

# Clontarf Golf and Bowling Club

## Disciplinary and Appeal Procedures

### 1. Disciplinary Procedures

#### 1.1. General

- 1.1.1. The emphasis, where appropriate, in the case of two directly involved parties which does not involve serious misconduct/breach of discipline, should be on the parties involved being facilitated to arrive at an amicable solution without reference to committees.
- 1.1.2. If the complaint involves a Junior Member, he/she shall be entitled to be accompanied by a parent, guardian or any member of the Club to any disciplinary hearing.
- 1.1.3. If the complaint involves a Member, he/she shall be entitled to be accompanied by another person or any member of the Club to any disciplinary hearing.
- 1.1.4. If the complainant or a Member named in the complaint is an Officer of the Club or a member of the Management Committee, he/she shall be ineligible to consider the complaint.
- 1.1.5. Should a Member, against whom a complaint of a serious nature is upheld, be an Officer of the Club or a member of any of the Club Committees, he/she may be requested to resign from such position or failing to tender such resignation, he/she may be removed from Office.
- 1.1.6. Any written report by an employee concerning any alleged misconduct/breach of discipline by any person may be investigated by the General Manager and/or the Club Secretary and/or the Management Committee.
- 1.1.7. All other complaints must be submitted in writing.
- 1.1.8. The influence of alcohol shall not be considered to be a mitigating factor in any incident or breach of discipline.
- 1.1.9. Nothing at any stage shall transgress any parties' right to natural justice.

#### 1.2. Complaints of Non-Directed Misconduct/Breaches of Discipline

- 1.2.1. Any complaints by any person concerning misconduct/breaches of discipline should be made to the General Manager, and/or the Club Secretary, as soon as possible, and an Incident Book/File to record all such complaints shall be kept in the Office.
- 1.2.2. The General Manager and/or the Club Secretary, who may consult with the Club Officers, shall investigate all such complaints within a period of 28 days from receipt of such complaint.
- 1.2.3. If, during the investigation, which shall include a meeting with the alleged offender/s, misconduct/breach of discipline is admitted to by the alleged offender/s, the General Manager and/or the Club Secretary shall report the matter to the Management Committee who will decide on the penalty to be imposed, taking any mitigating circumstances into account, without the requirement of a full disciplinary meeting.
- 1.2.4. Having consulted with the parties concerned and investigated the matter, and where misconduct/breach of discipline has not been admitted, the General Manager and/or the Club Secretary will invite the alleged offender/s to make a written submission, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below.

**1.3. Complaint by Member against an Employee**

- 1.3.1. Any complaints by a Member concerning an employee of the Club should be made to the General Manager, or in his/her absence to the Club Secretary, as soon as possible, and an Incident Book/File to record all such complaints shall be kept in the Office.
- 1.3.2. In no circumstances shall a Member of the Club, or his/her guests, reprimand an employee directly or publicly.
- 1.3.3. The General Manager and/or the Club Secretary, who may consult with the Club Officers, shall investigate all such complaints within a period of 28 days from receipt of such complaint.
- 1.3.4. If, having consulted with the parties concerned and investigated the matter with any witnesses, it is the opinion of the General Manager and/or the Club Secretary that the complaint is justified, he/she will progress the issue with the employee concerned through normal employment disciplinary procedures.  
If the General Manager and/or the Club Secretary is/are of the opinion that the complaint is not justified, he/she will advise the complainant accordingly and invite him/her, if dissatisfied with the response, to make a written submission, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below. In that event, the employee concerned will also be invited by the Management Committee for a personal hearing.
- 1.3.5. Any complaints concerning the General Manager should be made to the Chairman of the Management Committee. In such an event, the same procedure will apply as above save that the Chairman will act in place of the General Manager.  
In either case, the decision of the Management Committee shall be final in accordance with the employee's conditions of employment as set out in his/her contract of employment.
- 1.3.6. An employee of the Club shall at all times have recourse to appeal under current Employment Legislation.

**1.4. Complaint by Member against a Contractor**

- 1.4.1. Any complaints by a Member concerning a contractor or employee of a contractor should be made to the General Manager or in his/her absence to the Club Secretary as soon as possible. In no circumstances should any Member reprimand a contractor or a member of his/her staff directly or publicly.
- 1.4.2. The General Manager and/or the Club Secretary, who may consult with the Club Officers, shall investigate without delay any such complaint and take appropriate action.

**1.5. Complaint by Employee against a Member**

- 1.5.1. Any complaints by an employee of the Club concerning a Member should be made to the General Manager, as soon as possible, or in his/her absence, in urgent cases, to the Club Secretary.
- 1.5.2. The General Manager and/or the Club Secretary, who may consult with the Club Officers, shall investigate all such complaints within a period of 28 days from receipt of such complaint.
- 1.5.3. In cases where there has not been serious misconduct/breach of discipline, the General Manager and/or the Club Secretary, having consulted with the

parties concerned and investigated the matter, may attempt to arrive at an amicable solution with the parties by proposing a resolution to them and inviting acceptance. Should any of the parties not accept the proposal outlined by the General Manager and/or the Club Secretary, the parties will be invited to make written submissions, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below.

1.5.4. In cases where there has been alleged serious misconduct/breach of discipline, the General Manager and/or the Club Secretary, having consulted with the parties concerned and investigated the matter, shall invite them to make written submissions, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below.

**1.6. Complaint by a Member or a Visitor regarding a Member or a Visitor**

1.6.1. Any complaints by a Member or visitor concerning a Member or a visitor to the Club should be made to the General Manager, and/or the Club Secretary, as soon as possible, and an Incident Book/File to record all such complaints shall be kept in the Office.

1.6.2. The General Manager and/or the Club Secretary, who may consult with the Club Officers, shall investigate all such complaints within a period of 28 days from receipt of such complaint.

1.6.3. In cases where there has not been serious misconduct/breach of discipline, the General Manager and/or the Club Secretary, having consulted with the parties concerned and investigated the matter, may attempt to arrive at an amicable solution with the parties by proposing a resolution to them and inviting acceptance. Should any of the parties not accept the proposal outlined by the General Manager and/or the Club Secretary, the parties will be invited to make written submissions, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below.

1.6.4. In cases where there has been alleged serious misconduct/ breach of discipline, the General Manager and/or the Club Secretary, having consulted with the parties concerned and investigated the matter, shall invite them to make written submissions, within seven days, to the Club Secretary, who will then refer the matter to the Management Committee for a personal hearing, in accordance with the procedure outlined in clause 1.7 below.

**1.7. Disciplinary Sub-Committee**

1.7.1. Where parties involved in a disciplinary complaint procedure opt to have their case progressed formally, the Management Committee will, following the receipt of written submissions from the parties concerned, appoint a Disciplinary Sub-Committee at the earliest opportunity which will arrange for personal hearings and will investigate the circumstances of the complaint.

This Sub-Committee shall interview the complainant and alleged offender/s and may seek to call any witnesses to the alleged occurrence. The investigation shall be carried out and a recommendation made to the Management Committee within a period not exceeding 28 days of the hearing. The decision of the

Management Committee and the imposition of any sanctions shall be conveyed to the parties concerned in writing who may accept them or seek to have them referred to an Appeals Sub-Committee for a further personal hearing and the parties shall be deemed to have received notice of such decision if delivered personally, or if sent by registered post, 72 hours after the said notice was posted.

In all cases the Management Committee shall inform the parties of the Right of Appeal.

**1.8. General Misconduct/Breaches of Discipline**

1.8.1. Minor misconduct/breaches of discipline shall include e.g. rudeness to a Member, visitor or staff, either verbal or by gesture, or breaches of etiquette or code of conduct. This list is not exhaustive.

1.8.1.1. The recommended penalty for such minor misconduct/breaches of discipline shall be a letter of admonishment from the Management Committee, a fine (not exceeding €100) or both, and a warning about future conduct and the penalties that may ensue, and in addition, in the case of Five-Day, Intermediate, Intermediate Bowling, Lady, Clubhouse, Junior or Junior Bowling Members a delay in their proceeding to the next stage of membership.

1.8.2. Serious misconduct/breaches of discipline shall include e.g. serious breaches of Rules, cheating, theft, drunkenness, or disorderly behaviour, physical violence or threat of same, harassment, including sexual harassment and bullying, willful damage to property of the Club or a Member or a visitor. This list is not exhaustive.

1.8.2.1 The recommended penalty for such serious misconduct/breaches of discipline shall be either a suspension for a period of not less than one month and not more than six months and a warning about future conduct and the penalties that may ensue, or expulsion, in accordance with clause 12 of the Constitution. In addition, in the case of Five-Day, Intermediate, Intermediate Bowling, Lady, Clubhouse, Junior or Junior Bowling Members, the recommended penalty may include a delay in their proceeding to the next stage of membership.

**1.9. Written records of all investigations will be kept for a period of one year.**

**1.10. Suspension of a Member**

1.10.1. Notwithstanding anything stated above, a Member suspected of misconduct constituting a serious breach of Rules/discipline by two Officers of the Club, may be temporarily suspended from the Club by them, for a maximum period of seven days, pending the consideration of the case. Action under this clause should only be taken in extreme and exceptional circumstances.

1.10.2. A suspended Member shall not be entitled to avail of the facilities rights and privileges of the Club or to participate in events organised by the Club and may have his/her golf handicap from the Club withdrawn in certain cases.

## 2. **Appeal Procedures**

- 2.1. Any Member who is the subject of a disciplinary action by the Management Committee shall be entitled to appeal its decision, in writing, within a period of 28 days of the notification of the decision, citing the grounds for such appeal to an Appeals Sub-Committee. An imposed sanction may be lifted pending the outcome of an appeal.
- 2.2. In the case of an appeal, the Management Committee shall appoint an Appeals Sub-Committee, at the earliest opportunity, which shall consider any appeal and may call on the original witnesses to the incident. This Sub-Committee shall not contain any person that sat on the initial hearing. The recommendation of the Appeals Sub-Committee, having received any explanation or mitigation offered by the Member, shall be final and binding. Their decision, which may uphold, rescind, increase or reduce any imposed sanction, shall be ratified by the Management Committee and notified to the Member within a period of 28 days of the hearing by the Appeals Sub-Committee.
- 2.3. All appeals will be investigated by the Appeals Sub-Committee which shall be comprised of:-
  - Two former Captains.
  - Two former Lady Captains.
  - And an independent Chairman, to be agreed from a panel of six Ordinary Members with at least ten years membership each, with three being nominated by the alleged offender/s and three by the Management Committee. If agreement on an independent Chairman cannot be reached between these parties, the Club President will select and appoint an independent Chairman, who may be from the panel of six Ordinary Members.
- 2.4. The Club's appeal mechanisms may be invoked by any of the parties concerned.