

## **ARTICLE X. DISCIPLINARY ACTION**

### **Section 10.01 - General**

Except for penalties under the Rules of Golf, any Participant subject to disciplinary action or penalty as defined in Article IX shall first be notified of such proposed action in writing. Within fifteen (15) days from receipt of the notice, the Participant shall submit to the Philadelphia Section PGA Tournament Director or the Philadelphia Section PGA Executive Director such facts or evidence of mitigating circumstances as may apply. Within fifteen (15) days of receipt of such information from the Participant, the Philadelphia Section PGA Tournament Director or the Philadelphia Section PGA Executive Director shall notify the Participant in writing of the imposition of the proposed disciplinary action. After imposition of any penalty hereunder, the Participant shall have the right to appeal as set forth in Section 10.04 below.

### **Section 10.02 - Tournament Disciplinary Committee Members**

Subject to the provision of the PGA of America Bylaws, the Tournament Disciplinary Committee shall have the primary jurisdiction in any situation or incident involving a violation of the Philadelphia Section PGA Tournament Rules & Regulations. The Tournament Disciplinary Committee shall consist of five (5) members, including the Director - Tournaments, selected Past Section Presidents and/or selected members of the Tournament Committee. The Director - Tournaments shall be the Chairperson of the Tournament Disciplinary Committee. At the discretion of the Director-Tournaments and in order for the committee to be responsive, any active member of the Tournament Committee may be called in to serve at any time. The five (5) members of the committee may be interchangeable so as to handle any incident that arises in a reasonable amount of time.

Note: The Executive Director or Section Tournament Director shall serve as administrator of the Disciplinary Committee Process. They will have ex-officio status during the process and will provide information and counsel to the committee as needed..

### **Section 10.03 - Tournament Disciplinary Committee Authority**

If any individual is thought to be in violation of the rules, ethics, or Code of Conduct of the Philadelphia Section PGA Tournament Rules & Regulations, the Tournament Disciplinary Committee shall have the power, by simple majority, to impose upon such violator, a fine/suspension as outlined in section 9.02 above.

### **Section 10.04 - Appeal**

- (a) Minor Penalties as defined in Section 9.02 (a). Appeals from Minor Penalties shall be to the Tournament Disciplinary Committee Chairperson (or his/her designee). Such appeal must be in writing. Such appeal shall be received by the Tournament Disciplinary Committee Chair no later than thirty (30) days subsequent to the infraction. The Tournament Disciplinary Committee Chair shall render the decision on appeal in writing within thirty (30) days of the receipt of the appeal and submit a final report to the Philadelphia Section PGA Executive Director. The Philadelphia Section PGA Executive Director shall submit this final report to the Association General Counsel. Such decision shall be final. Notwithstanding the foregoing, in the event that the Section determines that it would prefer that a Minor Penalty shall initially be submitted to the Board of Control for a hearing in lieu of action by the Philadelphia Section PGA, then the Philadelphia Section PGA Executive Committee will follow all procedures set forth herein for all matters submitted to the Board of Control for Code of Ethics procedures.
- (b) Major Penalties as defined in Section 9.02 (b). Within thirty (30) days from the date of notification of a Major Penalty, the Participant may submit a written appeal to the Philadelphia Section PGA Executive Committee. Failure to file such an appeal shall be deemed as a waiver of all rights to pursue any further appeal and an acceptance of the penalties imposed.

Following the receipt of a written appeal of a Major Penalty, the Philadelphia Section PGA Executive Committee will prepare a report of the matter to the Board of Control and the matter will be set for a hearing before the Board of Control in accordance with all applicable procedures set forth in the PGA Code of Ethics for ethics appeals heard by the Board of Control. The decision of the Board of Control shall be final. An appeal shall operate to stay the effective date of any penalty, except suspension from a Philadelphia Section PGA tournament then in progress or scheduled for the calendar week in which the alleged violation occurred, until after a final decision on the appeal.

Note: All fines must be paid within thirty (30) days from the imposition of the fine, or in the event of an appeal, within (30) days from the decision rendered by the Board of Control in the event the Board of Control upholds the findings of the Tournament Committee Chair.

Note: Only PGA members who are members of the Tournament Disciplinary Committee may vote on matters involving disciplinary action against another PGA member.