



Western Province Golf

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NPO Registration Number 296-572

August 2024 V.1.

DISCIPLINARY CODE

1. Enforcement

Compliance with any published or applicable WP Golf Code of Conduct or Policy is based primarily upon the member's acknowledgment and undertaking of voluntary compliance thereof.

When an individual believes that a member has failed to comply or meet their obligations under any WP Golf Code of Conduct or Policy is encouraged to first address their concern directly with that member. Should that action not result in a satisfactory resolution, the individual may follow the complaints procedure as set out below.

2. Disciplinary Code

The Disciplinary Code ("Code") is intended as a guideline of sanctions that may be imposed for infringements of a published or applicable WP Golf Code of Conduct or Policy by any member. The Code indicates the maximum disciplinary action generally considered appropriate for various types of infringements and misconduct by members. Mitigating circumstances of a particular case under consideration may justify less severe action than that indicated in the Code.

The infringements listed in the Code are an indication of the type of deviation from expected standards of conduct, and the levels of severity of infringements. All written warnings and suspensions will be recorded in a member's personal file. A written warning will remain valid and on the record for a period of six (6) months from the date of imposition.

3. Types of Infringements

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Category A: Conduct that can be defined as Poor Practice. This may include, but not limited to, a first-time infringement of a published or applicable WP Golf Code of Conduct or Policy, with the exception of a high-level complaint or criminal conduct.

Category B: Conduct that can be defined as Unacceptable Behaviour. This may include, but not limited to, a more serious infringement or a repetition of Category A Poor Practice infringements.

Category C: Conduct that can be defined as a serious complaint or criminal conduct.

4. Disciplinary measures and actions

WP Golf Disciplinary Committee may initiate various forms of informal and formal disciplinary measures. The level of action taken or sanction imposed will depend on the circumstances, the seriousness of the infringement and any mitigating or aggravating factors that are of relevance.

The disciplinary measure or penalty applied in response to the misconduct will therefore generally, require the WP Golf Disciplinary Committee to exercise discretion in deciding on the appropriate and fair action to be taken.

Disciplinary action(s) or sanction(s) that may be applied by WP Golf, in order of severity, includes but not limited to:

Immediate actions/sanctions

- Confiscation of any contraband, for example cigarettes, alcohol or narcotics
- Counselling by a relevant person in leadership position;
- Verbal warning;
- Telephonic communication with parents/legal guardians of a minor
- Expulsion from the event at the time of the infringement and follow up with parents/legal guardian of a minor.

Informal actions

- Informal action would generally be recommended for (first time) Category A infringements.
- A member may, at the discretion of the Disciplinary Committee, be required to meet with the relevant WP Golf Sub-committee directly for appropriate assistance and/or commitment to remedial measures.

Formal actions/procedures

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A member may, at the discretion of the Disciplinary Committee, be called before a disciplinary hearing, which could result in:

- A written warning which will remain valid and on the record of the member for a period
- of six (6) months from the date of imposition
- Sanction/suspension from WP Golf tournaments/events for a fixed period
- Expulsion from WP Golf

Formal action would generally be imposed for Category B infringements.

Category C Infringements may require external investigation and action by independent parties before formal action by WP Golf is initiated.

Discipline must, wherever feasible and effective, be applied progressively. Repeated commission of a similar or related offence will result in progressively more severe action being taken, particularly where a clear pattern or trend is indicated by the member's continued misconduct. A serious first incident may however justify a severe penalty and militate against the imposition of a lesser form of action.

The consideration of disciplinary measures must take the age and level of development of the member into account. The approach of WP Golf in applying disciplinary action is to find the most appropriate intervention for the individual member, based on proportionality and balancing the interests of all parties.

In addition, in imposing any disciplinary action, the circumstances of the member, the seriousness of the misconduct and interests of WP Golf must be considered, bearing in mind that serving the best interests of the member are the overarching principle.

5. Disciplinary Procedure (as per Clause 8.4 WP Golf Constitution)

This procedure summarises the disciplinary process that will be followed when more formal disciplinary action is considered appropriate.

When an infringement occurs that requires formal disciplinary action, the official concerned, or any third party affected by the alleged infringement, shall initiate the disciplinary process. They may be requested to submit this in writing.

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6. Reporting and Consideration

- a. Any report relating to a breach of a WPG Code of Conduct or Policy submitted to WP Golf will be referred to the Disciplinary Committee who will then deliberate whether:
 - i. No further action should be taken; or
 - ii. To convene a hearing in relation to the report; or
 - iii. To appoint an Investigating Officer.

 - b. Infringements that are not considered serious (as per 6a i) that do not require formal disciplinary action shall be referred back to the appropriate WPG Sub-committee and WPG officials at the time of infringement who will engage directly with the member involved for appropriate assistance and/or commitment to remedial measures. These should be recorded on the member's record to track repeated behaviours but does not have to be reported to the WP Golf Safeguarding Officer.

 - c. if the Disciplinary Committee determines to convene a hearing (as per 6a ii), it must give at least 7 days written notice to the accused player stating:
 - i. Details of the infringement and the date, time and place at which it will hear and determine the report;
 - ii. Concise particulars of the infringement;
 - iii. That the accused player is entitled to be assisted or represented by another person.

 - d. If the Disciplinary Committee appoints an Investigating Officer; (as per 6a. iii) the person duly appointed will carry out a preliminary investigation, assess the complaint and alleged infringement to gather all the relevant facts of the complaint. These may include interviewing the accused player and getting a written report from them. In the case of a minor, they are entitled to have a responsible adult present with them during any investigative, disciplinary or appeals procedure and that adult may respond for them.

The Investigating Officer will present their report to the Disciplinary Committee. They will then deliberate whether:

 - i. After due consideration of the investigative report, choose to dismiss the report, or
 - ii. After due consideration of the investigative report to convene a hearing.

 - e. If, after consideration of the investigative report the Disciplinary Committee determines that the infringement is confirmed but is considered to be of a nature which does not indicate that severe action may be appropriate (as per 6d i), it shall be referred back to the appropriate Sub-committee and (as per 6b) to counsel the member and issue an appropriate warning to the member(s) concerned.
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- f. If, after consideration of the investigative report the Disciplinary Committee determines that; a serious infringement has occurred or the infringement is a repetition of a lesser infringement where previous informal disciplinary action did not have the expected effect.
- g. The Disciplinary Committee may suspend the member pending the hearing, if this is considered appropriate bearing in mind the interests of the member and those of WP Golf. The suspension of a minor should be indicated in the notification to the parents / legal guardians. The period of suspension should be kept to a reasonable and minimum amount of time, however will be dependent on the situation, circumstances and practicalities of the alleged transgression. The period of suspension may be extended to allow for the conclusion of the disciplinary process and any appeal that may follow.
- h. If the Disciplinary Committee determines to convene a hearing in relation to the report, it must give at least 7 days written notice to the accused player, in the case of a minor their parents/ legal guardians must also be notified; stating:
 - i. The date, time and place at which it will hear and determine the report;
 - ii. Concise particulars of the infringement and report;
 - iii. That the accused player is entitled to be assisted or represented by another person.

7. Disciplinary Hearing / Enquiry

- a. At the commencement of the hearing, the Chairman of the Disciplinary Committee will read out the alleged infringement by the accused player under this Code and any report compiled (as per 6a iii)
- b. If the accused player is not present at the hearing, the Disciplinary Committee may:
 - i. Proceed to hear and determine the report and the penalty (if any) to be imposed; or
 - ii. Adjourn the hearing for such period determined by the Disciplinary Committee and must give written notice of the time and place when the hearing will resume.
- c. If the accused player is present, the Chairman will ask the accused player whether he/she wishes to admit or deny the alleged offence.
- d. If the accused player admits to the alleged offence, the Disciplinary Committee will deliberate the penalty and then announce the penalty to be imposed on the accused player.
- e. If the accused player denies the alleged offence, he/she may give evidence and bring any relevant witnesses to support their case.

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- f. After the presentation of evidence and hearing any final submissions by the accused player, the Disciplinary Committee must determine whether the accused player is guilty of an offence under this Code and the penalty to be imposed on the accused player.
- g. The Disciplinary Committee will then announce its decision to the accused player, within a reasonable period of time after conclusion of the hearing.

8. Right of Appeal (as per Clause 8.4.6 WP Golf Constitution)

- a. A player may appeal the decision of the Disciplinary Committee to the WPG Executive Committee by giving written notice to WPG within 14 days of the date of decision by the Disciplinary Committee.
- b. In the event of an appeal, the Appeals Committee will re-hear the report at such a time and in such a manner as it deems appropriate. A quorum of at least three members, comprising of the President, Vice Presidents or another member of the Executive Committee must be present to hear an appeal.
- c. Upon re-hearing the report, the Appeals Committee may affirm, vary or substitute the decision as it may deem appropriate.
- d. The Appeals Committee decision is final.

9. Penalties (as per Clause 8.4.5 WP Golf Constitution)

- a. In the event that a player is found guilty of an infringement under this Code, one or a combination of the following penalties may be imposed:
 - i. suspension or termination of the membership of a member;
 - ii. A formal reprimand;
 - iii. a fine;
 - iv. suspension of a member from playing in or attending competitions for a period of time;
 - v. removal of a member from representative teams or from Union office;
 - vi. suspension of a member from selection for representative teams for a period of time;
 - vii. any combination of the above wither in the alternative or otherwise.

Important points to note when convening a disciplinary hearing:

- 1. The member and his or her parents / legal guardians, if the member is a minor, should, wherever possible, be notified of the hearing at least seven days before the scheduled hearing. The minor's parents may participate in the proceeding and assist their child.

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2. The member and his or her parents / legal guardians, if the member is a minor, must be advised that they are expected to attend the hearing and their non- attendance may prejudice the members' case, resulting in the hearing being held in their absence, and a decision being made without their involvement.
3. The member and his or her parents / legal guardians, if the member is a minor, must also be advised of the serious nature of the allegations, and the possibility of formal and severe disciplinary action being taken should the member be found guilty of allegations made against him/her.
4. Save in exceptional circumstances legal representation at disciplinary hearings is not permitted. An application for such representation may be made to the Chairperson of the Disciplinary Committee and leave for such representation is at the Chairperson's discretion, however he/she must take the seriousness of the complaint as well as the best interests of the member into account in exercising his/her discretion.
5. Assistance at the hearing to a member, be that member an adult or a minor by any other party, is permitted and should be promoted where the member indicates he or she wants such assistance. The possibility of the use of such assistance must also be included in the notice of the disciplinary hearing to the member or minor member's parents / legal guardians. This assistance is limited to one person.
6. Where a disciplinary matter involves a member who is a minor or a Person with a Mental Disability, the Disciplinary Committee or Appeals Panel must be mindful of the needs of the person in question and take these into account when deciding upon the format of proceedings or indeed, whether any action is taken against such a person.
7. Where a disciplinary matter involves a member who is a minor or a Person with a Mental Disability, the Chairperson of the Disciplinary Committee or the Appeals Panel shall decide if it should include at least one member who is suitably trained at dealing with minors or Persons with a Mental Disability.
8. Any interviews of a member who is a minor or a Person with a Mental Disability shall only be conducted by suitably trained and experienced persons nominated by WP Golf.

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9. In all proceedings involving a member who is a minor or a Person with a Mental Disability, the Investigator(s) or Chair of the Independent Disciplinary or Appeals Panel may vary the standard directions set out in this policy and in order to take into account the needs of a member who is a minor or Person with a Mental Disability. This may include without limitation conducting any hearing on paper or providing for evidence to be given by video link.

10. Composition of the disciplinary committee: (as per Clause 8.4 WPG Constitution)

10.1.WP Golf shall constitute standing or ad hoc committees for the purposes of enquiring into and taking disciplinary steps against members;

10.2.A member of a disciplinary committee shall be independent and is appointed for that purpose;

10.3.A disciplinary committee shall comprise not fewer than 3 members

10.4.The disciplinary committee should comprise of members who reflect the diversity of the complainant and respondent (e.g. race and gender)

10.5.WP Golf Executive will select the chairperson of the disciplinary committee from the members on the committee. They will be responsible for managing the hearing process. It is recommended they have some legal background.

10.6.The proceedings of a disciplinary committee shall be decided by a majority of the votes of the members comprising the committee;

10.7.A person may not participate as a member of the disciplinary committee if he/she has a conflict of interest or if he/she:

- is a member of the accused member's club;
- is a member of the complainant's club;
- he/she himself/herself is subject to unresolved disciplinary steps
- has any relationship to or with the accused or the complainant
- has any conflict of interest.

11. The hearing chairperson will be responsible for managing the hearing process and the committee will decide on:

- The guilt or innocence of the member in respect of the allegations made or
- The recommended appropriate penalty/action to be taken, after due consideration of mitigating and aggravating factors.

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12. To ensure the proper conduct of proceedings for a disciplinary hearing, the disciplinary committee may:
 - Order a preliminary hearing
 - Require that parties make written submissions or submit skeleton arguments in advance of the hearing and
 - Deal with other preliminary matters
13. To ensure that the disciplinary hearing is properly conducted, the chairperson of the disciplinary hearing shall ensure that the member, the member's representative and minor's parents / guardians:
 - are informed of and properly understand the allegations being made before commencing with the hearing
 - are presented with all the relevant facts and information relating to the allegations;
 - are given the opportunity to question information provided and evidence led;
 - are entitled to present their own case;
 - are treated with dignity and respect throughout the hearing;
 - are assured of the greatest confidentiality possible;
 - are timeously advised of the outcome of the hearing: are informed of the right to appeal against any decision made by the committee.
14. All disciplinary hearings can be conducted on a virtual medium (e.g. teams or zoom) should the Chair of the WP Golf Disciplinary Committee so decide.
15. A failure to observe the time limits specified by the disciplinary committee by either a complainant or respondent, should not nullify any proceedings, but such failure may be cause for a hearing to be adjourned.
16. The chairperson will make written notes of the proceedings. In some cases, at the discretion of the chairperson and with the agreement of all parties concerned, the proceedings may be recorded. Copies of all disciplinary documentation must be retained by WP Golf for record and safekeeping purposes for a minimum of 3 years and a maximum of the duration of any outcome (i.e. always remain on file if someone is expelled).
17. After the completion of the disciplinary hearing, any recommended penalty or disciplinary action the disciplinary committee agrees on should be formally communicated to the member and

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minor's parents / legal guardians. The communication will be supported in writing by the chairperson of the disciplinary hearing.

10. Appeal Procedure: (as per Clause 8.4.6 WP Golf Constitution)

The complainant and/or accused has the right to appeal against any decision made at a disciplinary hearing, by notifying WP Golf of the intent to appeal in writing within 14 working days of the hearing's outcome.

The member who wishes to appeal must submit in writing a formal appeal with motivation to WP Golf. An appeal should be heard within 10 working days of receipt of the formal appeal submission and motivation.

The Appeals Panel consists of three persons; the WP Golf President and Vice Presidents and or another appointed WPG Executive member. The appeal panel will conduct the appeal hearing, the findings of which constitute the final decision either confirming or not the outcome of the disciplinary hearing.

Complainant and/or respondent, if a minor, their parents/legal guardians, only have the right to appeal against a decision of disciplinary hearing for the following reasons:

1. Ordinary grounds for appeal include:

- the disciplinary procedure was not followed;
- the decision of guilt is considered incorrect based on mistake of law or fact;
- the decision regarding disciplinary action is inappropriate;
- mitigating procedures were not properly considered;
- the hearing chairperson was biased; did not apply his or her mind properly to the case; made a subjective decision;
- the member was not given a fair opportunity to present his or her case;
- new and relevant evidence can be presented which may affect decisions made and there exists a reasonable explanation as to why it was not presented at the original hearing

The Appeals Panel have the right to refuse an appeal should the motivation to appeal not prove one of the grounds for appeal.

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2. Complainant and/or respondent, if a minor, their parents/legal guardians wishing to appeal must motivate their appeal in writing, detailing in full their grounds for appeal. The intention to appeal must be submitted to WP Golf Appeals Panel within 14 days of the chairman of the disciplinary hearing's final decision having been communicated to the member and/or minor's parents/legal guardian and/or complainant so as not to delay proceedings.
3. Appeals Panel will decide if an appeal is warranted based on the submitted motivation in accordance to the listed grounds for appeal in this document.
4. If any member has been suspended pending the completion of the hearing process, the submission of an appeal will not affect the suspension, which will remain in effect until the appeal process has been concluded.
5. The member's basic right to an appeal against disciplinary action does not ordinarily mean that all the matters raised at the disciplinary hearing will be revisited. The appeal procedure is generally limited to only reviewing the decision made and is based on the grounds and motivations lodged in the appeal motivation. A full appeal re-hearing is only necessary when the disciplinary hearing process is considered to have been materially defective by the persons responsible for initiating the appeal. The appeal panel usually considers the records of the initial hearing but may decide, at its discretion, to hear evidence. The members are entitled to representation on the basis as set out above for the disciplinary hearing procedure.
6. The appeal should, wherever possible, be conducted within 10 days of receipt of the appeal motivation.
7. The appealing party is responsible for carrying the costs of the appeal (if any incurred), which WP Golf may decide to carry at their discretion.
8. The Appeals Panel may apply costs as part of their judgement.
9. The chairperson of the Appeal Panel will make written notes of the proceedings. In some cases, at the discretion of the chairperson and with the agreement of all parties concerned, the proceedings may be tape recorded. Copies of all disciplinary documentation must be retained by WP Golf for record and safekeeping purposes for a minimum of 3 years and a maximum of the duration of any outcome (i.e. always remain on file if someone is expelled).

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10. A copy of the decision of the Appeal Panel must be communicated to the member and /or the minor's parents within a further 10 working days, and a copy placed on the member's record file for safekeeping. The finding should indicate the appeal panel's response to each of the specific matters raised in the appeal motivation.

11. The conclusion of the appeal procedure is the final step in WP Golf disciplinary process for members and marks the exhaustion of internal disciplinary measures.

11. Collective Disciplinary Action:

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual members. Alleged misconduct by a group of members, usually acting in concert with one another, or where the infringements are of a similar nature or objective, is considered as being collective misconduct. Generally, collective misconduct is more effectively dealt with on a collective basis.

An investigation into the alleged misconduct is conducted with all of the members concerned and their parents / legal guardians, if the members are minors. A single disciplinary hearing can then be conducted with the members concerned, with their parents / legal guardians present if they should be minors. The same procedures as provided for in "Disciplinary Procedure" above are followed in a collective situation. In a collective disciplinary hearing however, individual members must, during or immediately after the hearing process, be provided with the opportunity of demonstrating that their own circumstances may be different from those of other members or of the group involved, and of showing why they should be treated differently.

In certain cases, however, it might be considered appropriate by WP Golf Disciplinary Committee to conduct separate investigations or hearings with members. WP Golf reserves its right to exercise its option to conduct individual or collective procedures. Any differences in verdict, or penalties imposed, between different members involved in the same incident / infringement, will obviously also have to be justified in the findings of the disciplinary committee.

12. Matters dealt with outside of these procedures:

Investigations and disciplinary proceedings relating to infringements of Anti-Doping Rules are conducted for WP Golf by the South African Institute for Drug-Free Sport (SAIDS) under the SAIDS Anti-Doping Rules which apply to all members.

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Complaints relating to matters of harassment and abuse and any subsequent investigations and disciplinary proceedings relating thereto will be conducted by GolfRSA Safeguarding Officer in accordance with the WP Golf Safeguarding Policy.

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