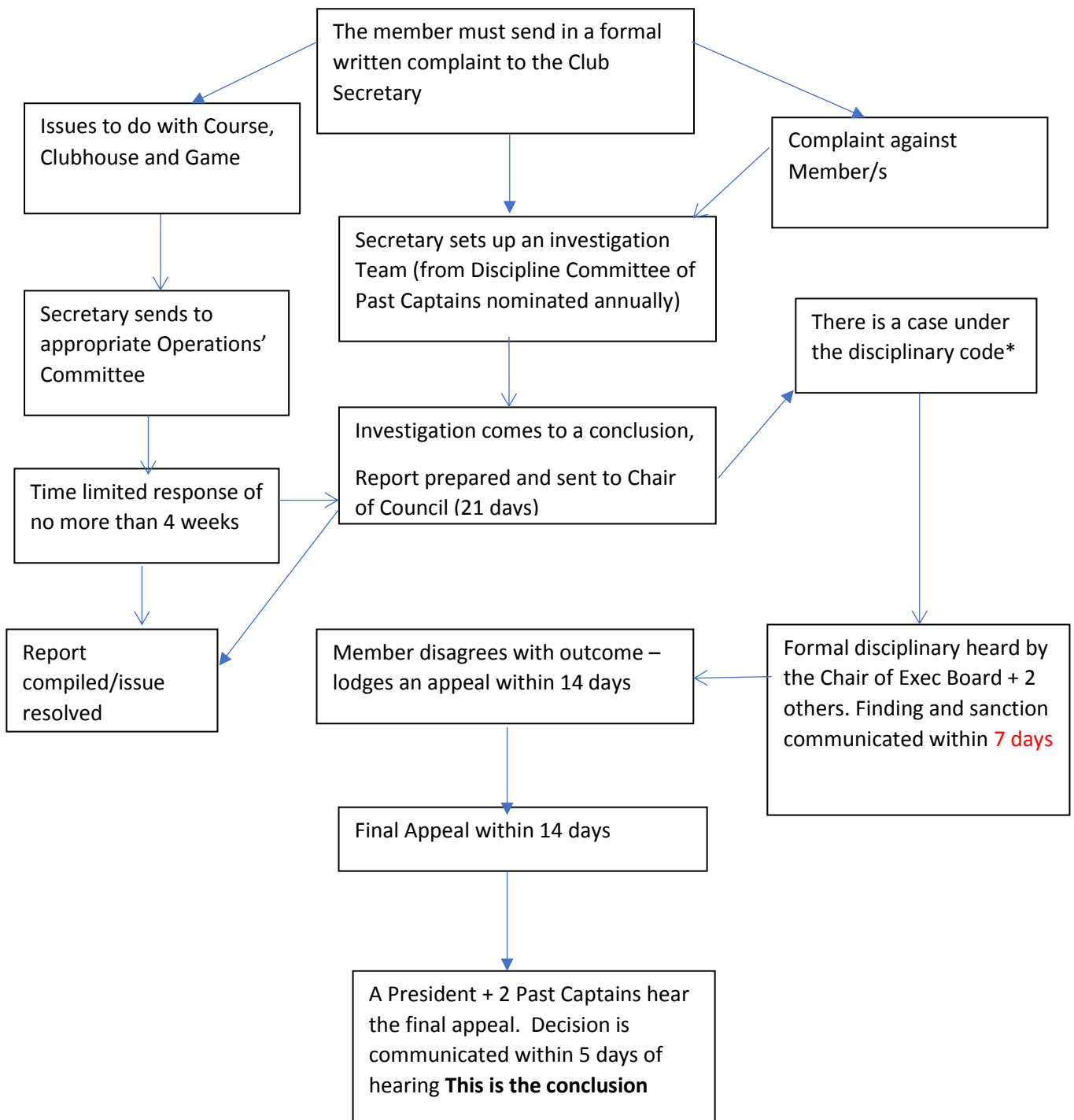


# ROSSENDALE GOLF CLUB – Complaints and Discipline Policy

## Complaints' Process for Members

In the event of a complaint or dispute between members, the following procedure applies. Complaints may be made verbally on an informal basis but must be made in writing if the complaint is to proceed to a formal complaint.

Informal complaint – to be dealt with by Captains. In the event that the member is not satisfied with the outcome or there is no resolution from that intervention, the flow chart below comes into play.



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## DISCIPLINE PROCEDURE

In all matters the Club shall exercise its powers in this Code in the manner set out below and shall;

- a) Delegate the powers to investigate and adjudicate on all Disciplinary matters to a Disciplinary Committee in accordance with Paragraphs 9-14 of the Club Articles of Association.
- b) Delegate the powers to decide upon any appeal against a decision to an appeals panel which shall comprise of members in accordance with paragraph 12 of the Club Articles of Association.
- c) A copy of the Articles of Association can be found on the Club website [www.rossendalegolfclub.net](http://www.rossendalegolfclub.net) under governance.

The Club shall have jurisdiction

- a) To consider any formal complaint of Misconduct (as defined below) and any matter which the Executive Board may consider misconduct.

## MISCONDUCT

Misconduct is:

- a) A breach of the Club's Rules and/or regulations and/or Bye-laws
- b) A breach of any of the Club's published policies relating to
  - Equal Opportunities
  - Social Media
  - Behaviour towards employees of the Club
  - Behaviour to any category of member or group of members
  - Other
- c) Any conduct which is detrimental to the interests of the Club, its members or any section of the Club's membership.

## Definition of Terms

The Articles of Association define several unacceptable behaviours. For clarity the Articles should be used as a guide, for example Injurious behaviour is defined as "Conducts himself in a violent, abusive, bullying, harassing or intimidating manner or acts in an inappropriate manner in or around the Club to its employees or at any Club event or activity" for ease the following definitions will apply

**Harassment:** Unwanted conduct affecting the dignity of members and employees on the course or in and around the course, in the clubhouse or at any other golf club. The issue is that the actions or comments are viewed as demeaning and unacceptable to the recipient/s. This can be Verbal, Visual, Physical or electronically communicated via social media/email etc.

**Bullying:** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse intended to undermine, humiliate, denigrate or injure the recipient(s).

This can be shouting at members/employees/guests in public (or private); instantaneous rages, personal insults and name calling, public humiliation.

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## DISCIPLINARY COMMITTEE

A Disciplinary Committee of not less than 12 Past Captains (Men & Women) shall be appointed by the Executive Board. They will remain in place for 12 months and can be re-appointed at the end of each term. The committee will elect a Chairman from the group who will co-ordinate all matters referred to them.

The Discipline Committee shall investigate, hear and adjudicate upon disciplinary matters referred to it. The Chair may at his discretion appoint any legal or other expert to advise (but not sit on) the Panel in respect of any matter referred to it. No Committee member shall be involved in any matter which they have, or may reasonably be thought to have had, any previous involvement or personal interest. It shall be the responsibility of each committee member to advise the Chair of any such conflict and the Chair shall determine whether the nature and circumstances thereof are such that the committee member should be excluded ('The Man on the Clapham Omnibus should be the test).

### **Discipline Procedure - Stage 1**

1. A formal complaint must be made in writing to the Club Secretary within 7 days of the alleged incident or complaint.
2. Club Secretary will inform the member subject of the complaint in writing that a complaint has been received, the nature of the complaint and its referral to the Disciplinary Committee.
3. The Club Secretary will forward the matter to the Chair of the Disciplinary Committee who will nominate an Investigation Team of 3 from that Committee.
4. The Chairman of the Disciplinary Committee will nominate who will chair the Investigative Team. The Chairman of the Disciplinary Committee will consider temporary Suspension at this time whilst the Investigation Team carry out enquiries and can be reviewed as necessary throughout the process.

The Investigation Team role is to:

- a) Investigate the complaint received. Is the complaint in line with definitions within the Articles?
- b) Establish the facts and evidence, taking written accounts.
- c) Produce a report establishing whether or not there is substance to the allegation – to establish if there is a case to answer
- d) Ensure the interests of fairness and consistency and to determine what, if any, recommendation or suitable resolution.

The Investigation Team DO NOT

- e) Make a decision about disciplinary action
- f) Act as counsellor to the party
- g) Make moral judgements

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5. The Investigation Team will establish how they will work together i.e. who will interview whom? Who will take notes, what to do if there is disagreement with each other? Agree a strategy.
6. The Investigation Team will review the allegation, cause of complaint or concern and will seek and review all oral and written evidence in connection with the complaint. The investigative panel shall not be obliged to follow the strict rules of evidence in the course of any investigation or subsequent proceeding and shall be entitled to admit such evidence and accord it such weight as it thinks fit. **This must take no longer than 21 days.**
7. The Investigation Team must also seek information on the incident from the accused member(s) – this may be in written form and/or through interview. The Member will be written to and offered 3 possible dates to meet with the Investigation Team. The Member shall have 14 days to respond to that request.
8. If the Member fails to respond within this period (or such longer period as may have been agreed in writing) the Investigative Team may proceed with the investigation making recommendations based on the information before them. In such circumstances the Accused Member may be liable to suspension from involvement in golf until their response has been received.
9. All interviews will be held in private.
10. If the member(s) under investigation is invited to attend an interview each may be accompanied by a friend who must be a full member of the club. A ‘friend’ who intends to fulfil this role should abide by the principles laid down for a ‘McKenzie friend’ (see Appendix B)
11. The Investigation Team will make a recommendation to the Discipline Committee based on all evidence, whether or not there is a case to answer. In the event of a decision of “no case to answer” being accepted, all parties will be informed in writing by the Club Secretary. In the event of a finding of a “case to answer”, the investigation team will prepare a report for the Chair of the Discipline Committee with the evidence to support their findings, along with recommendations regarding any further action. This must be prepared within **21 days** of receiving all evidence available including any explanation from the accused member(s).
12. The Investigation Team shall have the power to regulate its own procedure including (without limitation) to extend or vary any time limit set out in this Code; allow time for the submission of further evidence or for any other reason; ask questions of any party or witness to any investigation 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. A record should be made of any deviations along with the reasons.
13. The Investigation Team should submit its report and recommendation to the Chairman of the Discipline Committee.
14. If the recommendation is that the matter should go to a Discipline Hearing, then the procedure is shown at Stage 2

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## Discipline Stage 2

15. The accused member(s) will be invited to attend a formal disciplinary hearing which will be chaired by Head of Council and 2 other members of the Disciplinary Committee who will be nominated by the Chair of the Disciplinary Committee. Three dates for the Discipline Hearing will be offered to the accused member(s).
16. Should the Head of Council have to exclude themselves from being part of the Discipline Panel the Chair of the Discipline Committee will be responsible for the Panel selection.
17. At this stage the member subject of the Discipline will be provided advanced disclosure of all documents obtained by the Investigation Team. The Chairman of the Discipline Hearing can withhold or redact any accounts which might identify that person unless their permission has been sought before being supplied to the Member subject to the hearing.
18. A member of the Investigation Team will outline details of complaint and present the case to the disciplinary panel and they will also hear live accounts from all individuals who have provided written statements.
19. The accused member(s) will have the right to bring any person who may have first-hand information about the matter under investigation if the accused person(s) believed it to be relevant.
20. This panel have the remit to speak with those individuals to clarify any matters of ambiguity.
21. Once all evidence has been presented and reviewed, the discipline panel will decide on the finding.
22. If the case is proved they will then hear any background information regarding the member(s) accused of the incident to inform any recommended sanction from the list below. Any outcome must be communicated in writing to the member within **7 days**.

### APPROPRIATE SANCTIONS

- No further Action
- Requirement for written apology for the behaviour to either the Club or person(s) making the allegation.
- Written censure, caution or reprimand in respect of the conduct identified
- Period of suspension from Competitions or other involvement in any capacity in any events organised or sanctioned by the Club eg. not being allowed to attend functions or enter the bar area (maximum 2 months)
- Period of suspension from the Club or other involvement in any capacity in events organised or sanctioned by the Club eg. not being allowed to attend functions or enter the bar area (maximum time 6 months)
- Request for member to resign from the Club (can apply to re-join after 24 months)
- Suspension of Golf Handicap as outlined under clause 24 of CONGU Unified Handicapping system
- Expel the member from the Club (can re-join after 4 years)
- Expulsion from the Club indefinitely

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### Discipline Stage 3

23. Following a conclusion from the disciplinary panel, the accused member shall have 14 days to lodge, in writing, an appeal against finding and/or sanction, providing the grounds on which the Appeal is made.
24. A President of the Club and 2 members of the Disciplinary Committee not involved in any of the previous stages will be selected to review the appeal grounds.
25. Any Appeal Panel set up will review the notes and reports of any Disciplinary Hearing considering the finding and/or sanction imposed along with reasons given by the Member(s) for the Appeal and any mitigation which might be put forward.
26. Having reviewed all information the Appeals Panel may confirm or amend the decision and/or sanction. This must be communicated to the Member(s) within 5 days.

**All documents of these processes will be filed by the administration of the club for a period of three years from the conclusion of any sanctions imposed.**

**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 or any decision taken under or pursuant to the Club's disciplinary code and/or procedures.**

### GENERAL

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

This Code 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 date as the Board may determine.

The construction, validity, and enforceability of this Code shall be governed by English Law.

# ROSSENDALE GOLF CLUB – Complaints and Discipline Policy

## STATEMENT FORMAT

**Date and time of interview plus names and roles of those present**

<b>Question/by whom</b>	<b>Answer</b>