

MEARNS CASTLE
GOLF CLUB



**CODE OF CONDUCT AND
DISCIPLINARY PROCEDURES**

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1. BACKGROUND INFORMATION

1.1 Mearns Castle Golf Academy <https://www.mcgolfacademy.co.uk> is a privately owned business, which incorporates Mearns Castle Golf Club, a 50 bay Driving Range, a Short-game area, a PGA Coaching Academy and rental space for a number of businesses, including a Golf Shop, Italian Bistro, Ladies Gym and other facilities. Mearns Castle Golf Academy is overseen by a Board of Directors and the business is operated through the Mearns Castle Management Team.

1.2 Mearns Castle Golf Club is a 9 Hole Golf Course, which was formed in 2008 and has grown to around 700 members, including Full Membership, Junior Membership, Course Practice Card Membership (Monday to Friday only) and Short Game Membership. All operational and financial matters are managed by Mearns Castle Golf Academy Management Team under the direction of the Mearns Castle Golf Academy Board.

1.3 Mearns Castle Golf Club Committee was formed in 2010 and is drawn from volunteers, with Committee Members appointed by Mearns Castle Golf Academy Management, to represent Mearns Castle Golf Club Membership. Mearns Castle Golf Club Committee is advisory and also has a limited fund raising role (mainly through Annual Prize-Giving evenings).

1.4 The aim of the Mearns Castle Golf Club Committee is to improve the membership experience, by taking account of membership views - and to provide feedback to Mearns Castle Golf Academy (both informally and through regular Committee Meetings) - on Course Improvement/Maintenance Work, Competitions, facilities and other appropriate issues. Minutes of Committee Meetings are published on the main Notice Board.

1.5 The aims of the 'Code of Conduct and Disciplinary Procedures' (based on the Scottish Golf template) are to provide a context and framework for complaints **about members, or anyone competing in a Golf Club Competition** - and to set out the respective roles of Mearns Castle Golf Academy Management, Golf Club Committee, Investigations, Disciplinary Hearings and the Appeals Committee.

1.6 Any complaints regarding the behaviour of Academy staff should be immediately reported to the Director of Golf, who will deal with this through the internal Disciplinary Procedures of Mearns Castle Golf Academy.

2. CODE OF CONDUCT

2.1 All Mearns Castle Golf Club members and Academy staff have the right to be treated with dignity and respect at all times.

2.2 Mearns Castle Golf Academy aim to ensure that at all times, Golf Club members and Academy staff behave appropriately and correctly. Any conduct that appears to endanger the character, interests or good order of Mearns Castle Golf Club will not be tolerated.

2.3 Mearns Castle Golf Academy and the Golf Club Committee will positively and continually support this Code of Conduct at all times and in all contexts, including meetings, events and in dealing with Golf Club members and Academy staff.

2.4 Mearns Castle Golf Academy deplores all forms of bullying, harassment and inappropriate behaviour towards and by Golf Club members and Academy staff. In particular, Mearns Castle Golf Academy do not condone nor accept any form of bullying nor harassment and particularly on account of gender, religion, race, age, sexual orientation or disability.

2.5 It is the responsibility of Golf Club members and Academy staff to report immediately inappropriate/unacceptable conduct or offensive behaviour to the Director of Golf.

2.6 Any such allegation will be investigated promptly and thoroughly, with appropriate action taken based on the findings of that Investigation. Actions taken can include suspension or termination of membership (para 8.2 refers), depending on the conclusion of the investigatory process.

3. DISCIPLINARY PROCEDURE: OVERVIEW

3.1 These *Procedures* deal with arrangements relating to:-

- a breach of the *Code of Conduct*.
- a complaint about any member.
- a complaint about anyone competing officially in a Golf Club competition.

3.2 These *Procedures* apply to all members of the Golf Club.

3.3 Any action may be Informal or Formal. Informal disciplinary action will involve discussing the issue with the member and/or the complainer, to establish the facts.

4. ROLE OF MEARNS CASTLE GOLF ACADEMY AND APPEALS COMMITTEE

4.1 Mearns Castle Golf Academy have the authority to act in the name of the Golf Club and determine disciplinary proceedings coming before it.

4.2 The Director of Golf will determine which member of the Management Team will take the lead in any disciplinary proceedings, including Investigations and Hearings.

4.3 Mearns Castle Golf Academy will establish an Appeals Committee, to consider any competent Appeal and the Appeals Committee will exercise their functions independently of the Golf Club.

4.4 The Appeals Committee will be chaired by the Director of Golf, supported by 2 independent members, including a Committee member.

4.5 Anyone who participates in the Appeals Committee must :-

- be unbiased and have no personal interest in, or involvement with the case.
- be familiar with the *Procedures*.
- act within their powers under the *Procedures*, fairly, reasonably and proportionately at all times.
- take advice where appropriate, including legal advice.
- have consideration and respect for all parties and apply the standard of proof, as the balance of probabilities.

4.6 The Appeals Committee will have the power to increase, decrease or accept any such penalties already imposed and/or impose any such new penalties as outlined in the *Procedures*.

4.7 The Appeals Committee shall take decisions, including decisions as to guilt and appropriate sanctions, on the basis of a simple majority of Committee members with the Chair holding a casting vote if no majority is reached.

4.8 The Appeals Committee shall have the power to abridge or extend any time limits set out in these *Procedures*, if it is considered appropriate in the circumstances.

5. INITIAL COMPLAINT HANDLING

5.1 Any complaint about a Golf Club member should be made in writing (signed and dated), by the complainer and sent to the Director of Golf.

5.2 The complaint must be lodged within 7 days of the alleged incident (or grounds for the complaint arising), or such further time as is reasonably allowed by the Director of Golf.

5.3 The complaint must specify the details of the alleged incident or grounds for complaint, including where appropriate, which provision of the *Code of Conduct* has been breached.

5.4 Depending on the circumstances of the case, the Director of Golf:

- where appropriate, may appoint a member of the Mearns Castle Golf Academy Management Team to undertake an Informal or Formal Investigation, to establish the facts.
- **AND/OR on the basis of the evidence – may arrange a Disciplinary Hearing (Section 6 refers), OR proceed to a Disciplinary Penalty (Section 8 refers), OR determine that no further action is appropriate**
- **OR may forward a copy of the complaint to the member in question and request a written response within 7 days, before deciding on the basis of the evidence - to arrange a Disciplinary Hearing (Section 6 refers), OR proceed to a Disciplinary Penalty (Section 8 refers), OR determine that no further action is appropriate**

6. DISCIPLINARY HEARING

6.1 A member who is subject to a Disciplinary Hearing will be supplied with a copy of the original complaint, including notice of any witnesses to be called (or their evidence).

6.2 The member will have the right:-

- to be advised of the nature of the charge or complaint and the potential penalties that may apply.
- to be advised 14 days in advance of the date, time and place of the Disciplinary Hearing (a shorter notice period can be given, if agreed with the respective parties to the hearing).
- to representation (legal or otherwise) at the Disciplinary Hearing.
- to state their case at the Disciplinary Hearing, provide evidence and if appropriate call relevant witnesses (names of any witnesses being proposed by the member should be intimated to the Operations Manager 5 days before any Disciplinary Hearing,).

6.3 If the member is unable to attend the Disciplinary Hearing, the Director of Golf should be notified in writing. However, if the member elects not to attend the Disciplinary Hearing without good reason, the Disciplinary Hearing may proceed in their absence.

6.4 The procedure for the Disciplinary Hearing is that:-

- the Mearns Castle Golf Academy Management representative will explain the process and advise of the rights of appeal.
- the terms of the complaint will be considered, followed by the written or oral response, provided by the member, including representation on penalty.
- any further evidence will be heard.
- 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).
- any witnesses are to be excluded from the hearing until required to give their evidence and must retire immediately after giving their evidence.

- the member will then be given the opportunity to make final submissions - including submissions on sanctions in the event that the complaint is upheld.
- The Director of Golf will forward to all parties the Disciplinary Hearing decision (including any sanctions), with appropriate reasons, within 14 days of the Disciplinary Hearing.

7. APPEAL HEARING

7.1 A request for an Appeal Hearing, must be made in writing to the Director of Golf, within 14 days of the decision being notified to the Member. The Appeal Notice should contain the decision appealed against, the date of the decision appealed against and the specific grounds of the Appeal (including in relation to sanctions).

7.2 On receipt of an Appeal Notice, the Director of Golf will convene a Meeting of the Appeals Committee and forward to them all of the documentation. The Director of Golf (Chair of the Appeals Committee) will communicate with the Appellant Member, and advise:-

- the proposed time, date, and place for the Appeal Hearing.
- the composition of the Appeals Committee.
- the rules within the *Procedure* which govern the hearing and process.

7.3 All documentation to be used by any party at the Appeal Hearing must be with all of the parties entitled to attend the Appeal Hearing, at least 7 days prior to the Appeal Hearing.

7.4 The Appeals Committee may rehear the whole or any part of the evidence given to the Disciplinary Hearing, as it considers appropriate. The Appeals Committee shall also be entitled to hear and receive such further evidence on Appeal as it deems competent and fair.

7.5 Any further evidence to be heard, shall be made available to the Appellant Member 7 days prior to the Appeal Hearing. Parties shall have the right to respond in writing to any further evidence to be presented.

7.6 Where evidence is given before the Appeals Committee, there shall only be questioning of witnesses by the Appeals Committee.

7.7 Written notification of the decision of the Appeals Committee will be issued to the Appellant Member within 7 days, stating the full reasons for the decision. **The decision of the Appeals Committee is final and binding.**

8. PENALTIES

8.1 No penalty shall be imposed in disciplinary proceedings, unless the alleged misconduct is proved on the balance of probabilities and that penalty is fair, reasonable and proportionate, in the opinion of Mearns Castle Golf Academy Management or the Appeals Committee.

8.2 Where the alleged misconduct is proved (Para 8.1 refers), Mearns Castle Golf Academy Management and the Appeals Committee have the power to impose the following penalties:-

- Reprimand/warning.
- Suspension from Golf Club membership for a specified period of time, including Competitions.
- Suspension from specified Golf Club activities for a period of time or permanently.
- Expulsion from Golf Club membership on a permanent basis.
- Forfeiture of any Competition and/or other points as specified.

- **A penalty in line with Clause 24 of the Council of National Golf Unions (CONGU) Handicapping system.**
- **A combination of any of the above.**

8.3 When a penalty is imposed consideration will be given to the following:-

- consistency and uniformity in the level of penalty imposed.
- whether the penalty is reasonable and proportionate in all the circumstances;
- that periods of suspension are imposed by specific dates (eg 1st April to 1st June), rather than playing days.

8.4 Any penalties imposed by Mearns Castle Golf Academy Management shall be suspended, on any Notice of Appeal being received, until the outcome of the Appeal Hearing, except in the following circumstances:-

- any penalty imposed under Scottish Golf's Anti-Doping Policy.
- any penalty imposed under Scottish Golf's Child Protection Policy.
- any penalty imposed relating to the member's handicap or right to play golf.

9. GENERAL PROVISIONS

9.1 Minutes of Disciplinary Hearings and Appeals Committee proceedings shall be taken by a nominated person.

9.2 The record of Disciplinary Hearings and Appeals Committee proceedings and all other associated papers shall be held by the Director of Golf in a secure and appropriate manner. Copies of the record shall be made available to any person affected by the decision of Mearns Castle Golf Academy Management or the Appeals Committee.

9.3 Any notices and correspondence under these procedures, shall be sent to the member(s) concerned by secure electronic mail. Notices and correspondence shall be deemed to be delivered in relation to electronic mail, as the next day after sending.

SECTION 10: SUMMARY OF KEY 'DISCIPLINARY PROCEDURES' PROCESS

Para 1.5: The aims of the 'Code of Conduct and Disciplinary Procedures' (based on the Scottish Golf template) are to provide a context and **framework for complaints about members, or anyone competing in a Golf Club Competition** - and to set out the respective roles of Mearns Castle Golf Academy Management, Golf Club Committee, Investigations, Disciplinary Hearings and the Appeals Committee.

Para 2.5: It is the responsibility of Golf Club members and Academy staff to report immediately any inappropriate/ unacceptable conduct, or offensive behaviour to the Director of Golf.

Paras 5.1 and 5.2: Any complaint should be made in writing (signed and dated), by the complainer and sent to the Director of Golf, within 7 days of the alleged incident.

Para 5.4: Depending on the circumstances of the case, the Director of Golf:

- where appropriate, may appoint a member of the Mearns Castle Golf Academy Management Team to undertake an Informal or Formal Investigation, to establish the facts.
- **AND/OR on the basis of the evidence – may arrange a Disciplinary Hearing (Section 6 refers), OR proceed to a Disciplinary Penalty (Section 8 refers), OR determine that no further action is appropriate**
- **OR may forward a copy of the complaint to the member in question and request a written response within 7 days, before deciding on the basis of the evidence - to arrange a Disciplinary Hearing (Section 6 refers), OR proceed to a Disciplinary Penalty (Section 8 refers), OR determine that no further action is appropriate.**

Para 6.1: A member who is subject to a Disciplinary Hearing, will be supplied with a copy of the original complaint, including notice of any witnesses to be called (or their evidence).

Para 6.4: The Director of Golf will forward to all parties the Disciplinary Hearing decision (including any sanctions), within 14 days of the Disciplinary Hearing.

Para 7.1: A request for an Appeal Hearing must be made in writing to the Director of Golf within 14 days of the decision being notified to the member. The Appeal Notice should contain the decision appealed against, the date of the decision appealed against and the specific grounds of the Appeal (including in relation to sanctions).

Para 7.7: Written notification of the decision of the Appeals Committee will be issued to the Appellant Member within 7 days of the Appeals Hearing, stating the full reasons for the decision. The decision of the Appeals Committee is final and binding.

Para 8.1: No penalty shall be imposed in disciplinary proceedings, unless the alleged misconduct is proved on the balance of probabilities and that penalty is fair, reasonable and proportionate in the opinion of Mearns Castle Golf Academy Management or the Appeals Committee.

Para 8.2: Where the alleged misconduct is proved (Para 8.1 refers), Mearns Castle Golf Academy Management and the Appeals Committee have the power to impose the following penalties:-

- **Reprimand/warning.**
- **Suspension from Golf Club membership for a specified period of time, including Competitions.**
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- **Expulsion from Golf Club membership on a permanent basis.**
- **Forfeiture of any Competition and/or other points as specified.**
- **A penalty in line with Clause 24 of the Council of National Golf Unions (CONGU) Handicapping system.**
- **A combination of any of the above.**

11. SUMMARY OF MEARNS CASTLE GOLF ACADEMY, GOLF CLUB AND COMMITTEE ROLES

Mearns Castle Golf Academy

A privately owned business, which incorporates Mearns Castle Golf Club, a 50 Bay Driving Range, a Short Game area, a PGA Coaching Academy and rental space for a number of businesses, including a Golf Shop, Italian Bistro, Ladies Gym and other facilities. **Mearns Castle Golf Academy is overseen by a Board of Directors and the business is operated through the Mearns Castle Management Team.**

Mearns Castle Golf Club

A 9 Hole Golf Course, formed in 2008 and grown to around 700 Members, including Full, Junior, Course-Practice Card (Mon to Fri) and Short-Game membership.

All operational and financial matters are managed by the Mearns Castle Golf Academy Management Team, under the direction of the Academy Board.

Mearns Castle Golf Club Committee

The Committee, which is advisory, was formed in 2010 and is drawn from volunteers, with Committee Members appointed by Mearns Castle Golf Academy Management, to represent Golf Club membership.

The main aim of the Committee is to improve the membership experience, by taking account of membership views - and to provide regular feedback to Mearns Castle Golf Academy Management (informally and through Committee Meetings) - on Course Improvement/ Maintenance Work, Competitions, facilities and other appropriate issues. Minutes of Committee Meetings are published on the main Notice Board.