



BWFCST DISCIPLINARY POLICY

1.0 Introduction

- 1.1 This policy has been produced by the Bolton Wanderers Supporters Society Limited (hereafter referred to as BWFCST or "the Trust"), adopted at its Steering Group Meeting held on 16 April 2016.
- 1.2 The purpose of this document is to ensure that BWFCST members agree to be bound by the Model Rules of the trust which require that the conduct of members is not prejudicial to the objects of the trust and to identify the disciplinary procedures that may be used should any member of the Trust be deemed to have breached the Model Rules.

2.0 Definitions

2.1 Definitions of the terms used in this policy are as noted below:

- a) "Trust Board" means the elected board of the BWFCST plus any co-opted Trust board members
- b) "AGM" means the annual general meeting of the Trust
- c) "SGM" means a special general meeting of the Trust
- d) "Member" means a member of the Trust
- e) "Membership Secretary" means the member, appointed by the Trust board, with delegated responsibility for maintaining the Trust's membership records
- f) "Secretary" means the Secretary of the Trust who has been appointed by the Trust board
- g) "Trust Board Member" means a member of the Trust board including any person co-opted onto the Trust board in accordance with the BWFCST Model Rules
- h) "Co-opted Member" means a person who has been elected to the Trust board by Trust board members but not elected by the members
- i) "Elected Member" means a member who has been elected to the Trust board by the members
- j) "Officer" means the Chair, Deputy Chair or Treasurer of the Trust
- k) "Chair" means the Chair of the Trust and elected in accordance with the Board Membership and Conduct Policy
- l) "Deputy Chair" means a Deputy Chair of the Trust and elected in accordance with the Board Membership and Conduct Policy
- m) "Treasurer" means the Treasurer of the Trust and elected in accordance with the Board Membership and Conduct Policy
- n) "Disciplinary Policy" means a detailed set of regulations laying out the standard of conduct that the Trust expects its members to display and procedures to be followed in the event of breaches
- o) "Disciplinary Offence" means an Indictable Offence or such act or deed which is likely to bring the Trust's name and/or reputation into disrepute and/or is in contrast to the terms or spirit of the BWFCST Model Rules and/or the policies of the Trust
- p) "Indictable Offence" means a criminal offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974) that has been tried by a Crown Court
- q) "Model Rules" means the rules and regulations of the trust as laid out in the separate BWFCST Model Rules document

3.0 Co-opted Board Members

- 3.1 Co-opted trust board members may not serve on a disciplinary committee.



4.0 Disciplinary Procedures

4.1 Where any member is deemed by a majority of the Trust board:

- to have committed a Disciplinary Offence
- has otherwise acted in a way such that is likely to bring the Trust's name and/or reputation into disrepute
- has acted in contrast to the terms or spirit of this document and/or the BWFCST Model Rules and/or the policies of the Trust

the Trust board shall be at liberty to constitute a Disciplinary Committee ("the Disciplinary Committee") to investigate and determine the facts relating to the matter and take such measures as it sees fit.

If the Trust board decides to constitute a Disciplinary Committee, the member(s) concerned will be suspended from membership of the trust until the disciplinary procedure has been concluded and a final decision reached. The member in question shall not be entitled to vote nor attend general meetings for the period of suspension and until any reinstatement is decided upon.

Examples of acts that may be considered breaches of discipline include, but are not limited to

- bringing the Trust into disrepute by maliciously attempting to publicly undermine any decision or policy of the Trust board including the use of any medium where the Trust board member's identity is concealed through the use of a pseudonym (e.g. on-line forum, blogs etc.)
- loaning or transferring a Trust membership card to a another person
- acts of violence and/or vandalism wherever they take place

4.2 The Disciplinary Committee will consist of the Chair and the Deputy-Chair of the Trust board unless either or both of them is the subject of the disciplinary action, in which case another Trust board member will be selected by the trust board as chair of the Disciplinary Committee.

In addition up to 3 but no less than 2 other Trust board members (who shall not be the subject of the disciplinary action) shall also sit on the Disciplinary Committee. In the case of an equality of votes the chair of the Disciplinary Committee shall have a casting vote.

4.3 Either the Trust 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 Trust 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 Trust.

4.7 The Disciplinary Committee shall meet as soon as is practicable (where possible within 7 days) after the Trust board meeting which constituted the Disciplinary Committee and shall invite the member(s) concerned to attend or submit their 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, censure or warning.

4.8 A further suspension to allow more facts to be gathered may be granted. If suspension for further information gathering is granted, a further meeting of the Disciplinary Committee shall be held.



- 4.9 If appropriate the Disciplinary Committee may choose to impose no sanction.
- 4.10 If the member(s) concerned fails to either attend or submit their version of events or mitigating circumstances the Disciplinary Committee meeting may proceed in the absence of the member(s) and the Disciplinary Committee can make such inferences as it sees fit from such non-attendance or non-submission.
- 4.11 The decision of the Disciplinary Committee will be notified to the member(s) within 7 days of the Disciplinary Committee meeting.
- 4.12 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 secretary who shall contact Supporters Direct. Supporters Direct shall appoint an independent panel of three Trust members to investigate and conduct the appeal. The decision of the independent panel 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. There will be no further right of appeal by any party.

- 4.13 The final decision will be communicated to all of the parties 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.
- 4.14 No member expelled from membership of the Trust shall be re-admitted except by an extraordinary resolution of the Trust in a general meeting.

