**Code of Conduct and Disciplinary Policy of the Tairua Golf and Country Club By -Law**

This By-Law is in keeping with Constitution Clause 9.5 Complaints and Disputes

(i) If a member is alleged to be in breach of the Constitution or By-Laws, or if a complaint is laid, the Board shall follow the procedures as outlined in the By-Laws.

# 1. Code of Conduct

As a member of Tairua Golf & Country Club a certain standard of behaviour is expected that reflects the basic requirements of sportsmanship, integrity, courtesy, and respect to be shown to all other members, competitors, officials, and the public.

Without limiting the basic requirements, matters of conduct likely to reflect unfavourably on the Club include:

* foul and abusive language
* failure to adhere to the club rules and etiquette of the game of golf
* unsportsmanlike conduct and unnecessary gamesmanship
* physical violence and threatening behaviour
* criminal conduct
* failure to comply with any penalty imposed under these rules

A person engaging in any behaviour that may be detrimental to the game of golf or Tairua Golf & Country Club is in breach of the Policy and should be reported to the Club Manager or representative appointed by the Board.

**2. Definition of a Complaint**

A complaint is defined as:

* Any written formal complaint from one or more members of the Club about the conduct of another member or members of the Club.
* Any written formal complaint made by a member of the public, another Club or NZGolf about the conduct of a member or members of the Club while they are representing the club
* Any conduct by a member or members of the Club which the Board considers brings the Club into disrepute, whether a formal complaint is received or not.

# 3. Complaints Procedure

Complaints must be made in writing to the Club Manager or representative appointed by the Board of the Tairua Golf & Country Club, within 5 working days of the matter occurring.

Once a complaint is received the Club Manager or representative appointed by the Board will determine the nature of the offence and, decide whether it is of a minor or serious nature and action accordingly.

On receipt of the complaint of a serious nature the Club Manager or representative appointed by the Board will acknowledge the complaint within five (5) working days of receipt. Within ten (10) working days of receiving a complaint, the complaint will be initially investigated by the Club Manager.

***Needs to be a time limit set for a response by the Club and the complaint is actioned.***

**4. Minor Complaints**

If the matter is of a minor nature the Club Manager or Club Captains will discuss the complaint with the person(s) involved and deal with the complaint by either dismissing the complaint or deal with it with a warning or reprimand and the matter will be closed.

The complaint and the action taken by the Club Manager/Captains needs to be minuted as s*ometimes the history of minor complaints over a period of time needs to be used in evidence of a current more serious complaint as hearsay cannot be used.*

There shall be a right of appeal to the Board of Management for minor offences where the Club Manager or representative appointed by the Board decided a verbal or written warning was to be issued to a member.

**5. Serious Complaints**

If the matter is of a more serious nature, the Club Manager or representative appointed by the Board will carry out a preliminary investigation and gather such written evidence as is reasonably available within 5 working days from the receipt of the complaint. This may include speaking to the accused person and obtaining a written report from that person. The matter will then be referred to the Board of Management.

The Club Manager or representative appointed by the Board will, in taking any of the steps above, adhere to and act in accordance with the rules of natural justice, and will also be responsible for keeping all parties involved informed about the complaints process.

The Board of Management also reserves the right to investigate any matter on its own motion, whether any outside or member complaint has been made or not.

**6. Board of Management Functions**

The Board of Management will meet on an as required basis to perform the following functions:

* review complaints information notices in relation to minor offences and ensure consistency in application.
* consider all more serious offences and appeals to minor offence penalties.
* where necessary hold investigations, including a hearing into the complaint
* hold hearings in respect to any appeal over which it has jurisdiction
* the Board shall keep a record of disciplinary determinations made by it

**7. Board of Management Procedures**

In any investigation undertaken, the Board of Management will conduct matters in a procedurally fair manner and will observe and adhere to the principles of natural justice in conducting such investigation.

The member or members complained against must be given a reasonable time and opportunity to provide a written response to the complaint made against them, and a real and full opportunity to be heard on the matter.

Should a hearing be held it must be conducted in a fair and unbiased manner; and allow the member to cross-examine any complainant and to be able to provide evidence in support of the member's defence. The hearing must be determined solely on the information before the Board from the original complaint and the information and material provided to the member.

No complainant who is a member of the Board of Management shall be entitled to be a member appointed for the purpose of hearing the complaint nor shall the Club Manager be entitled to take part in any determination of the matter, the Club Manager’s role being limited to provision of a report or acting as a witness.

**8. Decisions and Penalties**

Any Board decision in relation to a complaint shall be undertaken by secret ballot and shall, subject to any right of appeal, be final.

The Board shall give written reasons for its decision and may, following a hearing, adjourn the proceedings for the purpose of taking time to consider its decision

The Board shall advise any member against whom an adverse determination is made of the rights that member has to appeal the decision and the time limits within which such or any appeal must be made.

Should the Board of Management find the conduct being complained of is a serious violation of the club rules or the rules of golf or behaviour which might bring the club into disrepute, the Board may take further action by way of suspension or expulsion under Rule 9.4 (ii). The Boardshall give its written decision within 5 working days or such further time (not exceeding a further 10 working days) as the Board shall advise, with reasons for the decision and any penalty imposed.

 In some cases, the conduct complained of may constitute a criminal offence and in which case the matter should be referred to the Police. Even if the matter is referred to the Police however, the Board may continue its own investigation of the matter.

# 9. Appeals

# There shall be a right of appeal to the Board of Management for minor offences where the Club Manager or representative appointed by the Board decided a verbal or written warning was to be issued to a member.

# There shall be a right of appeal to the Club Patron for all serious offences where the Board of Management has imposed a penalty of suspension or expulsion.

# Appeals are to be lodged within 5 working days of the decision being advised to the member.

An appeal may only be made on the following grounds.

* natural justice was denied
* The Club Manager or Board of Management acted outside of their powers and / or jurisdiction
* Substantial new evidence has become available after the decision was made
* The penalty was either manifestly excessive or inappropriate in the circumstances.

**By-Law passed by the TGCC Board on the 25 May 2022**