

## **PART 5**

### **CODE OF ETHICS & DISCIPLINARY PROCEDURES**

#### **1. Principles**

- 1.1 **INTEGRITY:** a Member must act with integrity: personal honesty, fair play and sportsmanship should characterise all their professional dealings.
- 1.2 **STANDARDS:** a Member must provide a proper standard of service to their customers: this should include exercising competence, skill and diligence.
- 1.3 **FINANCIAL PRUDENCE:** a Member must run their business or carry out their role effectively and in accordance with sound financial principles.
- 1.4 **COMPLIANCE:** a Member must comply with their legal obligations and with these Regulations and any rules, policies and procedures of the Association.
- 1.5 **COURTESY:** a Member must behave with courtesy and consideration towards all those they come into contact with during the course of performing their work.
- 1.6 **REPUTATION:** a Member must act in a way that upholds the reputation of the Association, its brand, its Members and the game of golf, and must not operate (or behave) in any manner which conflicts with the services (or operations), reputation and standards of the Association.
- 1.7 **SPORTING BEHAVIOUR:** a Member must use their best efforts in any tournament that they have entered.
- 1.8 **EQUALITY & DIVERSITY:** a Member must run their business or carry out their role in a way that encourages equality of opportunity and respect for diversity.
- 1.9 **SAFEGUARDING CHILDREN:** a Member has a duty of care to ensure the safety of any children they work with and must take reasonable steps to protect those children from harm. Any member who is coaching children within 'regulated activity'\* must have an enhanced criminal records check and an approved safeguarding course in place, both of which must be renewed every three years. (Failure to comply with this provision may result in a fine of £75).

\*Regulated activity is defined as 'Regular Teaching, training or instruction, care or supervision of children'.

#### **2. Members' Responsibility**

- 2.1 In respect of any notice or communication that a Member is required to give to the Association, such notice shall be in writing and may be delivered personally, or sent by pre-paid first class post or sent by email to the Association Headquarters.
- 2.2 A Member must report to the Membership Department:
  - (a) at the earliest practicable opportunity and in any event within 7 days, if to their knowledge any regulatory body, including but not limited to the Police, Crown Prosecution Service, HMRC or Trading Standards (or any body with similar powers in any other jurisdiction), investigates them; invites them to attend an interview under caution; arrests them; cautions them; charges them or prosecutes in respect of any criminal offence in any country;

- (b) details of any conviction for a criminal offence within 7 days of their conviction.
  - (c) any breach of the Constitution or Regulations of the Association or conduct likely to injure or discredit the Association at the earliest practicable opportunity.
  - (d) any voluntary arrangement made with creditors or bankruptcy petition or order within 14 days of such arrangement or bankruptcy petition or order being made.
  - (e) any change of residential or business address or any other material change in their personal details or any material change in their circumstances which materially affects their ability to carry out their role as a PGA Professional within 14 days of such change being made (Failure to comply with this provision may result in a fine of £50).
  - (f) If any Member becomes aware of another Member being subject to any investigation as at 2.2 (a-d) above, they should report this to the membership department at the earliest opportunity and in any event within 7 days.
- 2.3 In the course of their business as a PGA Professional, including when representing the Association, a Member shall dress cleanly and smartly wearing acceptable business or golf dress, as appropriate.
- 2.4 If a Member wishes to visit or play on a course or golf establishment other than their own, they should adopt the following procedures:
- (a) if they are engaged in any professional activity whatsoever (being any activity carried out in their capacity as a Golf Professional and/or Association Member whether or not for profit) they must discuss the nature of the visit and any business they plan to transact at the establishment with the resident PGA Professional or facility representative before confirming their arrangements;
  - (b) telephone the resident PGA Professional or facility representative the day before or earlier to ensure the visit can be accommodated.
  - (c) make the appropriate introductions to the resident PGA Professional or facility representative and Club Secretary on arrival; and
  - (d) produce a PGA current membership or registration card to substantiate identity.
- 2.5 If a Member wishes to play a courtesy round on a course other than their own they should contact the Head PGA Professional at that course at least one day in advance to advise that Professional of their wish to play a courtesy round and seeking that Professional's approval for the round.

## **DISCIPLINARY PROCEDURES**

### **3. Disciplinary Procedures**

- 3.1 The intention of these procedures is to:
- (a) ensure that the Members are aware of their obligations as PGA Professionals and the procedures that will be used by the Association in enforcing those obligations; and
  - (b) provide a fair and efficient means of resolving disciplinary issues concerning Members in the best interests of the whole membership of the Association and the game of golf.

3.2 Without limitation to the Principles set out in paragraph 1 of this Part 5, a Member shall be liable to disciplinary action if:

- (a) they fail to conduct themselves in accordance with the principles and responsibilities set out in paragraphs 1 and 2 of this Part 5.
- (b) they commit a serious breach of the Rules of Golf as approved by R&A Rules Limited and in force at the relevant time.
- (c) they commit a serious breach or persistent breaches of any Tournament Conditions and Local Rules as defined by the Association; or
- (d) they commit any misconduct, including without limitation:
  - (i) any breach of the code of ethics outlined in section 1 of this code
  - (ii) a criminal offence.
  - (iii) financial irregularities or non-payment of debts.
  - (iv) falsification of membership forms.
  - (v) violent, abusive or intimidating conduct.
  - (vi) abuse of membership privileges, failure to display good manners, etiquette and conduct.
  - (vii) seeking or gaining business by unprofessional means.
  - (viii) publishing, or causing to be published, in any media critical or derogatory statements in relation to the Association or any of its Members.
  - (ix) reference to an elected or appointed position or office within the Association in the endorsement or promotion of any product or service without the specific written approval of the Board; or
  - (x) failure to bring to the attention of the relevant officials or the Association any breach of tournament rules or non-observance of the Rules of Golf during competitive play of any nature at the earliest practicable opportunity.

#### **4. Responsibility for Discipline**

4.1 Ultimate responsibility for disciplinary matters lies with the National Disciplinary Committee ("NDC") appointed by the Executive Committee. The NDC shall ensure the observance of the Code of Ethics, the Constitution and the Regulations by all the Members.

4.2 The NDC shall be assisted by Committees appointed by each County and each Region.

4.3 The NDC shall:

- (a) exclude the chairman of any regional disciplinary hearing and any person who attended at such hearing relating to the case currently before the NDC.
- (b) exclude any Member who declares a conflicting interest in any matter before the NDC (any such Member being under a positive duty to declare any conflicting interest).

- (c) not conduct any business unless a quorum of three is present.
- (d) comprise two Directors of the Board (who shall serve as chair and vice chair of the NDC) and such number of Members of the Executive Committee as determined from time to time by the Executive Committee (or the Board), subject to a quorum of three Members one of whom shall be a Director of the Board; and
- (e) meet as many times per year as it deems necessary; but at least 4 times each year.

## **5. Jurisdiction**

5.1 Disciplinary offences should be dealt with at the level appropriate to their apparent gravity in the view of the Association. Set out below for guidance are those alleged offences that ought to be dealt with at each level. The matters listed below are, however, non-exhaustive and for guidance only and in no way fetter the discretion of the NDC to deal with those matters or of the Regional Committees or County Committees to refer such matters to a higher level.

5.2 The County Committee shall have jurisdiction over:

- (a) Breaches at County Tournaments of Tournament Regulations Part 6B paragraphs 12, 16 and 21 and 23.
- (b) dress code violations at County events in accordance with Regulations Part 6B paragraph 22; and
- (c) any other matters that the Region or NDC may deem appropriate.

5.3 The Regional Committee shall have jurisdiction over:

- (a) appeals and referrals from any affiliated County's decisions.
- (b) breaches at regional Tournaments of Tournament Regulations Part 6B paragraphs 12, 16, 21 and 23.
- (c) dress code violations at regional events in accordance with Regulations Part 6B paragraph 22; and
- (d) failure to pay monies due from tournament fines to the Association by the due date.
- (e) any other matters that the NDC may deem appropriate.

5.4 NDC shall have jurisdiction which includes, but is not limited to, the following offences:

- (a) appeals and referrals from the Regional Committee's.
- (b) serious breaches of the Rules of Golf.
- (c) breaches of the Code of Ethics.
- (d) re-election to membership.
- (e) financial irregularities.
- (f) failure to pay monies due to the Association by the due date, for example subscriptions, training fees, commercial accounts or any other relevant transaction.

- (g) failure to advise a fellow Member of wishing to visit that Member's golf course or establishment.
- (h) using facilities without permission.
- (i) abuses of privilege of courtesy whilst visiting other golf courses or establishments.
- (j) failure to notify change of address; and
- (k) tournament matters at tournaments administered by the National Association.

5.5 In addition, the Regional Committee or the committee of the Women's Section ("WPGA") may refer breaches of the Regulations which do not constitute a breach of the Code of Ethics to the Executive Committee or the NDC who may suspend the rights of a Member to play in tournaments run under the jurisdiction of the region or the WPGA as the case may be.

5.6 If criminal or civil proceedings are pending which may in any way affect the matter before the relevant committee, the relevant committee may postpone its hearing pending the outcome of the criminal or civil case, but their discretion to adjudicate on the matter without postponement shall in no way be fettered.

## **6. Procedure (Allegations and Complaints)**

6.1 The Membership Department must be informed at the earliest opportunity of any allegation and/or complaint made against any Member where such Member is alleged to have committed a disciplinary offence ("Accused Member"). This duty to inform the Membership Department is owed by any Member who becomes aware of any such allegation and/or complaint.

## **7. Procedure (Notification)**

7.1 The Association shall inform the Accused Member in writing of the nature of the complaint against them.

## **8. Procedure (Suspension)**

8.1 The NDC will normally consider a complaint before it exercises the right to suspend the Accused Member, but where a complaint is deemed by the Association to be of a serious or potentially serious nature, a power to suspend forthwith all or any membership privileges or impose any restriction deemed appropriate from the Accused Member may be exercised by the Head of Membership Administration or the Head of Governance as soon as the complaint is received. Any Accused Member so suspended may appeal in writing, setting out the grounds of the appeal, to the NDC.

## **9. Procedure (Investigation)**

9.1 The Membership Department may either:

- (a) appoint an Investigating Officer to investigate the conduct of the Accused Member and report to the Membership Department. To ensure impartiality, an independent investigator may be used or
- (b) investigate the matter by correspondence (oral and/or written) with the Accused Member and any other appropriate individual.

- 9.2 Where the Membership Department appoints an investigator, it must inform the Accused Member of the existence of the investigation within 5 days of the said appointment.
- 9.3 The Investigator must, within 28 days of receipt of instruction from the Membership Department, provide a written report to the Membership Department of the results of its investigation. The period of 28 days may be extended by the Membership Department if, in its opinion, such extension is necessary for the proper conduct of the investigation. Such investigation should include interviews with as many relevant witnesses as possible, particularly including any complainant or such witnesses as are identified by the Accused Member. The investigation may, whenever possible, also include an investigatory interview with the Accused Member and relevant witnesses.
- 9.4 Any Accused Member may be accompanied at any investigatory interview or personal hearing by any fellow Member of their choice.
- 9.5 The Membership Department shall, on receipt of the Investigator's report or upon conclusion of its investigation by correspondence, decide whether or not further disciplinary proceedings are necessary. The Membership Department may, refer the matter to the relevant committee for disciplinary consideration.

In either event the Membership Department shall inform the Accused Member of its decision as soon as practicable.

## **10. Procedure (Hearings)**

- 10.1 A personal hearing may be required and will, in any event, be offered to the Accused Member. If no personal hearing is deemed necessary by the Membership Department, or is not requested by the Member, or the Member fails, without reasonable excuse in the relevant committee's opinion, to appear at the scheduled hearing, the matter will be dealt with by the relevant committee taking into account the written representations of the Accused Member (if any) together with any other evidence including the report of the Investigating Officer, or any other evidence available.
- 10.2 The Membership Department will give at least 14 days' notice to the Accused Member of the date, place and time of any personal hearing.
- 10.3 A request by an Accused Member for postponements with good reason will be considered by the Membership Department which may, in its absolute discretion, be granted although the relevant committee retains the right to proceed to deliberation of the matter in the absence of the Accused Member where a postponement has not been granted and the Accused Member fails to attend the scheduled hearing.
- 10.4 Any Accused Member may be accompanied at any personal hearing by any person of their choice, excluding PGA Employee's; but only the Accused Member will have the right to address the relevant committee. Where any Member has been informed by the NDC that any alleged offence of which they are accused, if proven, could lead to their suspension or expulsion, that Accused Member may be accompanied at any hearing by one other person of their choice; but only the Accused Member will have the right to address the NDC unless the NDC consent in their absolute discretion to the accompanying person addressing them.

## **11. Procedure (Conduct of the Hearing)**

- 11.1 The Chairman of the relevant committee shall have the right to govern the conduct of any hearing in whatever manner they see fit and shall explain the procedure they intend to adopt to all present at such a hearing at the beginning of that hearing.
- 11.2 The failure of any person involved to attend a hearing, or to answer any question, or to produce any necessary papers shall not prevent the relevant committee from proceeding to a decision.
- 11.3 The relevant committee shall not be bound by an enactment or rule of law relating to the admissibility or probative value of evidence in proceedings before a Court of Law.
- 11.4 At any time during the hearing the Chairman of the relevant committee and Members of the relevant committee, may ask questions of any witness or any person in attendance at the hearing.

The relevant committee may draw such inferences as it considers appropriate from the failure of the Accused Member or any other person to give evidence or answer a question put to them.

- 11.5 The decision of the relevant committee will be given in writing to the Accused Member within 14 days. Notification of the right of appeal where appropriate will be given at the same time.
- 11.6 A decision of a Disciplinary Committee shall be deemed to be a decision of the Association and binding on the Member concerned. The Membership Department (or Regional or County Secretary, as appropriate to the relevant committee) will be responsible for keeping a written record of the proceedings of the relevant committee and the decisions it reaches, which shall be binding on the Association and its Members, except when the relevant committee is convinced of proven manifest error.

## **12. Procedure (Witnesses)**

- 12.1 The Accused Member and/or the Association may call such witnesses as they deem appropriate; but the relevant committee retains the absolute discretion to exclude any witnesses whose evidence it reasonably believes to be irrelevant to the issue before it or not sufficiently material or probative to justify the time spent in hearing it. This discretion also extends to any part of a witness's evidence.
- 12.2 If any witness is called, the Accused Member or Members of the relevant committee or such other person as the Chairman of the relevant committee may in their absolute discretion allow, may put questions to that witness. If a witness called by either party fails to attend any hearing the relevant committee, at its absolute discretion, may proceed with the hearing notwithstanding that witness's absence. Any person acting as a witness shall be permitted to attend the hearing for the purposes of giving evidence only and shall, unless the relevant committee otherwise decides, be excluded from the hearing except while giving evidence.

### **13. Procedure (Appeal)**

13.1 Any Member (“the Appellant”) wishing to appeal against a penalty or finding of guilt imposed by a National Disciplinary Committee under the disciplinary procedure shall lodge their appeal in writing with the Membership Department within 21 days of the date of the letter of notification of the decision. Such written notice of appeal must contain the Appellant’s grounds of appeal and disclose any new or further evidence that they wish to be considered as part of their appeal. The time within which such further evidence may be submitted may be extended by the Membership Department at its absolute discretion on the written request of the Appellant.

Appeals from the different levels of Disciplinary Committee will be dealt with as follows:

13.2 Appeals against a penalty imposed or upheld by a County Committee shall be referred to the relevant Regional Committee whose decision will be final and from whose decision no further appeal may be made. The Membership Department may, if in its absolute discretion it deems it appropriate, refer any appeal against a penalty imposed by a County Committee directly to the NDC whose decision, in any such case, will be final and from whose decision no further appeal may be made.

13.3 Appeals against a penalty imposed or upheld by an Regional Committee will be considered by the NDC whose decision in any such appeal will be final except where the NDC, in amending the penalty in accordance with paragraph 13.8 below, imposes a penalty of suspension, expulsion or a fine exceeding £500, whereupon a further right of appeal lies to the Appeal Committee of the Association.

Appeals against any penalty imposed by the NDC will be considered by the Appeal Committee of the Association as follows:

13.4 The Appeal Committee shall be appointed comprising a quorum of the Executive and/or the Board; being not less than three Executive and/or Board members.

13.5 The Membership Department shall give to the Appellant not less than 14 days’ notice in writing of the date, time and place of any hearing.

13.6 The Appeal Committee shall adjudicate upon the matter, taking into consideration such written or oral evidence, and/or seeking such further information as it thinks fit. Any such further information will be disclosed to the Appellant in writing and he may make written representations in respect of it to be sent to the Membership Department within 7 days from the date of the letter providing the information to the Appellant.

13.7 The Appeal Committee may cancel, reduce, confirm or increase the penalty under appeal, or substitute a penalty of a different form.

13.8 If the penalty under appeal includes suspension, the start of the period of suspension may be deferred by the Membership Department, with the approval of the Chairman of the Appeal Committee, pending the outcome of the appeal.

13.9 If the penalty under appeal is expulsion, the date of deletion from the register of Members will be deferred until the outcome of the appeal under these procedures is known.

13.10 Where the appeal is allowed in full and the original penalty is set aside (and not altered or increased) the costs of the appeal will be borne by the Association.



- 13.11 Where the appeal is dismissed the Appellant shall pay all costs (including but not limited to the costs of obtaining legal advice, the expenses of the Appeal Committee in attending any hearing and the expenses of any witnesses required to attend any hearing by the Association) incurred by the Association since the date of the original hearing, and the Appellant must pay any fines within fourteen days of dispatch of a letter of notification to the Appellant at their last known address. Non-payment of the fine will result in immediate suspension from membership.
- 13.12 Costs charged under paragraph 13.11 above must be paid within 28 days failing which the Appellant will be suspended from membership. If payment is not made within three months the name of the Member shall be removed from the Register of Members.

#### **14. Penalties**

- 14.1 If a County Committee reasonably believes the Accused Member to be guilty of the offence of which he is accused it shall have the power to impose on the Member those fines set out in Part 6B paragraphs 12, 16, 21, 22 and 23 of the Regulations.
- 14.2 If a Regional Committee reasonably believes the Accused Member to be guilty of a minor breach of the Tournament Regulations as described in Part 6, it shall have the power to impose on the Member a fine of up to a maximum of £250. The Regional Committee may (without prejudice to any other disciplinary action that may be taken) exercise the discretion allowed in Regulations Part 1 paragraph 4.2 to reject entries for regional Tournaments if the Member fails to pay any fine within the 28 days allowed by Regulations Part 5 paragraph 14.5 and to continue to reject such entries until such time as the Member's membership privileges are reinstated (if at all).
- 14.3 If a Member is found to be in breach of the terms of the Constitution or Regulations, the NDC shall have power to impose on the Member one or more of the following penalties:
- (a) censure.
  - (b) fine (for a breach of the Code of Ethics - minimum fine £250).
  - (c) payment of any costs or expenses incurred by witnesses or others in relation to a hearing.
  - (d) suspension from all or any of the rights and privileges of membership.
  - (e) expulsion; or
- 14.4 any other penalty deemed appropriate. As an alternative or addition to paragraphs 14.3 (a)-(f) above the Member may be required to give an undertaking in such terms as the relevant committee may decide.
- 14.5 With the exception of the circumstances set out in paragraph 13.11 above, fines must be paid within 28 days. If payment is not made by the due date, suspension from membership will follow. If payment is not made within three months the Member's name will be permanently removed from the Register. If payment is made following suspension, but prior to removal from the Register, then the Member's membership privileges may be reinstated at the next meeting of the Executive Committee following receipt of the payment by the Association.