



# **Garioch Amateur Swimming Club**

## **Constitution**

**2015**

Revised as agreed at AGM 1 June 2015

## CONSTITUTION

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## **CONSTITUTION**

### **C.1 NAME**

The Club shall be called "Garioch Amateur Swimming Club" (Hereinafter referred to as the Club).

### **C.2 OBJECTS**

The objective of the Club shall be to: -

Promote and manage the teaching, knowledge and practice of one or more Aqua Sports, in accordance with paragraph C2.2 & C2.5 of the SASA Constitution.

### **C.3 MEMBERSHIP**

**C.3.1** The membership shall consist of the following categories: -

(a) Adult Member

An Adult is an individual 16 years old and over, as recognized in Law.

(b) Junior Member

A Junior is an individual not recognized in Law as an adult and not as defined in SASA Company Rule R13.5.6

(c) Life Member

**C.3.2** Membership fees shall be as agreed at each Annual General Meeting.

**C.3.3** All Club Members must be registered with the SASA in accordance with the sub-categories as defined in SASA Bye-Law BL3.2.

**C.3.4** All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.

**C.3.5** The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with Club Bye-Law BL3.7.

## **C.4 GOVERNANCE**

- C.4.1** The Club shall be subject to and bound by the Constitution and Bye-Laws of the SASA Memorandum, Articles and Rules of SASA Ltd and SASA North District Rules.
- C.4.2** The Club shall comply with the SASA Code of Conduct, the SASA Code of Ethics and the SASA Child Protection Guidelines.
- C.4.3** The Club shall be governed by its Constitution, Bye-Laws and Regulations.
- C.4.4** Amendments to the constitution shall only be made at a General Meeting provided that at least a two thirds majority of those present and voting is secured.
- C.4.5** Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C.4.6** The Management Committee shall have the power to publish and enforce such Regulations as it feels necessary to govern the activities of the Club.

## **C.5 MANAGEMENT**

- C.5.1 Management Committee**  
The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus up to twelve other Adult Members as defined in BL5.1
- C.5.2 The Officers of the Club**  
Who shall be honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Members.
- C.5.3 Vacancies**  
If the post of any Officer or Adult committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy (subject to BL 5.6).
- C.5.4 Adult members**  
All Management Committee members shall be Adult members of the Club.

## **C.6 MEETINGS**

### **C.6.1 General Meetings**

- C.6.1.1 Notices**  
At least thirty days notice shall be given to all Adult Members of any General Meeting and they shall be informed of the agenda.
- C.6.1.2 Attendance**  
All Adult Members and Life Members are entitled to attend take part and vote.
- C.6.1.3 Voting**

With the exception of changes to the Constitution decisions put to a vote shall be resolved by a simple majority at General Meetings. Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.

#### **C.6.1.4 Quorum**

The quorum at General Meetings shall be two Officers of the Club plus thirteen members eligible to vote.

#### **C.6.1.5 Changes to the Constitution and Bye-Laws**

A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two persons eligible to vote at a General Meeting.

### **C.6.2 Annual General Meeting (AGM)**

The Club shall hold an Annual General Meeting in the month of June or first week of July to:

- Approve the minutes of the previous year's AGM.
- Receive a report from the Club President and Secretary
- Receive a report from the Honorary Treasurer and approve the Annual Accounts.
- Receive a report from the Auditors.
- Elect Management Committee Members and Office Bearers
- Appoint Auditors for the Club's Accounts
- Consider changes to the Constitution
- Consider changes to the Bye-Laws.
- Present Life Membership(s)
- Deal with other relevant business

### **C.6.3 Extraordinary General Meeting (EGM)**

**C.6.3.1** An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least ten Adult Members of the Club. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members.

**C.6.3.2.** The Secretary shall call an EGM within 28 days of its application.

### **C.6.4 Management Committee Meetings (MCM)**

**C.6.4.1** The club shall hold Management Committee Meetings no less frequently than every two months.

**C.6.4.2** A Management Committee Meeting shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least seven Adult Members of the Club.

**C.6.4.3** A quorum for Management Committee Meetings shall be at least two Officers of the Club and four Committee members.

**C.6.4.4** The business of the meeting shall be enacted in accordance with Section 6 of the Bye-laws.

## **C.7 FINANCE & ACCOUNTS**

### **C.7.1 Financial Year**

The financial year shall run from 1st May to 30th April each year.

### **C.7.2 Annual Accounts**

The honorary Treasurer shall be responsible for the preparation of Annual Accounts of the Club.

### **C.7.3 Auditing**

The Accounts shall be audited by an independent person(s) appointed annually at the AGM.

### **C.7.4 Signatories**

All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club.

### **C.7.5 Contracts/Partnerships**

The Management committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorum committee meeting prior to the commitment being made.

### **C.7.6 Financial Liabilities**

All Adult members of the Club shall be jointly responsible for the financial liabilities of the Club.

### **C.7.7 Surplus**

Any surplus of the Club's income will be re-invested in the Club and not distributed to its members.

## **C.8 DISCIPLINE**

**C.8.1** The Management Committee may take action (e.g. suspend or cancel membership) against any Club Member proved guilty of infringing the Club Regulations or acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the SASA Constitution, Bye-Laws and the SASA Company rules have been applied.

**C.8.2** All Grievances, Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with Section 8 of the Club Bye-Laws.

**C.8.3** Grievances and Complaints involving doping, child abuse or other criminal offences shall be referred to the SASA Chief Executive within 48 hours, in accordance with SASA Bye-Law BL16.1.3.

## **C.9 AWARDS**

### **C.9.1 Procedures**

Nomination and selection procedures shall be in accordance with Section 9 of the Bye-Laws.

## **C.10 TROPHIES**

**C.10.1** All trophies belong to the Club in perpetuity and cannot be won outright.

**C.10.2** The Trustee of the Club Trophies shall be nominated at an MCM prior to each year's Awards Presentation Evening.

## **C.11 DISSOLUTION**

**C.11.1** In the event of the dissolution of the Club any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied towards the objectives of the SASA.

**C.11.2** So long as three Adult Members agree to support the Club it cannot be dissolved.

## **BYE-LAWS**

**BL.1 Not used**

**BL.2 Not used**

### **BL.3 MEMBERSHIP**

**BL.3.1** Annual membership and squad fees of existing members (agreed at the AGM shall become due on 1<sup>st</sup> July each year and those of new members on the date of joining the Club.

SASA registration fees of existing members shall become due on 1<sup>st</sup> of March and those of new members, upon joining the Club.

Squad fees may be paid in full on the 1<sup>st</sup> July each year or by monthly standing order, payment being completed by 30<sup>th</sup> of April. All other fees become due on the date of their issue by the Treasurer.

**BL.3.2** All members will be excluded from taking part in any of the Clubs activities, competitions or meetings from two weeks past the due date until their fees are paid.

**BL.3.3** All competition entry fees must be paid prior to the entry date. Members who fail to do so will not be entered into the competition.

**BL.3.4** Members not renewing membership by 31 August will be deemed to be non-members and will be notified in writing accordingly.

**BL.3.5** A Club member wishing to resign from the Club shall inform the Secretary in writing.

**BL.3.6** A Junior/Swimming member wishing to change their 1st or 2nd Claim Club must do so in accordance with SASA Bye-Law BL8.2.4.

**BL.3.7** When an application for membership is turned down by the Management Committee the applicant must be advised of the reason and their right of appeal to the SASA, in writing.

**BL.3.8** Persons applying for Non Swimming Adult Membership who are not parents or guardians of Junior Members of The Club must seek approval of the Management Committee and will be termed Associate Members.

**BL.4 Not used**

### **BL.5 MANAGEMENT**

**BL.5.1** The Management Committee shall comprise the Officers of the Club (as defined in paragraph C5.2), Head Coach or their nominated deputy (and up to 2 other Level 2 or above coaches shall comprise part of the MCM), Membership Secretary, Fundraising Convener, Special Needs Representative and 6 other Adult members.



**BL.5.2** Not used.

**BL.5.3** The Presidency of the Club shall be vacated by the incumbent following a maximum tenure of two continuous years. The previous incumbent shall not be eligible for re-election to the office of President save in the event of no other Member being prepared to stand for election. In this case, the former President may be asked by the AGM to resume the office of President.

**BL.5.4** The term of office for other Management Committee Members shall be one year.

**BL.5.5** Retiring members of the Management Committee may offer themselves for re-election.

**BL.5.6** Members of the Management Committee who wish to resign before the end of their term of office shall do so in writing. Where office bearers need to be appointed following a resignation, the Management Committee shall propose their candidate and post it on the Club notice board for 4 weeks. Any other nominations with proposer, seconder and nominee's signature, may be added during this time, in which case an EGM will be called to elect the office bearer.

**BL.5.7** Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.

**BL.5.8** The Management Committee shall be responsible for: -

- a) Maintaining and discharging the club's constitution, bye laws and regulations
- b) Ensuring representation at district SASA meetings as required
- c) Accepting new membership to the club
- d) Recommending to the AGM the setting of all club fees
- e) Approving the setting of expenses and / or honoraria
- f) Organising the smooth management of the clubs operations
- g) Organising swimming activities as may be requested by other bodies.
- h) Considering and approving or otherwise nominations for Life Membership of the Club.
  
- i) Voting on nominations for the Mark Webb Trophy

**BL.5.9** The Management Committee shall appoint a Head Coach who will, in consultation with the Swimming Sub- Committee and other coaching/ teaching staff,

- Devise and implement training programmes
- Select which Meets Club Swimmers should attend
- Decide Squad movements.

In the event of no agreement being reached in these matters, the final decision will lie with the Chairperson of the Swimming Sub-Committee who may refer to the Management Committee for advice.

The Head Coach will report to the Management Committee on these and other swimming matters.

**BL.5.10** The Management Committee shall appoint such sub-committees as may be considered necessary, detailing powers and reporting requirements to the Management Committee. The Management Committee shall appoint from amongst its members the chair of each sub-committee.

**BL.5.11** The Management Committee shall appoint at least one Child Protection Officer (CPO) who has attended a SASA approved training course.

## **BL.6 MEETINGS**

### **BL.6.1 General Meetings**

**BL.6.1.1** At all meetings if a quorum is present, the Chair shall be taken not later than fifteen minutes after the appointed time of the meeting.

**BL.6.1.2** All Members when called to order at any meeting or gathering of the Club and not complying with the “rule of order” shall be expelled from the meeting.

**BL.6.1.3** The Chairperson at all Management and General Meetings of the Club shall be the President. In the absence of the President, the Vice President shall substitute. In the absence of the President and Vice President, those in attendance shall appoint a substitute.

**BL.6.1.4.** In the event of equality of votes in any resolution before the meeting, which requires a choice to be made for the continued good governance of the Club, the Chairperson of a meeting shall have a second or casting vote.

**BL.6.1.5** The Chairperson of a meeting, shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.

**BL.6.1.6** The Chairperson shall not speak to, oppose or move any motion from the Chair. In order to do so, they shall vacate the Chair until that business is concluded. The meeting shall be presided over by a substitute Chairperson elected from among those present.

**BL.6.1.7** The minutes of all meetings will be made available to Adult and Life Members after approval.

### **BL.6.2 Annual General Meeting (AGM)**

**BL.6.2.1** The Secretary shall give written notice of not less than 30 (thirty) days prior to the date of the AGM. This notice shall be published on the Club notice board and circulated to all Adult and Life Members.

**BL.6.2.2** The Secretary shall display a list for nominees, proposers and seconders on The Club notice board at least 14 days before the AGM.

**BL.6.2.3** Nominations for Officers of the Club and other members of the Management Committee shall be displayed on the club board proposed and seconded in writing for submission to the secretary no later than 8 (eight) days before the start of the AGM. Nominations for any unfilled positions on the Management Committee may be made from the floor of the AGM by a proposer and seconder and with the prior consent of the nominee. All nominees, proposers and seconders shall be Members of the Club.

**BL.6.2.4** Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary at least 14(fourteen) days before the meeting.

**BL.6.2.5** Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be displayed on the Club notice board at least 7(seven) days before the meeting.

**BL.6.2.6** The order of business for a AGM shall include:

- Apologies for Absence
- Approval of Minutes from Previous AGM & Matters Arising
- President's Remarks
- Financial Report and Appointment of Auditors
- Coaching Reports
- Conveners' Reports
- Special Needs Report
- Proposed Changes to Constitution
- Proposed Changes to Bye-Laws
- Election of Management Committee Members
- Life Membership Awards
- Other Relevant Business

### **BL.6.3 Extraordinary General Meeting (EGM)**

**BL.6.3.1** The Secretary will give notice, in writing, of all Extraordinary General Meetings, stating the Agenda, to all Adult and Life Members at least 14 days prior to such meetings being held.

**BL.6.3.2** The order of Business for an EGM shall be:

- President's Remarks
- Apologies for Absence
- Business to be transacted of which due notice has been given

**BL.6.3.3** No business shall be transacted at the EGM other than business of which due notice has been given.

### **BL.6.4 Management Committee Meetings (MCM)**

**BL.6.4.1** Notice of the date, time and venue of each MCM shall be published on the Club notice board at least 7(seven) days prior to the meeting.

**BL.6.4.2** Adult Members who are not members of the MCM, may attend, but may only participate with the agreement of the Chairperson. Where matters of a confidential nature are to be discussed, non-MC members will be required to

leave the meeting. Matters identified as confidential should not be discussed outwith the MC.

**BL.6.4.3** All Committee Members shall have a deliberative vote.

**BL.6.4.4** No decision of the MCM may be altered or revoked without 14(fourteen) days prior notice of intent, in writing, being given to the Secretary.

## **BL.7 FINANCE & ACCOUNTS**

**BL.7.0.1** The Treasurer shall arrange for the Auditor(s) to examine and certify the Club accounts and balance sheet before presentation of an audited summary to the AGM.

**BL.7.0.2** The Treasurer shall submit a budget, to the last meeting of the MCM prior to the AGM, for the following financial year.

**BL.7.0.3** The Treasurer shall submit a financial statement to the MCM no less frequently than every 3(three) calendar months.

**BL.7.0.4** All outgoing payments shall be made by cheque, signed by in accordance with paragraph C7.4 of the Constitution.

## **BL.8 DISCIPLINE**

Any member guilty of conduct or breach of the Constitution, Bye-laws, Regulations which is detrimental to the interests or aims of the Club may be disciplined by the MCM, provided Paragraph C8.1 of the Constitution has been satisfied.

### **BL.8.1 Suspensions and Fines**

**BL.8.1.1** The MCM may issue a written warning, suspend from activities wholly within its own jurisdiction or expel a Member as a means of discipline.

### **BL.8.2 Grievances**

**BL.8.2.1** A Grievance which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club can be made by:

- Any Member of the Club
- A parent or guardian on behalf of a Junior Member of the Club
- An individual

**BL.8.2.2.** A grievance shall be made in writing to the Club Secretary not later than 30 (thirty) days after the incident.

### **BL.8.3 Complaints**

- BL.8.3.1** A complaint may be made against decisions taken by the Club in respect of the outcome of a submitted grievance or as a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by SASA Ltd.
- BL.8.3.2** A complaint must be made in accordance with Section 16 of the SASA Ltd. Rules.

### **BL.8.4. Appeals**

- BL.8.4.1** An appeal may be made against decisions taken by the National Enquiry Panel.
- BL.8.4.2** An appeal must be made in accordance with Section 18 of the SASA Bye-Laws.

## **BL.9 AWARDS**

### **BL.9.1 Life Membership**

- BL.9.1.1** Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.
- BL.9.1.2** A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the MCM. Full details of the nominee's service should be included with the recommendation. Such recommendations must be submitted in writing to the Secretary prior to the last MCM before the AGM.

## **BL.10 TROPHIES**

- BL.10.1** The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- BL.10.2** The Club shall be responsible for arranging and funding the engraving of the winner's name on all Club trophies.

## **BL.11 Not Used**

## REGULATIONS

### R.1 REFERENCE

Every existing rule contained within –

- # GASC Code of Conduct and Discipline Procedure
- # GASC Grievance Procedure
- # GASC Child Protection Officer Appointments and ToRs
- # GASC Management System
- # GASC Financial Procedures
- # GASC Squad membership rules
- # GASC Gala Rules pertaining to:
  - Club Championships
  - Mini Gala
  - External Galas
- # GASC Trophy Rules

shall remain in force until such time as the Management Committee publishes and enforces a respective new regulation in terms of C4.6.