

Constitution of Aberystwyth Swimming Club as at 1 April 2011

1. The Club

1.1 The name of the Club shall be: Aberystwyth and District Amateur Swimming Club

1.2 The Club shall be known as ADASC

1.3 The Club Headquarters will be at Plas Crug Leisure Centre, Aberystwyth

1.4 The Club colours shall be royal blue and white

2.1 Object

The object of the Club shall be to promote, foster and encourage swimming.

2.2 The objects of the Club shall also be the objects of the Swim Wales / Nofio Cymru Ltd. (WASA).

In the furtherance of these objects:

2.2.1 The Club is committed to treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.

2.2.2 The Club believes that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

2.3 The Club shall be affiliated to the Swim Wales / Nofio Cymru (WASA) (and shall adopt and conform to the rules of such association) and such other bodies as the Club may determine from time to time.

2.4 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the WASA ("Laws") and in particular:

2.4.1 all competing members shall be eligible competitors as defined in the Laws; and

2.4.2 the Club shall in accordance with the Laws adopt the Child Protection Procedures; and

2.4.3 members of the Club shall in accordance with the Laws comply with the Child Protection Procedures.

2.5 By virtue of the affiliation of the club to the WASA the club and all members of the club acknowledge that they are subject to the laws and rules of;

2.5.1 West Wales ASA

2.5.2 FINA the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").

2.5.3 The committee shall have authority to make regulations within the framework of the constitution of the Welsh Amateur Swimming Association or FINA rules and to deal with any matter not provided for in such constitution and rules

2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3 Membership

3.1 A 'member' refers to all active swimming members, parents and/or supervising guardians, coaching staff, committee and judging officials and life members.

3.2 Membership of the Club shall be open to all persons subject to the approval of the Club Management Committee.

3.2 The Club shall be required to affiliate all swimming members to the WASA.

3.3 The Annual Membership, Club joining and Squad Monthly Session Fees shall be periodically reviewed and decided by the Management Committee.

3.4 General Club membership fees as decided by the Management Committee and the WASA membership fee shall be due on the first day of April in each year and shall be paid before the 30th April in each year. Non-payment by any member of the WASA membership fee due by the 30th April shall cause their membership to lapse and such a member shall not be permitted to take part in any Club activity whether competitive or not.

3.5 Non payment by any member of the Club Monthly Session Fees shall cause their membership to lapse and such a member shall not be permitted to take part in any Club activity whether competitive or not.

3.6 Any person applying for membership of the Club shall submit their application on an official form issued by the Secretary or Membership Secretary of the Club.

3.7 Any person applying for membership on or after the first day of May shall be required to pay the appropriate membership fee within one month of acceptance of their membership and such part of the Club membership fee as shall be decided by the Management Committee.

3.8 Any person applying for membership who is already a member of another club shall be admitted at the discretion of the Management Committee but in accordance with WASA Rules and the Constitution as far as it is applicable.

3.9 All members shall be bound by the rules and constitution of WASA and of the Club, which are in force at the appropriate time.

3.10 Members entitled to vote at the AGM or SGM meetings of the Club must have reached 16 years of age.

4 Resignation

- 4.1 A member wishing to resign membership of the Club must give written notice to the Secretary of his/her resignation and must discharge all liabilities to the Club. A member's resignation shall take effect when the (Rule 4.1) has been complied with.
- 4.2 Notwithstanding the provisions of Rule 4.1 above a member whose monthly session fees are more than 2 months in arrears shall be deemed to have resigned. Where the membership of a member can be terminated in this way they shall be informed in writing that they are no longer a member by notice handed to him/her or sent by post to his last known address.

5 Expulsion and other disciplinary action

5.1 Procedures

On written receipt of the dispute every effort should be made to resolve the matter by informal discussion. Where this has not proved possible, the Chairperson is empowered to appoint an independent arbitrator to assist in achieving a settlement. If this fails or it is clearly necessary to discipline a member, the Club should set up a Panel to deal with the matter.

The Panel should consist of 3 persons, one to act as Chairperson another as minute secretary. The Panel will consist of people not involved in the dispute and the Club may want to ask individuals from outside the Club to sit on the Panel.

The Chairperson should notify the parties of the date, time and place of the hearing and the names of the Panel members. All parties will be given copies of all the papers and every effort should be made to hold the hearing within 14 days of the receipt of the dispute.

If any of those involved in the dispute are under 16 years of age they will be advised of their right to be accompanied by a parent (or other person with a parental responsibility for them) or coach to help them present their case.

All parties will be allowed to bring witnesses.

The hearing should be as informal as possible but needs to be controlled.
Points to note:

- a. The Complainant (s) will present evidence first and the accused will have the right to reply.
- b. All parties to the dispute can call witnesses, the Complainant(s) going first and each party will be allowed to question the other party's witnesses.
- c. Witnesses will wait outside the hearing room until they are called. After questioning they will wait in the hearing room, taking no further part in the proceedings.
- d. The Chairperson or Secretary will make notes of the hearing and the panel will make every effort to announce their decision verbally to all

parties without delay followed by written confirmation to reach all parties within seven days.

The Committee shall have the power to:

- 1 Give written warning;
- 2 Suspend;
- 3 Expel.

6 Appeals as a result of Disciplinary Action

- 6.1 Any member found guilty by the Disciplinary Committee shall have the right to appeal to the Management Committee of the Club with in 21 days of receiving notice of the decision of the Disciplinary Committee. The Management Committee shall, within 7 days of receiving such notice, set up an Appeals Committee which shall consist of 3 members of the Club who will be independent of the Disciplinary Committee and will be chaired by a representative of the area applicable to the Club. Any member whose appeal is not upheld will have a final right of appeal to the Welsh Amateur Swimming Association in accordance with the Association's appeals procedure by giving notice to the WASA within 14 days of receiving in writing the decision of the Appeals Committee. The Club Secretary will be required to supply, within 14 days of being notified, all relevant papers and evidence
- 6.2 Pending the hearing of an appeal the sentence imposed by the Disciplinary Committee shall be suspended.

7 Committee and Officers

- 7.1 The Committee shall consist of the Chairperson, Vice Chairperson, Secretary, Treasurer, Membership secretary (the "Officers" of the Club) as well as the Gala Secretary, Volunteer Co-ordinator, Publicity Officer, Health and Safety Officer, Social Secretary and Coach Representative (as elected by the coaches). All Committee members must be at least 18 years of age, though the Committee may allow younger member(s) to attend their meetings as athlete representatives without the power to vote. The Club will also have a welfare officer who may attend committee meetings but is not a committee member.
- 7.2 The Officers of the Club shall be ex-officio members of any sub-committee.
- 7.3 The Committee members shall be proposed, seconded and elected (normally by show of hands or if required by ballot) at the Annual General Meeting each year and shall hold office until the next AGM when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.
- 7.4 Committee meetings shall be held not less than once a month (save where the Committee itself shall by a simple majority resolve not to meet). The quorum of that meeting shall be one third (to include not less than one Officer)]. The Chairman and Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than 7 days oral [(or written)] notice of a meeting. A simple majority shall make decisions of the Committee [and in the event of equality of votes the

Chairman (or the acting Chair of that meeting) shall have a casting vote]. The Secretary, or in his/her absence a member of the Committee, shall take minutes.

- 7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling 7 days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.6 The Committee may from time to time appoint, from among their number, such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees). They may delegate powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.7 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.9 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 Any Committee member absent from 3 consecutive meetings without reasonable cause shall be removed from that position immediately, until the next AGM.
- 7.11 The Committee may elect any person as an honorary member of the Club for such period as they think fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

8 Annual General Meeting (AGM)

- 8.1 The Annual General Meeting of the Club shall be held within 2 months of the end of the Club's financial year and shall transact the following business:
- a. Approval of the minutes of the last AGM;
 - b. Adoption of the Annual Reports of Officers of the Club, the Chairman and Sub-Committees;
 - c. Election of the President of the Club;
 - d. Election of the Officers of the Club;
 - e. Election of the Management Committee;

- f. Election of Honorary Auditor, Legal Advisor and Medical Advisor;
- g. Consideration of any other motion, due notice of which having been given.

- 9.2 Preliminary notice of the AGM, listing Officers for whom nominations are required will be given 1 months before the date of the AGM.
- 9.3 Motions for inclusion on the Agenda must be received by the Secretary not less than 14 days before the date of the AGM.
- 9.4 Notice convening the meeting shall, together with copies of the annual reports, be published to all officers and members at least 7 days before the AGM.
- 9.5 Any amendment to motions shall be sent to the Secretary at least 7 days before the AGM.
- 9.6 Voting at meetings shall normally be by a show of hands. The person presiding shall have the discretion to call a ballot if appropriate.
- 9.7 A quorum for the AGM shall be one third of Club members eligible to vote at the date of the AGM.

10 **Special General Meeting (SGM)**

- 10.1 A Special General Meeting may be called at any time by the Management Committee or by a request in writing of not less than one third of voting members of the Club.-
- 10.2 At least 7 days notice of such a meeting shall be given to the Officers and members entitled to attend. Notice of such meetings and agenda shall be fixed to the Club's notice board at least 7 days prior to the meeting.
- 10.3 No other business shall be transacted at such a meeting.
- 10.4 A quorum for a SGM shall be one third of Club members eligible to vote at the date of the meeting but must consist of a minimum of the all signatories of those requesting the meeting as in 10.1.
- 10.5 Voting at meetings shall normally be by a show of hands. The person presiding shall have the discretion to call a ballot if appropriate.
- 10.6 If the Management Committee shall not proceed to convene a Special General Meeting within 5 weeks of the requisition by the one third or more voting members then the said members might themselves convene the meeting, but any meeting convened must be held within 3 months of the date of the written request.

11 **Alteration of the Constitution and other Resolutions**

- 11.1 The Constitution may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a simple majority of

members present and entitled to vote at the General Meeting. No amendment to the Constitution shall become effective until such amendment shall have been submitted to and validated by the WASA Standing Orders Committee.

12 **By-laws**

12.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well-being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

13 **Finance**

13.1

a. The financial year shall end on 31st March and a statement of account up to and including this date shall be presented at the AGM of the Club.

b) The Club accounts shall be forwarded to the WASA in accordance with WASA Rule 9.3.1

13.2 The funds of the Club shall be lodged at a bank or building society or any other method of investment approved by the Management Committee in the name of the Club. All cheques, drafts, etc drawn on these accounts shall be signed by the Treasurer and any one of three designated Members

13.3 In the event of the Club ceasing to exist, any assets at the time of dissolution shall be managed by the WASA and shall be applied toward the furtherance of the Club objectives or devoted to objects similar to those of the Club. The assets shall be applied by the Association towards the objectives of the Association or for other such purposes approved by the commissioners of Customs and Excise.

14 **Execution of documents**

14.1 Any document, deed or contract entered into by the Club after prior approval of the Management Committee shall be signed by 2 of the Officers of the Club save that financial contracts not exceeding £100 in value shall be required by one Officer of the Club only.

14.2 The Club shall indemnify the Officers and Committee of the Club against any claim made against them on behalf of the Club unless the person/individual shall be guilty of fraud, gross negligence or gross misconduct.

15 **Health and safety**

15.1 The Club recognises that the health and safety of all members must be a primary Club objective and will take all reasonable steps to ensure their well-being as far as is possible.

15.2 The Club shall comply with such health and safety legislation and WASA Rules as is applicable and in force from time to time.

16 Child protection

- 16.1 The Club shall comply with such child protection legislation and WASA Rules as is applicable and in force from time to time.