visitors or other persons or organisations connected with the Club.
- 2.1.5. Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

### **3. DISCIPLINARY PANEL**

The Club Manager will on receiving a complaint in writing re a member's conduct shall inform the Chairman of the Management Committee or in his absence a member of the Management Committee and carry out the investigation as Investigating Officer.

If after review of the evidence by the Investigating Officer, the Chairman of the Management Committee may appoint a Disciplinary Panel from amongst the Management Committee, Captain's Committee or Rules Committee of not less than 3 persons, one of whom shall be appointed by the Chairman of the Management Committee as its chair ('Chair').

- 3.1. The Chair may at his discretion appoint any legal or other expert to advise (but not sit on) the Disciplinary Panel in respect of any matter referred to it.
- 3.2. No Disciplinary Panel member shall sit on the Disciplinary Panel in relation to a matter in respect of which he / she has, or may reasonably be thought to have had, any previous involvement or personal interest. It shall be the responsibility of each Disciplinary Panel member to advise the Chair as soon as is reasonably practicable of any such previous involvement or personal interest and the Chair shall determine whether the nature and circumstances thereof are such that the Disciplinary Panel member concerned should not sit on the Disciplinary Panel in relation to the matter in question.
- 3.3. Where the matter is to be referred to a Disciplinary Panel, the Investigating Officer shall send to the subject of the complaint (the Defendant) a summary of the alleged Misconduct together with a brief factual summary of the evidence in support of it and the next steps to be taken (as outlined in this policy).
- 3.4. The Defendant shall have 14 days within which to respond to the complaint. If the Defendant fails to respond within such period (or such longer period as may have agreed in writing) then the Defendant may be liable to suspension from involvement in golf (or employment if an employee) until their reply has been received.

- 3.5. After receiving the Defendant's reply or, failing receipt of a reply after the expiry of the period for receipt of the same, the Disciplinary Panel shall set a date for hearing by it.
- 3.6. Not less than 7 days before the hearing date, the Disciplinary Panel shall:
  - 3.6.1. deliver to the Defendant details of the formal complaint and/or alleged Misconduct along with summary details of the evidence they intend to adduce at the hearing; and
  - 3.6.2. request the Defendant to provide details of witnesses and other evidence the Defendant intends to rely upon before the Disciplinary Panel.
- 3.7. If the Defendant fails to deliver the details required of him in a timely manner, the hearing may be adjourned or may proceed in the Defendant's absence at the absolute discretion of the Disciplinary Panel.
- 3.8. Proceedings of and all hearings before the Disciplinary Panel shall be held in private and will be minuted. All Minutes will be held confidentially.
- 3.9. The Defendant shall be entitled to be accompanied by any other member of the Club who may speak before the Disciplinary Panel on his/her behalf, except that they may not answer questions put directly to the Defendant.
- 3.10. If the Defendant was under 18 years of age when the matter the subject of the complaint took place, all correspondence and communication shall be addressed only to the Defendant's parent or guardian. The Chairman, Club Manager or Defendant may ask that the Welfare Officer to be present in any meetings or copied on all / any correspondence.
- 3.11. At any hearing before the Disciplinary Panel of a complaint against a Defendant under the age of 18 at the date of the hearing, the parent or guardian of the Defendant shall be entitled to attend the hearing, to speak on behalf of the Defendant and make such representations to the Disciplinary Panel as they think appropriate on the Defendant's behalf.
- 3.12. At the hearing the Disciplinary Panel will consider the evidence which is placed before it.
- 3.13. The Defendant shall be entitled to present his/her case to the Disciplinary Panel and to call such supporting witnesses as he/she wishes.
- 3.14. The Defendant shall be entitled to cross examine the witnesses.
- 3.15. At the conclusion of the proceedings, the Disciplinary Panel shall consider its decision in private. It shall first consider whether to uphold the complaint of Misconduct. If it has, it shall inform the Member.
- 3.16. 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.
- 3.17. After having reached its decision as to whether the allegation has been proved, the Disciplinary Panel shall communicate that decision to the Defendant. The Defendant will then have an opportunity to address the Disciplinary Panel on matters regarding the potential sanctions/mitigation. Once the Disciplinary Panel has made its final decision on the allegation and sanction, it shall communicate the same to the Defendant in writing.

- 3.18. 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, giving consideration to the principles of fairness and reasonableness.
- 3.19. The Disciplinary Panel shall have the power to regulate its own procedure including (without limitation):-
- 3.19.1. to extend or vary any time limit set out in this Code;
  - 3.19.2. adjourn any proceedings at any time;
  - 3.19.3. allow time for the submission of further evidence or for any other reason;
  - 3.19.4. ask questions of any party or witness to any proceedings before it;
  - 3.19.5. admit or exclude any evidence on grounds of relevance or for failure to comply with directions;
  - 3.19.6. give or make directions at any time with regard to proceedings before it or to be held before it; and
  - 3.19.7. 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.

#### **4. PENALTIES**

- 4.1. If the Disciplinary Panel or the Appeals Committee finds a complaint of Misconduct proven for a Member, it may impose upon the Member one or more of the following penalties:
- 4.1.1. a censure, caution, warning or reprimand in respect of his/her conduct;
  - 4.1.2. a suspension or exclusion from competition or other involvement in any capacity in any event organised or sanctioned by the Club;
  - 4.1.3. expulsion from membership of the Club;
  - 4.1.4. suspension of all membership rights for a specified period [not exceeding twelve months];
  - 4.1.5. suspension or exclusion from holding office within the Club for a specified period of time; or
  - 4.1.6. a combination of any of the above or any other penalty considered appropriate.

For disciplinary cases undertaken by the Club Manager (investigation and recommendation), the possible sanctions for the member are 6.1.1. or 6.1.2. only.

- 4.2. All penalties imposed shall, in the opinion of the Disciplinary Panel or Appeals Committee, be fair, reasonable and proportionate to the Misconduct.
- 4.3. For expulsion or suspension of the Member, the Chairman of the Management Committee or the Disciplinary Panel will decide if any portion of the remaining annual subs will be repaid or not. For the duration from the initial ruling to the decision of an Appeal (should an Appeal be lodged), the Chairman of the Management Committee might decide that the Defendant will not be allowed to play golf on the course. Any member who resigns or is expelled as a consequence of a disciplinary matter is subject to the conditions of the Byelaws - Visitors (Rule 9 (b)).

## **5. APPEALS**

- 5.1. A Defendant who has been the subject of a disciplinary hearing wishing to appeal against a decision of, or any penalty imposed by, the Disciplinary Panel ('Appellant') shall lodge notice of his/her appeal to the Disciplinary Panel Chair, Chairman of the Management Committee or Club Manager in writing within 14 days of the date of delivery to the Appellant of the (written) decision of the Disciplinary Panel pursuant to paragraph 5.17. The notice of appeal shall include full details of the grounds of appeal.

The Appeals Committee shall comprise 3 members of the Management Committee members or Captain's Committee which shall hear and adjudicate upon appeals made to it from the decisions of the Disciplinary Panel. The members of the Appeals Committee shall be different to the members of the Disciplinary Panel.

The Chairman of the Management Committee shall nominate the members of the Appeals Committee as well as the 'Chair' of the Appeals Committee. Either the Chairman of the Management Committee or the nominated Chair of the Appeals Committee at his/her discretion appoint any legal or other expert (not having been appointed to advise the Disciplinary Panel, in respect of the matter the subject of the appeal, to advise (but not sit on) the Appeals Committee.

- 5.2. The Club will give the Appellant written notice of the date, time and place of the appeal hearing.
- 5.3. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the Disciplinary Panel's original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Club's discretion depending on the circumstances of the case.
- 5.4. The Appeals Committee 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. 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 may be entitled to ask any questions of these witnesses.
- 5.5. The procedure set out in paragraphs 5.8 to 5.19 will apply to the appeal hearing.
- 5.6. In reaching its decision the Appeals Committee shall, giving consideration to the principles of fairness and reasonableness, 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.
- 5.7. The decision of the Appeals Committee is final and binding. After reaching its decision the AC shall communicate their decision to the Appellant either at the time of the hearing or in writing within 7 days thereafter.
- 5.8. 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, unless the appeal relates to the Rules of Golf, as defined in the England Golf Disciplinary Regulations 2021, where an appeal

may be lodged with the County Union in writing within 14 days of the decision being notified to the Appellant.

## **6. GENERAL**

- 6.1. No breach of procedure or failure to follow any directions given in the course of any proceedings under this policy shall invalidate such proceedings unless such breach or failure shall have materially and substantially prejudiced the person against whom a complaint has been made.
- 6.2. This policy may be amended from time to time by the Management Committee or Club Manager as it sees fit and any such amendment shall come into force and have effect from such date as it may determine.
- 6.3. In all cases, if the Chairman of the Management Committee will not be available for all or part of the disciplinary process, then the Chairman of the Management Committee can assign his responsibilities to any other member of the Management Committee, Captain's Committee or Club Manager to act on his behalf until otherwise notified. Nominated participants can only be part of one Disciplinary Panel.
- 6.4. The construction, validity, and enforceability of this Code shall be governed by the laws of England.
- 6.5. In all cases, all personnel involved in a disciplinary process including any Disciplinary Panel or Appeals Committee participants must:
  - Be unbiased;
  - Be familiar with the procedures outlined in these instructions;
  - Act within their constitutional powers and not be afraid to seek advice on any matter about which they are unsure;
  - Have consideration and respect for all parties to a hearing, including witnesses;
  - Have the authority to hear the case and to decide, if the Defendant(s) is found in breach of Club Rules or inappropriate conduct, on any appropriate corrective action or sanction.

Furthermore, evidence of the conduct being considered may be in writing or given orally. Anonymous or unattributed opinions are inadmissible as evidence. Hearsay evidence is admissible but it must be treated with caution. All evidence must be clearly documented.

It must be stressed that the Defendant(s) has the right to;

- Be given access to the evidence;
- Respond to the evidence;
- Know the name of the person giving the evidence;
- Challenge the evidence;
- Expect that the evidence will be presented systematically and thoroughly.

The standard of proof in all cases shall be the balance of probabilities (i.e. what is considered 'more likely' as opposed to 'beyond any reasonable doubt') and what may reasonably be considered fair. At any stage, the Club Manager or the Chairman of the Management Committee can decide if the issue can be resolved informally and whether the formal procedure needs to carry on.

There may be circumstances where an employee raises a grievance in relation to alleged misconduct by a member of the golf club. In such cases, the club should operate two procedures concurrently, namely the employee grievance procedure and the member disciplinary procedure.

The correct manner in which to deal with such cases would be to acknowledge and commence the employment grievance process and then adjourn it whilst the investigation of the member is commenced. The Club can then carry out an investigation and, potentially, discipline the member to the conclusion of the member disciplinary procedure. Thereafter, the Club can re-start the employment grievance process to provide an outcome.

Specific disciplinary matters, pursuant to a disciplinary case, must not be discussed in any Management Committee meetings or in any meetings involving any persons involved in a disciplinary case to ensure the Club abides by the GDPR guidelines and minimizes the potential leak of any disciplinary or personal information that could result in a defamation of character case by the person(s) involved in the disciplinary case.

#### **7. Interpretations:**

Member - can be interpreted as 'members' and by gender.

Defendant – can be interpreted as a member or an employee, unless specified.

Witnesses - can be any person witnessing an action.

Notifications - can be either by e-mail or by first class post.

Within time limit - is by date of e-mail or by receipt by post.