



# THE CARRICKMINES

## GOLF CLUB

**DISCIPLINARY AND COMPLAINTS PROCEDURES**

**2023**

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## 1. DISCIPLINARY COMMITTEE

- 1.1. A Disciplinary Committee shall be appointed by the Main Committee at its first meeting in each year. It shall comprise three persons, one of whom shall be a member of the Main Committee (who shall be the Chair) and two other persons who shall be Ordinary Members aged over 18 years.
- 1.2. The Disciplinary Committee shall remain in place for a period of one year. Should, however, any matters referred to it be unresolved at the first meeting of the Main Committee in the following year, it shall continue in office for purpose only of completing the hearing of such complaints and making their decision with regard thereto. Notwithstanding that, a new Disciplinary Committee shall be appointed for the coming year.
- 1.3. No member of the Main Committee or Ordinary Member shall serve on the Disciplinary Committee for more than three consecutive years.
- 1.4. Decisions of the Disciplinary Committee shall be carried by the majority vote.
- 1.5. In the event of a complaint being made by or against a member of the Disciplinary Committee, the said member shall stand down from the Disciplinary Committee pending the resolution of the said complaint and the Main Committee shall co-opt another Ordinary Member onto the Disciplinary Committee for that period of time.

## 2. BASIS FOR COMPLAINTS

- 2.1. This Procedure shall only apply to any complaint about a Member who is accused of misconduct.
- 2.2. Misconduct, for the purposes of The Carrickmines Golf Club, shall be any improper activity that interferes with the proper functioning of the Club and/or the activities of those who play or work in the Club or which otherwise damages the Club or its infrastructure in any way. Subject to the foregoing general description, the following shall constitute misconduct:
  - 2.2.1. Behaviour likely to cause injury or impair safety on the Club premises
  - 2.2.2. Improper interference with or obstruction of the functions, duties or activities of any fellow member, member of staff or other employee or any authorised visitor to the Club
  - 2.2.3. Improper interference with or disruption to the administrative, sporting, social or any activities of the Club, whether on the Club premises or elsewhere
  - 2.2.4. Disorderly, threatening, offensive, indecent or violent behaviour or language while on the Club premises or engaged in any Club activity
  - 2.2.5. Dishonesty, fraud or deceit in relation to the Club, its members or its staff, or in connection with the holding of any office in the Club, or in relation to being a Member of the Club
  - 2.2.6. Damage to or defacement of Club property, the property of other Club members, caused intentionally or recklessly, or the misappropriation or misuse of such property, or the misuse or unauthorised use of Club premises or items of property, including inappropriate use of a computer.

- 2.2.7. Sexual, racial or any other form of personal harassment of any fellow member, committee member, member of staff or another employee of the Club or any authorised visitor.
- 2.2.8. The use of any unfair means in competition.
- 2.2.9. Breach by a Member of any previous penalty, requirement or undertaking pursuant to this Procedure
- 2.2.10. Conduct which constitutes a criminal offence where that conduct occurs on the Club premises, or takes place anywhere but affects or concerns other members of the Club or members of the public.
- 2.2.11. Failure to comply with the Code of Ethics for Junior Members for the time being in force

### 3. COMPLAINTS PROCEDURE

- 3.1. A complaint must be made in writing, by letter or email, addressed to the Honorary Secretary, or in the case of a complaint by or about the Honorary Secretary, addressed to the President of the Club.
- 3.2. The Honorary Secretary shall notify the Member about whom a complaint has been made (the Member complained of) in writing of the fact setting out details of the complaint made.
- 3.3. As soon as possible after the complaint has been made, the Honorary Secretary shall decide whether there is sufficient cause to warrant further action being taken and will notify the person making the complaint (the Complainant) and the Member complained of in writing if it is deemed that no further action will be taken. No further action shall be taken where the Honorary Secretary deems the complaint to be trivial, vexatious, an abuse of process or made in bad faith.
- 3.4. If the complaint warrants further action, the Honorary Secretary will, in the first instance, if considered appropriate, try to resolve the matter between the parties involved.
- 3.5. The Honorary Secretary, in seeking to ascertain the gravity of the complaint, may ask either party to furnish further detailed information as he/she sees fit and/or invite the Member complained of to submit his/her observations in relation to the complaint. Such requests must be in writing and specify a time within which a response should be received by the Honorary Secretary.
- 3.6. The Member complained of may submit observations in writing even if not invited to do so.
- 3.7. Should the Honorary Secretary decide that the complaint is sufficient to cause further action, he/she shall refer the matter to the Disciplinary Committee.
- 3.8. A Complainant who is dissatisfied with a decision to take no action may request that the matter to be referred to the Main Committee for review, in which case the Main Committee shall appoint a Member to act as Reviewer whose decision on the matter should be made as soon as practicable and such decision shall be final. Should the Reviewer decide to rescind the decision of the Honorary Secretary, the matter shall be referred to the Disciplinary Committee. A request for review must be made to the Honorary Secretary in writing within 14 days of receipt of notification of their decision to take no action, following which the Honorary Secretary shall refer the matter to the Main

Committee. Failing receipt of a request for review within the required time frame, the matter shall be at an end.

- 3.9. Details of any complaint shall be confidential to the Complainant, the Member complained of, the Main Committee, the Disciplinary Committee, the Reviewer and the General Manager of the Club (should the matter come to his/her attention arising from any decisions taken), each of whom shall be obliged to maintain such confidentiality.

## 4. WITHDRAWAL OF A COMPLAINT

If a complaint is withdrawn, whoever or whichever of the Honorary Secretary, the Main Committee, the Reviewer or the Disciplinary Committee is at that time considering it shall have the right to decide to either take no further action in the matter or to proceed as if the complaint had not been withdrawn.

## 5. DISCIPLINARY COMMITTEE PROCEDURE

- 5.1. As soon as practicable but not later than 42 days after a complaint has been referred to it, the Disciplinary Committee shall arrange a hearing date and fix a date, time and place for it.
- 5.2. The Complainant and the Member complained of shall be given not less than 21 days notice in writing of the date, time and place of the hearing. Where a complaint is in relation to a Junior Member, notice in writing of the date, time and place of the hearing shall also be given to the relevant Male or Female Junior Convenor.
- 5.3. The Disciplinary Committee shall give the Complainant the opportunity to:
  - 5.3.1. Attend the hearing and be heard
  - 5.3.2. Adduce evidence
  - 5.3.3. Call witnesses to give evidence on his/her behalf
  - 5.3.4. Question witnesses called by the Member complained of
  - 5.3.5. Be accompanied by one other person (the support person) but such person shall not have a right of audience. Notwithstanding that, the Complainant may request time out of no more than 10 minutes at any one time to consult with the support person should the need arise.
- 5.4. The Disciplinary Committee shall give the Member complained of the opportunity to:
  - 5.4.1. Attend the hearing and be heard
  - 5.4.2. Adduce evidence
  - 5.4.3. Call witnesses to give evidence on his/her behalf
  - 5.4.4. Question witnesses called by the Complainant
  - 5.4.5. Be accompanied by one other person (the support person) but such person shall not have a right of audience. Notwithstanding that, the Member may request time out of no more than 10 minutes at any one time to consult with the support person should the need arise.
- 5.5. The Disciplinary Committee may adjourn and/or rearrange the hearing at its discretion but any such adjournment/rearrangement shall take place as soon as practicable.
- 5.6. Following the hearing, the Disciplinary Committee may:
  - 5.6.1. Decide that the complaint is not substantiated and dismiss it

- 5.6.2. Decide that the complaint is substantiated and impose one or more of the following sanctions:
  - 5.6.2.1. A censure, caution or reprimand in respect of the conduct of the Member complained of
  - 5.6.2.2. Suspension from the timesheet booking system for a specified period not exceeding 6 months
  - 5.6.2.3. Suspension of all membership rights for a period not exceeding 12 months
  - 5.6.2.4. Proposal to Golf Ireland to suspend the handicap of the Member complained of
  - 5.6.2.5. A requirement that the Member complained of gives an undertaking in such terms as the Disciplinary Committee may prescribe, the breach of which shall constitute misconduct
  - 5.6.2.6. Expulsion of the Member complained of from the Club and all its activities
  - 5.6.2.7. Such other penalties as may be determined from time to time at the discretion of the Disciplinary Committee.
- 5.6.3. Decide not to impose a sanction on the undertaking of the Member complained of not to repeat the conduct to which the complaint relates.
- 5.6.4. As soon as practicable after making a decision in relation to the complaint, the Disciplinary Committee shall notify the Complainant and the Member complained of in writing of its decision and of the disciplinary sanction (if any) imposed, the reasons for the imposition of the sanction and the date of the decision.
- 5.6.5. The decision of the Disciplinary Committee shall be final unless appealed in accordance with this Procedure.

## 6. RIGHT OF APPEAL

- 6.1. A Member complained of on whom a sanction has been imposed by the Disciplinary Committee (the Appellant) shall be entitled to appeal the sanction to the Main Committee. Pending determination of the appeal the decision of the Disciplinary Committee shall not take effect.
- 6.2. An appeal must be made by the Appellant in writing to the Honorary Secretary within 14 days of the receipt of the notification of the decision from the Disciplinary Committee stating the grounds on which the appeal is made.
- 6.3. As soon as practicable, the Main Committee shall appoint an Appeals Committee which shall comprise two former Ladies' Captains, two former Mens' Captains and three Ordinary Members, one of whom shall be appointed as Chair by the Main Committee, none of whom may have served on the Disciplinary Committee.
- 6.4. As soon as practicable, the Appeals Committee shall fix a date, time and place for the hearing of the appeal and shall notify the Appellant in writing not less than 21 days prior to the date of the hearing of the date, time and place of same and of their right to attend and to be heard.
- 6.5. The hearing shall be conducted in the same manner as the Disciplinary Committee hearing and the Appeals Committee may consider any evidence adduced or argument made to it whether or not it had been already adduced or made to the Disciplinary Committee.

- 6.6. The Appeals Committee may affirm, rescind or otherwise vary the decision of, or the sanction/s imposed by, the Disciplinary Committee.
- 6.7. As soon as practicable after the hearing of an appeal, the Appeals Committee shall notify the Appellant in writing of its decision which shall be final.

## 7. JUNIOR MEMBERS

- 7.1. In the event of a complaint in relation to a Junior Member, the following additional provisions shall apply:
- 7.1.1. The relevant Male or Female Junior Convenor shall sit in on the disciplinary hearings and may contribute to discussions but shall not be involved in decision making or have a vote.
  - 7.1.2. Any notices to the Complainant and the Junior Member complained of shall also be notified in writing to the parents/guardians of the Junior Member concerned who shall be permitted to accompany the Junior Member to any hearing and may, at the discretion of the relevant Committee, be heard.
  - 7.1.3. In any complaint that involves the possibility of a criminal offence the Honorary Secretary shall follow the reporting procedures set out in the Code of Ethics for Junior Members by informing the relevant Statutory Bodies.
  - 7.1.4. Records in respect of the complaint shall be retained by the Club until such time as the Junior Member complained of shall attain the age of 18 years and become an Ordinary Member (A Intermediate) after which they will be destroyed, or, in the event that the Junior Member shall cease to be a member of the Club, for a period of 2 years after the cessation of their membership following which they will be destroyed.

## 8. MEDIATION/ARBITRATION

- 8.1. Nothing in the foregoing shall preclude either party from seeking to have the matter in dispute referred to mediation at any stage subject to the agreement of both parties. The costs of such mediation shall be the responsibility of the parties concerned.
- 8.2. Following the conclusion of the Appeals process, either party may seek to have the decision referred to arbitration.
- 8.3. Should either party wish to have the matter referred to either mediation or arbitration, such referral shall be to Sport Dispute Solutions Ireland (or any subsequent iteration of that body). The decision of the arbitrator or the terms of any mediated agreement shall be final.

## 9. RECORDS

Other than as otherwise provided herein, records of all complaints shall be retained by the Honorary Secretary in a secure and confidential manner for a period of two years following which they will be destroyed.