



## DISCIPLINARY PROCEDURE

### 1. INTERPRETATION AND DEFINITIONS

- 1.1 In the interpretation of these procedures, unless the contrary intention appears:
- 1.1.1 Headings are inserted for convenience only and are not to be used to assist interpretation;
- 1.1.2 Any gender includes all genders, any reference to the singular includes the plural (and vice versa), and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).
- 1.2 For the purpose of these procedures the following definitions apply:
- "Affiliated Club"** means a golf club affiliated to the SGL;
- "Appeals Panel"** means an Appeals Panel appointed by the SGL;
- "Anti Doping Policy"** means the Anti Doping Policy of the SGL;
- "Area Association"** means one of the 16 area bodies who are members of SGL;
- "Board"** means the Board of the SGL;
- "Chief Executive"** means the chief executive of the SGL;
- "Code of Conduct"** means the Code of Conduct of the SGL;
- "CONGU"** means the Council of National Golf Unions;
- "County Association"** means one of the 15 county bodies who are members of SGL;
- "Day"** means any day other than a Public Holiday;
- "Disciplinary Committee"** means the Disciplinary Committee of SGL;
- "Disciplinary Officer"** means an officer appointed by SGL;
- "Head of Events"** means the Head of the Events team of SGL;
- "Incident Report"** means any written complaint made regarding a disqualification from or an act of misconduct at an SGL National Competition fixture or a breach of the Code of Conduct or a complaint regarding any participant of any national team or squad selected by SGL. Incident Reports may or may not be on the form attached to these procedures;
- "Member Clubs"** shall have the same meaning as Affiliated Clubs;

**"National Competition"** means any national competition staged under the auspices of SGL;

**"Official"** means a coach, manager or referee, or any other person who has a direct association with an Affiliated Club, Area Association, County Association or is a SGL appointed official or has an association with SGL;

**"Player"** means a person who plays the game of golf;

**"Procedures"** means these Procedures;

**"Referee"** means an official(s) appointed by the SGL, an Area Association, County Association or a member club to officiate at a tournament;

**"Rules of Golf"** means the rules of golf as defined by the Royal & Ancient Golf Club of St Andrews;

**"SGL"** means Scottish Golf Limited;

**"Subject Person"** means any person, group of persons or club who is/are the subject of an Incident Report or a Disciplinary Committee or Appeals Panel hearing;

**"UHS"** means the Unified Handicapping System.

## 2. SUMMARY

- 2.1 Disciplinary matters may occur at different levels within golf. These include the local level (Member Clubs and Area or County Associations) and at national and international level.
- 2.2 These Procedures deal with hearings in respect of:
  - 2.2.1 Breaches of the Code of Conduct which include breaches of the Anti-Doping Policy;
  - 2.2.2 Disqualifications;
  - 2.2.3 Any complaint about any person acting on behalf of SGL; and
  - 2.2.4 Complaints regarding any person competing officially in any SGL competition or teams or any person selected by SGL to participate in any Scottish team.
- 2.3 Decisions taken by the Disciplinary Officer, the Disciplinary Committee or the Appeals Panel may be taken into account by all member associations (including Member Clubs and Area or County Associations) when making their own disciplinary decisions.
- 2.4 The Procedures apply to individuals who act on behalf of SGL or compete in its competitions.
- 2.5 Disciplinary action may be informal or formal. Informal disciplinary action will involve discussing the problem with the individual and/or the official with a view to resolving the issue. Formal disciplinary action will be in accordance with these Procedures.

## 3. MEMBERSHIP AND POWERS OF COMMITTEES

- 3.1 SGL (or its duly authorised officers), shall appoint the Corporate Services Director of SGL as the Disciplinary Officer, who shall have the power to act in the name of SGL and determine disciplinary proceedings in the following circumstances:
- 3.1.1 to deal with alleged breaches of the Code of Conduct or acts of misconduct occurring at SGL tournaments, competitions or fixtures and/or involving SGL representative players;
  - 3.1.2 To deal with any other incident or alleged breach of the Code of Conduct referred to him/her by the Chief Executive (or his/her nominee) at his/her absolute discretion.
  - 3.1.3 On receipt of an Incident Report regarding the disqualification of or misconduct of a player in a National Competition, the Disciplinary Officer shall have the authority to:
    - (a) Take no further action;
    - (b) Decide on further action after considering the written or oral response of the subject person;
    - (c) Refer the incident to the Disciplinary Committee for consideration where there are no precedents set or where the matter requires further investigation.
- 3.2 SGL (or its duly authorised officers), can appoint an independent Disciplinary Committee to hear and determine disciplinary proceedings in the following circumstances:
- 3.2.1 Any matter which the Disciplinary Officer sees fit to refer to the Disciplinary Committee;
  - 3.2.2 Where a person lodges a written complaint about the conduct of persons other than employees who are acting on behalf of SGL and alleges that there has been a breach of the Code of Conduct by such persons.
- 3.3 The Disciplinary Committee will normally consist of three members. The Disciplinary Committee shall be Chaired by the Disciplinary Officer and shall include two independent representatives from the SGL Board or Committee structure, with the relevant qualifications or expertise that have no link to the case being brought before them. Should the complaint be in relation to the Disciplinary Officer, then the CEO of SGL shall assume the role of Chair of the Disciplinary Committee.
- 3.4 SGL will appoint an Appeals Panel from time to time to consider any competent appeal. The Appeals Panel will normally consist of three members and be Chaired by the CEO (or Chair should the CEO have been involved in the Disciplinary Committee proceedings) of SGL and shall include two independent representatives from the SGL Board or Committee structure that can demonstrate their independence from the original Disciplinary Committee proceedings.

- 3.5 The Appeals Panel will have the full powers and authorities of the Disciplinary Officer and Disciplinary Committee including the power to increase, decrease or accept any such penalties already imposed and/or impose any such new penalties as outlined in clause 8 below.
- 3.6 The Disciplinary Officer, Disciplinary Committee and Appeals Panel shall exercise their function independently of the incident before them. They shall be fully autonomous and in particular any decision they make shall be binding on all parties involved.
- 3.7 Any decision made by SGL in respect of any person, club, team, Area Association may be taken into consideration by affiliated member associations of SGL.

#### **4. SPECIFIC PROCEDURES**

##### **Disqualification**

- 4.1 Where a player is disqualified during an SGL Championship they are automatically disqualified from the competition. The disqualification is not subject to appeal.
- 4.2 Where a player is disqualified, the official in charge of the championship in question, may submit an Incident Report (which should be in the form attached at schedule 1) if they believe the player's behaviour warrants further action, to the Head of Events, c/o the SGL office, within 48 hours of the completion of the event concerned.
- 4.3 The Head of Events shall:
  - 4.3.1 Forward a copy of the Incident Report to the individual and request a written response within 7 days;
  - 4.3.2 Undertake any further investigation he/she sees fit;
  - 4.3.3 Forward the Incident Report, written response and investigation report, if applicable, to the Disciplinary Officer for consideration.
- 4.4 The Disciplinary Officer on receipt of the Incident Report and written responses shall consider the information and either:
  - 4.4.1 Decide that no further action is required and notify the player and lead official accordingly in writing;
  - 4.4.2 Decide on further action; or
  - 4.4.3 Refer the incident to the Disciplinary Committee for consideration where there are no precedents set or where the matter requires further investigation.
- 4.5 Upon receiving a referral from the Disciplinary Officer, the Chief Executive (or his/her nominee) shall convene a hearing of the Disciplinary Committee.

##### **Complaint in respect of an alleged breach of the UHS**

- 4.6 Any complaint must be made in writing by completing an Incident Report (which may be in the form attached at schedule 1) and delivered to the SGL office or the Chief Executive (or his/her nominee).
- 4.7 The complaint must be lodged within 7 days of the alleged incident or such further time as is allowed by the Chief Executive (or his/her nominee).

- 4.8 The complaint must specify the details of the alleged incident including which provision of the UHS has been breached.
- 4.9 After receipt of the Incident Report, the procedures as set out in paragraphs 4.3 to 4.5 above shall apply.
- 4.10 If the Disciplinary Committee decides to charge the Subject Person with a breach of the UHS, the Chief Executive (or his or her nominee) will notify the individual charged of the disciplinary action to be taken.

#### **Code of Conduct or Misconduct**

- 4.11 Any complaint must be made in writing by completing an Incident Report (which may be in the form attached at schedule 1) and delivered to the SGL office or the Chief Executive (or his/her nominee).
- 4.12 The complaint must be lodged within 7 days of the alleged incident or such further time as is allowed by the Chief Executive (or his/her nominee).
- 4.13 The complaint must specify the details of the alleged incident including if appropriate which provision of the Code of Conduct has been breached.
- 4.14 A breach of the Code of Conduct includes but is not limited to a breach of the Anti Doping Policy or acts of misconduct.
- 4.15 If the Disciplinary Committee decides to charge the Subject Person with a breach of the Code of Conduct or in relation to an act of misconduct, the Chief Executive (or his or her nominee) will notify the individual charged of the disciplinary action to be taken.

#### **Anti Doping Policy**

- 4.16 In respect of an alleged breach of the Anti Doping Policy the procedures outlined in the Anti Doping Policy will be followed.

### **5. DISCIPLINARY HEARING**

- 5.1 Any person that is subject to a disciplinary hearing shall be supplied with a copy of the Incident Report and any investigation report and advised in writing:
  - 5.1.1 Of the date, place and time of the meeting;
  - 5.1.2 The nature of the charge or complaint and the potential penalties that may apply;
  - 5.1.3 That s/he is required to attend in person and that he/she can be accompanied at the meeting;
  - 5.1.4 That if s/he is unable to attend at the meeting, s/he should notify the Disciplinary Officer in writing; and
  - 5.1.5 That if he/she elects not to attend at the meeting without good reason, the disciplinary hearing may proceed in his/her absence.
- 5.2 At least 7 days notice of a disciplinary hearing should be given, however a shorter notice period can be given if agreed with the respective parties.
- 5.3 Unless the Disciplinary Committee otherwise directs the procedure will be as follows:

- 5.3.1 The Disciplinary Committee will explain the procedures to be used and advise of the rights of appeal;
- 5.3.2 The Incident Report will be considered followed by the written or oral response, if any, provided by the Subject Person;
- 5.3.3 Any further evidence will be heard;
- 5.3.4 Any other witnesses to be called will then be heard (or in the situation where the witness is unable to attend, then their signed written statement will be read out);
- 5.3.5 any witnesses, other than the Incident Report writer and the Subject Person/s are to be excluded from the hearing until required to give their evidence and must retire immediately after giving their evidence and answering any questions from the Disciplinary Committee;
- 5.3.6 Questioning of the parties or any witnesses may only be directed by the Disciplinary Committee or as otherwise permitted by the Disciplinary Committee at its discretion.
- 5.3.7 The parties will then be given the opportunity to make final submissions; and
- 5.3.8 Notification of the decision shall be issued to the parties.

## **6. APPEAL HEARING**

- 6.1 An appeal must be lodged within 7 days of the decision being notified in writing to the individual.
- 6.2 An appeal shall be lodged when a Notice of Appeal is received, by the SGL office or the Chief Executive (or his/her nominee). The Notice of Appeal shall be in writing, signed by the appellant and shall specify:
  - 6.2.1 The name of the appellant;
  - 6.2.2 The decision appealed against;
  - 6.2.3 The date of the decision appealed against; and
  - 6.2.4 The specific grounds of the appeal.
- 6.3 On receipt of an appeal, the Board (or their nominee) will decide on the composition of the Appeals Panel and will forward all documentation to the members of the Appeals Panel.
- 6.4 The Chair of the Appeals Panel shall communicate with the parties and:
  - 6.4.1 Determine what, if any, further evidence will be heard;
  - 6.4.2 Determine if further written evidence is to be accepted, and if so, set a date by which time further written evidence must be submitted;
  - 6.4.3 Set a time, date, and place for the hearing of the appeal.
- 6.5 The Chief Executive (or his/her nominee) will inform the appellant of the composition of the appeals panel.

- 6.6 The appellant is entitled to, within 48 hours of notification; lodge a written objection against any member of the Appeals Panel who can be shown to have a direct personal involvement or interest in the matter. Supporting evidence should be provided in support of any such claim. Any objection will be considered by the Chief Executive (or his/her nominee), who's decision shall be final.
- 6.7 All documentation to be used by any party at the appeal must be with all of the parties entitled to attend the appeal hearing at least 7 days prior to the appeal hearing.
- 6.8 The Appeals Panel may, in its discretion, rehear the whole or any part of the evidence given before the Disciplinary Officer and/or the Disciplinary Committee as it considers appropriate.
- 6.9 The Appeals Panel shall be entitled to hear and receive such further evidence on appeal as it deems competent.
- 6.10 Any further evidence to be heard shall be made available to all parties concerned 7 days prior to the appeal hearing. Parties shall have the right to respond in writing to any further evidence to be presented.
- 6.11 Where evidence is given before the Appeals Panel, there shall only be cross examination or questioning of witnesses by the Appeals Panel.
- 6.12 Notification of the decision of the Appeals Panel will be issued.

## **7. GENERAL PROVISIONS**

- 7.1 The Disciplinary Officer, Disciplinary Committee and the Appeals Panel shall have the power to abridge or extend any time limits set out in these Procedures, if at their absolute discretion; it is considered appropriate in the circumstances.
- 7.2 The Disciplinary Officer, Disciplinary Committee and the Appeals Panel shall not be entitled to introduce or consider opinion evidence other than expert opinion evidence.
- 7.3 Except for a disqualification, no penalty shall be imposed on any person or body in disciplinary proceedings unless the alleged misconduct against the person or body is proved on the balance of probabilities.
- 7.4 The onus is on the party who alleges the offence and the Disciplinary Officer, Disciplinary Committee or Appeals Panel to establish the elements of the charge.
- 7.5 Where a player is disqualified from a Championship:
  - 7.5.1 All Disciplinary and Appeal hearings must give effect to the Rules of Golf;
  - 7.5.2 Where there is a conflict in evidence before the Disciplinary Officer, Disciplinary Committee and the Appeals Panel which it is unable to resolve, it may adjourn the hearing for the purpose of obtaining further evidence which may assist in resolving the dispute.
- 7.6 An individual suspended in accordance with these Procedures is not permitted to play in any SGL Championship or team until either:
  - 7.6.1 any subsequent appeals have been heard and finally determined before the Appeals Panel, unless s/he is specially authorised to do so by the Appeals Panel by which his/her case will be heard; or

- 7.6.2 The period of any suspension has expired when the player may resume playing notwithstanding that the appeal has not been heard.
- 7.7 The lodging of an appeal shall not have the effect of deferring any suspension imposed as it constitutes grounds for temporary ineligibility.
- 7.8 The Disciplinary Officer, Disciplinary Committee and the Appeals Panel shall endeavour to ensure that disciplinary or appeal proceedings are not held in the absence of the Subject Person but nothing in this rule or otherwise shall prevent a hearing proceeding in the absence of the Subject Person where such person elects not to attend the hearing.
- 7.9 In any case where a witness required by the Disciplinary Officer, Disciplinary Committee or the Appeals Panel to attend the meeting refuses or fails to attend, the Disciplinary Officer, Disciplinary Committee or Appeals Panel may refuse to allow the evidence of that witness to be given in any form.
- 7.10 For any appeal regarding an alleged breach of the Anti-Doping Policy, SGL will invite an observer from UK Sport to the appeal hearing to confirm fair and open procedures have been followed.
- 7.11 The hearing of proceedings by the Disciplinary Committee or the Appeals Panel shall be recorded by the taking of minutes.
- 7.12 The record of the proceedings and all papers associated with the proceedings shall be held by the Disciplinary Officer (or his/her nominee).
- 7.13 Copies of the record shall be made available to any person affected by the decision of the Disciplinary Committee or Appeals Panel.
- 7.14 The decision of the Disciplinary Officer, Disciplinary Committee or the Appeals Panel shall be issued to all parties as soon as reasonably practicable after the conclusion of the hearing.
- 7.15 Where a Subject Person is suspended from participating in affiliated member club, Area or County Association activity, the Disciplinary Officer (or his/her nominee) will notify all affiliated Area Associations/Member Clubs of the Disciplinary Officer, Disciplinary Committee or Appeals Panel decision within 7 days wherever possible.

## **8. PENALTIES**

- 8.1 If a complaint is proved to its satisfaction, the Disciplinary Officer, Disciplinary Committee and Appeals Panel shall have the power to impose the following penalties:
- 8.1.1 censure/warning;
- 8.1.2 Suspension from SGL golf activities (including competitions, teams or meetings or other events either as a referee, coach, player or a designated official of a team) for a specified period of time;
- 8.1.3 Suspension from SGL golf activities for a period of time or permanently;
- 8.1.4 Forfeiture of any competition and/or other points as specified;
- 8.1.5 A fine not exceeding £100 for an individual payable within any specified period of time;



- 8.1.6 A fine not exceeding £1,000 for a club, team, Area or County Association found guilty of a breach of the Code of Conduct or an act of misconduct;
- 8.1.7 A combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the objects of SGL.
- 8.2 A suspension received by a player does not necessarily prevent a player from participating as a referee, coach or other official. However a person may in addition be suspended from other forms of participation.
- 8.3 When a penalty is imposed consideration will be given to the following:
  - 8.3.1 Consistency and uniformity in the level of penalty imposed;
  - 8.3.2 That where possible periods of suspension be imposed by reference to specific dates rather than playing days e.g. 1 April to 1 June.

## **9. CHAMPIONSHIPS AND SGL NATIONAL SQUAD**

- 9.1 The Procedures apply to all SGL Championships and SGL National Squads, Teams and Fixtures. However, it may be that there are separate rules and conditions which include disciplinary and appeal procedures which are developed for use at particular Championships. Such rules and conditions must be consistent with these Procedures.
- 9.2 In general, decisions that are made at championships in respect of disciplinary or appeal matters are final with no further rights of appeal. However, the Chief Executive (or his/her nominee) may refer the matter to the Disciplinary Officer if s/he believes in her/his absolute discretion that further action may be appropriate in the circumstances.

## SCHEDULE 1

### INCIDENT REPORT

|                                    |  |
|------------------------------------|--|
| Report Writer<br>(Print full name) |  |
| Position                           |  |
| Signature                          |  |
| Date                               |  |
|                                    |  |
| Venue                              |  |
| Competition/Activity               |  |
| Person/club cited                  |  |
| Person/club cited                  |  |
| Charge (tick box):                 | <input type="checkbox"/> Disqualification from SGL National Championship<br><br><input type="checkbox"/> A breach of the Code of Conduct or an act of misconduct namely: (provide detail of the principles breached) |
|                                    | <input type="checkbox"/> Statement of facts surrounding the incident   |

#### OFFICE USE ONLY

#### GENERAL NOTICE: PENALTIES INCLUDE:

If a complaint is proved to its satisfaction, the Disciplinary Officer, Disciplinary Committee and the Appeals Panel shall have the power to impose any of the following penalties that it considers appropriate in the circumstances:

- (i) Censure/Warning;
- (ii) Suspension from SGL golf activities (including competitions, teams or meetings or other events either as a referee, coach, player or a designated official of a team) for a specified period of time;
- (iii) Suspension from SGL golf activities for a period of time or permanently;
- (iv) Forfeiture of any competition and/or other points as specified;
- (v) A fine not exceeding £100 for an individual payable within any specified period of time;
- (vi) A fine not exceeding £1,000 for a club, team, Area or County Association found guilty of a breach of the Code of Conduct or an act of misconduct;

(vii) A combination of any of the above or any other disciplinary action as considered appropriate and in accordance with the objects of SGL.

A combination of any of the above, or any other disciplinary action as considered appropriate and in accordance with the objects of SGL.

Report received by

Signature

Date

Time

ALL REPORTS MUST BE PASSED TO THE DISCIPLINARY OFFICER (or his/her representative)

Assessment on Report: Noted/Actioned/Disciplinary Hearing

(CIRCLE ONE)

Action taken:

Disciplinary Officer/ Chair of

Disciplinary Committee Signature

Date