

THE PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA

**CODE OF ETHICS BYLAWS
AND REGULATIONS**



PGA™

THE PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA
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**ARTICLE II CODE OF ETHICS
CODE OF ETHICS PREAMBLE**

Section 1. Dedication

Believing that the growth of the game of golf and its high standing in this country is largely due to the efforts of its early PGA Professionals and because of their ideals of sportsmanship and ethical practices, the Association is dedicated to the perpetuation of those ideals. In the fulfillment of the purpose to which it is dedicated, the Association enjoins upon its members and apprentices rigid observance of a Code of Ethics. Membership in the Association confers no vested right to the holder thereof but is a conditional privilege that is revocable for cause

Section 2. Authority

The Association Board of Directors has the inherent power and duty to prescribe standards of conduct for members and apprentices, to determine what constitutes grounds for discipline of members and apprentices, to discipline members and apprentices for cause, and to revoke the membership and/or apprenticeship of every member or apprentice whose conduct materially breaches the Code of Ethics of the Association.

Section 3. Definitions

Wherever used in these rules the following words or terms shall have the meaning herein set forth unless the use thereof shall clearly indicate a different meaning:

- (a) Association Counsel: A licensed attorney representing the Association in any proceeding under these rules.
- (b) The Board of Directors: The Board of Directors of the Association as defined in Article XIV of the Bylaws.
- (c) The Board of Control: The Board of Control of the Association as defined in Article VII of the Association Bylaws.

- (d) Designated Reviewer: The designated reviewer is the Secretary of the Association that is responsible for review and other specific duties as assigned by the Board of Directors with respect to a particular code of ethics matter. If a designated reviewer recuses or is unavailable, any other board member or Section representative as designated by the Secretary of the Association may serve as designated reviewer in that matter. The designated reviewer will be selected, from time to time, by the board members from the Section of such Section Board of Inquiry (as defined below). On such reassignments responsibility for all pending cases from a particular Section Board of Inquiry from each Section shall pass to the new designated reviewer. The Section shall notify the General Counsel of changes in the designated reviewing members for a particular committee.
- (e) Complainant or Complaining Witness: Any person who has complained of the conduct of any member or apprentices of the Association to any Section or agency of the Association.
- (f) Diversion to Professionalism Enhancement Programs: The removal of a disciplinary matter from the disciplinary system and placement of the matter in a skills enhancement program in lieu of a disciplinary sanction.
- (g) Executive Committee: The executive committee of the Section or of the Association.
- (h) Final Adjudication: A decision by the authorized disciplinary authority issuing a final sanction for professional misconduct that is either not appealed by choice or by exhaustion of the appellate process or that is subject to appellate review.
- (i) Chief Executive Officer: The chief executive officer of the Association.
- (j) Professionalism Enhancement Programs: Programs operated either as a diversion from disciplinary action or as parts of a disciplinary sanction that are intended to provide educational opportunities to members and apprentices of the Association for enhancing skills and avoiding misconduct allegations.
- (k) Probable Cause: A finding by an authorized agency that there is cause to believe that a member or apprentice of the Association is guilty of misconduct justifying disciplinary action.
- (l) Referral to Professionalism Enhancement Programs: Placement of a member or apprentice in skills enhancement programs as a disciplinary sanction.

- (m) Respondent: A member or apprentice of the Association that is subject to these rules and who is accused of misconduct or whose conduct is under investigation.
- (n) Staff Counsel: The General Counsel of the Association or his/her designee and/or legal counsel for a Section.

Section 4. Entities

The exclusive jurisdiction of the Association over the discipline of persons admitted to the Association as members or apprentices shall be administered in the following manner: The following entities are hereby designated as agencies of the Association for this purpose and with the following responsibilities, jurisdiction, and powers. The Board of Directors, the Association's Board of Control, and Section Boards of Inquiry of each Section shall each have such jurisdiction and powers as are necessary to conduct the proper and speedy disposition of any investigation or cause, including, but not limited to, the power to request the attendance of witnesses and request the production of books, records, or other documentary evidence. Each member of such entities has power to administer oaths and affirmations to witnesses in any matter within the jurisdiction of the entity. In the event that an action giving rise to a Code of Ethics inquiry occurs outside of the Section boundaries from which a member or apprentice is affiliated, then either one or more Section Board(s) of Inquiry may submit a report to the Board of Control summarizing the conduct that occurred outside the Section boundaries. In the event that a question arises over which Section should be involved in gathering evidence, then one or more Sections may request guidance from the Association General Counsel as to the proper way to proceed in the evidence gathering process.

- (a) Board of Directors of the Association
 - (1) Responsibility of Board. The Board of Directors is assigned the responsibility of maintaining high ethical standards among the members and apprentices of the Association. The Board of Directors shall supervise and conduct disciplinary proceedings in accordance with the provisions of these rules.
 - (2) Authority to File a Formal Complaint. No formal complaint shall be filed by the Association in disciplinary proceedings against a member or apprentices of the Association unless there shall first be a finding under these rules that probable cause exists to believe that the respondent is guilty of misconduct justifying disciplinary action, or unless the respondent has been determined or adjudged to be guilty of the commission of a felony or if a member or apprentice has been charged with commission of a felony under applicable law that warrants the imposition of discipline as set forth herein.

- (3) Appeals from the Board of Control. The Board of Directors has the jurisdiction to hear appeals that arise from decisions of the Board of Control. All decisions rendered by the Board of Directors for Code of Ethics appeals shall be final.

(b) Counsel for the Association

The Association may employ staff counsel or the Sections may retain outside counsel for Association to perform such duties, as may be assigned, under the direction of Board of Directors.

(c) Code of Ethics Committee

There shall be such code of ethics committees as are herein provided, each of which shall have the authority and jurisdiction required to perform the functions hereinafter assigned to it and which shall be constituted and appointed as follows:

- (1) Section Board of Inquiry. There shall be at least 1 Section Board of Inquiry for each Section of the Association. Such committees shall be designated as Section Board of Inquiry and shall be appointed by the Section President, with approval by majority vote by the Section Executive Committee. Members of Section Board of Inquiry must be members in good standing of the Association. The Section Board of Inquiry shall have jurisdiction and the power to proceed in all matters properly before them. The Section Board of Inquiry shall have the jurisdiction to investigate complaints and to submit a report of its findings to the Board of Control. In addition, The Section shall have the exclusive jurisdiction for all Section tournament violations and ethics charges arising from any Section tournament program for “Minor Penalties” as defined herein.

- (A) Membership, Appointment, and Eligibility for Section Boards of Inquiry. Each Section Board of Inquiry shall be appointed by the Section President and shall consist of not fewer than 3 members. All appointees shall be Section Members with no less than five (5) years of membership in the Association

No member of a Section Board of Inquiry or the Board of Control shall perform any committee function when that member:

- (i) is related by blood or marriage to the complainant or respondent;
- (ii) has a financial, business, property, or personal interest in the matter under consideration or with the complainant or respondent;

(iii) has a personal interest that could be affected by the outcome of the proceedings or that could affect the outcome; or

(iv) is prejudiced or biased toward either the complainant or the respondent.

Upon notice of the above prohibitions the affected members should recuse themselves from further proceedings. The Section Board of Inquiry chair shall have the power to disqualify any member from any proceeding in which any of the above prohibitions exist and are stated of record or in writing in the file by the chair. A qualified member of the Section may be appointed to replace the recused committee member for the applicable case at the discretion of the Section President. In the case of the Board of Control, no replacement of a recused member shall occur.

- (B) Terms. The terms of the members shall be for 1 year from the date of administration of the oath of service on the Section Board of Inquiry or until such time as their successors are appointed and qualified. Continuous service of a member may continue for so long as the member is willing to serve and for so long as the President of a Section desires the service of the member (subject to meeting all qualifications to serve on the committee).
- (C) Officers. There shall be a chair and vice-chair designated by the Designated Reviewer of Section Board of Inquiry.
- (D) Oath. Each new member of a Section Board of Inquiry shall subscribe to an oath to fulfill the duties of the office.
- (E) Removal. Any member of a Section Board of Inquiry may be removed from office by the applicable Section President.

(d) Board of Control

The Board of Control shall be the national body with the jurisdiction to investigate and to hear initial Code of Ethics cases arising from alleged infractions of the Code of Ethics arising from acts committed in connection with a PGA of America national programs (i.e. PGA of America tournament, PGA of America Growth of the Game program and any other PGA of America national program). The Board of Control shall also render decisions for all Code of Ethics cases submitted to it for review by the Section Boards of Inquiry.

Section 5 Review of Inquiries, Complaint Processing and Initial Investigatory Procedures

- (a) Screening of Inquiries. Prior to opening a disciplinary file, Association counsel shall review the inquiry made and determine whether the alleged conduct, if proven, would constitute a violation of the Rules Regulating The Association warranting the imposition of discipline. If Association counsel determines that the facts, if proven, would not constitute a violation of the Rules warranting the imposition of discipline, Association counsel may decline to pursue the inquiry. A decision by Association counsel not to pursue an inquiry shall preclude further action and review under the Rules. The complainant and respondent shall be notified of a decision not to pursue an inquiry and shall be given the reasons therefore.
- (b) Complaint Processing and Association Counsel Investigation. If Association counsel decides to pursue an inquiry with the concurrence of the chair of the applicable Section Board of Inquiry or the chair of the Board of Control (dependent upon which Entity has jurisdiction), then a disciplinary file shall be opened and the inquiry shall be considered as a complaint, if the form requirement of subdivision (c) is met. Association counsel shall delegate the investigation of the allegations contained in the complaint to the appropriate entity representatives (either to the applicable Section Board of Inquiry or to the Board of Control). In the event that the applicable Section Board of Inquiry chair or the Board of Control chair disagree with the recommendation to proceed with the case, then the case shall proceed to the hearing phase to enable to applicable Entity to decide the merits of the case.
- (c) Form for Complaints. All complaints, except those initiated by Association, shall be in writing.
- (d) Dismissal of Disciplinary Cases. Association counsel may dismiss disciplinary cases if, after complete investigation, Association counsel determines that the facts show that the respondent did not violate the Rules and Association counsel's decision is approved by the Section Board of Inquiry chair or the Board of Control chair. In the event that either the applicable Section Board of Inquiry chair or the Board of Control chair are not in agreement with the decision to dismiss the case rendered by Association Counsel, then the hearing shall be held by the applicable Entity to decide the merits of the case. Dismissal by Association counsel, that is approved by the applicable Entity as set forth above, shall preclude further action or review under the Rules. If a disciplinary case is dismissed as set forth herein, the complainant shall be notified of the dismissal and shall be given the reasons therefore.

- (e) Diversion to Professionalism Enhancement Programs. Association counsel may recommend diversion of disciplinary cases as provided elsewhere in these rules if, after complete investigation, Association counsel determines that the facts show that the respondent's conduct did not constitute disciplinary violations more severe than Minor Misconduct. The Board of Control will be required to concur with Association counsel's recommendation.
- (f) Referral to Section Board of Inquiry. Association counsel may refer disciplinary cases to a Section Board of Inquiry for its further investigation as authorized elsewhere in these rules.
- (g) Information Concerning Closed Inquiries and Complaints Dismissed by Staff. When Association counsel does not pursue an inquiry or dismisses a disciplinary case, such action shall be deemed a finding of no probable cause for further disciplinary proceedings and the matter shall become public information.

Section 6 Notice and Knowledge of Rules

Every member and apprentice of the Association is within the jurisdiction and subject to the disciplinary authority of the Association and of its agencies under this rule and is charged with notice and held to know the provisions of this rule and the standards of ethical and professional conduct prescribed by the Association.

Section 7 Rules of Professional Conduct

Violation of the Rules of Professional Conduct by members or apprentices as adopted by the rules governing Association is a cause for discipline.

Section 8 Misconduct and Minor Misconduct

The standards of professional conduct to be observed by members and apprentices of the Association are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a member or apprentice of any act that is unlawful or contrary to honesty and professional integrity, whether the act is committed in the course of the member's or apprentice's actions as a PGA Golf Professional or otherwise, whether committed within or outside the member's or apprentice's Section, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.

Section 9 Criminal Misconduct

Unless modified or stayed by a State Supreme Court as provided elsewhere herein, a determination or judgment of guilt of a member or apprentice of the Association by a court of competent jurisdiction of any crime or offense that is a felony under the laws of such jurisdiction is cause for automatic expulsion from membership or apprenticeship in the Association. In addition, whether the alleged misconduct constitutes a felony or misdemeanor the Association may initiate disciplinary action regardless of whether the respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the Board of Control may, in its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against the respondent. The acquittal of the respondent in a criminal proceeding shall not necessarily be a bar to disciplinary proceedings nor shall the findings, judgment, or decree of any court in civil proceedings necessarily be binding in disciplinary proceedings.

Section 10 Discipline by Foreign or Federal Jurisdiction; Choice of Law

Disciplinary Authority. A member or apprentice of the Association is subject to the disciplinary authority of the Association, regardless of where the conduct occurs. A final adjudication in a disciplinary proceeding by a court that a member or apprentice is guilty of misconduct justifying disciplinary action shall be considered as conclusive proof of such misconduct in a disciplinary proceeding under this rule.

Section 11 Generally

A judgment entered, finding a member or apprentice of the Association guilty of misconduct, shall include one or more of the following disciplinary measures:

- (a) Admonishments. An order finding Minor Misconduct and adjudging an admonishment may direct the respondent to appear before the body that issued the admonishment. A memorandum of administration of an admonishment shall thereafter be made a part of the record of the proceeding.
- (b) Minor Misconduct. Minor Misconduct is the only type of misconduct for which an admonishment is an appropriate disciplinary sanction.
 - (1) Criteria. In the absence of unusual circumstances misconduct shall not be regarded as minor if any of the following conditions exist:
 - (A) the misconduct involves misappropriation of the funds or property of an employer in excess of \$1,000.00;
 - (B) the misconduct resulted in or is likely to result in actual prejudice (loss of money, legal rights, or valuable property rights) to an employer or other person in the amount of \$1,000 or more;

- (C) the respondent has been disciplined in the past 3 years from the date that the most recent misconduct occurred;
 - (D) the Major Misconduct involved is of the same nature as misconduct for which the respondent has been disciplined in the past 5 years from the date that the most recent misconduct occurred;
 - (E) the misconduct includes dishonesty, misrepresentation, deceit, embezzlement or fraud on the part of the respondent; or
 - (F) the misconduct constitutes the commission of a felony under applicable law.
- (2) Discretion of Section Board of Inquiry/Board of Control/Board of Directors. Despite the presence of 1 or more of the criteria described in subsection (1) above, a Section Board of Inquiry may investigate a charge for Minor Misconduct or diversion to a professionalism enhancement program when unusual circumstances are present and submit a report of the facts and special circumstances involved to the Board of Control.
- (3) Recommendation of Minor Misconduct. If the Board of Control finds the respondent guilty of Minor Misconduct or if the respondent shall admit guilt of Minor Misconduct and the Board of Control concurs, then the Board of Control shall determine a penalty. The report and finding of Minor Misconduct shall become final unless rejected by the respondent within 15 days after service of the report. If rejected by the respondent, the report shall be referred to Association counsel for a hearing on complaint of Minor Misconduct to be heard by the Board of Control. Association counsel shall prepare the case showing a finding of probable cause. A hearing will be set with the Board of Control and the respondent shall be provided written notice of the time, date, and place of the hearing and shall have the opportunity to appear in person or by tele-conference either with or without counsel. If the report of Minor Misconduct is not rejected by the respondent, notice of the finding of Minor Misconduct along with the penalty rendered by the Board of Control shall be given, in writing, to the complainant.

- (4) Admission of Minor Misconduct. A respondent may tender a written admission of Minor Misconduct within 15 days after respondent's receipt of a report by the Section Board of Inquiry. The Section Board of Inquiry also will have submitted the same report to the Board of Control. The respondent may tender a written admission of Minor Misconduct to Association counsel or the Board of Control. An admission of Minor Misconduct may be conditioned upon acceptance by the Board of Control, but the respondent may not condition the admission of Minor Misconduct upon the method of administration of the admonishment or upon nonpayment of costs incurred in the proceedings. If a respondent's admission is accepted by the Board of Control, the respondent may not thereafter reject a report of the Board of Control recommending an admonishment for Minor Misconduct. If the admission of Minor Misconduct is rejected, such admission shall not be considered or used against the respondent in subsequent proceedings.
- (c) Minor Misconduct Charges Arising From Section Tournament Events. Each Section shall have the exclusive and final jurisdiction for all Section Tournament Disciplinary Matters for "Minor Penalties" as defined in this paragraph and shall follow the procedures set forth in the Code of Ethics Procedure Manual for all such Section tournament program disciplinary matters:
- (d) Probation. The respondent may be placed on probation for a stated period of time of not less than 1 month or more than 2 years, which shall be determined by conditions stated in the order. The judgment shall state the conditions of the probation, which may include but are not limited to the following:
- (1) completion of a professionalism enhancement program as provided elsewhere in these rules;
 - (2) the satisfactory completion of a course of study or a paper on professional ethics approved by the Association;

Failure to observe the conditions of the probation or a finding of probable cause as to conduct of the respondent committed during the period of probation shall terminate the probation. In such event, even though such finding of probable cause shall be made after the expiration of the period of probation, the judgment shall be reconsidered by the Board of Control and an appropriate judgment shall be entered. On termination of probation for failure to observe the conditions of probation or on a finding of probable cause for misconduct committed during the period of probation, the member or apprentice may be punished for contempt or suspended from membership or apprenticeship in the Association, and any such suspension shall continue until the respondent may be reinstated to membership/apprenticeship as provided elsewhere in these rules.

- (e) Reprimand. A reprimand shall be administered in the manner prescribed in the judgment but all such reprimands shall be reported to each Section. Due notice shall be given to the respondent of any proceeding before the Board of Control set to administer the reprimand. The respondent shall be offered the opportunity to appear either personally or via conference call before the Board of Control and such appearance shall be made a part of the record of the proceeding.
- (f) Suspension. The respondent may be suspended from membership or apprenticeship for a definite period of time not to exceed two (2) years. During such suspension the respondent shall continue to be a member or apprentice of the Association but without the privilege of participating in Association and/or Section golf tournaments, and shall not have the right to exercise the rights of membership as set forth in Article VI Section 1 of the Bylaws. Upon the expiration of the suspension period and the satisfaction of all conditions accompanying the suspension, the respondent shall become eligible to all of the privileges of members and apprentices in Association.
- (g) Permanent Expulsion. A judgment of permanent expulsion terminates the respondent's status as a member or apprentice of the Association. Permanent expulsion shall preclude readmission. A former member or apprentice who has not been permanently expelled may only be admitted again upon full compliance with the rules and regulations governing admission to the Association, which shall include, but not necessarily be limited to full completion of all apprentice program requirements. Except as might be otherwise provided in these rules, no application for readmission may be tendered within 5 years after the date of a suspension in excess of 2 years or such longer period as the Association might determine in the suspension order and thereafter until all ordered restitution and outstanding disciplinary costs have been paid.

Permanent Expulsion shall be the mandatory sanction for members or apprentices found guilty of:

- (1) Conviction of theft (inclusive of but not limited to embezzlement, conversion, or any similarly named felony in the nature of theft and misappropriation of funds) from an employer, student, member or guest at a golf facility or from funds or accounts received or disbursed by a member or apprentice in the course of employment in an amount that exceeds \$1,000 in cash, property, or any other item(s) of value;
- (2) Conviction of any felony of the first degree (or its equivalent in any jurisdiction) where the punishment of such a felony includes either/or (a) death or imprisonment in a state penitentiary or in a state correctional facility where the sentence includes imprisonment for one year or more and/or (b) payment of a fine or restitution of more than \$1,000.

- (3) Conviction of any crime of a sexual nature including, but not necessarily limited to (a) aggravated sexual assault crimes; (b) any sexual assault crimes involving the commission of any actions of a sexual nature on a minor (whether a felony or a misdemeanor)
 - (4) Conviction of any crime involving physical assault that is a first degree felony as defined in (1) above.
 - (5) Conviction of any crime involving the felonious use of a firearm
- (h) Restitution. In addition to any of the foregoing disciplinary sanctions and any disciplinary sanctions authorized elsewhere in these rules, the respondent may be ordered or agree to pay restitution to a complainant or other person if the disciplinary order finds that the respondent has illegally converted the property of others. In such instances the amount of restitution shall be specifically set forth in the disciplinary order or agreement and shall not exceed the amount or the equivalent value of the converted property. The disciplinary order or agreement shall also state to whom restitution shall be made and the date by which it shall be completed. Failure to comply with the order or agreement shall not preclude further proceedings under these rules.
- (i) Disciplinary Resignation. A respondent may be allowed to resign membership in Association in lieu of defending against allegations of disciplinary violations. If accepted by the Association, a disciplinary resignation terminates the respondent's status as a member or as an apprentice of the Association. A former member or apprentice whose disciplinary resignation has been accepted may only be admitted again upon full compliance with the rules and regulations governing admission to the Association. Notwithstanding the foregoing, in the event that a member or apprentice was convicted of a felony as set forth in section (g) above "Expulsion", then the former member or apprentice shall be permanently expelled and shall not be eligible for reinstatement. Disciplinary resignation is the functional equivalent of expulsion in that both sanctions terminate the membership or apprenticeship in the Association and would require readmission to membership or apprenticeship to the Association as otherwise provided in these rules, no application for admission may be tendered within 5 years after the date of the order of the Association that accepted the disciplinary resignation or such additional time as the respondent may have stated in the petition for disciplinary resignation. A petition that states that disciplinary resignation is without leave to apply for readmission shall preclude readmission to the Association

CODE OF ETHICS REGULATIONS

I: DIVERSION OF DISCIPLINARY CASES TO PROFESSIONALISM ENHANCEMENT PROGRAMS

- A. Authority of Board. The Board of Control and the Board of Directors are hereby authorized to sanction professionalism enhancement programs to which eligible disciplinary cases may be diverted as an alternative to disciplinary sanction*
- B. Types of Disciplinary Cases Eligible for Diversion. Disciplinary cases that otherwise would be disposed of by a finding of Minor Misconduct or by a finding of no probable cause with a letter of advice are eligible for diversion to professionalism enhancement programs.*
- C. Limitation on Diversion. A respondent who has been the subject of a prior diversion within 5 years shall not be eligible for diversion.*
- D. Approval of Diversion of Cases at Staffing or Grievance Committee Level Investigations. The Association shall not offer a respondent the opportunity to divert a disciplinary case that is pending at staff or Section Board of Inquiry level investigations to a professionalism enhancement program unless staff counsel and the Board of Control chair concur.*
- E. Contents of Diversion Recommendation. If a diversion recommendation is approved as provided in subdivision (d), the recommendation shall state the professionalism enhancement program(s) to which the respondent shall be diverted, shall state the general purpose for the diversion, and the costs thereof to be paid by the respondent.*
- F. Service of Recommendation on and Review by Respondent. If a diversion recommendation is approved as provided in subdivision (d), the recommendation shall be served on the respondent who may accept or reject a diversion recommendation in the same manner as provided for review of recommendations of minor misconduct. The respondent shall not have the right to reject any specific requirement of a professionalism enhancement program.*
- G. Effect of Rejection of Recommendation by Respondent. In the event that a respondent rejects a diversion recommendation the matter shall be returned for further proceedings under these rules.*
- H. Effect of Diversion. When the recommendation of diversion becomes final, the respondent shall enter the professionalism enhancement program(s) and complete the requirements thereof. Upon respondent's completion of a professionalism enhancement program, the Association shall terminate its investigation into the matter and its disciplinary files shall be closed indicating the diversion. Diversion into the professionalism enhancement program shall not constitute a disciplinary sanction.*

- I. *Effect of Completion of the Professionalism Enhancement Program. If a respondent successfully completes all requirements of the professionalism enhancement program(s) to which the respondent was diverted within the time limit prescribed by the Board of Control then the Association's file shall remain closed.*
- J. *Effect of Failure to Complete Professionalism Enhancement Program. If a respondent fails to fully complete all requirements of the professionalism enhancement program(s) to which the respondent was diverted, including the payment of costs thereof, the Association may reopen its disciplinary file and conduct further proceedings under these rules. Failure to complete the professionalism enhancement program shall be considered as a matter of aggravation when imposing a disciplinary sanction.*
- K. *Costs of Professionalism Enhancement Programs. The Association will determine the costs of professionalism enhancement programs and publish the amount of the costs thereof that shall be assessed against and paid by a respondent. The Association reserves the right to use the services of third parties to provide the professionalism enhancement programs and the respondent shall remit payment directly to such Association approved third party in that event.*

II. CONFIDENTIALITY

- A. *Scope of Confidentiality. All matters including files, preliminary investigation reports, interoffice memoranda, records of investigations, and the records in hearings and other proceedings under these rules, except those disciplinary matters conducted in courts or in other tribunals, are the property of the Association. All of those matters shall be confidential and shall not be disclosed except as provided herein. When disclosure is permitted under these rules, it shall be limited to information concerning the status of the proceedings and any information related to the disclosure of the final judgment as set forth herein.*

Nothing in these rules shall prohibit the complainant, respondent, or any witness from disclosing the existence of proceedings under these rules, or from disclosing any documents or correspondence served on or provided to those persons.

- a. *Pending Investigations. Disciplinary matters pending at the initial investigatory and Section Board of Inquiry levels shall be treated as confidential by the Association, unless any information is required to be disclosed to a court or tribunal, or any other governmental authority.*
- b. *Minor Misconduct Cases. Any case in which a finding of Minor Misconduct has been entered shall be reported in a case decision book (which may be a written publication or an electronic publication at the discretion of the Association), which shall not include the name of the member or of the apprentice, but will include a summary of the facts of the case and the penalty assessed in the case.*

- c. *Probable Cause Cases.* Any disciplinary case in which a finding of probable cause for further disciplinary proceedings has been entered shall be public information. For purposes of this subdivision a finding of probable cause shall be deemed to have been made in those cases for the filing of a formal complaint without the prior necessity of a finding of probable cause.
 - d. *No Probable Cause Cases.* Any disciplinary case that has been concluded by a finding of no probable cause for further disciplinary proceedings shall be public information.
 - e. *Diversion or Referral to Professional Enhancement Program.* Any disciplinary case that has been concluded by diversion to a professionalism enhancement program shall be public information upon the entry of such a recommendation.
 - f. *Proceedings on Determination or Adjudication of Guilt of Criminal Misconduct.* Proceedings on determination or adjudication of guilt of criminal misconduct, as provided elsewhere in these rules, shall be public information.
 - g. *Professional Misconduct in Foreign Jurisdiction.* Proceedings based on disciplinary sanctions entered by a foreign court or other authorized disciplinary agency, as provided elsewhere in these rules, shall be public information.
 - h. *Reinstatement Proceedings.* Reinstatement proceedings, as provided elsewhere in these rules, shall be public information.
 - i. *Disciplinary Resignations.* Proceedings involving petitions for disciplinary resignation, as provided elsewhere in these rules, shall be public information for matters where a felony conviction is involved.
- B. *Public Record.* The public record shall consist of the record before a Section Board of Inquiry, the record before the Board of Control, the record before the Board of Directors, and any reports, correspondence, papers, recordings, and/or transcripts of hearings furnished to, served on, or received from the respondent or the complainant.
- C. *Limitations on Disclosure.* Any material provided to the Association that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by the applicable law. If this type of material is made a part of the public record, that portion of the public record may be sealed by the grievance committee chair, or the Association.
- D. *Response to Inquiry.* Authorized representatives of the Association shall respond to specific inquiries concerning matters that are in the public domain, but otherwise confidential under the rules, by acknowledging the status of the proceedings.
- E. *Notice to Employers.* Employers shall be notified by the Association of a membership suspension of one year or more, permanent suspension, or expulsion of a member or apprentice at the time that a Code of Ethics action becomes final or at the time when the Association is notified that a member or apprentice has been convicted of a felony and has been suspended or expelled pursuant to these rules. The notice shall be provided to the employer in

writing within 30-days of receipt of the final decision or of the receipt of evidence of a felony conviction.

- F. Production of Disciplinary Records Pursuant to Subpoena. The Association, pursuant to a valid subpoena issued by a regulatory agency, may provide any documents that are a portion of the public record, even if the disciplinary proceeding is confidential under these rules. The Association may charge a reasonable fee for identification of and photocopying the documents.*
- G. Evidence of Crime. The confidential nature of these proceedings shall not preclude the giving of any information or testimony to authorities authorized to investigate alleged criminal activity.*
- H. Chemical Dependency and Psychological Treatment. That a member or apprentice has voluntarily sought, received, or accepted treatment for chemical dependency or psychological problems shall be confidential and shall not be admitted as evidence in disciplinary proceedings under these rules unless agreed to by the member or apprentice who sought the treatment.*

For purposes of this subdivision, a member or apprentice shall be deemed to have voluntarily sought, received, or accepted treatment for chemical dependency or psychological problems if the member or apprentice was not under compulsion of law or rule to do so, or if the treatment is not a part of conditional admission to the Association or of a disciplinary sanction imposed under these rules.

It is the purpose of this subdivision to encourage members or apprentices to voluntarily seek advice, counsel, and treatment available to them, without fear that the fact it is sought or rendered will or might cause embarrassment in any future disciplinary matter.

- I. Response to False or Misleading Statements. If public statements that are false or misleading are made about any otherwise confidential disciplinary case, the Association may disclose all information necessary to correct such false or misleading statements.*
- J. Disclosure by Waiver of Respondent. Upon written waiver executed by a respondent, the Association may disclose the status of otherwise confidential disciplinary proceedings and provide copies of the public record to the respondent's current and/or former employers or any other person or entity listed in the waiver.*

III PROCEDURES UPON CRIMINAL OR PROFESSIONAL MISCONDUCT; DISCIPLINE UPON DETERMINATION OR JUDGMENT OF GUILT OF CRIMINAL MISCONDUCT

A. Definitions.

- a. Judgment of Guilt. For the purposes of these rules, "judgment of guilt" shall include only those cases in which the trial court in the criminal proceeding enters an order adjudicating the respondent guilty of the offense(s) charged.*

- b. *Determination of Guilt. For the purposes of these rules, “determination of guilt” shall include only those cases in which the trial court in the criminal proceeding enters an order withholding adjudication of the respondent’s guilt of the offense(s) charged.*
 - c. *Convicted Member or Apprentice. For the purposes of these rules, “convicted member or apprentice” shall mean a member or apprentice who has had either a determination or judgment of guilt entered by the trial court in the criminal proceeding.*
- B. *Determination or Judgment of Guilt. Determination or judgment of guilt of a member or apprentice of the Association by a court of competent jurisdiction upon trial of or plea to any crime or offense that is a felony under the laws of any State, or under the laws in which any other court making such determination or entering such judgment exercises its jurisdiction, shall be conclusive proof of guilt of the criminal offense(s) charged for the purposes of these rules.*
- C. *Notice of Determination or Judgment of Guilt. Upon the entry of a determination or judgment of guilt against a member or apprentice of the Association by a court of competent jurisdiction upon trial of or plea to any offense that is a felony under the laws applicable to such court, such convicted member or apprentice shall within 30 days of such determination or judgment notify the Secretary of the Association of such determination or judgment. Notice shall include a copy of the order(s) whereby such determination or judgment was entered.*
- D. *Suspension by Judgment of Guilt (Felonies). Upon receiving notice that a member or apprentice of the Association has been determined or adjudicated guilty of a felony, Association counsel will file a “Notice of Determination or Judgment of Guilt” to the Board of Control. A copy of the judgment shall be attached to the notice. Upon the filing with the Board of Control by Association Counsel and service upon the respondent of a notice of determination or judgment of guilt for offenses that are felonies under applicable law, the respondent shall stand suspended as a member of the Association on the eleventh day after filing of the notice of determination or judgment of guilt unless the respondent shall, on or before the tenth day after filing of such notice, file a petition to terminate or modify such suspension.*
- E. *Petition to Modify or Terminate Suspension.*
 - a. *At any time after the filing of a notice of determination or judgment of guilt, the respondent may file a petition with the Board of Control to modify or terminate such suspension and shall serve a copy thereof upon the Secretary of the Association.*
 - b. *If such petition is filed on or before the tenth day following the filing of the notice, the suspension will be deferred until entry of an order on the petition.*
 - c. *If such petition is filed after the tenth day following the filing of the notice of judgment of guilt, the suspension shall remain in effect pending disposition of the petition. Modification or termination of the suspension shall be granted only upon a showing of good cause.*

- c. *Determination or Judgment of Guilt as Evidence.* A determination or judgment of guilt, whether for charges that are felony or misdemeanor in nature, shall be admissible in disciplinary proceedings under these rules, and in those cases where the underlying criminal charges constitute felony charges, determinations or judgments of guilt shall, for purposes of these rules, constitute conclusive proof of the criminal offense(s) charged. The failure of a trial court to adjudicate the convicted member or apprentice guilty of the offense(s) charged shall be considered as a matter of mitigation only.

IV CODE OF ETHICS PROCEDURES

- A. *A Section Board of Inquiry is required to consider all charges of misconduct forwarded to it by Association counsel whether based upon a written complaint or not.*
- B. *Conduct of Investigation.* The conduct of the investigation by the Section Board of Inquiry may include, but not necessarily be limited to, gathering of evidence from eyewitnesses to the Section Board of Inquiry the Complaint is filed with. A complaint received by the Section Board of Inquiry direct from a complainant shall be reported by the Section Board of Inquiry or by the Section Executive Director to the appropriate Association counsel. A written report to Association counsel shall include the following information: complainant's name and address, respondent's name, date complaint received by the Section, copy of complaint letter or summary of the oral complaint made, and the name of the Section Board of Inquiry member assigned to the investigation. Formal investigation by a Section Board of Inquiry may proceed after the matter has been referred to Association counsel.
- C. *Investigation of the conduct in question.* The Section Board of Inquiry shall compile eyewitness testimony and other evidence (such as copies of business records or of financial records that are related to the charge) and include all information acquired in its written report. The findings of the Section Board of Inquiry shall not be bound by the rules of evidence.
- D. *No Delay for Civil or Criminal Proceedings Required.* An investigation shall not be deferred or suspended without the approval of the Board of Control even though the respondent is made a party to civil litigation or is a defendant or is acquitted in a criminal action, notwithstanding that either of such proceedings involves the subject matter of the investigation. Notwithstanding the foregoing, Association counsel may recommend postponing or suspending the action until the conclusion of any criminal or civil court proceedings.
- E. *Counsel and Investigators.* Upon request of a Section Board of Inquiry, Association counsel may provide assistance to the Section Board of Inquiry and/or Section counsel to assist the committee in an investigation. Association counsel shall assist each Section Board of Inquiry in carrying out its investigative and administrative duties.

- F. Quorum, Panels, and Vote.*
- a. Quorum. Three members of the Section Board of Inquiry shall constitute a quorum.*
 - b. Panels. The Section Board of Inquiry may be divided into panels of not fewer than 3 members. Division of the Section Board of Inquiry into panels shall only be upon concurrence of the Designated Reviewer and the chair of the Section Board of Inquiry. The Chair of the Section Board of Inquiry shall be appointed by the Section President.*
 - c. Determination of Probable Cause. All findings of probable cause shall be made by affirmative vote of a majority of the Section Board of Inquiry members present, which majority must number at least 2 members. If the Section Board of Inquiry determines that probable cause exists in the matter, then it should include this finding in its report to the Board of Control. Likewise if the Section Board of Inquiry determines that no probable cause exists, then it shall indicate that in its report to the Board of Control.*
- G. Rights and Responsibilities of the Respondent. The respondent may be required to submit evidence or written testimony to the Section Board of Inquiry. At a reasonable time before any finding of probable cause is made, the respondent shall be advised of the conduct that is being investigated and the rules that may have been violated. The respondent shall be provided with all materials considered by the Section Board of Inquiry and shall be given an opportunity to make a written statement, sworn or unsworn, explaining, refuting, or admitting the alleged misconduct.*
- H. Rights of the Complaining Witness. The complaining witness is not a party to the disciplinary proceeding. Unless it is found to be impractical by the chair of the grievance committee due to unreasonable delay or other good cause, the complainant shall be granted the right to be present at any grievance committee hearing when the respondent is present before the committee. Neither unwillingness nor neglect of the complaining witness to cooperate, nor settlement, compromise, or restitution, will excuse the completion of an investigation. The complaining witness shall have no right to appeal.*
- I. Finding of No Probable Cause.*
- a. Authority of Section Board of Inquiry. A Section Board of Inquiry may conclude that no probable cause exists to believe that the respondent has violated these rules. If the Section Board of Inquiry determines that no probable cause exists, then it shall submit this finding in its report to the Board of Control.*
 - b. Submission of Report to the Board of Control. The Section Board of Inquiry shall submit its report to Association counsel and to the Board of Control indicating that it did not find probable cause in its investigation.*

Section Tournament Policy

Discipline, Penalties, and Appeals

Each PGA of America Member or Apprentice Participant (“Participant”) in a Section golf tournament acknowledges the right and authority of the Section to (i) fine and suspend from tournament play; and/or to (ii) fine and permanently bar the Participant from Section tournaments. Any Participant in a Section event hereby releases the PGA of America Section, the PGA of America, the PGA Tournament Corporation, Inc., rules officials, each director, officer, member, employee, agent or representative of any of the foregoing jointly and severally, individually and in their official capacity, of and from any and all claims, demands, damages and causes of action whatsoever, in law or equity, arising out of or in connection with any such decision or action by the Section, PGA of America or any appellate body.

Fines are due and payable within thirty (30) days unless the Participant has made a written appeal. Should the appeal be denied, the fine will be due and payable within thirty (30) days of such denial of appeal; and the Participant will be ineligible to participate in any Section tournament and any other PGA of America tournaments and the tournaments of any other PGA Section until said fine is paid in full.

A. Advance Notification of Proposed Disciplinary Action

Except for penalties under the Rules of Golf and for “Minor Penalties” (as hereafter defined), any Participant subject to disciplinary action or penalty defined as a “Major Penalty” shall first be notified of such proposed action in writing. Such notice may be presented to the Participant by a tournament official. Within thirty (30) days from the receipt of the notice, the Participant shall submit to the Section Tournament Director or the Section Executive Director such facts or evidence of mitigating circumstances as may apply. Within thirty (30) days of receipt of such information from the Participant, the Section Tournament Director or the Section Executive Director shall notify the Participant in writing of the imposition of the proposed disciplinary action or penalty, or that the proposed action has been dismissed. After the imposition of any penalty hereunder, the Participant shall have the right to appeal to the Section Board of Inquiry as set forth in Section E herein.

B. Rules of Golf

Any Participant in a Section tournament who breaches the Rules of Golf of the United States Golf Association or Local Rules in effect for the conduct of such event shall be subject to the penalties provided in such Rules as well as any other penalties imposed by the Section consistent with this policy. The decision of the Section Rules Officials/ and/or the Section Tournament Committee with respect to such Rules breach shall be final and conclusive.

C. *Conduct Unbecoming a Professional*

Any Participant deemed guilty of conduct unbecoming a professional while participating in a Section tournament or in activities related thereto (e.g. practice rounds, hospitality events, etc.) shall be subject to fine, suspension and/or permanent disbarment from Section tournament play as provided in this policy. A fine of \$100 shall be levied for the first offense. A fine of \$150 shall be levied for the second offense, and a prohibition from participating in Section events for one year shall be levied for the third offense. Any Participant that is found guilty of more than three offenses for conduct unbecoming a professional charge may, at the sole discretion of the Section, be permanently prohibited from participating in all Section and PGA of America tournaments and also may be subject to PGA of America Code of Ethics charges. Notwithstanding the foregoing, the Section reserves the right to pursue Code of Ethics charges against any PGA Member/Apprentice for conduct charges related to the conduct of any Participant at Section golf tournaments and related events at the sole discretion of the Section in compliance with the procedures for Code of Ethics hearings as set forth in this Article II of the Bylaws.

D. *Classes of Penalties for Section Tournament Offenses*

1. *MINOR PENALTIES.*

A Minor Penalty is a fine of not more than \$150 and/or suspension from tournament play for two or less tournaments. A Minor Penalty may be imposed by the Section tournament officials responsible for the conduct of the tournament.

2. *MAJOR PENALTIES.*

A Major Penalty is a fine in excess of \$150, suspension from tournament play for three or more tournaments, and/or permanent disbarment from Section tournament play.

E. *Appeals*

1. *MINOR PENALTIES.*

Appeals from Minor Penalties shall be to the Tournament Committee Chairperson (or his/her designee). Such appeal may be in writing or oral. Such appeal shall be received by the Tournament Committee Chair no later than thirty (30) days subsequent to the infraction. The Tournament 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 Section Executive Director. The Section 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 be submitted to the Board of Control for a hearing in lieu of action by the Section, then the Section Board of Inquiry will follow the same procedures set forth herein for all matters submitted to the Board of Control for Code of Ethics procedures.

2. MAJOR PENALTIES.

Within thirty days from the date of notification of a Major Penalty, the Participant may submit a written appeal to the Section Board of Inquiry. Failure to file such an appeal shall be deemed conclusively to be an admission of the charges specified in the notification.

Thereafter, the Section Board of Inquiry 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 herein for ethics appeals heard by the Board of Control. The Board of Control shall hear the appeal either at the next regularly scheduled Board of Control hearing or at an expedited meeting that may be held in person or via conference call at the discretion of the Chair of 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 Section tournament then in progress or scheduled for the calendar week in which the alleged violation occurred, until after a final decision on the appeal.

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.

III
PGA CODE OF ETHICS
STATEMENT OF ETHICS VIOLATION
FACT SHEET

Date: _____

Name of Member/Apprentice: _____

Member/Apprentice #: _____

Section: _____

Name of Members of Section Board of Inquiry:

Description of Incident:

1. Where did incident occur?
2. When did incident occur?
3. Describe the incident in detail. Include the date(s), place(s) and names of any eyewitnesses to the incident.
4. Attach written accounts of witnesses.
5. Attach written account from the member/apprentice.

Submit To: PGA General Counsel
100 Avenue of the Champions
Palm Beach Gardens, FL 33418

IV
PGA CODE OF ETHICS
INITIAL SCREENING INQUIRY
SHEET

Date: _____

Section Board of Inquiry

_____ Section

Submitted By: _____

Submit To: PGA General Counsel
100 Avenue of the Champions
Palm Beach Gardens, FL 33418

Name of Accused Member/Apprentice: _____

Member/Apprentice #: _____

Description of Incident:

General Counsel Comments:

- () Facts if proven **would constitute** a breach of the PGA Code of Ethics.
- () Facts if proven **would not constitute** a breach of the PGA Code of Ethics.
- () This matter will be dismissed. The Section Board of Inquiry may resubmit an Initial Screening Inquiry for review at a later date for further review.

General Counsel Recommendation to Section Board of Inquiry:

- () Please collect the evidence required in the **Statement of Ethics Violation Fact Sheet**. Please submit the **Statement of Ethics Violation Fact Sheet** to the General Counsel when it is completed.
- () The facts submitted in the **Initial Screening Inquiry Sheet** would not substantiate a Code of Ethics breach if proven. See instructions under General Counsel Comment.