Professional Disc Golf Association Disciplinary Policy and Process

Effective January 1, 2020

The Professional Disc Golf Association (“PDGA”) reserves the right to determine and enforce disciplinary action upon PDGA Members. A PDGA Member is someone who has, at any point, joined the PDGA and received a PDGA number. The PDGA Board of Directors (“Board”) has established the Disciplinary Committee (“Committee”) to investigate and make recommendations in dealing with extraordinary disciplinary matters. The Committee must be fair and consistent when sanctions are necessary, and it must not be arbitrary and capricious in its rulings. This document, in the interest of transparency and accountability, outlines the processes and procedures used by the Committee and the PDGA to evaluate each Disciplinary Action (“Action”) and impose a penalty or penalties when and where it is merited.

I. Composition and Duties of the Committee; Jurisdiction

A. Composition. The Committee will consist of one Chairperson and as many members as the Board deems necessary to adequately address disciplinary matters, but in any event, no fewer than three members, which, per the PDGA Bylaws, must be active members in good standing of the PDGA. In addition to the requirements of the Bylaws, members of the Committee must be current Certified Officials, and maintain that status while they are a member of the Committee. Committee members are nominated by the Chair and confirmed either by a simple majority vote or unanimous consent of the Board. Committee members must recuse themselves from decision-making in any Action where their personal relationship with any involved party prevents them from evaluating the facts and circumstances in a fair and impartial manner. The Committee reports to the Board through an appointed Board Liaison (which will be the Board President unless otherwise decided by the Board), and the Board possesses oversight power as to the Committee. Any other Board Members who serve as regular members of the Committee will do so ex officio, as non-voting members.

B. Chairperson’s Duties; Committee Duties. The Chairperson of the Committee is responsible for the nomination of Committee members as detailed in I.A., above, and for completion of all investigations related to Actions and for the submission of recommendations to the full Committee. The Chairperson may utilize other Committee members to investigate and submit information pertaining to Actions as well as the completion of documents pertaining to investigations. C. Jurisdiction. The jurisdiction of the Committee will encompass only incidents which take place at PDGA events or are substantially related to the planning, execution, or peripheral matters regarding PDGA-sanctioned events. The member whose actions are the subject of the Action (“Respondent Member”) need not be a participant in the event for their conduct to be subject to penalty. The Committee has jurisdiction only where the recourse available to players and Tournament Directors through the Official Rules of Disc Golf and Competition Manual for Disc Golf Events (together, “Rules of Play”) are insufficient to address the circumstances or situation, or where the Rules of Play specifically indicate that the Committee has authority to further levy penalties.
II. Classes of Offense and Penalties

A. Mitigating and Aggravating Factors. There are five classes of offense used in Actions, detailed below. Each class carries a standard penalty. The standard penalty may be lessened if the Committee finds that evidence indicates the presence of mitigating factors, or raised if the Committee finds that evidence indicates the presence of aggravating factors.

Mitigating factors are circumstances that tend to indicate that lesser punishments are warranted. Such factors include, but are not limited to, the Respondent Member’s age (if they are a junior competing in Amateur divisions), the Respondent Member expressing genuine remorse, or where they are particularly cooperative.

Aggravating factors are circumstances that tend to indicate that greater punishments are warranted. Such factors include, but are not limited to, repeated or concurrent offenses by the Respondent Member in that class or in other classes, willful obstruction or attempt to hide evidence of wrongdoing, or lack of remorse.

B. Applicable Class and Penalty. If an Action contains a situation that is not covered by one of the five classes of offense, the Committee will use their best judgment and general principles of fairness to determine which class applies. If an Action contains allegations of multiple violations, the Committee should default to the penalty for the most serious class of offense and consider lesser offenses as potential aggravating factors (e.g., a Class D alcohol violation combined with a Class C verbal abuse or harassment violation should be treated as a single Class C offense with a potential aggravating factor).

C. Types of Penalties. Three types of penalties are available to the Committee: probation, suspension, and permanent ban. Probation means a specified period during which subsequent Actions involving the Respondent Member will automatically be considered to possess aggravating factors. Suspension means a specified period during which the Respondent Member may not play in, register for, direct, or officiate PDGA events, and during which the Respondent Member may neither hold PDGA office nor vote in PDGA elections. Permanent ban means the Respondent Member is no longer eligible for PDGA membership or eligible to participate in PDGA events in any capacity, and their PDGA membership has been revoked.

D. Classes of Offense. The classes of offense are as follows:

Class A Offenses. Class A offenses are the most serious category, and generally involve actual harm to other players. Physical battery, sexual assault, credible threats of imminent harm to another player, stalking, and intimidation are among potential Class A offenses. Class A offenses carry a standard penalty of a 24-month suspension followed by twelve months of probation. Aggravating factors may lead the Committee to consider penalties up to or including a permanent ban. Mitigating factors may lead the Committee to consider lesser penalties.
Class B Offenses. Class B offenses generally involve intentional subversion of the Rules of Play, dishonesty, or cheating. Purposeful misuse or misinterpretation of the Rules of Play and/or Competition Manual to gain a competitive advantage, purposefully misreporting scores of any player, impersonating another PDGA member, or refusing to provide the name associated with the player’s PDGA membership and/or PDGA number when competing are among potential Class B offenses. The purposeful filing of a frivolous or baseless complaint to the Committee is also a Class B offense. Class B offenses carry a standard penalty of a twelve-month suspension followed by twelve months of probation. Aggravating factors may lead the Committee to consider penalties up to or including a permanent ban from PDGA events. Mitigating factors may lead the Committee to consider lesser penalties.

Class C Offenses. Class C offenses generally involve instances where intent is difficult to prove, but there is an articulable and provable pattern of misbehavior. Harassment without physical threat (such as, but not limited to, discrimination on the basis of sex, race or color, ethnic or national origin, sexual orientation, gender identity, religious beliefs or lack of religious beliefs, or disability; unwanted sexual advances; or racist, sexist, or prejudiced language or epithets), repeated failure to adhere to the Rules of Play without proof of intent to cheat, and habitual violations of courtesy rules are among potential Class C offenses. Class C offenses carry a standard penalty of a six-month suspension followed by three months of probation. Aggravating factors may lead the Committee to consider penalties up to or including a twelve-month suspension with six months of probation. Mitigating factors may lead the Committee to consider lesser penalties.

Class D Offenses. Class D offenses generally involve the impermissible use of alcohol or drugs in violation of the Rules of Play, including instances arising under CM 3.01.A and CM 3.08.G (such as, but not limited to, a tournament staff member who is intoxicated and unable to discharge their duties). Class D offenses carry a standard penalty of six months of probation. Aggravating factors may lead the Committee to consider penalties up to or including a six-month suspension with three months of probation. Mitigating factors may lead the Committee to consider lesser penalties.

Class E Offenses. Class E offenses are delegated by the Committee to PDGA Staff for investigation and evaluation. They are included here as offenses that must be publicly reported under the provisions of VI. Public Notice of Final Decision, below, and Staff decisions must therefore be noted with the Committee for record-keeping purposes. Class E offenses are administrative in nature, and deal with nonpayment of required event or player fees, violations of the PDGA Sanctioning Agreement regarding member and/or player data, or similar infractions. Class E offenses carry a standard minimum penalty of an open-ended suspension until the required fees are paid, followed by an additional month of suspension. Aggravating factors may lead PDGA Staff to refer the Action to the Committee, who may consider penalties up to or including an open-ended suspension until the required fees are paid, followed by an additional six months of suspension.
III. Standards of Proof; Types of Submissions.

A. Standard of Proof: Classes A, B, and C. When weighing evidence, the Committee will rely on the “clear and convincing” standard of proof for Class A, Class B, and Class C Offenses. “Clear and convincing” means the evidence presented is highly and substantially more probable to be true than untrue, and the Committee is convinced it is highly probable that the offense occurred.

B. Standard of Proof: Classes D and E. The Committee will rely on the “preponderance of the evidence” standard of proof for Class D and Class E Offenses. “Preponderance of the evidence” means the evidence presented is more likely to be true than untrue.

C. Types of Submissions. Actions may be submitted as one of four types:

Tournament Director submissions come from Tournament Directors. These Actions involve incidents at one or more PDGA events run by the Tournament Director. These may either be filed under the procedure in IV. Method of Submitting Actions, below, or may automatically be triggered through investigation into the circumstances of a reported disqualification.

Single Event submissions come from a PDGA member or members. These Actions involve one or more incidents at a single PDGA event, witnessed by all filing members.

Pattern or Practice submissions come from a group of at least five PDGA members. These Actions involve incidents at one or more PDGA events that constitute a pattern or practice of misbehavior or wrongdoing, where each filing member has witnessed one or more relevant incidents.

PDGA Board and Staff submissions come from members of the Board of Directors or PDGA Staff. These Actions involve incidents at one or more PDGA events that constitute a pattern or practice of wrongdoing, where evidence is sufficient to merit examination by the Committee, but neither of the other three submission categories is feasible. PDGA Board and Staff submissions are extraordinary remedies, and should not be used unless either player safety or the integrity of the game is seriously threatened by the alleged wrongdoing. The exception is Class E Offenses, which are normally handled entirely by the PDGA Staff.

IV. Method of Submitting Actions; Review Process.

A. Method of Submitting Actions. The process begins with a PDGA member who wishes to submit an Action (“Submitting Member”) filling out the Disciplinary Action Form (“Form”), available online at https://www.pdga.com/discipline/disciplinary-action-form, as completely as is possible. The Submitting Member should ensure they include all pertinent details, especially witness information and the identity of the Respondent Member. This information is crucial to a fair and
complete assessment of an Action. While the Form is the preferred method, Tournament Directors may also submit an action through noting the incident(s) in their TD Report.

B. Jurisdictional Threshold. Once the Form is filed, the Committee Chair will first determine whether the Rules of Play adequately address the matter. The Chair’s determination must be ratified by a majority of the full Committee. If the Committee determines that the Rules of Play alone – through stroke penalties, disqualification, etc. – are sufficient to deal with the concern presented by the Action, then the Committee does not have jurisdiction over the matter. The Committee will then inform the Submitting Member that the Form presented indicates that the Rules of Play contain appropriate penalties to address the Action. Such a determination will end the Committee’s role in the matter. However, the Submitting Member may, within ten (10) days of receiving notice from the Committee that their concern does not meet this jurisdictional threshold, appeal to the Board Liaison for reconsideration. Decisions of the Board Liaison regarding jurisdiction are final and may not be appealed.

C. Notice of Investigation. If the Committee determines that the Action merits further investigation, the Committee will make a reasonable attempt to inform the Respondent Member that an investigation is ongoing and of the nature of the investigation. This will include sending a summary of the complaint to the Respondent Member that includes: (a) the event or events where the accusation for improper behavior was levied; (b) a description of the accusation; and (c) a referral to this disciplinary process as published on the PDGA web site. At a minimum, the Committee will deliver this by certified electronic mail to the Respondent Member’s address on file with the PDGA.

D. Investigative Procedures and Respondent Member Rights. Once notice has been sent to the Respondent Member, the Committee will investigate the allegations detailed in the Form. The investigation will consist of interviewing the Respondent Member and all witnesses and relevant persons named in the Form. The Respondent Member has the right to refuse an interview or to provide any evidence of any kind, exculpatory or incriminating, to the Committee. Simple refusal to cooperate is not obstruction, and shall not be taken as an indicator of guilt, nor an aggravating factor, but such refusal may impact the Respondent Member’s options for a potential appeal (see V, Appeals, below). The Committee will consider all evidence presented, regardless of the Respondent Member’s level of participation. All interviews must be documented and submitted to all members of the Committee by the interviewer. All interviews should be in a standard format to ensure consistency between interviews; however, all pertinent lines of inquiry should be pursued in individual interviews. The Committee must make all reasonable efforts to identify and gather all available, material, and pertinent evidence. The investigation should be completed within three months of the Committee sending notice to the Respondent Member.

E. Analysis of Evidence and Preliminary Determination. When the Committee chair determines that the investigation is complete, the Action will be brought to the entire Committee for an open discussion period. The duration of this open discussion period should not exceed two weeks. The Committee Chair is responsible for directing the discussion and ensuring all viewpoints are adequately covered in a timely fashion, but the Committee will confine themselves to the evidence
presented during investigation. If the Committee decides that a penalty is warranted, its decision should use precedent as a guide while making a final determination based on the facts and circumstances and the rubric outlined in Section II, Classes of Offenses and Penalties, above. Once the Committee has come to a consensus, based on a vote of at least 50% of the Committee, the Committee Chair will write up a summary of the Action, including the findings of the Committee’s investigations and the recommendations for penalty, and submit it to the Board Liaison for their review.

F. Board Liaison Review, Final Decision, and Full Board Review. The Board Liaison, after reviewing the summary of the Action, may choose from the following responses:

a. Accept the findings of the Committee and their recommended penalty, issuing a final decision.

b. Accept the findings of the Committee, but recommend an alternative penalty and remand to the Committee for approval.

c. Neither accept nor decline the findings of the Committee and remand to the Committee with a recommendation that the Committee engage in further investigation.

d. Decline the findings of the Committee and recommend dismissal of the case.

Should the Board Liaison choose to decline the findings of the Committee and recommend dismissal, the Committee may, upon an 80% majority vote of Committee members, forward the Action to the full Board of Directors for review by simple majority. The Board Liaison may advocate for their position, but must recuse themselves from voting (i.e., vote “abstain” or decline to vote) in this review process. All decisions of the full Board of Directors shall be final.

G. Notification of Decision. The Board Liaison will notify the Respondent Member of the final decision regarding the Action (including any decision to dismiss the Action) by Disciplinary Letter (“Letter”). The PDGA office will be responsible for sending the Letter to the Respondent Member via certified electronic mail. If the Action has been dismissed, the Letter will simply inform the Respondent Member of that result. If the Action has resulted in penalties, the Letter will include a description of the judgment: the class of offense(s), the penalty or penalties levied, and complete information on the appeals process, including all contact information and deadlines. All penalties are in force from the time and date at which the Letter was sent by certified electronic mail and remain in force until the penalty has run its course or the Action is reversed upon appeal.

V. Appeals.

A. Right to Appeal and Grounds for Appeal. Any Respondent Member who has had a penalty levied upon them through this disciplinary process has the right to appeal the Committee’s decision and receive reconsideration of that decision by the full Board of Directors. The Respondent Member may appeal on either (or, if applicable, both) of the following grounds:
Type or Duration of Penalty Not Supported by Evidence. The Respondent Member believes that the Committee has misclassified the offense, has varied from the standard punishment for the offense in a way that is arbitrary and capricious, or has failed to weigh mitigating evidence properly. The Respondent Member should present clear and detailed arguments regarding where they believe the Committee to have erred in their determination.

Discipline Not Supported by Evidence. The Respondent Member contends that the evidence presented is insufficient to subject them to any discipline whatsoever. The Respondent Member should present clear and detailed arguments regarding the insufficiency of the evidence, and may present further personal evidence to the extent it clarifies existing evidence in the record or was unavailable to the Respondent Member at the time of initial investigation. This appeal is only available to Respondent Members who chose to interview with the Committee and/or provide the Committee with evidence in their defense in the initial investigative phase.

B. Method of Submission and Process. Appeals must be submitted to the PDGA office (3828 Dogwood Lane, Appling, GA 30802), in writing, via Certified Mail or via certified email to ed@pdga.com, no less than thirty (30) days from the date when the Letter was sent via electronic mail. The Executive Director will forward the petition as written to the Board of Directors for their consideration. The Board will consider any issues regarding the duration of punishment, class of punishment, or weighing of mitigating or aggravating factors de novo, meaning that the Board will give no deference to the Committee’s judgment. The Board will consider any issues regarding the factual record and evidence under the clearly erroneous standard, meaning that the Board will accept the factual conclusions of the Committee unless the Board firmly believes a mistake has been made. The Board has broad discretion in the appeals process, and may choose to accept the petition, reject the petition, or engage in another course of action, including altering the class of offense or the penalty levied, with the exception that no appeal shall subject the appealing member to any penalty greater than or exceeding the original penalty. Once the Board has reached a decision on the appeal, the Respondent Member will be notified in writing, via Certified Mail, of the decision. No further appeals will be allowed.

VI. Public Notice of Final Decision.

In the interest of transparency, the PDGA will maintain a Current Disciplinary Action List that will be visible to members and others on PDGA.com. Once a final decision has been made, the PDGA will publish the following information, and only the following information on the Current Disciplinary Actions list on the PDGA website: name and PDGA number of the member penalized, offense class committed (i.e., A, B, C, D, or E), penalty received, and beginning and end dates of the penalty period. In the case of permanent bans or tournament director bans, the end date may be listed as “N/A.”