



## ERINVALE GOLF CLUB

### COMPLAINTS, GRIEVANCES AND DISCIPLINARY PROCEDURES DISCIPLINARY CODE

The aim with this document is to provide guidance to the Committee and Management regarding the handling and referral of complaints and grievances, and the conducting of disciplinary proceedings, in accordance with the framework contemplated in the Constitution and the Rules of the Club.

Any complaint impacting the employer/employee relationship between the Club and its employees, shall be handled in accordance with the processes and procedures embedded in the Employment Agreement and the related Human Resources Policies and Procedures of the Club.

Any dispute arising from, or in connection with the Constitution and the Rules, or between any Member and the Club or the Committee shall be finally resolved as provided in Article 33 of the EGC Constitution.

#### 1. COMPLAINTS

##### 1.1. Context

1.1.1. This section pertains to complaints received by Management and/or the Committee regarding the contravention of any of the provisions of the Constitution of the Club and/or the Rules.

1.1.2. Suffice it to mention that a complaint as contemplated herein may be raised by any of the following.

- Current Member of the Club
- Member of staff or the management of the Club
- Third party (e.g., guest or another club) who may have been affected by the alleged misconduct.

1.1.3. The Club has developed a protocol aligned with its Constitution and the Rules to attend to complaints expeditiously and in compliance with the principles of natural justice, and any other applicable legal prescript.

##### 1.2. Protocol

1.2.1. The protocol contained herein must also be contextualized with reference to the empowering provisions embedded in the Constitution of the Club.



- 1.2.2. The Committee decided to delegate its authority in terms of Article 23.1.16 of the EGC Constitution to deal with complaints against Members which prima facie do not warrant a formal disciplinary hearing.
- 1.2.3. It is herein determined that the required investigation shall take place under the auspices of the General Manager of the Club, unless the General Manager is implicated in the complaint, in which instance the Committee will appoint a member from its ranks to lead the investigation.
- 1.2.4. The aim with this section is to guide the General Manager or the Member of the Committee (hereinafter referred to as Management) regarding process and procedure with a view to ensuring procedural fairness, and to confirm the concomitant delegated authority of Management regarding the imposition of remedial actions.
- 1.2.5. The process and procedure applied by Management must comply with the principles of natural justice in general, the Promotion of Administrative Justice Act, 2000, the Promotion of Access to Information Act, 2000, and the related Schedules of Good Practice, as may be applicable.
- 1.2.6. Further to paragraph 1.2.5 above, Management shall regardless of the stage of an enquiry be obliged to refer the matter for a disciplinary hearing should the appropriate remedial action transcend the delegated authority of Management.

### 1.3. Complaint: Criteria

- 1.3.1. Any alleged misconduct must be filed as a complaint and must be in writing.
- 1.3.2. Complaints must be raised as soon as reasonably possible, preferably within 72 hours of the event. A late referral shall, however, not deny a complainant the right of referral.
- 1.3.3. The complaint must set out all the relevant facts and must be delivered to the office of the General Manager in person or by email.
- 1.3.4. The complaint must clearly set out and include the following:
  - The complainant must clearly identify the person or persons who are alleged to have transgressed and clearly describe the actions or complaint; and
  - The complainant must identify people who are possibly able to act as witnesses.

### 1.4. Procedure

- 1.4.1. Upon receipt of a complaint Management shall:
  - Assess the complaint to ensure that all the relevant information has been provided and clear up any aspect which might be unclear;
  - Approach such persons identified as witnesses to establish whether they can provide input and whether they are prepared to provide written statements and obtain such statements where possible; and



- Without assuming any third party liability, assist and advise the complainant as may be required.
- 1.4.2. Once the complaint is clear and witness statements have been obtained, the Management will be guided by the following before ruling on the matter.
- 1.4.3. The Management's investigative process should include the following elements:
- The person, or entity (hereinafter referred to as "the party"), whose rights may be negatively affected by the outcome of the investigation, must be given notice of the complaint (full details of the transgression and with reference to the Constitution and the Rules, etc), as well as detail of the action/s the Management could take, delivered to the affected party as contemplated in paragraph 34 of the EGC Constitution.
  - The party so affected, must be afforded the opportunity to respond to the alleged transgression/s and intended action/s in Writing (and to request any additional/further information/clarification relevant to the alleged transgression if so wished, and which may not be refused unreasonably), and to appear in person, or by any form of electronic medium before the Management to present or respond to arguments.
  - Management must consider the response from the affected party and may take any additional and appropriate action to establish and verify the facts of the case, whereafter the Management will make a ruling on the matter and impose, if appropriate, a remedial measure.
  - The remedial action imposed by Management must be rational and reasonable based on the facts before the Management, and within the delegated authority of Management.
- 1.4.4. Management will be obliged to act in accordance with its duties and powers, and conclude the process determined in paragraph 1.4.1 to 1.4.3 above with due regard to all circumstances relevant to the complaint within a reasonable time. The General Manager shall notify the affected party and the Committee in writing of Management's ruling within 3 working days after conclusion of the process.
- 1.4.5. Management is also obliged to refer any complaint constituting the breach of any legal prescript and/or a criminal offence to the relevant authorities.
- 1.4.6. Management's ruling in this matter will, subject to paragraph 1.4.7 below, be final.
- 1.4.7. The Party affected by the ruling of Management may appeal against the ruling as provided in paragraph 3.6 of the Disciplinary Code of the Club, with the amendments required by the context.

## 1.5. Remedial Options and Permutations

- 1.5.1. Management is entitled to, depending on the circumstances and practicability, and without limiting the rights of the Club in terms of the Constitution and the Rules, apply any of the following remedial actions, or a combination thereof:



- Demand specific performance of whatsoever nature as required in the Constitution, the Rules, or any approved Policy or Code.
- Exercise the rights of the Club to rectify the breach and to claim the associated costs from the Member, tenant or any other person involved.
- Report the breach to relevant authorities, as applicable.
- Demand an unconditional Written apology containing a particular content.
- Issue a Written warning to refrain from certain actions or behaviour, with a clear indication of the action/s likely to be taken by the Club under similar circumstances in future.
- Prescribe a particular action/s to be taken by the person in breach to remedy the situation, with specific directives pertaining to the time within which the breach should be rectified, the nature of the actions required, any terms, conditions, and standards with reference to any Statutory Provision, the Constitution, the Rules, or any other reasonable condition required by the circumstances.

## 2. GRIEVANCE PROCEDURE

- 2.1. This Grievance Procedure constitutes the Grievance Procedure contemplated in Article 23.1.25 of the Constitution of the Club.
- 2.2. This Grievance Procedure is compulsory and must be followed by any Member in relation to complaints against or disputes with another Member, or with the Committee or any member of the Committee in fulfilling their duties and functions as Committee members, or with the Management, or any Employee employed by the Club.
- 2.3. Should any grievance arise, the aggrieved party must in writing submit his/her grievance to the General Manager of the Club, who shall as soon as possible (within 5 working days) request a meeting with the affected parties, as he/she may deem appropriate considering the nature and complexity of the grievance.
- 2.4. The meeting contemplated in paragraph 2.3 above, is aimed at establishing the facts and circumstances relevant to the grievance, to receive representations from the affected parties, and to find a solution to the satisfaction of all parties involved. The General Manager may request additional information and, adopting an inquisitorial procedure, seek further clarification pertaining to material elements of the grievance.
- 2.5. The General Manager will communicate the outcome of the process described in paragraph 2.3 and 2.4 above in writing to the affected parties within 3 working days after concluding such.
- 2.6. Should the grievance remain unresolved, and/or any of the affected parties remain aggrieved by the determination of the General Manager, he/she may request a review of the matter by the Committee, whose ruling on the matter will be final and binding on all the affected parties.
- 2.7. Should any grievance involve the General Manager as an affected party, the Chairperson of the Committee shall appoint a Member of the Committee to function as the first port of call for the aggrieved party, and the reviewing authority will be the Committee, provided that the



Member of the Committee who acted as the first port of call in the matter, must recuse him/herself from the reviewing process.

- 2.8. Notwithstanding the provisions of this Grievance Procedure, an aggrieved party may approach any other competent authority for appropriate relief.

### 3. DISCIPLINARY PROCEDURES

#### 3.1. Context

- 3.1.1. This Code constitutes the Disciplinary Code contemplated in Article 12 of the Constitution of the Club.
- 3.1.2. The Code has been approved by the Members at the Annual General Meeting held on 1<sup>st</sup> October 2024.
- 3.1.3. The effective date of this Code is the date of approval thereof at the Annual General Meeting.
- 3.1.4. Any action taken by the Club in accordance with preceding related provisions of the Constitution, remain valid and any incomplete process initiated in accordance therewith shall be completed accordingly.
- 3.1.5. The processes and procedures embedded in this Code shall be followed in instances where the alleged misconduct of a Member warrant a formal disciplinary hearing and the Committee has exercised its discretion in terms of Article 23.1.16 of the Constitution of the Club accordingly.
- 3.1.6. In the event of a Member failing to pay the Annual Subscription and Other Levies and Charges, only paragraph 3.7 of the Code shall apply.

#### 3.2. Definitions

- 3.2.1. Unless otherwise indicated herein words and expressions used in this Code will carry the meaning as defined in the Constitution of the Club.

**Appeal Committee** means a sub-committee of the Committee comprising of the President or Vice-President of the Club, who shall act as Chairperson, and 2 (two) Full Members of the Club (who are not members of the Committee), selected by the Committee from a panel of 5 (five) Full Members who confirmed their availability to the Committee to serve on the Appeal Committee.



- Disciplinary Committee** means a sub-committee of the Committee comprising of at least three members of the Committee, including the Captain and/or the Vice-Captain of the Club, one of whom shall act as Chairperson.
- Committee** means the Club Committee provided for in Article 19 and 20 of the Constitution of the Club.

### 3.3. Status

- 3.3.1. The Disciplinary Committee and the Appeal Committee are sub-committees of the Committee contemplated in Article 23.1.2 of the Constitution of the Club and shall be appointed by the Committee at its first meeting after the Annual General meeting or at the first subsequent Committee meeting. The Committee may at the meeting appoint a panel of five (5) competent Members of the Club and/or the HOA from which ad hoc appointments to the Disciplinary Committee may be made, as may be required by the circumstances applicable to a particular hearing.
- 3.3.2. The main object of the Disciplinary Committee is to conduct disciplinary hearings in accordance with the approved processes as may be necessary, to make a ruling, and to take any other appropriate action to give effect to the imposed disciplinary measure/s.
- 3.3.3. The main object of the Appeal Committee is to conduct an appeal process in accordance with the approved processes regarding any ruling of the Disciplinary Committee and the related imposed disciplinary measure/s.
- 3.3.4. The main object of the Committee in terms of this Code is to exercise its authority as provided for in paragraph 3.6 of this Code.

### 3.4. Disciplinary Committee Procedures

- 3.4.1. The Chairperson of the Disciplinary Committee must convene a meeting of the Disciplinary Committee within 3 (three) Calendar days after receiving the reference from the Committee as contemplated in Article 23.1.16 of the Constitution of the Club.
- 3.4.2. Should the Disciplinary Committee, however, resolve that the matter referred to the Disciplinary Committee does not warrant a disciplinary hearing, the matter shall be referred to the Committee for appropriate action in accordance with the delegated Complaint Procedure.
- 3.4.3. If the Disciplinary Committee resolves that the complaint indeed warrants a disciplinary hearing the following procedure must be followed to ensure compliance with the principles of natural justice, in general, and PAJA and PAIA and the related Schedules and principles, as may be applicable:
- 3.4.3.1. The Member whose rights will be negatively affected by the decision of the Disciplinary Committee must be given notice of the alleged transgression (full details of the transgression and with reference to the Constitution and the Rules, etc), as well as detail of the action/s the Disciplinary Committee intend to take, delivered to the affected Member as contemplated in Article 34 of the Constitution of the Club.



- 3.4.3.2. The affected Member must furthermore be informed of the date, time, and place of the disciplinary hearing within 3 (three) Calendar days of the Disciplinary Committee's decision to proceed with a hearing, which date shall be not less than 14 (fourteen) Calendar days before the hearing, or such earlier date as may be agreed between the Disciplinary Committee and the affected Member.
- 3.4.3.3. The affected Member must be afforded the opportunity to respond to the alleged transgression/s and intended action/s in writing (and to request any additional/further information/clarification relevant to the alleged transgression if so wished, and which may not be refused unreasonably), and to appear in person, or by any form of electronic medium before the Disciplinary Committee to present or respond to arguments.
- 3.4.3.4. Written representations and submissions must be submitted to the Chairperson of the Disciplinary Committee not less than 2 (two) Calendar days before the hearing.
- 3.4.3.5. The affected Member shall provide an address, and stipulate the method of communication, if the Member so prefer, for the delivery of the ruling of the Disciplinary Committee. The Disciplinary Committee must consider the response from the affected Member and may take any additional and appropriate action to establish and verify the facts of the case, whereafter the affected Member must within a reasonable time be notified in writing of the Disciplinary Committee's ruling on the matter.
- 3.4.3.6. The decision of the Disciplinary Committee shall be communicated to the affected Member at the address and by the method of communication provided for this purpose by the affected Member, and in the absence of such a communication to the address and the method of communication as envisaged in terms of Article 34 of the Constitution. The decision of the Disciplinary committee dispatched as above shall be deemed to be proper communication of the decision to the affected Member.
- 3.4.4. The affected Member acknowledge and accept that the Disciplinary Committee has no right or power to subpoena any witness to give evidence or present documents or other evidence at the hearing.
- 3.4.5. The remedial action imposed by the Disciplinary Committee must be rational and reasonable based on the facts before the Disciplinary Committee.
- 3.4.6. The Disciplinary Committee must in the imposition of the remedial action consider factors in mitigation and will also be entitled to escalate remedial actions and penalties for habitual transgressors.
- 3.4.7. The ruling of the Disciplinary Committee is final, subject to the provisions of paragraph 6 below.
- 3.4.8. The Disciplinary Committee is also required to provide reasons for the ruling when requested to do so.



- 3.4.9. The affected Member shall not be entitled to legal representation at a disciplinary hearing. Permission may be granted on application by the Disciplinary Committee due to the nature of the alleged breach.

### 3.5. Disciplinary Measures

- 3.5.1. Should any Member in the opinion of the Disciplinary Committee, commit any breach of the Constitution, and/or the Rules of the Club, or be guilty of any conduct likely to reflect negatively on, or discredit the Club, or its Members as a group, or of conduct that is prejudicial to the collective interests or reputation of the Club, whether within the Club's premises or elsewhere, and in whatever form or manner, the Disciplinary Committee shall have the power, in its discretion, to impose the following disciplinary measure/s, and any combination thereof:

- Demand specific performance of whatsoever nature as required in the Constitution, the Rules, or any approved Policy or Code;
- Exercise the rights of the Club to rectify the breach and to claim the associated costs from the Member, or any other person involved;
- Report the breach to relevant authorities, as may be applicable;
- Demand an unconditional written apology, containing a particular content;
- Issue a written or final written warning to refrain from certain actions or behaviour, with a clear indication of the action/s likely to be taken by the Club under similar circumstances in future;
- Prescribe a particular action/s to be taken by the person in breach to remedy the situation, with specific directives pertaining to the time within which the breach should be rectified, the nature of the actions required, any terms, conditions, and standards with reference to any Statutory Provision, the Constitution, the Rules, or any other reasonable condition required by the circumstances;
- Deprive the Member of all or any rights and privileges of Membership for such period as the Disciplinary Committee may deem appropriate;
- Suspend the Member for such period as the Disciplinary Committee may deem appropriate;
- Request the payment of a Debt as contemplated in the Constitution and the Rules which is due and payable to the Club;
- Impose a penalty on the Member which shall be a Debt due and payable to the Club on demand, provided that the maximum penalty which may be imposed shall not exceed an amount equivalent to 10% (ten percent) of that Member's Annual Subscription. The actual amount payable, will be determined by the circumstances applicable to the incident, behavioural trends at the Club, as well as the record of transgressions of the Constitution and the Rules by the Member/s involved;
- Call upon a Member in writing to resign, and if he/she fails to resign within 7 (seven) Calendar days, the Disciplinary Committee may expel such Member from the Club; and/or
- Declare the Member for such period as the Disciplinary Committee shall deem fit ineligible for election or re-election to the Committee, or any Sub-committee of the





Committee.

- 3.5.2. In the case of a Nominee nominated in terms of article 8 of the Constitution of the Club, the Disciplinary Committee may in addition to the powers set out in paragraph 3.5.1 above, proceed against the Member who nominated the Nominee in whatever manner it deems appropriate, provided such actions fall within the powers of the Disciplinary Committee.

### 3.6. Appeal Committee Procedures

- 3.6.1. The affected Member shall have the right to appeal to an Appeal Committee constituted in terms of paragraph 3.2.1 above against any ruling of or disciplinary measure imposed by a Disciplinary Committee.
- 3.6.2. The Notice of Appeal of the affected Member shall be submitted in writing and must be received by the Club within 7 (seven) Calendar days of receipt by the affected Member of the communication referred to in paragraph 3.4.3.6 above, failing which the decision of the Disciplinary Committee shall be final and binding.
- 3.6.3. The Notice of Appeal must indicate whether the appeal is lodged against the ruling of and/or the disciplinary measure imposed by the disciplinary Committee.
- 3.6.4. The Appeal Committee, constituted in terms of paragraph 3.2.1 above shall be appointed by the Committee within 7 (seven) Calendar days after receipt by the Club of the affected Member's Notice of Appeal.
- 3.6.5. The Chairperson of the Appeal Committee shall inform the affected Member in writing of the date, time, and place of its appeal hearing, not less than 7 (seven) Calendar days before the date of the hearing.
- 3.6.6. The Chairperson of the Disciplinary Committee shall provide the members of the Appeal Committee with a full record of the Disciplinary Committee proceedings, including its ruling and the disciplinary measures imposed, and all supporting documentation and evidence, not less than 2 (two) Calendar days before the date set for the appeal hearing.
- 3.6.7. The affected Member shall be given the opportunity to make oral or written representations and submissions to the Appeal Committee. If the member elects to make written submissions he shall do so not later than 48 (forty-eight) hours before the commencement of the appeal hearing.
- 3.6.8. The Affected member shall not be entitled or allowed to present any new evidence in any form at the appeal hearing.
- 3.6.9. Neither the Club nor the affected Member shall be entitled to legal representation at the appeal hearing.
- 3.6.10. The Appeal Committee shall convey its decision to the affected Member in writing within a reasonable time of the conclusion of the appeal hearing.



3.6.11. Written communication to the affected Member shall be dispatched to the address and by the method indicated by the Affected Member or provided in Article 34 of the Constitution of the Club, as may be applicable.

### 3.7. Failure to Pay Annual Subscription and Other Levies and Charges

3.7.1. Should a Member fail to pay the Annual Subscription, special or other levies or any other charges due and payable to the Club by the due and payable date, the Committee shall have the power and authority in its discretion and on written notice to the affected Member:

- Reprimand the Member;
- Suspend the Member for such period as the Committee may deem fit and appropriate;
- Terminate the Membership of the Member with immediate effect if the Member has failed to pay the Annual Subscription, special or other levies or any other charges due and payable within 30 (thirty) Calendar days of becoming due and payable;
- In the case of a Nominated Member (Nominee) nominated in terms of Article 8 of the Constitution, in addition to any action taken against the Nominee, may in accordance with Article 8.9 of the Constitution proceed and act against the Member who nominated the Nominee, in whatever manner it may deem fit and appropriate, provided that such action falls within the powers set out in paragraph 3.5 above.
- A Member affected by any action taken by or decision of the Committee in terms of this paragraph shall have no right of appeal against the action or decision.

### 3.8. General

Notwithstanding the provisions of this Disciplinary Code, an affected party may approach any other competent authority for appropriate relief.

A handwritten signature or set of initials in black ink, located in the bottom right corner of the page.