



**GARIOCH AMATEUR SWIMMING CLUB
CONSTITUTION, BYE-LAWS AND
REGULATIONS
2020**

GARIOCH AMATEUR SWIMMING CLUB

CONSTITUTION, BYE-LAWS AND REGULATIONS

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CONSTITUTION

C1.0 NAME

C1.1 The Club shall be called Garioch Amateur Swimming Club (hereinafter referred to as 'the Club').

C2.0 OBJECTIVES

C2.1 The objectives of the Club shall be to:

- a) Advance the public participation in Aquatic Sports and life saving in accordance with paragraph C2.1 of the SASA Constitution.
- b) Encourage competitive swimming and compete at the highest levels in the sport, encouraging a progressive approach to swimming.

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 (defined as a swimmer with whom Garioch ASC is their first claim club); or
- ii. is the parent or guardian of an Active Swimmer; or
- iii. the parent of 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, does not have an Active Swimmer within the club, and:

- i. Is approved by the Management Committee;
- ii. May not vote at Annual General Meetings;
- iii. May not be part of the Management Committee, unless approved by the Management Committee;
- iv. 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 1st 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 agreed and determined by the Management Committee.

C3.2.2 Members not renewing by 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, training, competitions or meetings until their annual subscription is paid or 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 and must have all club affairs in order before leaving.
- C3.6 A Club Member wishing to change their 1st, 2nd or 3rd 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.
- C3.8 A member wishing to move membership to another club must undertake the following, including, but not limited to:
- i. Gain approval from the Head Coach;
 - ii. Have all club affairs in order.

C4.0 GOVERNANCE

- C4.1 The Club and its members 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 Wellbeing and Protection Guidelines.
- i. If local club policies are in place these can take precedence as determined by the club's Management Committee.
- 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 approves 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 approves 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 two Officers 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) an Officer of the Club; or
- b) other members who must submit the proposal in writing to the Secretary, signed by at least two members who are eligible to vote at a General Meeting.

Following adoption of change(s) a copy of the Constituion/Bye-Laws should be forwarded to the appropriate District Secretary as per the requirements of SASA Constitution C10.2.2.

If charitable status has been achieved, any changes to Section C2.0 requires the consent of the Office of Charity regulator (OSCR) prior to any change being adopted. Any other change(s) to the constitution must be notified to the OSCR within three (3) months of the change being made.

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 between 6 weeks and 2 months after financial year end.

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/or any other means of notification such as social media approved and agreed by the Management Committee 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 or Life 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 and/or any other means of notification such as social media or email approved and agreed by the Management Committee at least seven days before the AGM.
- C5.2.7 The business for an AGM shall include, but not constrained to:**
- a) Apologies for Absence;
 - b) Approval of minutes from previous AGM & matters arising;
 - c) President's Report;
 - d) Financial Report;
 - e) Head Coach Report;
 - f) Proposed changes to Constitution;
 - g) Proposed changes to Bye-Laws;
 - h) Resignation of current Officers and members of the Management Committee;
 - i) Election of Officers and Management Committee Members;
 - j) Life Membership Awards;
 - k) 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 eight 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.
- C6.1.3 In the event that a Life Membership should require to be removed from any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.

C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Club Treasurer / Secretary shall act as Trustee of Club Trophies, unless otherwise defined by the Management Committee.
- 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.
- If charitable status has been achieved, and 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.

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 up to six other Adult Committee Members and ex-officio members as set out in Bye-Law BL1.5.1 (one of whom shall be the Head Coach of the Club). All Members part of the Management Committee shall be known as Adult Committee Members and can be Adult or Life Members 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 up to five Adult or Life Members of the Management Committee, known as Adult Committee Members.

BL1.3 If the post of any Officer or Adult Committee Member of the Management Committee 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 or Life Members of the Club.

BL1.5 Management Committee

BL1.5.1 Ex-officio members may be invited to attend meetings by the Management Committee. Ex-officio members may consist of Adult Members, Life Members, Assistant Secretaries, Meet Secretary, Key Coaches and WPOs.

BL1.5.2 The term of office for President, Vice President, Secretary and Treasurer shall be two years.

BL1.5.3 The term of office for the other Adult Committee Members shall be two years.

BL1.5.4 Not used.

BL1.5.5 Retiring members of the Management Committee may offer themselves for re-election.

BL 1.5.6 Not used.

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) Running the day to day management and affairs of the Club;
- b) The organization and control of all members during Club hours;
- c) The appointment of coaches and instructors;
- d) The selection of members to represent the Club;
- e) The organisation of swimming activities as may be requested by other bodies;
- f) Not used;
- g) Considering and approving or otherwise nominations for Life Membership of the Club.

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 Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution and who has also attended a Scottish Swimming approved training course.

BL1.5.11 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 term.

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 with 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 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 Committee.

BL2.1.8 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.

BL2.2 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, Life or 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 and/or any other means of notification such as social media, email or the website, as approved and agreed by the Management Committee, by the Secretary at least seven days prior to the meeting.

- BL2.2.6 Any Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair. The Chair may ask the member(s) to leave the room during any sensitive or confidential discussions.
- 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, being given to the Secretary.
- BL2.2.9 On the occasion where there is a split vote the Chair 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 invoices/expenses received by the Club should be signed off by an Officer of the Club before being processed by the Treasurer. All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club. When payments are required to be made by direct Bank transfer the Treasurer shall obtain email/written agreement from the President or another Officer of the Club prior to making an electronic payment.
- 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 As an unincorporated organisation, all Adult Members and any Life Members who are Adult Committee Members of the Club are liable for the debts of the club on a "joint and several" basis. This will be considered on a "case by case" basis and will depend on how the relevant decision that resulted in the liability has been made, whether office bearers or not. Further, if a member of the Management Committee acts ultra vires or outwith the club's constitution, then they may have a personal liability.
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its Members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit.
- 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.
- 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 being implemented.

BL3.13 If charitable status has been achieved, the following additional requirements should be adhered to:

- i) The Club's assets must not be distributed or otherwise applied other than for charitable purposes, as agreed by OSCR.
- j) Following acceptance of the financial report at the AGM, the Treasurer shall send a copy of the certified accounts to OSCR.

BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS AND APPEALS

BL4.1 General

BL4.1.1 All Complaints and Appeals, except for doping, wellbeing or protection, 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 Committee.

BL4.1.2 Complaints involving doping should be referred to British Swimming as per Scottish Swimming Company Rule R13.1.3.

BL4.1.3 Complaints involving wellbeing or protection, or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1.

BL4.2 Disciplinary Procedure

BL4.2.1 In the event that the behaviour of a swimmer, member of the coaching team or Management Group or a parent volunteer contravenes the Club's codes of conduct, the following action will be taken.

BL4.2.2 The President, or a deputising club official, will conduct an investigation into the alleged breach of the Club's codes of conduct as they see fit and all persons and parties shall co-operate fully with the same. Failure to co-operate may amount to misconduct.

BL4.2.3 The Investigating Club Official shall thereafter be entitled to at any time to decide to:

- a) Apply a sanction to the person(s) being investigated;
- b) Refer the matter to a Club Complaint panel;
- c) Take no further action;
- d) Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.

BL4.2.4 The Club will keep a record of each stage of the disciplinary process.

BL4.3 Complaints

BL4.3.1 A complaint, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming, 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) A parent or guardian on behalf of a Member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a complaint by themselves;
- d) Any Individual.

BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.

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 complaint or against decisions taken by a National Complaints Committee.

BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.

BL4.5 Suspension and Fines

BL4.5.1 The Management Committee may take action (including but not limited to fine, suspend or cancellation 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 (Company Rules Sections R12 to R15) have been applied.