



## DISCIPLINARY PROCEDURE



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## **YORK CITY SUPPORTERS' SOCIETY LIMITED**

### **DISCIPLINARY PROCEDURE**

#### **1.0 Introduction**

This document is drafted in accordance with the existing rules of York City Supporters' Society Limited and sets out the Disciplinary Policy adopted pursuant to a resolution of the Society at a General Meeting held on Thursday 23 February 2012.

The purpose of this policy is to ensure that:

1.1 Members agree to be bound by the rules of the Society which require that the conduct of members is not prejudicial to the Objects of the Society.

#### **2.0 Definitions**

2.1 "Member(s)" means a member(s) of the Society.

2.2 "Society Board Member(s)" means an elected Member(s) of the Society.

2.3 "Co-opted Member(s)" means a person(s) who is/are a Member(s) and has/have been elected to the Society Board by Society Board Directors but not elected by the Members.

2.4 "Board Membership and Conduct Policy" means a detailed set of rules and regulations of the Society set out in a separate policy statement which includes the procedure which should be followed in all cases relating to Society Board Members only.

2.5 "Disciplinary Offence" means a member has committed an Indictable Offence (as defined below at 2.6) or such act or deed which would adversely affect the reputation of the Society in accordance with 4.1 below

2.6 "Indictable Offence" means a criminal offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974) for dishonesty, fraud or dealing in drugs.

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

2.8 "Rules" means the rules and regulations of the Society laid out in the separate Rules document

2.9 "Secretary" means the Secretary of the Society.

2.10 "Chair" means the elected chair of the Society Board.

2.11 "Society" means Supporters' Society Limited (also known as York City Supporters Trust).

2.12 "Society Board" means the Board of the Society including any Co-opted Members.

#### **3.0 Co-opted Society Board Members**

3.1 Co-opted Society Board Members may not serve on a disciplinary committee.

#### **4.0 Procedure**

4.1 Where any Member is deemed by a majority of the Society Board to have committed a Disciplinary Offence as defined in this document or has otherwise acted in a way which a majority of the Society Board believe is in contrast to the spirit of this document and/or the Rules, they 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 the Society Board decides to constitute a Disciplinary Committee the Member(s) concerned will be suspended from membership of the Society and shall not be entitled to vote nor attend general meetings for the period of suspension.

4.2 The Disciplinary Committee will consist of the then Chair and Vice-Chair of the Society Board unless one or both of them is the subject of the disciplinary action, in which case another member of the Society Board will be selected by the Society Board as Chair of the Disciplinary Committee. In addition up to 3 but no less than 2 other Society Board members (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.

4.3 Either the Society Board or the Member(s) who are the subject of the hearing may request for an independent member to join the Disciplinary Committee. The independent member will be selected on the basis of mutual agreement, and shall for the avoidance of doubt not be someone who has served with any of the subjects of the hearing on any board or committee, and shall ideally not be a member of the Society itself.

4.4 In the event that it is not possible to agree the identity of the independent member, Supporters Direct will select the independent member.

4.5 All members of the Disciplinary Committee 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.

4.6 All incidental expenses for independent members shall be met by the Society.

4.7 The Disciplinary Committee shall meet as soon as is practicable (where possible within 7 days) after the Society 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. The Disciplinary Committee shall act honestly and equitably 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. 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.

4.8 The Member(s) subject to the disciplinary hearing may appeal against the decision of the Disciplinary Committee within 7 days of being notified of the decision. The appeal must be made to the Society 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. 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 Society there will be no further right of appeal by any party.

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.



4.9 No member expelled from membership shall be re-admitted except by a special resolution of the Society in general meeting.