

# Carnegie Swimming Club Constitution

Registered Charity No: SC 030974



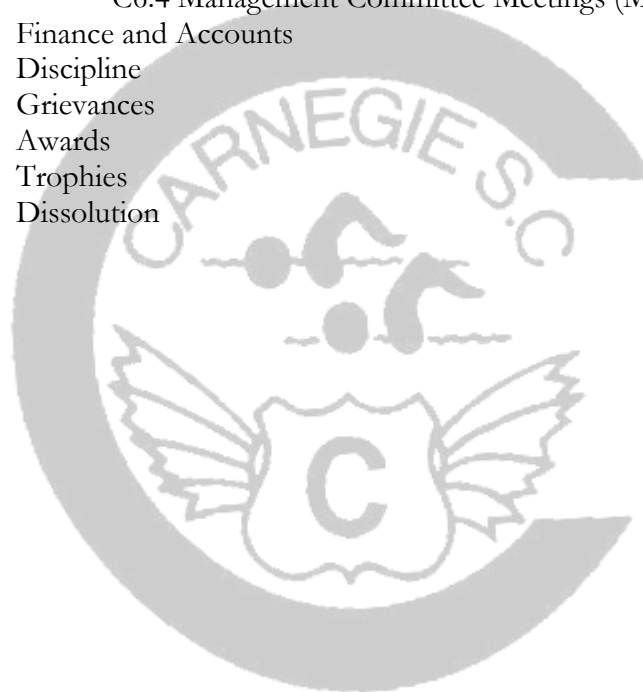
April 2009

## Constitution

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Constitution (adopted by the Club Members on 24<sup>th</sup> April 2009)

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## **Constitution**

### **C1.0 Name**

- C1.1 The Club shall be called Carnegie Swimming Club (here in after referred to as the Club) and shall be based in the Fife area.
- C1.2 The Club can be organised in sections each of which can have their own membership criteria, training structures and fees as well as their own section regulations.

### **C2.0 Objectives**

The Club's purpose as a registered charity is defined by the following statement of objective:

- To promote competitive swimming and the enhancement of competitive opportunities for swimmers in the Fife Area.
- The promotion of and instruction in any of the aquatic disciplines.
- To promote the benefits of physical activity and its associated benefits through swimming development, teaching and coaching of swimming.

### **C3.0 Membership**

- C3.1 The Membership shall consist of the following categories:
- Junior Swimming Members (under 16 years at the start of the membership year)
  - Adult Swimming Members (16 years and over at the start of the membership year)
  - Non-Swimming Adult Members
  - Life Members
- C3.2 All Club Members must be registered with the SASA as per SASA constitution and rules.
- C3.3 Membership, for all categories, shall run from 1<sup>st</sup> March to last day in February the following year.  
All members may be excluded from taking part in any of the clubs activities, training, competitions or meetings until their annual subscription is paid.
- C3.4 All members joining the Club must accept the terms of this Constitution, the General Regulations and the relevant Section Regulations adopted by the Club.
- C3.5 Applications for membership may be referred to the Management Committee. The Management Committee shall have the power to turn down an application for membership. 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 SASA, in writing.
- C3.6 The Annual Membership fees, for each category, shall be at a level decided by the Management Committee. This should normally be ratified at a General Meeting at the start of the membership year.
- C3.7 A member wishing to resign from the Club shall inform the Membership Secretary in writing giving one months notice.

### **C4.0 Governance**

- C4.1 The Club shall be subject to and bound by, the Constitution of Memorandum, Articles and Rules of SASA Ltd. and the appropriate SASA District Rules unless otherwise stated.
- C4.2 The Club shall comply with the SASA Code of Conduct, the SASA Code of Ethics and the SASA Child Protection Guidelines.
- C4.3 The Club shall be governed by its Constitution and General Regulations.

- C4.4 Amendments to the Constitution shall only be made at a General Meeting provided at least a Two Thirds of those present and voting are secured.
- C4.5 The Management Committee shall have the power to publish and enforce such General Regulations as the Committee feels necessary to govern the activities of the Club.
- C4.6 Each section shall have the power to publish and enforce such Section Regulations as the committee feels necessary to govern the activities of that section.

## **C5.0 Management**

- C5.1 The affairs of the Club shall be conducted by The Management Committee which shall consist of the Officers of the Club (Executive Committee) plus other Management Members and ex-officio members as required.
- C5.2 The Officers of the Club (Executive Committee) who 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.
- C5.3 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.
- C5.4 All Management Committee Members shall be Adult Members of the Club and have one vote.
- C5.5 Each Section of the Club can have its own sub-committee to deal with matters relative to only that section.
- C5.6 The Management Committee shall comprise the Officers of the Club (as defined in paragraph C5.2) plus any additional positions deemed appropriate by the Officers of the Club.  
The Head Coach and Assistant Head Coach will be ex-officio members. Each section of the Club is entitled to have a member on the Management Committee.
- C5.7 The term of office bearers shall be for one year.
- C5.8 Retiring members of the Management Committee may offer themselves for re-election.
- C5.9 Management Committee members co-opted by the committee shall be subject to endorsement at the first AGM or EGM thereafter.
- C5.10 The Management Committee shall be responsible for:
  - The organisation and control of all members during Club hours.
  - The annual appointment of Head Coach and poolside helpers.
  - The appointment of Legal Advisor.
  - The appointment of personnel to represent the Club at Local, District & National level.
  - The organisation of swimming activities as may be requested by other bodies.
  - Considering and approving or otherwise nominations for Life Membership of the Club.
- C5.11 The quorum shall be 5 (five) for Management Committee Meetings. Minimum of 2 (two) officers and three committee members.
- C5.12 The Management Committee shall appoint at least one Child Protection Officer (CPO) who has attended a SASA approved training course.

## **C6.0 Meetings**

### **C6.1 General Meetings**

- C6.1.1 At least 21 (Twenty One) days notice and the Agenda shall be communicated to all Adult Members and parents/guardians of a member under the age of 16 (sixteen) years old of any General Meeting.
- C6.1.2 All Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.

All Members under the age of 16 (sixteen) are entitled to attend and take part but may not vote.

A named parent or guardian may vote on their behalf with one vote per swimmer.

C6.1.3 With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.

Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting. Individuals paid by the club for services shall have no voting rights.

C6.1.4 The quorum at General Meetings shall be 2 (two) Officers of the Club plus a minimum of 25 (twenty five) members eligible to vote.

C6.1.5 Changes to the Constitution.

A proposal to change the Constitution must be submitted in writing to the Secretary.

Any changes to section C2.0 requires the consent of the Office of The Charity Regulator (OSCAR) prior to any change being adopted. Any other changes to the constitution must be notified to OSCAR within 3 months of the change being made.

C6.1.6

## **C6.2 Annual General Meeting (AGM)**

C6.2.1 The Club shall hold an Annual General Meeting during the first quarter of the calendar year.

The order of business for an AGM shall be:

- President's Remarks
- Apologies for Absence
- Approval of minutes from previous AGM
- Correspondence
- Secretary's Report
- Treasurer's Report
- Membership Secretary Report
- Reports
- Proposed changes to Constitution
- Election of Management Committee Members
- Appointment of Auditors
- Life Membership Awards
- Other relevant business

C6.2.2 The Secretary shall give written notice of not less than 21 (twenty one) days prior to the date of the AGM. This notice shall be published at the Club's main facilities, the Club's website and circulated to all Adult Members/Parents and Life Members.

C6.2.3 Appended to the notice of intimation of an AGM shall be the agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, and nomination for the Management Committee.

C6.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing to the Secretary not later than 7 (seven) days prior to the AGM.

C6.2.5 Proposed alterations to the Constitution and notices of motion must be received by the Secretary not later than 7 (seven) days before the AGM.

C6.2.6 Having received all nominations and proposed alterations, the Secretary shall arrange for this information to be displayed and communicated appropriately at least 5 (five) days prior to the AGM.

**C6.3 Extraordinary General Meeting (EGM)**

- C6.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least 25 (twenty five) Adult Members Representatives of junior 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.
- C6.3.2 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Adult, Life Members and Parents at least 14 (fourteen) days prior to such meetings being held.
- C6.3.3 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
- C6.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

**C6.4 Management Committee Meetings (MCM)**

- C6.4.1 The club shall hold Management Committee Meetings no less frequently than every two months. The Management Committee shall meet at least 6 (six) times per year.
- C6.4.2 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 25 (twenty five) Adult Members and Representatives of Junior members of the Club.
- C6.4.3 A quorum for Management Committee Meetings shall be as C5.11.
- C6.4.4 Notice of the date, time and venue of each MCM shall be communicated no less than 7 (seven) day prior to the meeting.
- C6.4.5 Adult Members, who are not members of the management committee, may attend at the invitation of the Chairperson. The Executive Management Committee has the right to exclude members of the management committee where a conflict of interest could potentially rise, from all or part of a MCM.
- C6.4.6 All, except ex-officio members shall have a deliberative vote.
- C6.4.8 The order of business for a MCM shall normally include:
- President's Remarks
  - Apologies for Absence
  - Approval of minutes from previous MCM & matters arising
  - Correspondence in/out
  - Treasurers Report
  - Gala Report
  - Squad Reps Reports
  - Memberships
  - Funding Raising Report
  - District reports
  - Other relevant business

**C6.5 General**

- C6.5.1 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.
- C6.5.2 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.
- C6.5.3 The Chairperson 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.
- C6.5.4 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.
- C6.5.5 The Chairperson of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.

- C6.5.6 The minutes, or at the very least bullet points, of all meetings will be made available to all Adult, Life Members and Parents.
- C6.5.7 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.

**C7.0 Finance & Accounts**

- C7.1 The financial year shall run from 1<sup>st</sup> November to 31<sup>st</sup> October each year.
- C7.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- C7.3 The Accounts shall be examined by an independent person(s) elected annually at the Annual General Meeting.
- C7.4 All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club (one of whom would normally be the Treasurer).
- C7.5 The Executive 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.
- C7.6 All officers of the Club shall be jointly responsible for the financial liabilities of the Club.
- C7.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members.
- C7.8 The Club's assets must not be distributed or otherwise applied other than for charitable purposes, as agreed by OSCAR.
- C7.9 The Treasurer shall submit a budget, to the last meeting of the MCM prior to the AGM, for the following financial year.
- C7.10 The Treasurer shall submit a financial statement to the MCM no less frequently than every 4 (four) calendar months.
- C7.11 All outgoing payments shall be made by cheque in accordance with C7.4.
- C7.12 The monthly training fees paid by members shall be at a level decided by the Management Committee.

**C8.0 Discipline**

- C8.1 The Executive Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of infringing the Club's Regulations and/or SASA Ltd Code of Conduct (General or Section) 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 Rules, have been applied.
- C8.2 All Grievances, Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with club's rules and regulations.
- C8.3 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 Ltd. Rules.

**C9.0 Grievances**

- C9.1 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 member under the age of 16(sixteen) years
  - Any Individual
- C9.2 A grievance is made in writing to the Club Secretary, not later than 30 (thirty) days after the incident.

- C9.3 An Enquiry Panel may be set up by the club to consider the grievance in accordance with the Club Regulations.
- C9.4 If the decisions of the enquiry panel or committee do not satisfy the person who made the grievance that person shall have a right of appeal to the SASA.
- C9.5 Appeals - 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. An appeal must be made in accordance with Section 18 of the SASA Ltd. Rules.

**C10.0 Awards**

- C10.1 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 MCM.  
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.

**C11.0 Trophies**

- C11.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C11.2 The Club Treasurer shall act as Trustee of club's trophies and medals.
- C11.3 The winner of a trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.
- C11.4 The club shall be responsible for arranging and funding the engraving of the winner's name on all trophies.

**C12.0 Dissolution**

- C12.1 The dissolution of the Club can only be decided at a General Meeting specially called for the purpose and by at least two thirds of those present and voting.
- C12.2 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 solely for charitable purposes, as agreed by OSCAR.
- C12.3 So long as three members agree to support the club it cannot be dissolved.

CERTIFICATION

This is certified as a true copy of the Constitution of Carnegie Swimming Club approved at a General Meeting on 24<sup>th</sup> April 2009.

Name GARY WATSON.....

Name EDDIE BARBER.....

Address 8 DAVID HENDERSON  
COURT.....

Address 25 COLLINS CRESCENT  
ST DAVIDS HARBOUR.....

PUNFERMLINE KY12 9DN

DALGETY BAY KY11 9KG

Signature [Handwritten Signature].....

Signature [Handwritten Signature].....

Office held PRESIDENT.....

Office held VICE PRESIDENT.....

Date 2ND SEPT 2009.....

Date 2ND SEPT 2009.....

