

BGU DISCIPLINARY PROCEDURE

1. INTRODUCTION

This Disciplinary Code applies to amateur golfers for all Tournaments, major activities, and events and competitions conducted or sanctioned by the BGU in addition to any other requirements of players as set out in tournament conditions, local rules or by-laws of affiliated clubs hosting BGU events.

It also applies to all BGU Team and National Squad members. This procedure covers allegations of unprofessional conduct arising in relation to a member of the BGU affiliated golf clubs, possibly meriting suspension or expulsion from the club or union; how a charge of misconduct will be brought and heard and the associated appeals procedure.

Such allegations may arise from another player or a member of the public. It is intended that affiliated Golf Club Committees affiliated Golf Club Committees may use these procedures as a guideline to produce their own internal policy.

2. DISCIPLINARY CODE

Preamble

Each player in a competition must adhere to commonly accepted standards of golfing etiquette and sportsmanship. In order to ensure proper standards of behaviour at all times a player who commits an offence under this Code is liable to face disciplinary proceedings.

Definitions and Interpretation

In this Code, unless the context otherwise requires:

"BGU" means the Botswana Golf Union;

"accused player" means the player accused of an offence under this Code;

"Code" means this Code of Conduct;

"Tournament Committee" means the Tournament Committee appointed by the affiliated club or the BGU for a competition;

"competition" means a Tournament, event, competition, practice session or major activity conducted or sanctioned by the BGU or an affiliated club;

"Affiliated Club Disciplinary Committee" means at least three officials of the club appointed at any time to consider, hear and determine a report during a competition;

"BGU Disciplinary Committee" means the BGU Disciplinary Committee comprising at least three members appointed by the BGU to consider, hear and determine a report referred to the BGU Disciplinary Committee under this Code;

"Executive Committee" means the Executive Committee of the BGU as constituted from time to time;

"Investigating Officer" means a person appointed by the BGU or Affiliated Golf Club to administer a report;

"player" means a player or participant in a competition;

"report" means any oral or written statement by any person of an alleged offence by a player under this Code.

An act is deemed to occur *"during a competition"* if it occurs:

- a) when traveling to or from a competition;
- b) on any qualifying or practice day for a competition; or
- c) on any day during which the competition is conducted.

3. TYPES OF OFFENCES

Offences are grouped into certain categories as scheduled below.

Category A Offences

A player is guilty of a Category A offence under this Code if the player:

- a) physically attacks or abuses, in any way, another player, an official or person during a competition;
- b) verbally threatens another player, an official or person during a competition;
- c) racially vilifies another player, an official or person during a competition;
- d) deliberately damages the facilities, including the course and the clubhouse, of the competition golf course;
- e) wrongfully removes or damages property belonging to another player, an official or the competition golf club;
- f) deliberately breaks a Rule or the Rules of Golf;
- g) deliberately returns a false score card;
- h) during a competition, deliberately seeks to manipulate the player's Official Handicap;
- i) behaves in a manner detrimental to the good name and reputation of the BGU; or
- j) brings the game of golf into disrepute.

NOTE:

The use of any habit forming drugs or other substance abuse may constitute an offence under the BGU Code of Conduct.

Category B Offences

A player is guilty of a Category B offence under this Code if the player:

- a) throws or deliberately or in anger breaks golf equipment (including golf balls) during a competition;
- b) uses abusive or profane language towards another player, an official or person during a competition;
- c) utters audible obscenities during a competition;
- d) consumes any alcohol in excess or a prohibited substance under the BGU Code of Conduct during the course of any round played in a competition; or
- e) is unable to play golf to the best of his ability without just cause; or
- f) behaves in a manner detrimental to the performance of other players.

Category C Offences

A player is guilty of a Category C offence if the player:

- a) in relation to a competition, publicly criticises:
 - (i) the competition golf course;
 - (ii) the competition itself;
 - (iii) the sponsors of the competition; or
 - (iv) any official supervising or organising the competition during a competition;
 - (v) the BGU or the Tournament Committee for the competition
- b) fails or refuses to co-operate with, or obstructs, any Investigating by the Investigating Officer of the player's conduct or the conduct of another player;
- c) fails or refuses to co-operate with, or obstructs, a hearing by the Affiliated Club Disciplinary Committee or the BGU Disciplinary Committee;
- d) fails to comply with the Rules of Golf (including Section I - Etiquette) as amended by Local Rules in force at any competition, or fails to comply with any other rules, by-laws, directions or instructions, including dress regulations, as specified by the BGU or the Tournament Committee for that competition or any other duly authorised official;
- e) continually fails to play without undue delay;
- f) commits an act to deliberately disqualify the player from a competition or, during the course of a round picks up the player's own ball without playing out a hole;

- g) misses a tee time or withdraws from a competition before the completion of that competition without providing good reason in writing for so doing;
- h) uses a radio (of any kind), recorder or mobile telephone during the course of play in a competition or allows the player's caddy to do so;
- i) fails, without good reason, to attend the trophy presentation at the completion of a competition where the player is:
 - i. in the case of a stroke play event, a trophy winner; or
 - ii. in the case of a match play event, a finalist or semi-finalist.
- j) makes statements about the BGU or its affairs through the media without any authorization from the Executive Committee. 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 BGU Disciplinary Committee constitutes a breach of the requirement, is liable to a disciplinary action.

Note:

If a player commits two or more Category C offences during a competition, the player is deemed to have committed a Category B offence and is subject to proceedings and penalties prescribed for a Category B offence. Any other aggravating circumstances will result in an offence being elevated to a higher category.

4. DISCIPLINARY PROCEDURE

4.1. Reporting and Consideration

1. Any verbal or written report made to a BGU Official or the Tournament Committee during a competition must be referred to the Affiliated Club Disciplinary Committee.
2. Upon receiving a report pursuant to clause 1 above, the affiliated club disciplinary committee must determine whether or not:
 - a) further action should be taken;
 - b) to convene a summary hearing in relation to the report in accordance with clause 4.2; or
 - c) to refer the report to the BGU Disciplinary Committee.
3. Any report made to the BGU after the conclusion of a competition must be referred to an Investigating Officer and the Affiliated Club Disciplinary Committee.

4.2. Disciplinary Proceedings – Summary Procedure

This clause applies where the affiliated club Disciplinary Committee determines to convene a summary hearing of a report.

1. The affiliated Club Disciplinary Committee must:
 - a) give the accused player not less than 7 days written notice stating:
 - i. the date, time and place at which it will hear and determine the report;
 - ii. brief particulars of the report;
 - iii. the name of the Investigating Officer;
 - iv. that the accused player is entitled to be assisted or represented by another person, being a member in good standing; and
 - b) require the Investigating Officer to attend the hearing.
2. If the Investigating Officer is not present at the hearing as set out in any notice the Affiliated Club Disciplinary Committee may:
 - a) dismiss the report;
 - b) impose a penalty on the accused player if the accused player admits the offence under this Code set out in the report; or
 - c) adjourn the hearing of the report for such period as the Affiliated Club Disciplinary Committee determine in which case they must give written notice of the time and place the hearing will resume.
3. If the accused player is not present at the hearing as set out in any notice the Disciplinary Committee may:
 - a) proceed to hear and determine the report and the penalty (if any) to be imposed in the absence of the accused player; or
 - b) adjourn the hearing of the report for such period as the Affiliated Club Disciplinary Committee determine in which case they must give written notice of the time and place the hearing will resume.
4. If the accused player is present at the hearing as set out in any notice the accused player must at the commencement of the hearing be asked whether the accused player wishes to admit or deny the alleged offence under this Code set out in the report.
5. If the accused player admits the alleged offence under this Code, the accused player or the representative may address the Affiliated Club Disciplinary Committee on the question of penalty. The Affiliated Club Disciplinary Committee will then deliberate on the penalty and will announce the penalty to be imposed on the accused player.

6. If the accused player denies the alleged offence under this Code:
- a) the Investigating Officer must state the facts relating to the report and the alleged offence under this Code;
 - b) the accused player may give evidence about the alleged offence and may be questioned by the Investigating Officer and the Affiliated Club Disciplinary Committee;
 - c) any relevant witness may be called and questioned by any party or the Disciplinary Committee;
 - d) after the presentation of evidence and hearing any final submissions by the Investigating Officer and the accused player, the Affiliated Club Disciplinary Committee must determine whether the accused player is guilty of an offence under this Code and the penalty (if any) to be imposed on the accused player; and
 - e) the Affiliated Club Disciplinary Committee must announce their determination and the penalty (if any) to be imposed on the accused player.

7. If the Affiliated Club Disciplinary Committee determines that an accused player is guilty of an offence under this Code at a summary hearing, the player aggrieved of that determination may appeal to the Executive Committee by giving written notice to the BGU within 14 days of the determination of the Affiliated Club Disciplinary Committee. The lodgment of an appeal does not act as a stay of the determination, unless the player gives written notice to the BGU seeking a stay of the determination within three days after the date of the determination and a special stay is granted by the Executive Committee.

8. Notwithstanding that the Affiliated Club Disciplinary Committee have determined to convene a summary hearing in relation to a report, the Affiliated Club Disciplinary Committee may at any time either before or after determination of the report, refer the report to the BGU Disciplinary Committee.

4.3. BGU Disciplinary Committee - Proceedings for Category A and Category B offences

1. Clauses 4.3 and 4.4 apply to Category A and Category B offences under this Code.
2. Upon receiving a report, the BGU Disciplinary Committee must determine whether:
 - a) to dismiss the report; or
 - b) uphold the findings of the Affiliated Club Disciplinary Committee and review the penalty sanctioned; or
 - c) to convene a hearing in relation to the report.
3. If the BGU Disciplinary Committee determines to convene a hearing in relation to the report it must:
 - a) give at least 14 days written notice to the accused player stating:
 - i. the date, time and place at which it will hear and determine the report;
 - ii. brief particulars of the report;
 - iii. the name of the Investigating Officer;
 - iv. that the accused player is entitled to be assisted or represented by another person; and
 - b) require the Investigating Officer to attend the hearing.

4.4. Disciplinary Hearings - Category A and B offences

1. At the commencement of the hearing the Chairman of the BGU Disciplinary Committee must read out the report and the alleged offence by the accused player under this Code.
2. If the Investigating Officer is not present at the hearing the BGU Disciplinary Committee may:
 - a) dismiss the report;
 - b) impose a penalty on the accused player if the accused player admits the offence under this Code set out in the report; or
 - c) adjourn the hearing of the report for such period as the BGU Disciplinary Committee determines in which case it must give written notice of the time and place the hearing will resume.

3. If the accused player is not present at the hearing the BGU Disciplinary Committee may:
 - a) proceed to hear and determine the report and the penalty (if any) to be imposed in the absence of the accused player; or
 - b) adjourn the hearing of the report for such period as the BGU Disciplinary Committee determines in which case it must give written notice of the time and place the hearing will resume.
4. If the accused player is present at the hearing the Chairman of the BGU Disciplinary Committee will at the commencement of the hearing ask the accused player whether the accused player wishes to admit or deny the alleged offence under this Code set out in the report.
5. If the accused player admits the alleged offence under this Code, the accused player or the representative may address the BGU Disciplinary Committee on the question of penalty. The BGU Disciplinary Committee will then deliberate to determine the penalty and will announce the penalty to be imposed on the accused player.
6. If the accused player denies the alleged offence under this Code:
 - a) the Investigating Officer must state the facts relating to the report and the alleged offence under this Code;
 - b) the accused player may give evidence about the alleged offence and may be questioned by the Investigating Officer and the Disciplinary Committee;
 - c) any relevant witness may be called and questioned by any party or the BGU Disciplinary Committee;
 - d) after the presentation of evidence and hearing any final submissions by the Investigating Officer and the accused player, the BGU Disciplinary Committee must determine whether the accused player is guilty of an offence under this Code and in the case of a Category B offence the penalty (if any) to be imposed on the accused player; and
 - e) the BGU Disciplinary Committee must announce its determination.
7. In the event that the BGU Disciplinary Committee determines that the accused player is guilty of a Category A offence under this Code, after announcing its determination the Chairman will ask the accused player or the representative to make any submissions on penalty.
8. After hearing any submissions on penalty by or on behalf of the accused player, the BGU Disciplinary Committee must:
 - a) deliberate on the penalty to be imposed; and
 - b) after determination of the penalty, announce its determination of the penalty to be imposed on the accused player.

4.5. Disciplinary Proceedings - Category C offences

1. This Clause applies to Category C offences under this Code.
2. Where a report is made or referred to the BGU Disciplinary Committee in relation to a Category C offence under this Code, the BGU Disciplinary Committee must determine whether:
 - a) to dismiss the report;
 - b) to require written submissions from the Investigating Officer and the accused player in relation to the report and then determine the report.
3. In the event that the BGU Disciplinary Committee requires written submissions in relation to a report, it must give written notice to the Investigating Officer and the accused player stating:
 - a) the alleged offence by the accused player under this Code;
 - b) brief particulars of the alleged offence, including particulars of the time and location of the alleged offence;
 - c) the name of the Investigating Officer; and
 - d) the date by which any written submissions including all matters relevant to the report including witness statements must be received by the Disciplinary Committee.
4. The BGU Disciplinary Committee must determine a report in relation to a Category C offence on the basis of the written submissions received from the Investigating Officer and the accused player. In the absence of special circumstances the BGU Disciplinary Committee will not consider any written submissions received after the due date given in clause 4.5 - 3(d).
5. Within 14 days after the due date given in clause 4.5 - 3(d), the BGU Disciplinary Committee must consider all written submissions and must determine whether the accused player is guilty of the alleged offence under this Code.
6. The BGU Disciplinary Committee must notify the Investigating Officer and the accused player of its determination and, if the BGU Disciplinary Committee finds the accused player guilty of an offence under this Code, the penalty to be imposed.

4.6. Right of Appeal from Determination of BGU Disciplinary Committee

1. A player aggrieved by a determination of the BGU Disciplinary Committee may appeal the determination to the Executive Committee by giving written notice to the BGU within 30 days of the date of the determination of the BGU Disciplinary Committee. The lodgment of an appeal does not act as a stay of the original determination, unless the player gives written notice to the BGU seeking a stay of the determination within three days after the date of the determination and a special stay is granted by the Executive Committee.

5. STAY AND APPEALS

1. If a player aggrieved by a determination of the Affiliated Club Disciplinary Committee or the BGU Disciplinary Committee seeks a stay of the determination pending the hearing of an appeal in accordance with this Code, the Executive Committee will consider the application for a stay as soon as practicable and in any manner (including telephone or electronic means) as the Executive Officer of the BGU deems appropriate in the circumstances. There is no right of appeal against a determination of the Executive Committee not to grant a stay.

2. In the event of an appeal by a player aggrieved by a determination of the Affiliated Club Disciplinary Committee or BGU Disciplinary Committee, the Executive Committee will re-hear the report at such time and in such manner as the Executive Committee deems appropriate in the circumstances.

3. A member of the Executive Committee who acted as an Investigating Officer or on the BGU Disciplinary Committee in relation to a report that is the subject of an appeal under this Code must be excused from the re-hearing.

4. Upon re-hearing a report the Executive Committee may affirm, vary or substitute the determination, as it may deem appropriate.

5. A quorum of at least three members of the Executive Committee must be present to hear an appeal.

6. An appeal to the Executive Committee is the sole form of appeal from a determination under this Code.

6. PENALTIES

1. In the event that a player is found guilty of a Category A offence, any of the following penalties may be imposed:

- a) disqualify the player from the competition;
- b) a severe reprimand;
- c) an order that the player attend appropriate counselling sessions as specified by the affiliated Club or the BGU;
- d) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
- e) suspension of the player's Botswana Handicap for a minimum period of twelve (12) months;
- f) in the case of an offence under clauses 2.1(d) or (e) of this Code, an order that the player should pay compensation to the player, official or club who suffered loss as a result of the accused player's conduct; or
- g) such other penalty as determined from time to time.

2. In the event that a player is found guilty of a Category B offence, any of the following penalties may be imposed:
- a) disqualify the player from the competition;
 - b) a severe reprimand;
 - c) an order that the player attend appropriate counselling sessions as specified by the affiliated Club or the BGU;
 - d) a recommendation to the player's home club that the player's membership be suspended for a set period of time;
 - e) a penalty under the Code of Conduct of the BGU (if applicable);
 - f) suspension of the player's Botswana Handicap for a minimum period of six (6) months; or
 - g) such other penalty as determined from time to time.

3. In the event that a player is found guilty of a Category C offence, any of the following penalties may be imposed:

- a. a severe reprimand;
- b. an order that the player attend appropriate counselling sessions as specified by the BGU; or
- c. suspension of the player's Botswana Handicap for a minimum period of three (3) months; or
- d. such other penalty as determined from time to time.

7. COMPETITION REGULATIONS

The Executive Committee or Affiliated Golf Club Committee has the power to make and alter regulations governing the activities, etiquette and dress code of members of affiliated clubs and their caddies on or around the golf course. Such regulations will be known as the Competition Regulations and any breach of the Competition Regulations will be a ground for disciplinary action against a member.

8. NATURAL JUSTICE

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 Club 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.