



OXFORDSHIRE LADIES' COUNTY GOLF ASSOCIATION

DISCIPLINARY PROCEDURES

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Approved on behalf of the OLCGA Executive:

Name: _____ **Position:** _____

Signature: _____ **Date:** _____

DISCIPLINARY PROCEDURES

1 INTRODUCTION

These procedures cover allegations of misconduct or breaches of policy arising in relation to either:

- (i) a Member of the Oxfordshire Ladies' County Golf Association (OLCGA); or
- (ii) a non-Member, including volunteers and individuals who may be paid to provide services (*e.g.*, coaching), to the Association.

The procedures also cover how a charge of misconduct will be brought, heard and reported, what penalties may be enforced and the associated appeals procedure. Allegations of misconduct may arise from another Member, a non-Member involved in OLCGA activities or a member of the public.

It should be noted that the OLCGA Disciplinary Procedures apply to activities undertaken by OLCGA and, as such, OLCGA will not become involved in Club-related matters. Clubs within the County should have their own Disciplinary Procedures and OLCGA tries to set an example by implementing effective County-level procedures and promoting best practice.

OLCGA will deal with allegations of misconduct in confidence. However, OLCGA will share any relevant information with individual Clubs or other appropriate authorities (*e.g.* England Golf (EG), the Professional Golfer's Association (PGA), the County Golf Partnership (CGP)), ensuring that any accused individual is aware that these bodies will be kept informed.

2 THE DISCIPLINARY COMMITTEE

- (a) The Disciplinary Committee will be made up of members of the OLCGA Executive Committee.
- (b) The Disciplinary Committee shall comprise such number of Committee Members, who will act for such term of office, as determined from time to time by the Executive Committee subject to a minimum of three Members each serving a minimum term of one year. If a Member of the Disciplinary Committee cannot complete her term of office or is in anyway involved in the conduct of the case as set out at Rule 2(d)(i) or (ii) below, the Executive Committee shall have the power to appoint another Member of OLCGA in her place. The Secretary of OLCGA shall act as Secretary of the Disciplinary Committee and communicate with all parties.
- (c) Should the Disciplinary matter be a breach of OLCGA's Child Protection Policy, procedures, or codes of conduct, the County Child Welfare Officer would be part of the Disciplinary Committee.
- (d) In relation to any particular case, the Disciplinary Committee shall exclude any Member of that committee from adjudicating in a disciplinary hearing or in being involved in the conduct of the case in any way if they:
 - (i) were involved in the disciplinary hearing held by any Affiliated Club; or
 - (ii) have a conflict of interest.
- (e) The Disciplinary Committee shall not conduct any business, in respect of meetings or disciplinary hearings, unless a quorum of three is present.
- (f) The Disciplinary Committee may appoint a solicitor or an appropriate independent expert if considered necessary.



3 DISCIPLINARY MATTERS

- (a) A Member or non-Member shall be liable to disciplinary action by OLCGA in terms of Rule 4 below if he or she:
- (i) conducts himself or herself, either on or off the golf course, in a manner which may bring the game of golf or OLCGA into disrepute;
 - (ii) conducts himself or herself in such a manner as is likely to injure or discredit the reputation of OLCGA or any of its members;
 - (iii) conducts himself or herself in a violent, abusive, bullying or intimidating manner;
 - (iv) breaches OLCGA's Child Protection Policy, Equity Policy, procedures, or codes of conduct;
 - (v) is under the influence of drink or drugs or acting in an inappropriate manner on the golf course, in or around the club or on any OLCGA activity;
 - (vi) has failed to act at all times in the best interests of OLCGA, of ladies' golf, and the game of golf in general;
 - (vii) has failed to comply with a reasonable request from nominated OLCGA official representatives.
- (b) In addition, a Member shall be liable to disciplinary action by OLCGA in terms of Rule 4 below if she:
- (i) fails to comply with the requirements of the CONGU Handicapping system;
 - (ii) commits a serious breach of the Rules of Golf as laid down by The R&A, or a serious or persistent breach of County competition conditions or local rules;
 - (iii) has falsified any handicap, membership or entry forms;
 - (iv) has failed to seek the prior approval of the nominated OLCGA official representative before making herself absent from the course, venue or accommodation at Team events.
- (c) Statements about OLCGA or its affairs shall be made through the Executive Committee and not through the media. The writer of any article is obliged to check first with the Executive Committee to ensure that any information given in an article is true and correct. Any Member or non-Member who makes a statement, which in the opinion of the Disciplinary Committee constitutes a breach of the requirement, is liable to disciplinary action.
- (d) OLCGA Members, staff and volunteers must report any conduct likely to injure or discredit OLCGA to the Executive Committee immediately once they become aware of it.

4 PROCEDURES

A complaint, from any source, against a Member or non-Member, alleging misconduct, will be considered in the first instance by the President of OLCGA in consultation with the County Captain. If this consideration leads to the conclusion that there is a case to answer, the President will either request that the OLCGA Grievance Procedure be invoked or that a Disciplinary Committee be formed to conduct an Inquiry into the alleged misconduct.

4.1 Grievance Procedure

The purpose of the Grievance Procedure is to sort out, in an informal manner, minor misunderstandings or unintended offensive behaviour. OLCGA will appoint an impartial member from its Executive Committee to hear the complaint/grievance. An impartial



member is one who has no personal interest in or involvement with the subject matter or with the Member/non-Member who is the subject of the Grievance Procedure.

- (a) The appointed impartial Executive Committee Member will invite the Member or non-Member to attend a meeting to discuss the complaint/grievance. The Member or non-Member may be assisted at such a meeting either by a colleague or a fellow Member.
- (b) The meeting must not take place unless the Member or non-Member has had a reasonable opportunity to consider their response to the complaint/grievance.
- (c) The Member or non-Member must take all reasonable steps to attend the meeting. If the Member/non-Member does not attend the meeting then the impartial Executive Committee Member may consider the grievance in their absence, adjourn the hearing or take such other action as deemed necessary.
- (d) After the meeting, the impartial Executive Committee Member will inform the Member or non-Member of her decision concerning the complaint/grievance and her decision is final.

4.2 Inquiry Procedure

- (a) Once the composition of the Disciplinary Committee is agreed by the OLCGA Executive Committee, the President will formally bring the charge before the Disciplinary Committee. The charge will be written and give details of the alleged offence capable of being proved. Any written evidence will be attached, together with a list of witnesses who can be asked to give evidence on the matter. The Secretary of OLCGA shall then inform the individual against whom the complaint has been made in writing of the grounds of complaint enclosing any supporting information or written evidence which documents the complaint. The Secretary shall also invite the individual to make written representations in answer to the complaint, within 28 days.
- (b) A personal hearing may be required or offered if the Disciplinary Committee considers the matter to be of sufficient seriousness and, in any event, will be offered before a Member is expelled or suspended, or before the relationship with a non-Member is severed.
- (c) If after offer, a hearing is not required or requested within 7 days by the Member or non-Member, the matter will be dealt with by the Disciplinary Committee within 28 days taking into account the written representations of the relevant individual and any other evidence, written or oral, available. That evidence will be made available to the individual concerned.
- (d) If a personal hearing is to take place:
 - (i) the Secretary of OLCGA will give the relevant Member or non-Member at least 14 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 or non-Member;
 - (ii) the relevant Member or non-Member may be represented by a solicitor or accompanied in the hearing by one other individual of their choice;
 - (iii) the Disciplinary Committee shall take account of the written and oral representations of the relevant Member or non-Member and any other evidence, written or oral, available; and
 - (iv) 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 Committee from proceeding to a decision.



- (e) The Disciplinary Committee will normally consider a complaint fully before any question of suspension arises but, where a complaint is related to a serious breach of OLCGA's Child Protection Policy, procedures, or codes of conduct, the power to suspend forthwith from County tournaments, coaching and/or related activities may be exercised by the Disciplinary Committee as soon as the complaint is received. In child protection matters, the Disciplinary Committee will follow guidance from the EG in handling suspensions and will take advice from the EG Lead Child Protection Officer. Any suspension will last until the formal hearing of the matter by the Disciplinary Committee, which will take place as soon as is practically possible. The accused individual will be kept fully informed with regard to setting the date for the formal hearing.
- (f) The decision of the Disciplinary Committee will be conveyed in writing to the individual concerned and, in the case of OLCGA Members, to their Affiliated Club and to the EG within seven days of the decision being made. The relevant Member or non-Member will have the right detailed in Rule 6 to appeal against the decision.
- (g) At the conclusion of the disciplinary process where any allegations or concerns regarding safeguarding and welfare of children or vulnerable adults are founded, OLCGA will inform, as appropriate, the Member's Affiliated Club, the CGP, the EG, the EGU, the PGA and any other relevant statutory body, including the Independent Safeguarding Authority.
- (h) The Member or non-Member concerned will be told which organisations are to be informed of the outcome of the disciplinary process.

5 PENALTIES

- (a) If a complaint against an OLCGA Member is upheld, the Disciplinary Committee shall have the power to impose on the Member one or more of the following penalties:
 - (i) censure;
 - (ii) a restitutive fine, the level of which shall be at the discretion of the Disciplinary Committee acting reasonably;
 - (iii) suspension from all or any of the rights and privileges of Membership; or
 - (iv) expulsion provided always that the decision of the Disciplinary Committee to expel should not take effect until it is ratified by the Executive Committee. In the event that the Disciplinary Committee makes this recommendation the Member will be suspended until the Executive Committee has confirmed or overturned the decision. The Executive Committee will dispose of the matter within 60 days of the decision of the Disciplinary Committee. If it fails to do so the decision of the Disciplinary Committee will automatically be overturned.
- (b) Subject to Rule 6(b)(i) below, any fine must be paid within 60 days. If payment is not made by the due date, the relevant Member's membership of OLCGA will immediately be suspended. If payment is not made within 90 days and in the absence of demonstrating special circumstances (as to which the Disciplinary Committee shall be the sole judge), the relevant Member will, subject to 5(a)(iv) above, be expelled.
- (c) If a complaint against a non-Member is upheld, the Disciplinary Committee shall have the power to sever the relationship between the OLCGA and the non-Member, although this decision of the Disciplinary Committee should not take effect until it is ratified by the Executive Committee. In the event that the Disciplinary Committee makes this recommendation the non-Member will be suspended from OLCGA activities until the Executive Committee has confirmed or overturned the decision. The Executive Committee will dispose of the matter within 60 days of the decision of the Disciplinary



Committee. If it fails to do so the decision of the Disciplinary Committee will automatically be overturned.

6 APPEALS

- (a) Any Member or non-Member wishing to appeal against a decision of, or penalty imposed by, the Disciplinary Committee under the disciplinary procedure in Rule 4 above, shall lodge their appeal in writing setting out the grounds of their appeal with the Secretary of OLCGA within 14 days of the date of the letter of notification of the decision by the Disciplinary Committee or, in the case of a Member being expelled or the relationship with a non-Member being severed, by the Executive Committee.
- (b) In the event of the lodgement of an appeal in terms of 6(a) above the following procedures will be followed:
 - (i) Any penalty imposed on a Member by the Disciplinary Committee will be deferred pending the outcome of the appeal except, in the case of expulsion, the Member will be suspended pending the outcome of the appeal;
 - (ii) Any involvement of a non-Member in OLCGA activities will be suspended pending the outcome of the appeal;
 - (iii) An Appeal Committee shall be appointed by the Executive Committee, none of whom had been members of the Disciplinary Committee, which reached the original decision on the matter;
 - (iv) Where an Appeal relates to a breach of OLCGA's Child Protection Policy procedures, or codes of conduct advice will be sought from the EG Lead Child Protection Officer.
 - (v) The Secretary of OLCGA shall give to the relevant Member or non-Member at least 14 days notice in writing of the date, time and place of the appeal hearing and shall give him/her the opportunity of being heard in person or by written submission. The notice shall set out details of any additional evidence, which has been made available to them since the original hearing.
 - (vi) If the Member or non-Member is attending the hearing in person the rules detailed in 4(a) to 4(d) above shall apply.
 - (vii) The Appeal Committee shall adjudicate upon the matter taking into consideration the written or oral evidence of the relevant Member or non-Member and seeking such further evidence, written or oral, as it thinks fit.
- (c) The Appeal Committee may cancel, reduce, confirm or increase the penalty under appeal or substitute a penalty of a different form. If the penalty being appealed against includes suspension, the start of the period of suspension may be deferred pending the outcome of the appeal. The Appeal Committee will make its findings known to the appellant within 28 days of the appeal being lodged.
- (d) Where the appeal is upheld and the original decision set aside the cost of the appeal shall be borne by OLCGA and any costs paid by the appellant under 6(e) below will be returned.
- (e) OLCGA reserves the right, where an appeal is unsuccessful, to charge a nominal sum to the individual or club (in the case of a Member), as appropriate, for costs and expenditure reasonably incurred by the Executive Committee as a result of hearing such an appeal.



7 NATURAL JUSTICE

The Rules of Natural Justice will be followed. These include giving the accused individual details of the charge and an opportunity to rebut it. No member of the Disciplinary Committee will be personally involved in the case, but the fact that a member of the Disciplinary Committee personally knows the accused is not sufficient to disbar membership of the Disciplinary Committee. Neither the accused individual nor member of the public bringing the charge will be a member of the Disciplinary Committee. A written record of the proceedings at the Disciplinary Committee will be made under the direction of the President.

