

**Carnegie Swimming Club  
Constitution**



March 2017

# CARNEGIE 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**

**Club Grievance Procedure**

**Child Protection Policy - Officer Appointments and Terms of reference**

**Equal Opportunities Policy**

Disciplinary Procedures

Coaches and Teachers Code of Conduct

Athlete Code of Conduct

Parent and Spectators Code of conduct

Officials and Volunteers Code of Conduct

## **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 will be organised in squads each of which can have their own membership criteria, training structures and fees as well as their own squad regulations.

### **C2.0**

#### **OBJECT**

The objectives of the Club as a Registered Charity (Charity No. SC 030974) 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 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.
  - 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.
  - c) Life Member.
  - d) Non swimming adult members.
- C3.2 Membership fees shall be at a level decided by the management committee and as agreed at each Annual General Meeting.
- C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due 1st February in each year and those of new members on the date of acceptance for membership.
- C3.2.2 Members not renewing by 1<sup>st</sup> March will be deemed to be non-members.
- C3.2.3. Membership for all categories shall run from 1<sup>st</sup> March to last day in February the following year.
- C3.2.4 All members will be excluded from taking part in any of the Clubs activities, competitions or meetings until their annual subscription is paid.
- C3.3 All Club 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 adopted by the Club.
- C3.5 A member wishing to resign from the Club shall inform the Membership Secretary in writing and give one months notice. No return of membership fees will be issued.
- C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with SS Company Rule R5.2.
- C3.7 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.
- C3.7.1 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.
- 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 is secured.
- C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C4.6 The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.
- C4.7 Each squad shall have the power to publish and enforce such Squad Regulations as the committee feels necessary to govern the activities of that squad.

**C5.0****MEETINGS****C5.1****General****C5.1.1****Notices**

At least 21 days notice and the Agenda shall be given to all Adult members plus parent / guardians of junior members of any General Meeting.

**C5.1.2****Attendance**

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. Junior members are entitled to attend but not vote. A parent or guardian may vote on their behalf with one vote per swimmer.

**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 means of a show of hands. Those with more than one vote will be given a card with a number corresponding to that individuals voting entitlement as set out in C5.1.2, unless decided otherwise by a majority of those attending.
- c) Individuals paid by the club for services have no voting rights.

**C5.1.4****Quora**

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

**C5.1.5****Changes to the Constitution and Bye-Laws**

- a) A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members 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.

- a) Any changes to section C2.0 requires the consent of the Office of the Charity regulator (OSCR) prior to any change being adopted. Any other change(s) to the constitution must be notified to the OSCR within 3 months of the change being made.

## **C5.2 Annual General Meeting (AGM)**

- C5.2.1 The Club shall hold an Annual General Meeting during the first quarter of the calendar year 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) Receive a report from the Auditor(s) / Independent Examiner(s).
  - e) Elect 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 21 days prior to the date of the AGM. This notice shall be published on the Club Forum, the clubs website and circulated to all Adult and Life Members, plus Parents / Guardians of junior members.
- C5.2.3 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, Bye-Laws and nomination for the Management Committee.
- 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 7 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 7 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 and communicated appropriately at least 5 (five) days before the meeting.
- C5.2.7 The business for an AGM shall include:
- a) Presidents Remarks
  - b) Apologies for Absence
  - c) Approval of minutes from previous AGM & matters arising.
  - d) Secretary Report
  - e) Head coach Report
  - f) Financial Report
  - g) Proposed changes to Constitution
  - h) Proposed changes to Bye-Laws
  - i) Election of Management Committee Members
  - j) Appointment of Auditors / Independent Examiners
  - k) Life Membership Awards
  - l) 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 15 (fifteen) Adult Members and Junior representatives 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 Extraordinary General Meetings, stating the Agenda, to all Adult and Life Members at least 21 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 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.
- C6.1.2 A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the Executive 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 Treasurer shall act as Trustee of Club Trophies and medals
- 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 All trophies must be returned when members resign from the club
- C7.5 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies.

## **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 solely for charitable purposes, as agreed by OSCR
- C8.2 So long as four members agree to support the Club it cannot be dissolved.
- C8.3 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.

## **BYE-LAWS**

### **BL1.0 MANAGEMENT**

- BL1.1** The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club (Executive Committee) plus other elected Management Members and ex-officio members as required.
- BL1.2** The Officers of the Club, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the Management Members. Ex Officio members are those adult members who receive payment through self-employment for services used by the club.
- BL1.3** 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.
- BL1.4** All Management Committee members shall be Adult members of the Club. All, except Ex Officio members, have one vote.
- BL1.5 Management Committee**
- BL1.5.1** The Management Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), and the elected members (as defined in C5.2.7).
- BL1.5.2** The term of office for President, Vice President, Secretary and Treasurer shall be two Years.
- BL1.5.3** Retiring members of the Management Committee may offer themselves for re-election.
- BL1.5.4** Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.
- BL1.5.5** The Management Committee shall be responsible for:
- a) The organisation of all members during Club hours.
  - b) Upholding the club constitution and codes of conduct during club hours.
  - c) The appointment of Head Coach, coaches, instructors and poolside helpers.
  - d) The selection of members to represent the Club. At local, district and national level.
  - e) The organisation of swimming activities as may be requested by other bodies.
  - f) Presenting annually their nominations President and Vice President to the AGM for ratification.
  - g) Considering and approving or otherwise nominations for Life Membership of the Club.
  - h) The appointment of a legal advisor.
- BL1.5.6** The Management Committee shall appoint such sub-committees as may be considered necessary.
- BL1.5.7** The Management Committee shall appoint at least one Child Protection Officer (CPO) who has attended a Scottish Swimming approved training course.



**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 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.
- BL2.1.3 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.
- BL2.1.4 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.
- BL2.1.5 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.
- BL2.1.6 The minutes of all meetings will be published on the club forum.

**BL2.2 Management Committee Meetings**

- BL2.2.1 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.
- 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 by at least 15 Adult or Parents / Guardians of Junior Members of the Club.
- BL2.2.3 A quorum for Management Committee Meetings shall be at least two Officers of the Club and three 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 communicated on the Club forum at least 7(seven) days prior to the meeting.
- BL2.2.6 Adult Members who are not members of the Committee, may attend, at the invitation of the Executive but may only participate with the agreement of the Chair. The Executive management committee has the right to exclude members of the management committee where a conflict of interests could potentially arise, from all or part of the management meeting.
- BL2.2.7 **Order of business shall include**
  - a) President remarks.
  - b) Apologies.
  - c) Approval of Previous Minutes.
  - d) Correspondence.
  - e) Treasurer report.
  - f) Gala report.
  - g) Squad Rep report.
  - h) Membership report.
  - i) Fundraising.
  - j) District reports.
  - k) AOCB.

## **BL3.0 FINANCE & ACCOUNTS**

- BL3.1 The financial year shall run from 1<sup>st</sup> November to 31<sup>st</sup> October 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. All online bank transfers will be approved by a minimum of two officers of the club. In both cases one of the approvers would normally be the treasurer.
- BL3.5 The Executive and delegated members of 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.
- BL3.6 The Officers of the Club shall be jointly responsible for the financial management 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 Club's assets must not be distributed or otherwise applied other than for charitable purposes, as agreed by OSCR.
- BL3.9 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.10 Following acceptance of the financial report at the AGM, the Treasurer shall send a copy of the certified accounts to OSCR.
- BL3.11 The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.
- BL3.12 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every 3 (three) calendar months.
- BL3.13 All outgoing payments made by cheque or bank transfer, shall be approved in accordance with paragraph BL3.4.
- BL3.14 The monthly training fees paid by members shall be at a level decided by the Management committee

**BL4.0 DISCIPLINE**

- BL4.1 The Management Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws, 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.
- 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 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)
  - c) Any Individual
- BL4.2.2 A grievance is made in writing to the Club Secretary, not later than 30 (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 Regulations.
- 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.

**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.
-