



GolfRSA Disciplinary Code:

Introduction:

The GolfRSA Code of Conduct & Ethics Code and this Disciplinary Code is documented and issued to indicate the general standards of behaviour that are expected and ensure that corrective action and discipline is administered consistently, promptly and fairly. These codes are considered to be important elements of GolfRSA ethos and are applicable to all members, and in the case of minors, includes their respective parents or legal guardians. It should also be noted that these documents may also have a bearing on the behaviour of the member outside of normal GolfRSA activities should the member's conduct bring the name of the sport or GolfRSA into disrepute.

This document encourages a responsible and self-disciplined approach, rather than a punitive one based on fear. The maintenance of discipline and ensuring a sporting ethic is an integral part of the responsibilities of every GolfRSA member. The onus therefore lies with the GolfRSA members to apply this code in an effective and equitable manner and in the interests of the well-being of GolfRSA and all its stakeholders and sponsors.

Should expected norms of conduct not be met by any member, corrective action will be initiated by GolfRSA or its member Unions or their member Clubs. Corrective action may include the application of informal or formal disciplinary measures. GolfRSA confirms that the purpose of discipline and punishment should be constructive and not destructive; educative rather than punitive. GolfRSA recognises that the best interest of the member is of paramount importance in every decision affecting a member and this principle will be the basis of all decisions relating to the consideration of, application of and judgments relating to this disciplinary code.

These documents are available to every member and parents of minor members of GolfRSA. The documents are prescriptive and subject to change and amendment. Note that these documents which encapsulate the disciplinary code and code of conduct and ethics code, while creating certainty regarding issues of discipline and conduct are also general guidelines for the implementation of corrective action and discipline.

Enforcement of the Codes

Compliance with the GolfRSA Code of Conduct and Ethics Code depends primarily upon understanding and voluntary compliance, secondly upon reinforcement by peers, and, when necessary, upon enforcement through disciplinary action.

Any individual who believes that a member of the GolfRSA has failed to meet his or her obligations under this code is encouraged to first address that concern directly with that member. If that action does not result in a satisfactory resolution, the individual may follow the complaints procedure (Club – Union - GolfRSA). In the case of a team travelling then the team manager will act as the agent of GolfRSA and be the highest authority.

The complaint will be discussed with by the Club / Union / GolfRSA to determine;

1. That the complaint does not merit further action,
2. Counsel the member who is the subject of the complaint and record both the complaint and the nature of the counselling in the member's record.
3. A written warning will remain valid and on the record of the member for a period of six (6) months from the date of imposition.
4. Process the complaint in accordance with the disciplinary code.

In the case of a Safeguarding complaint, due to the need for confidentiality and to expedite safeguarding complaints in order to protect children and adults from harassment, abuse or poor practice, GolfRSA's normal communication lines from Club to Union to GolfRSA are set aside. A GolfRSA Club or Event Safeguarding Officer should report safeguarding concerns directly to GolfRSA's National Safeguarding Officer(s). This ensures that only those people that need to know to help protect a participant from harassment, abuse or poor practice are informed of the concern and that the concern can be dealt with expeditiously.

Disciplinary Code

The disciplinary code is intended as a penalty guideline for all members. 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 are to be recorded in a member's personal file. A written warning will remain valid and on the record of the member for a period of six (6) months from the date of imposition.

Infringements:

Category A: Conduct that can be defined as Poor Practice. This may also be a first-time infringement of the Code of Conduct & Ethics Code or Safeguarding Code of Conduct, with the exception of a high-level complaint or criminal conduct.

Category B: Conduct that can be defined as Unacceptable Behaviour and may also be repeated offences or patterns of offense of category A conduct.

Category C: Conduct that can be defined as a high-level complaint or criminal conduct.

Disciplinary measures and action:

Various forms of informal and formal disciplinary measures may be initiated by GolfRSA. The severity of the action taken by GolfRSA 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 leader to exercise discretion in deciding on the appropriate and fair action to be taken.

Disciplinary action that may be applied by GolfRSA, in order of severity, includes:

Informal action

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

Informal action would generally take place for Category A Infringements

Formal action

A member may, at the discretion of GolfRSA, 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.
- Suspension of GolfRSA membership for a fixed period.
- Expulsion from GolfRSA.

Formal action would generally take place for Category B infringements. Category C Infringements may require external investigation and action by independent parties before formal action by GolfRSA is initiated. The GolfRSA Safeguarding policy does allow for the suspension of a member during this period should the complaint be investigated by SAPS or social services or it is assessed as appropriate following a risk assessment.

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 GolfRSA 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 GolfRSA must be considered, bearing in mind that serving the best interests of the member is the overarching principle.

Disciplinary Procedure:

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

Infringements that are not considered serious, or do not require formal disciplinary action can be dealt with directly by the leader at the time of infringement. These should be recorded on the member's record to track repeated behaviours but does not have to be reported to the GolfRSA National Safeguarding Officer.

When an infringement occurs at a GolfRSA event and requires formal disciplinary action, the official concerned, or any third party affected by the alleged infringement, will initiate the disciplinary process.

GolfRSA must investigate the complaint and alleged infringement to gather information and to decide on the necessity for corrective measures. This assessment generally takes the form of an informal investigation, which may, if appropriate, include an opportunity for the member to respond to the complaint. However, a minor is entitled to have a responsible adult present with them during any investigative, disciplinary or appeals procedure and that adult may respond for them.

If, after investigation, the infringement is confirmed but is considered to be of a nature which does not indicate that severe action may be appropriate, the responsible leader may counsel the member and issue an appropriate warning to the member(s) concerned.

It should be pointed out that the investigation to be conducted is an informal one, and that formal disciplinary proceedings are not considered as appropriate action at this point.

All Safeguarding complaints are dealt strictly in accordance with the GolfRSA Safeguarding Policy

When a serious infringement occurs or a member has contravened one of the rules in the disciplinary code or in the case of repeated lesser infringements and informal disciplinary action not having had its expected effect, the matter is referred to GolfRSA and a notification of a disciplinary hearing is given to the member and to the parents / legal guardians of a member that is a minor. This notification must provide sufficient information to ensure that the member (and parents / legal guardians) is properly informed of the alleged complaint, the seriousness of the allegations, and GolfRSA's intention to convene a formal hearing to investigate the infringement.

In convening a disciplinary hearing:

1. The member and minor's parents should, wherever possible, be notified of the hearing at least five working days before the scheduled hearing. The minor's parents must participate in the proceeding and assist their child.
2. The member may, at the discretion of the GolfRSA, be suspended pending the hearing, if this is considered appropriate bearing in mind the interests of the member and those of the GolfRSA. 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.

3. 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.
4. The member and 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.
5. Save in exceptional circumstances legal representation at disciplinary hearings is not permitted. Application for such representation is made to the Chairperson of the Independent Disciplinary 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.
6. All Safeguarding Disciplinary hearings will automatically allow for legal representation for both parties and no application for representation is required to be made to the Chairperson of the Disciplinary Committee.
7. 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.
8. Where a disciplinary matter involves a Child or a Person with a Mental Disability, the Independent Disciplinary or Appeals Panels 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.
9. Where a disciplinary matter involves a Child or a Person with a Mental Disability, the Chairman of the Independent Disciplinary or the Appeal Panel shall decide if the Panel should include at least one member who is suitably trained at dealing with Children or Persons with a Mental Disability.
10. Any interviews of a Child or a Person with a Mental Disability shall only be conducted by suitably trained and experienced persons nominated by GolfRSA.
11. Written permission should be obtained from any parent / guardian / carer of a Child or a Person with a Mental Disability where such person is asked to provide evidence and / or

attend a hearing. Where a Child or a Person with a Mental Disability is asked to attend a hearing, they shall be afforded the opportunity to do so accompanied by any parent / guardian / carer and the Independent Disciplinary or Appeals Panel shall make sure that the Child or a Person with a Mental Disability fully understands the process taking place. In exceptional circumstances, where written permission is not obtained from a parent / guardian / carer, assessment should be made of the ability of the Child or a Person with a Mental Disability to understand and make their own decisions.

12. In all proceedings involving a Child 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 Child 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.
13. For the avoidance of doubt, the refusal of the Parent, Guardian, Carer, Child or Person with a Mental Disability to co-operate shall not preclude GolfRSA from taking disciplinary action against the Child or Person with a Mental Disability in accordance with the GolfRSA Safeguarding Policy.
14. Composition of the disciplinary panel
 - 14.1 GolfRSA shall constitute standing or ad hoc panels for the purposes of enquiring into and taking disciplinary steps against members;
 - 14.2 A member of a disciplinary panel shall be independent and is appointed for that purpose;
 - 14.3 A disciplinary panel shall comprise not fewer than 3 nor more than 5 members.
 - 14.4 The disciplinary panel should comprise of members who reflect the diversity of the complainant and respondent (e.g. race and gender)
 - 14.5 The chairperson of the disciplinary panel will be selected by GolfRSA from the members on the panel and will be responsible for managing the hearing process and it is recommended they have some legal background.
 - 14.6 In the case of a disciplinary panel for a Safeguarding complaint, the disciplinary panel should include an independent chair ideally trained to deal with matters involving harassment and abuse.
 - 14.7 The proceedings of a disciplinary panel shall be decided by a majority of the votes of the members comprising the panel;
 - 14.8 A person may not participate as a member of a disciplinary panel if he/she has a conflict of interest or if he/she:
 - 14.8.1 is a member of the accused member's club or Union;
 - 14.8.2 is a member of the complainant's club or Union;
 - 14.8.3 he/she himself/herself is subject to unresolved disciplinary steps.

14.8.4 Has any relations with the accused or the complainant or witnesses

14.8.5 Has any conflict of interest.

15. The hearing chairperson will be responsible for managing the hearing process and the panel will decide on:
 - The guilt or innocence of the member in respect of the allegations made or
 - In the case of a Safeguarding complaint, whether the standard of comfortable satisfaction has been proved or not.
 - The recommended appropriate penalty/action to be taken, after due consideration of mitigating and aggravating factors.
16. To ensure the proper conduct of proceedings for a disciplinary hearing, the disciplinary panel may:
 - 16.1 Order a preliminary hearing
 - 16.2 Require that parties make written submissions or submit skeleton arguments in advance of the hearing and
 - 16.3 Deal with other preliminary matters
17. 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.
18. All disciplinary hearings can be conducted on a virtual medium (e.g. teams or zoom) should the Chair of the Independent Disciplinary panel and/or GolfRSA so decide.
19. In disciplinary hearings relating to Safeguarding matters the disciplinary panel is not obliged to follow strict rules of evidence, and they may be entitled to, save in relation to documents where privilege applies, admit such evidence as they think fit and accord such evidence such weight as they think appropriate in all the circumstances. They may also conduct proceedings from different venues and conduct questions and answers through an intermediary.
20. A failure to observe the time limits specified by the disciplinary panel by either a complainant

or respondent, should not nullify any proceedings, but such failure may be cause for a hearing to be adjourned.

21. 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 GolfRSA 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).
22. After the completion of the disciplinary hearing, any recommended penalty or disciplinary action from the disciplinary panel should be formally communicated to the GolfRSA Board and Executives or its representatives who will in turn communicate these to the member and minor's parents / legal guardians. The communication will be supported in writing by the chairperson of the disciplinary hearing.

Appeal Procedure:

The member and/or complainant and/or respondent and/or GolfRSA has the right to appeal against any decision made at a disciplinary hearing, by notifying GolfRSA and Independent Disciplinary Chairperson of the intent to appeal in writing within 5 working days of the hearing's outcome. The appellant must submit in writing a formal appeal with motivation to GolfRSA within another 5 working days of their intent to appeal. An appeal should be heard within 10 working days of receipt of the formal appeal submission and motivation. GolfRSA or representatives have the right to refuse an appeal should the motivation to appeal not prove one of the grounds for appeal.

An independent appeals panel consisting of a chairperson and two other members must be appointed by GolfRSA. 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.

The member and /or the minor's parents/legal guardians and/or complainant and/or respondent and/or GolfRSA 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.
2. The member and/or minor's parents/legal guardians and/or complainant and/or GolfRSA

wishing to appeal must motivate their appeal in writing, detailing in full their grounds for appeal. The intention to appeal must be submitted to GolfRSA or their representatives within 5 working 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 and/or GolfRSA so as not to delay proceedings. The full motivation submission for appeal must be received within a further 5 working days following the submission of the intention to appeal.

3. GolfRSA or their representatives 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 working days of receipt of the appeal motivation.
7. The appealing party is responsible for carrying the costs of the appeal, which GolfRSA 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 GolfRSA 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).
10. A copy of the decision of the Appeal Panel must be provided GolfRSA Board and Executives who will communicate this 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 GolfRSA disciplinary process for members and marks the exhaustion of internal disciplinary measures.

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 GolfRSA or their representatives to conduct separate investigations or hearings with members. GolfRSA 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.

Matters dealt with outside of these procedures

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

Investigations relating to matters of harassment and abuse are conducted under the GolfRSA Safeguarding Policy.

Statement

Everyone acting on behalf of GolfRSA, its members and affiliated clubs is obliged to abide by the GolfRSA Code of Conduct & Ethics Code, the GolfRSA Disciplinary Code and the GolfRSA Safeguarding Code of Conduct. It is therefore reasonably assumed that:

- *you have read the GolfRSA Code of Conduct & Ethics Code, the GolfRSA Disciplinary Code and the GolfRSA Safeguarding Policy*
- *you agree to fulfil your duty of care to the best of your ability, and*
- *you agree to abide by the principles and behaviours as outlined in these codes.*