

Disciplinary Policy

The Trustees in adopting this policy fully understand their legal obligations and the importance of monitoring and implementing the policy within Exeter City Supporters' Trust.

1 Introduction

This document is drafted in accordance with the Exeter City Football Club Supporters' Society Limited and sets out the Disciplinary Policy adopted pursuant to a resolution of the Trust Board of the

1.1 Members have agreed to be bound by the Rules of the Trust.

2 Definitions

2.1 "Member(s)", "Trustee(s)", "Co-Opted member", "General Meeting", "Policy", "Rules" "Trust " and "Trust Board" shall have the same meaning as given to them in the Rules.

2.2 "Trust Board Membership and Conduct Policy" means the Policy which includes the disciplinary procedure which should be followed in all cases relating to Trustees only.

2.3 "Disciplinary Offence" means a member has breached clause 4 below.

2.4 "Disciplinary Policy" means the terms and conditions laid out in this document.

2.5 "Secretary" means the Secretary of the Trust.

2.6 “Chair” means the elected chair of the Trust Board.

3 Co-opted members and officers of the Trust Board

3.1 Co-opted members and officers of the Trust Board (except the Secretary) who are not Trustees may not serve on any disciplinary committee.

4 Procedure

4.1 A written complaint must be made to the Trust Board that a Member has acted contrary to the Rules. This must specify the allegations made against that Member.

4.2 In considering the written complaint, where any Member is deemed by a majority of the Trust Board to have committed a Disciplinary Offence, they (the Trust Board) shall be at liberty to constitute a Disciplinary Committee ("the Disciplinary Committee") to determine the facts relating to the matter and take such measures as the Committee sees fit. If not, no action may be taken and the person against whom the complaint was made and the complainant notified in writing within 14 days

4.3 If the Trust Board decides to constitute a Disciplinary Committee the Member concerned will be suspended from membership of the Trust and shall not be entitled to vote nor attend General Meetings for the period of suspension.

4.4 The Disciplinary Committee will consist of the then Chair and Secretary of the Trust Board unless one or both of them is the subject of the disciplinary action, in which case another member of the Trust Board will be selected by the Trust Board in their place. The Trust Board will also select a Chair of the Disciplinary Committee if it is the Trust Board Chair that is subject to the disciplinary action.

In addition, up to 3 but no less than 2 other Trustees (who shall not be the subject of the disciplinary action) shall sit on the Disciplinary Committee. The Chair of the Disciplinary Committee shall have the casting vote if necessary.

4.5 The Member against whom the complaint is made shall be entitled to have an observer of their choice attend any hearing; any such observer shall not be entitled to address the hearing.

4.6 The Disciplinary Committee may seek the attendance of any relevant witnesses to the alleged offence and production of relevant documents. Any witness may be asked questions by both the Disciplinary Committee and the Member against whom the complaint was made.

4.7 All members of the Disciplinary Committee and any observer shall treat its proceedings as confidential, unless the subjects of the hearing waive that right directly, or violate the confidentiality through making public comment about its proceedings.

4.8

a) The Disciplinary Committee shall meet as soon as is practicable (where possible within 14 days) after the Trust Board meeting which constituted the Disciplinary Committee and shall invite the Member concerned to attend or submit his/her version of events or mitigating circumstances.

b) The Disciplinary Committee shall act impartially in assessing the facts of the disciplinary case before it and may impose such sanction as it sees fit, including for example, expulsion; further suspension to allow more

facts to be gathered, after which time a further meeting of the Disciplinary Committee shall be held; censure or warning. If appropriate the Disciplinary Committee may choose to impose no sanction.

c) If the Member concerned fails to either attend or submit his/her version of events or mitigating circumstances as envisaged above, the Disciplinary Committee can proceed and make such inferences as it sees fit from such non-attendance or non-submission and the Disciplinary Committee meeting may proceed in the Member(s) absence.

d) No sanction may be imposed against a Member unless it is found that the Member has breached the Rules.

e) The Disciplinary Committee will within 7 days of making a final decision (including any sanctions) write to the Member concerned with their decision (whether or not such decision has been previously orally communicated to the Member in question).

5.0 Appeals

5.1

a) The Member(s) subject to the disciplinary hearing may appeal against the decision of the Disciplinary Committee within 14 days of receiving written notification of the final decision

b) Pending the decision of the appeal body any sanction imposed by the Disciplinary Committee remains in force.

c) The appeal must be made in writing to the Trust Secretary who shall contact Supporters Direct who shall

appoint an independent organisation such as Co-operatives UK whose decision will be binding on all parties.

d) The appeal will take place as soon as possible after the member concerned has requested it, and no later than 28 days following the date of receipt of the request for an appeal hearing. As the independent organisation is independent of the Trust there will be no further right of appeal by any party.

e) The final decision will be communicated to Members only after the conclusion of the appeal, or when the date for the lodging of an appeal has passed without such appeal being lodged. The Secretary will be responsible for communicating the decision, and no members of the disciplinary committee shall make any comment about the proceedings publicly.

5.2 No Member expelled from membership shall be re-admitted except by a special resolution of the Trust in general meeting.

Declaration

I confirm that I have read the Trust Board Membership and Conduct Policy and agree to be bound by its provisions:

Signed:

(Trustee or Officer – delete as appropriate)

Print Name:

Date:

