

The **Mornington Golf Club**



Incorporated

Code of Conduct

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Code of Conduct & Disciplinary Policy

Code of Conduct and Disciplinary Policy ("the Policy")

1. Introduction

The purpose of the Policy (which is a By-law made by the Committee under 14 Dispute Resolution of the Mornington Golf Club Inc Constitution (the 'Constitution')) is to assist members and guests of Mornington Golf Club to know and understand the standards of behaviour expected and the process for dealing with complaints when those standards are breached. The Policy and By-law shall apply at all times when at Mornington Golf Club, or representing Mornington Golf Club in outside competitions.

The policy sets out the disciplinary process and outlines to all players, members and the public how to make a complaint and how the disciplinary process of Mornington Golf Club works.

2. Code of Conduct

As a member of Mornington Golf 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 of sportsmanship, integrity, courtesy and respect, matters of conduct likely to reflect unfavourably on the game 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
- those matters specifically referred to in appendix I

A person engaging in any behaviour that may be detrimental to the game of golf or Mornington Golf Club is in breach of the Policy and should be reported to the Committee.

It is in the best interests of the game that such behaviour is reported and all players, members and members of the public are encouraged and have a duty to report such behaviour.

3. Club Committee

The Mornington Golf Club Committee (Committee) will oversee the complaints procedure set out in Section 4 of the Policy and will conduct investigations, hearings and impose penalties within the guidelines in Section 7 of the Policy as may be deemed necessary. The Committee reserve the right to delegate their duties when a situation may arise where to do so would support the process.

The Committee will also be responsible for implementing the Policy in a fair and impartial manner. The Committee will appoint an authorised person (Convenor) to oversee the Complaint process. A subcommittee and or Hearing Body may be appointed to hear and resolve the complaint if required. (Constitution 14.9 Hearing Body).

4. Committee Functions

The Committee will meet on an as required basis to perform the following functions:

- review complaints information notices in relation to grade 1 offences and ensure consistency in application
- consider all grade 2 and 3 offences
- where necessary hold investigations, including a hearing into the complaint
- hold hearings in respect to any appeal over which it has jurisdiction

For the more serious grade 2 and 3 offences, the Committee or authorised delegate may, after initial investigation, find the conduct being complained of is such that the Committee or authorised delegate considers the same a serious violation of the club Constitution or the rules of golf or behaviour which might be likely to bring the club into disrepute.

The Committee or authorised delegate may then look to take further action by way of suspension or expulsion under Appendix 2 Grade 3, but shall first give written notice to the member particularising the complaint or conduct complained of and allow (as hereinafter provided) the member a reasonable opportunity to be heard on the matter and/or to provide a written response.

At any hearing the Committee or authorised delegate may ultimately regulate the procedure of the hearing and the Committee and/or the member may each be represented by Legal Counsel.

For the guidance of members, complainants and the Committee or authorised delegate, it is expected that as a minimum requirement the Committee or authorised delegate shall follow the procedures set out below namely;

- a) In any process investigation undertaken by the Committee or authorised delegate will conduct matters in a procedurally fair manner and will observe and adhere to the principles of natural justice in conducting such investigation.
- b) Natural justice will require the Committee or authorised delegate to:
 - give written notice to the member against whom a complaint has been made, particularising the complaint or conduct complained of, and providing the member with all information available to the Committee or authorised delegate from either a complainant, any preliminary investigation undertaken by the Committee, and information held in relation to any matters investigated by the Committee or authorised delegate; and
 - the member or members complained against, must be given a reasonable time and opportunity to be able to provide a written response to the complaint made against them; and
 - the member complained against must also be given a real and full opportunity to be heard on the matter, and to be represented throughout by a Lawyer if so desired by the member; and
 - a hearing must be held and conducted in a fair and unbiased manner; and must be held so as to allow the member to hear the complaint, and all or any supporting evidence in full, and with a right reserved to the member to cross-examine any complainant and to be able to provide evidence in support of the members defence; and

- any hearing must be determined solely on the information before the Committee or authorised delegate, by reference to the original complaint, and by reference only to the information and material provided to the member in accordance with this procedure; and
- no complainant who is a Committee Member shall be appointed for the purpose of hearing the complaint nor shall they be entitled to take part in any deliberative determination of the matter, their role being limited to provision of a report or acting as a witness; and
- the Committee or authorised delegate may be represented by legal Counsel but such Counsel engaged shall not take part in any deliberative determination of the complaint, Counsel's role being limited to advising the Committee or authorised delegate in respect to matters of process and any legal issues arising in the course of an investigation and/or hearing; and
- the Committee or authorised delegate shall give written reasons for its decision and the Committee or authorised delegate may, following a hearing, adjourn the proceedings for the purpose of taking time to consider its decision; and
- the Committee or authorised delegate shall advise any member against whom an adverse determination is made of the rights that member has to appeal the decision of the Committee or authorised delegate and the time limits within which such or any appeal must be made; and
- the Committee or authorised delegate shall keep a record of disciplinary determinations made by it
- Any decision by the Committee or authorised delegate in relation to a complaint shall be undertaken by secret ballot and shall be final.

5. Complaints Procedure

Complaints may be made by any person including a competitor, member, visiting guests, other associated golf club members, and members of the public.

Complaints must be made in writing to the Committee of the Mornington Golf Club, within 14 working days of the matter occurring.

Once a complaint is received the Club Committee will determine the nature of the offence and if, in their opinion required to do so, grade it in accordance with Section 6 below. The Club Committee will then take the following actions;

1. If the matter is Grade 1, of a minor nature, the Committee or authorised delegate will discuss the complaint with the person(s) involved and deal with the complaint by either dismissing the complaint or deal with it by way of the first step in Appendix 2 and whereupon the matter will be closed;
2. If the matter is Grade 1, but the person involved has already had step one of Appendix 2, then the Committee or authorised delegate will discuss the complaint with the person(s) involved and either dismiss the complaint or deal with it by way of the second step in Appendix 2 and whereupon the matter will be closed;
3. If the matter is a Grade 2 or Grade 3 offence, or involves a Grade 1 suspension or expulsion, the Committee or authorised delegate 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 notice. This may include speaking to the accused person and getting a written report from that person. The matter will then be referred in accordance with Section 6 of the Policy.

The Committee or authorised delegate 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. In general terms the Committee or authorised delegate will have regard to the processes and procedures referred to in Section 4(b) of the Policy.

6. Grading of Complaints

All complaints and charges are to be graded 1 to 3 with one being the lightest grading and three the most serious. This is done by reference to Appendix 1 and the following notes.

The Committee or authorised delegate is required to determine the grading of the offence. The grading allocated will determine the action to be taken and the potential penalty a member may receive. Therefore consistency of grading across offences is important and it is a requirement that records are kept to support the grading process.

On some occasions, the Committee or authorised delegate may not recommend a grading because of the seriousness of an incident and may automatically refer the charge to the Club President. The Committee also reserves to itself the right to investigate any matter on its own motion and whether any outside or member complaint has been made or not.

7. Decisions and Penalties

If a Grade 1 complaint is upheld by the Committee, they shall give their decision within 5 working days or such further time (not exceeding a further 10 working days) as they shall advise, with reasons for the decision and any penalty imposed.

If a Grade 2, Grade 3 or Grade 1 suspension or expulsion complaint is upheld by the Committee, it shall give its written decision within 5 working days or such further time (not exceeding a further 10 working days) as the Committee 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 Committee may still continue its own investigation of the matter. The Committee, may agree to extend the applicable time frame if an unforeseen situation were to arise.

8. Appeals

There shall be no right of appeal or right of review of a decision, as stated in 14.13 Constitution. Members have the right to appeal decisions of the Club to Golf NZ but only if a right of appeal is permitted under the constitution and regulation of Golf NZ.

Appendix 1

Attached are some examples of complaints of conduct likely to bring the club or game into disrepute.

These are not complete lists and there may be other behaviours not listed and complained of that are considered likely to bring the club or game into disrepute.

Grade 1 Offences

Some examples of conduct that would be considered a Grade 1 offence

- bad language
- ill-mannered behaviour
- abuse of equipment, throwing or breaking of clubs
- use of club other than within the intentions of the game e.g. damaging trees, tee markers or course or use of clubs to display ill temper
- failure to complete a round when representing the club at a tournament or interclub event

Grade 2 Offences

Some examples of conduct that would be considered a Grade 2 offence

- behaviour bringing the club into disrepute
- excessive or offensive bad language
- verbal abuse or threatening behaviour to another player
- theft of minor items
- intentional damage to course, clubhouse or equipment of a minor nature

Grade 3 Offences

Some examples of conduct that would be considered a Grade 3 offence

- behaviour bringing the club into disrepute
- any serious misuse of alcohol or drugs on the course or club premises
- serious theft
- assault of a player, official, member, guest or member of the public
- sexual or verbal harassment
- intentional damage to course, clubhouse or equipment of a serious nature

Grade 1 Offence

If no previous offences any one of the following processes will be adopted:

1. Verbal warning with notice on file;
2. Written warning issued to member;
3. Penalty of suspension imposed by the Committee;

If the next incident is a Grade 2 offence then that process will override the above.

Grade 2 Offence

If no previous offences any one of the following processes will be adopted depending on the seriousness of the offence:

1. Written warning issued to member;
2. Penalty of suspension imposed by the Committee;
3. Penalty of expulsion as determined by the Committee

If the offence is considered serious, or there are other recent offences, then a step can be passed at the discretion of the Committee.

Grade 3 Offence

Depending on the seriousness of the offence any one of the following actions may be adopted;

1. Written warning issued to member;
2. Penalty of suspension imposed by the Committee;
3. Penalty of expulsion as determined by the Committee

Step 1 will only be taken if the offence is of a lesser scale otherwise a penalty of suspension will usually be imposed.

A clean slate policy will apply to any Grade 1, Grade 2 or Grade 3 offence which did not result in the suspension or expulsion of a member after a twelve month period from date of last penalty.