

ELGA

DISCIPLINARY PROCEDURES

1. Introduction

This procedure covers allegations of unprofessional conduct arising in relation to a member of the English Ladies' Golf Association, possibly meriting suspension or expulsion from the association; how a charge of misconduct will be brought and heard and the associated appeals procedure. Such allegations may arise from another Member or a member of the public.

It is intended that these procedures may be used by Divisional/County Associations and Golf Club Committees as a guideline to producing their own policy.

2. Committee

- (a) A Disciplinary Committee made up of Members of the ELGA Executive Committee, shall be responsible for ensuring that all members comply with the Rules of ELGA.
- (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(c)(i) or (ii) below, the Executive Committee shall have the power to appoint another member of ELGA in her place. The Secretary of ELGA shall act as Secretary of the Disciplinary Committee and communicate with all parties.
- (c) 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 County Area Authority or Affiliated Club; or
 - (ii) declare a conflict of interest.
- (d) The Disciplinary Committee shall not conduct any business, in respect of meetings or disciplinary hearings, unless a quorum of three is present.
- (e) The Disciplinary Committee may appoint a solicitor if considered necessary.

3. Disciplinary Matters

- (a) A member shall be liable to disciplinary action by ELGA in terms of Rule 4 below if she:-

- (i) conducts herself, either on or off the golf course, in a manner which may bring the game of golf or ELGA into disrepute;
 - (ii) conducts herself in such a manner as is likely to injure or discredit the reputation of ELGA or any of its member or she violates or disregards the rules of ELGA or any regulations made pursuant to them;
 - (iii) fails to comply with the requirements of the CONGU Handicapping system;
 - (iv) fails to comply with standards of etiquette and dress as detailed in the ELGA Championship Regulations;
 - (v) commits a serious breach of the Rules of Golf as laid down by the Royal & Ancient Golf Club of St Andrews, a serious or persistent breach of ELGA Tournament Conditions and/or Local Rules;
 - (vi) conducts herself in a violent, abusive or intimidating manner;
 - (vii) 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 ELGA activity;
 - (viii) has falsified any handicap, membership or entry forms;
 - (ix) has failed to act at all times in the best interests of ELGA, of ladies' golf, and the game of golf in general;
 - (x) has failed to seek the prior approval of the nominated ELGA official representative before making herself absent from the course, venue or accommodation at Team events only; or
 - (xi) has failed to comply with a reasonable request from nominated ELGA official representatives.
- (b) Statements about ELGA 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 who makes a statement, which in the opinion of the Disciplinary Committee constitutes a breach of the requirement, is liable to disciplinary action in terms of Rule 3 above.
- (c) Members must report any violation of ELGA Rules or any conduct likely to injure or discredit ELGA to the Executive Committee immediately once they become aware of it.

4. Procedure

- (a) A complaint, from any source, against a member, alleging unprofessional conduct, will be considered in the first instance by the Chairman of ELGA. If this consideration leads to the conclusion that a prima facie case is made, the Chairman will be responsible for bringing the charge formally 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 ELGA shall then inform any ELGA member against whom a 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 that member 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 expulsion or suspension if the complaint is proved.
- (c) If after offer a hearing is not required or requested within 7 days by the member, the matter will be dealt with by the Disciplinary Committee within 28 days taking into account the written representations of the relevant member and any other evidence, written or oral, available. That evidence will be made available to the member concerned.
- (d) If a personal hearing is to take place:-
 - (i) the Secretary of ELGA will give the relevant 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;
 - (ii) the relevant member may be represented by a solicitor or accompanied in the hearing by one other ELGA member of her choice;
 - (iii) the Disciplinary Committee shall take account of the written and oral representations of the relevant 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 serious breach of the rules of ELGA, the power to suspend forthwith from LGU, National Organisation or Overseas Union tournaments and/or related activities may be exercised by the Disciplinary Committee as soon as the complaint is received. Such suspension will last until the formal hearing of the matter by the Disciplinary Committee which will take place within 60 days from the beginning of the period of suspension.

- (f) The decision of the Disciplinary Committee will be conveyed in writing to the individual member, her Affiliated Club and County Area Authority within 7 days of the decision being made. The relevant member will have the right detailed in Rule 6 to appeal against the decision.

5. Penalties

- (a) If a member is found to be in breach of the rules of ELGA, 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, fine must be paid within sixty days. If payment is not made by the due date, the relevant member's membership of ELGA 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.

6. Appeals

- (a) Any Member wishing to appeal against a decision of, or penalty imposed by, the Disciplinary Committee under the disciplinary procedure in Rule 3 above, shall lodge her appeal in writing setting out the grounds of her appeal with the Secretary of ELGA within 14 days of the date of the letter of notification of the decision by the Disciplinary Committee or, in the case of expulsion, 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 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) 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;
 - (iii) The Secretary of ELGA shall give to the relevant member at least 14 days notice in writing of the date, time and place of the appeal hearing and shall give 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.
 - (iv) If the member is attending the hearing in person the rules detailed in 4(a) to 4(d) above shall apply.
 - (v) The Appeal Committee shall adjudicate upon the matter taking into consideration the written or oral evidence of the relevant 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 ELGA and any costs paid by the appellant under 6(e) below will be returned.
 - (e) ELGA reserves the right, where an appeal is unsuccessful, to charge a nominal sum to the individual or club, as appropriate, for costs and expenditure reasonably incurred by the Executive Committee as a result of hearing such an appeal.

7. Championship Regulations

- (a) The Executive Committee has power to make and alter regulations governing the activities, etiquette and dress code of members of ELGA and their caddies on or around the golf course. Such regulations will be known as the Championship Regulations and any breach of the Championship Regulations will be a ground for disciplinary action against a member in terms of Rule 4.

8. Natural Justice

- (a) The Rules of Natural Justice will be followed, where appropriate. These include giving the accused member details of the charge and an opportunity to rebut it. No member of the Disciplinary Committee nor the Member or member of the public bringing the charge will have been 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, A contemporary written record of the proceedings at the Disciplinary Committee will be made under the direction of the Chairman.