



**GARIOCH AMATEUR SWIMMING CLUB
CONSTITUTION, BYE-LAWS AND
REGULATIONS
2017**

GARIOCH AMATEUR SWIMMING CLUB
CONSTITUTION, BYE-LAWS AND REGULATIONS

INDEX

Constitution

SECTION	C1.0	NAME
SECTION	C2.0	OBJECTIVES
SECTION	C3.0	MEMBERSHIP
SECTION	C4.0	GOVERNANCE
SECTION	C5.0	GENERAL MEETINGS
	C5.1	General
	C5.2	Annual General Meeting (AGM)
	C5.3	Extraordinary General Meeting (EGM)
SECTION	C6.0	AWARDS
SECTION	C7.0	TROPHIES
SECTION	C8.0	DISSOLUTION

Bye-Laws

SECTION	BL1.0	MANAGEMENT
SECTION	BL2.0	MEETINGS
	BL2.1	Standing Orders
	BL2.2	Management Committee Meetings (MCM)
SECTION	BL3.0	FINANCE AND ACCOUNTS
SECTION	BL4.0	DISCIPLINE
	BL4.1	Suspension and Fines
	BL4.2	Grievances
	BL4.3	Complaints
	BL4.4	Appeals

Regulations/Policies

Regulations (or Policies) are specific to the individual Club needs.
However, to comply with the requirements of SASA Constitution C10.2.3 the following Regulations must be produced:-

Club Grievance Procedure *
Child Protection Policy - Officer Appointments and Terms of reference *
Equal Opportunities Policy *

GASC List of Policies, Process and Procedures:-

Disciplinary Procedures *
Coach's Code of Conduct *
Swimmer & Parent Code of Conduct *
Volunteer Code of Conduct *
Photographic and Video Equipment *
Coaching Sponsorships *
Expenses policy *
New Swimmer Entry Procedure *
Team Manager Policy *
Club Sessions
Training Squads
Competition Entries
Coach(s)
Technical Officials
Sub Committees
Trophies
Annual Championships
Life Saving Activities
Whistle Blowing Policy
Hardship Policy

* Draft of these policies, which Clubs may wish to adopt or adapt, are available on www.scottishswimming.com in the Downloads:- Club Information:- Club Administration section.

Please Note:

Regulations/Policies in bold are mandatory and required for affiliation.

Regulations/Policies in italics are advised.

Regulations/Policies in red are optional or to suit the Club concerned.

CONSTITUTION

C1.0 NAME

C1.1 The Club shall be called Garioch Amateur Swimming Club ('the Club')

C2.0 OBJECTIVES

C2.1 The objectives of the Club shall be to advance the public participation in Aquatic Sports by promoting and managing the teaching, knowledge and practice of one or more Aquatic Sports, in accordance with paragraph C2.1 of the Scottish Amateur Swimming Association ('SASA') Constitution where relevant.

C3.0 MEMBERSHIP

C3.1 The membership shall consist of the following categories:

a) Adult Member

An Adult is an individual 16 years and over, as recognised in Scots Law and is

- i. an active swimmer or
- ii. is the parent or guardian of an active swimmer or
- iii. the parent or guardian of a Junior Member

b) Junior Member

A Junior is an individual not recognised in Scots Law as an adult and not as defined in Scottish Swimming Company Rule R4.5.6. and is

- i. an active swimmer

c) Life Member

d) Associate Member

An Associate is an individual being 16 years and over, as recognised in Scots Law and does not have

- i. An active swimmer and is
- ii. Approved by the Management
- iii. May not vote at General meetings
- iv. May not be on the management, unless approved by the management
- v. Cannot instigate constitutional changes

C3.2 Membership fees shall be as agreed at each Annual General Meeting.

C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due on 1 May in each year and those of new members on the date of acceptance for membership. In order to assist members, payments may be made in a phased manner as determined by the Management Committee.

C3.2.2 Members not renewing by end of 1st June will be deemed to be non-members and will be notified in writing accordingly.

C3.2.3 All Members may be excluded from taking part in any of the Clubs activities inc. training, competitions or meetings, unless their annual subscription payments are up to date.

C3.3 All Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.

- C3.4 All Members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations, Policies, Process and Procedures adopted by the Club.
- C3.5 A Member wishing to resign from the Club shall inform the Secretary in writing, inc. Email
- C3.6 A Member wishing to move membership to another club must
- i. Gain approval from the Head Coach
 - ii. Have all club affairs in order
- C3.7 A Club Member wishing to change their 1st or 2nd Claim Club must do so in accordance with SS Company Rule R5.2.
- C3.8 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.8.1.
- C3.8.1 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 Scottish Swimming, in writing.

C4.0 GOVERNANCE

- C4.1 The Club shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C4.2 The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Child Protection Guidelines.
- i. If local club polices are in place these can take precedence as determined by the club's management
- C4.3 The Club shall be governed by its Constitution, Bye-Laws and Regulations.
- C4.4 Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting approve the amendment.
- C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting approve the amendment.
- C4.6 The Management Committee shall have the power to create, add to, vary, amend, publish and enforce such regulations as the Committee feels necessary to govern the activities of the Club.

C5.0 MEETINGS

C5.1 General

C5.1.1 Notices

At least thirty days notice and the proposed agenda of any General Meeting shall be given to Adult Members, Life Members and Associate Members.

C5.1.2 Attendance

All Adult Members, Life Members and Associate Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.

C5.1.3 Voting

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

C5.1.4 Quorum

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

C5.1.5 Changes to the Constitution and Bye-Laws

A proposal to change the Constitution or Bye-Laws can be proposed by

- a) by an Officer of the Club or
- b) by other members who must submit the proposal in writing to the Secretary, and the proposal must be signed by at least two members who are eligible to vote at a General Meeting.

C5.1.6 Conduct of Business

The conduct of business shall be in accordance with Bye-laws Section BL2.1

C5.2 Annual General Meeting (AGM)

C5.2.1 The Club shall hold an Annual General Meeting in the month of April to:

- a) Approve the minutes of the previous year's AGM.
- b) Receive reports from the President and Secretary.
- c) Receive a report from the Treasurer and approve the Annual Accounts.
- d) Propose when to receive a report from the Auditor(s) / Independent Examiner(s).
(No less than 2 month after the AGM)
- e) Elect Officers and Management Committee Members.
- f) Appoint Auditor(s) / Independent Examiner(s) for the Club's Accounts.
- g) Consider changes to the Constitution.
- h) Consider changes to the Bye-Laws.
- i) Present Life Membership(s).
- j) Deal with other relevant business

C5.2.2 The Secretary shall give written notice of not less than thirty days prior to the date of the AGM. This notice shall be published on the Club notice board and circulated by email to all Adult, Associate and Life Members.

C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM and nominations for the Management Committee and if required a note of the process governing alteration to the Constitution and Bye-Laws.

C5.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adult Members and the nominee, to the Secretary no later than 14 days prior to the AGM.

- C5.2.5 Proposed alterations to the Constitution and Bye-Laws and notices of motion must be received by the Secretary not later than 14 days prior to the AGM.
- C5.2.6 Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be displayed on the Club notice board at least seven days before the AGM.

C5.2.7 The business for an AGM shall include, but not constrained to:

- a) President's Welcome
- b) Apologies for Absence
- c) Approval of minutes from previous AGM & matters arising.
- d) President's Report
- e) Secretary's Report
- f) Head Coach Report
- g) **Financial Report**
- h) **Proposed changes to Constitution**
- i) **Proposed changes to Bye-Laws**
- j) Resignation of current Officers and members of the Management Committee
- k) **Election of Officers and Management Committee Members**
- l) **Appointment of Auditors / Independent Examiners**
- m) Life Membership Awards
- n) Other relevant business

C5.3 Extraordinary General Meeting (EGM)

- C5.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least fifteen 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.
- C5.3.2 The Secretary will give notice, in writing of all EGMs, stating the Agenda, to all Adult, Associate and Life Members at least thirty days prior to such meetings being held.
- C5.3.3 The order of Business for an EGM shall be:
- a) President's Remarks
 - b) Apologies for Absence.
 - c) Business to be transacted of which due notice has been given.
- C5.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

C6.0 AWARDS

C6.1 Life Membership

- C6.1.1 At the discretion of the Management Committee (by simple majority) Life membership may be

- a) Presented to person(s) who have given outstanding service, over many years, to the Club and
- b) Shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.

C6.1.2 A recommendation for Life Membership may be made by any Adult, Associate or Life Member to the Secretary for submission to the Management Committee. Full details of the nominee's service should be included with the recommendation.

C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Club Honorary Treasurer / Secretary shall act as Trustee of Club Trophies, unless otherwise defined by the Management Committee Members (MCM).
- C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- C7.4 The Club shall be responsible for arranging and funding the engraving of the winners' names on all Club trophies.
- C7.5 The winner of a Club trophy shall ensure the trophy is maintained and returned in good condition
- C7.6 Any winner that loses or damages a trophy shall be responsible for its like for like replacement, repair and associated costs

C8.0 DISSOLUTION

- C8.1 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 Scottish Swimming.
- C8.2 So long as a minimum of four of Adult Members, Associate Members or Life Members agree to support the Club it cannot be dissolved.

BYE-LAWS**BL1.0 MANAGEMENT**

- BL1.1 The affairs of the Club shall be conducted by the Management Committee which shall consist of the Officers of the Club plus six other Adult Members (one of whom shall be the Head Coach of the Club)
- BL1.2 The Officers of the Club, who shall be Honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at the Annual General Meeting, as shall be the Head Coach and five Adult Members of the Management Committee.
- BL1.3 If the post of any Officer or Adult Member of the Management Committee should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy (by co-option).
- BL1.4 All Management Committee members shall be Adult Members of the Club.

BL1.5 Management Committee

- BL1.5.1 The Management Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2) the Head Coach of the Club and five other Adult Members.
- BL1.5.2 The term of office for President, Secretary and Treasurer shall be three years, one retiring annually in rotation.
- BL1.5.3 The Vice President shall be elected for a term of two years.
- BL1.5.4 The term of office for the other Adult Members shall be two years, half retiring annually.
- BL1.5.5 Retiring members of the Management Committee may offer themselves for re-election.
- BL1.5.6 Management Committee member(s) elected or co-opted to fill a vacancy part way through a term of office shall retire in sequence with the original order of rotation.
- BL1.5.7 Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.
- BL1.5.8 *The Management Committee shall be responsible for:*
- a) Controlling and implementing the Club's Constitution, Bye-laws and Regulations
 - b) The organisation and control of all members during Club hours.
 - c) The operational management of the Club.
 - d) Making recommendations on financial matters to the AGM
 - e) Representing the Club at district SASA meetings, as appropriate.
 - f) The annual appointment of coaches and instructors on Head Coaches approval.
 - g) The acceptance of members to the Club
 - h) The selection of members to represent the Club.
 - i) The handicapping of Club events as necessary.
 - j) The organisation of swimming activities as may be requested by other bodies.
 - k) Presenting annually their nominations for Hon. President and Hon. Vice President(s) to the AGM for ratification.
 - l) Considering and approving or otherwise nominations for Life Membership of the Club.
 - m) Voting on nominations for the Mark Webb Trophy

- BL1.5.9 The Management Committee shall appoint such sub-committees as may be considered necessary and shall determine the remit and functions of the sub-committee. Sub-committees are subject to the Constitution, Bye-laws and Regulations.
- BL1.5.10 The Management Committee shall appoint at least one Child Protection Officer (CPO) who has attended a Scottish Swimming approved training course.
- BL1.5.11 Any officer retiring under the rules set in BL1.5 can reapply for election if no active adult member puts themselves forward for the position

BL2.0 MEETINGS

BL2.1 Standing Orders

- BL2.1.1 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.
- BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying to the "rule of order" shall be expelled from the meeting.
- BL2.1.3 The Chair at all 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.
- BL2.1.4 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 Chair of a meeting shall have a second or casting vote.
- BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.
- BL2.1.6 The Chair 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 Chair elected from among those present.
- BL2.1.7 The Chair may direct that a matter to be discussed is confidential and Management Committee members are prohibited from referencing the confidential information after the meeting.
- BL2.1.8 The minutes of all meetings can be circulated by email to Adult, Associate and Life Members on request to the secretary. Any minutes incorporating confidential information may be circulated at the discretion of the management.

BL2.2 Management Committee Meetings

- BL2.2.1 The Club shall hold Management Committee meetings no less frequently than every three months.
- BL2.2.2 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 / Email by at least five Adult and Associate Members of the Club.
- BL2.2.3 A quorum for Management Committee Meetings shall be at least one Officer of the Club and two Committee members.
- BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.
- BL2.2.5 Notice of the date, time and venue of each committee meeting shall be published on the Club notice board or Website at least seven days prior to the meeting.

- BL2.2.6 Any Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.
- BL2.2.7 All Management Committee members, except any ex-officio members, shall have a deliberative vote.
- BL2.2.8 No decision of the Committee may be altered or revoked without fourteen days prior notice of intent, in writing / Email, being given to the Secretary.
- BL2.2.9 On the occasion where there is a split vote the President of the club will have the casting vote.

BL3.0 FINANCE & ACCOUNTS

- BL3.1 The financial year shall run from 1st May to 30th April each year.
- BL3.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- BL3.3 The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.**
- BL3.4 All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club.
- BL3.5 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 quorate committee meeting prior to the commitment being made.
- BL3.6 All Members (who are adults) of the Club shall be jointly responsible for the financial liabilities of the Club
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its Members.
- BL3.8 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet after the summary presentation at the AGM. A certified summary can be requested on agreement by the Management Committee Members (MCM) after the AGM.
- BL3.9 The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.
- BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every 3 (three) calendar months.
- BL3.11 Any outgoing payments made by cheque shall be signed in accordance with paragraph BL3.4. Payments may also be made electronically from the Club's bank accounts by the Treasurer, following consultation with another Officer of the Club. Such consultation to be recorded in writing or Email by the Treasurer.
- BL3.12 A Financial Sub Committee (FSC) maybe called at any time to discuss and agree club financial matters. The FSC shall consist of only current Management Members. Any decision agreed at the FSC shall be sanctioned by the Management Committee before implemented.

BL4.0 DISCIPLINE

- BL4.1 The Management Committee may take action (including but not limited to fine, suspend or cancelation of membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws and Regulations which is detrimental to the interests or aims of the Club or for 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 Scottish Swimming Governance Documentation have been applied.

BL4.1.1 All Grievances, Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.

a) If local club policies are in place these can take precedence as determined by the club's management

BL4.1.2 Grievances and Complaints involving doping, child abuse or other criminal offences shall be referred to the Scottish Swimming Chief Executive within 48 hours, in accordance with SS Company Rule R12.1.4.

BL4.1.3 The Management Committee may suspend, from activities wholly within its own jurisdiction, impose a fine, suspend or expel a member as a means of discipline.

BL4.2 Grievances

BL4.2.1 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:

a) Any Member of the Club

b) A parent or guardian on behalf of a Junior Member as defined in paragraph C3.1(b)

BL4.2.2 A grievance is made in writing to the Club Secretary, not later than thirty days after the incident.

BL4.2.3 An Enquiry Panel will be set up by the Club to consider the grievance in accordance with the Club procedures

BL4.2.4 If the decisions of the Enquiry Panel do not satisfy the person who made the grievance, that person shall have a right of appeal to Scottish Swimming in accordance with Section BL4.4.

BL4.3 Complaints

BL4.3.1 A complaint is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming.

BL4.3.2 A complaint must be made in accordance with SS Company Rules, Section 12.

a) If local club policies are in place these can take precedence as determined by the clubs management

BL4.4 Appeals

BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Enquiry Panel.

BL4.4.2 An appeal must be made in accordance with SS Company Rules, Section R.14.