

BRITISH COLUMBIA GOLF ASSOCIATION
(the “BCGA”)

Disputes And Disciplinary Matters Policy

Policy Statement

It is the policy of the BCGA that procedures are in place by which disputes or discipline matters can be addressed openly, promptly and fairly.

Interpretation

1. In this policy, “**By-Laws**” means the British Columbia Golf Association Constitution and Bylaws as amended from time to time;
2. “Association Appeal Committee” means the Association Appeal Committee appointed by the President in accordance with this policy;
3. “Defendant” includes a Member, a Golfing Member, a Zone Committee or a Rules Official;
4. “Golfing Member” refers to Golfing Member as described in the By-Laws;
5. “Member” refers to Member as described in the By-Laws;
6. “Member Club” refers to Member Club as described in the By-Laws;
7. “President” refers to President as described in the By-Laws;
8. “RCGA” means the Royal Canadian Golf Association;
9. “Tournament Appeal Committee” means the Tournament Appeal Committee appointed by a chair of a tournament committee in accordance with this policy;
10. “Zone” has the same meaning as Zones;
11. “Zones” refers to the Zones described in the By-Laws;
12. “Zone Appeal Committee” means an appeal committee established by a BCGA Zone;
13. “Zone Discipline Committee” means a committee established by a BCGA Zone.

Committee Terms of Reference

14. There shall be established the Association Discipline Committee (the “Association Discipline Committee”) from time to time that will be responsible for hearing:
 - a. all disputes and disciplinary matters arising between:
 - i. the Association and a Member; and
 - ii. the Association and a competitor.
 - b. appeals of Zone Discipline Committee decisions.
15. The Association Discipline Committee shall promptly convene a hearing in accordance with this policy when a matter arising under section 14 is reported to it.
16. The Association Discipline Committee shall ensure that all BCGA Zones have established a Zone Discipline Committee chair.
17. The Association Discipline Committee shall assist BCGA Zones in the implementation of their disputes and discipline policy when required.

Policy Implementation

18. The President shall have the power to suspend a Defendant pending a hearing before the Association Discipline Committee should the President deem the actions of the Defendant warrants the suspension.
19. After the disciplinary procedure described in section 18 has been taken by the President, the President shall promptly appoint the Association Discipline Committee and refer to it the matter which is the subject of the disciplinary procedure described in section 18.
20. The Association Discipline Committee shall promptly convene a hearing to consider the suspension.
21. The Association Discipline Committee shall give notice of the hearing to the Defendant as soon as possible but, in any event, at least 14 days prior to the hearing and the notice shall state
 - a. the date, time and place of the hearing which shall be determined by the chair of the Association Discipline Committee;
 - b. the details of the suspension;
 - c. that the Defendant may appear at the hearing, in person and/or by a representative and all other interested parties may also appear at the hearing in person and/or by a representative;
 - d. that the Defendant may request that the hearing be carried out by telephone conference call and all other interested parties may also request that they be heard by a telephone conference call;

- e. that the Defendant may request that the hearing be carried out by written submissions and all other interested parties may also request that they be heard by written submissions.
22. The Association Discipline Committee shall have the power to suspend, or take such other action as it deems appropriate against the Defendant, for the latter's failure to comply with the constitution, by-laws or Rules of Golf of the RCGA, or the By-Laws, regulations or policies of the BCGA.
23. The Association Discipline Committee shall give notice of its decision to the Defendant and the complainant, if any, within seven days of the conclusion of the hearing.
24. The Defendant may appeal any decision of the Association Discipline Committee by delivering to the President, within 21 days from the receipt of the decision notice, a notice setting out the grounds for the appeal.
25. The President, after receiving the notice of appeal, shall appoint an Association Appeal Committee.
26. The Association Appeal Committee shall promptly convene a hearing to consider the appeal and shall give a notice of the hearing to the appellant at least 14 days prior to date of the hearing and, after conducting the hearing of the appeal, shall have the power to confirm, vary or vacate the decision of the Association Discipline Committee as it deems appropriate.
27. The appellant may
- f. appear at the hearing, in person and/or by representative and all other interested parties may also appear at the hearing in person and/or by a representative;
 - g. request that the hearing be carried out by telephone conference call and all other interested parties may also request that they be heard by a telephone conference call;
 - h. request that the hearing be carried out by on the written submissions and all other interested parties may also request that they be heard by written submissions.
28. The decision of the Association Appeal Committee is final and shall be given in writing to all affected parties within seven days of the hearing.

Appeals from Zone Discipline Committee

29. A Golfing Member who is not satisfied with the decision of a Zone Appeal Committee may appeal that decision to the BCGA by delivering a notice of appeal to the President within 21 days of the receipt of the notice of the decision from the Zone Appeal

Committee, setting out the grounds for the appeal. The President shall then appoint an Association Appeal Committee to hear the appeal;

30. The Association Appeal Committee will hear an appeal only on one or more of the following grounds;
 - a. new relevant evidence not used in the Zone Appeal Committee hearing and which may have an effect on the decision;
 - b. irregularities in the proceedings of the original hearing which may have caused an unjust decision;
 - c. the decision of the original hearing was too severe; and
 - d. there is proof to establish that the decision of the original hearing was reached in an unjust manner.
31. The Association Appeal Committee, after accepting the appeal, will follow the policy laid out for an Association Appeal hearing.
32. The Association Appeal Committee shall have the power to confirm, vary or vacate the decision of the Zone Appeal Committee as it deems appropriate, and the decision of the Association Appeal Committee shall be final.

Tournament Disputes/Discipline

33. The chair of a tournament committee shall have the power to suspend a competitor from playing during a tournament for unsportsmanlike conduct or for the failure of the competitor to comply during the tournament with the constitution, by-laws, Regulations and/or policies of either the RCGA or the BCGA pending a hearing before a tournament Discipline Committee.
34. The tournament Discipline Committee shall immediately convene a hearing into the competitor's conduct.
35. The tournament Discipline Committee shall give notice of the hearing to the competitor as soon as possible and the notice shall state
 - a. the date, time and place of the hearing which shall be determined by the chair of the tournament Discipline Committee;
 - b. the details of the conduct or failure;
 - c. that the Defendant may appear at the hearing, in person and/or by a representative and all other interested parties may also appear at the hearing in person and/or by a representative.
36. The tournament Discipline Committee shall have the power to suspend, or to take such other action as it deems appropriate against the competitor.

37. The decision of the tournament Discipline Committee shall be given to the competitor no later than one day following the hearing.
38. The competitor may appeal the decision of the tournament Discipline Committee by delivering to the chair of the tournament committee, within 14 days of the receipt of the decision of the Discipline Committee, an appeal notice setting out the grounds for the appeal.
39. The chair of the tournament Discipline Committee shall, after receiving the notice of appeal, appoint a Tournament Appeal Committee to hear the appeal.
40. The appellant may appear at the hearing, in person and/or by a representative and all other interested parties may also appear at the hearing in person and/or by a representative.
41. After conducting the hearing of the appeal, the Tournament Appeal Committee shall have the power to confirm, vary or vacate the decision of the tournament Discipline Committee as it deems appropriate and the decision of the Tournament Appeal Committee shall be final.
42. The chair of the tournament committee shall notify the chair of the Association Discipline Committee of the details of any action which results in the suspension of a competitor.

Notice of Suspension from Competition

43. A decision of an Association Discipline Committee or the Association Appeal Committee which results in a finding against a Defendant or appellant will be forwarded to the
 - a. Defendant or appellant's Member Club; and
 - b. chair of the Zone Discipline Committee of the Member Club's Zone.
44. Each Member Club shall advise its Zone Discipline Committee and the BCGA in writing of the name, address, expulsion or length of suspension of any of its Golfing Members from competitions.
45. Each Zone Discipline Committee shall advise the BCGA and the Member Club in writing of the name, address and length of suspension of any Golfing Member who is suspended from competition within its Zone.
46. The BCGA shall advise the RCGA in writing of the name, address and length of suspension of any Golfing Member who is suspended from competition within the province of British Columbia.