ETWALL EAGLES SWIMMING CLUB

ESTABLISHED 1980 – AFFILIATED TO THE A.S.A. EAST MIDLANDS REGION and DERBYSHIRE A.S.A

RULES of Etwall Eagles Swimming Club as at March 2016

1. **Name**

1.1 The name of the Club shall be Etwall Eagles Swimming Club

2. **Objects**

2.1 The objects of the Club shall be the objects of the ASA and in the furtherance of these objects:

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

2.1.2 The club shall implement the ASA Equal Opportunities policy.

2.2 The Club shall be affiliated to ASA – East Midland Region (and shall adopt and conform to the rules of such association) and such other bodies as the Club may determine from time to time.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the ASA and in particular:

2.3.1 all competition entrants from the club shall be members of the club and shall be eligible competitors as defined in ASA Laws and Regulations

2.3.2 the Club shall in accordance with ASA Laws and Regulations adopt the ASA Child Safeguarding Policy; and shall recognise 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.

2.3.3 members of the Club shall in accordance with ASA Laws and Regulations comply with the ASA Child Safeguarding Procedures.

2.4 By virtue of the affiliation of the Club to ASA – East Midland Region the Club and all members of the Club acknowledge that they are subject to the laws, rules, regulations and constitutions of:

2.4.1 ASA East Midland Region and Derbyshire County ASA and

2.4.2 the ASA; (to include the ASA/IoS Code of Ethics); and

2.4.3 British Swimming (in particular its Doping Control Rules and Protocols and disciplinary Code); and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body 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 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose and remove from time to time any limits on total membership or any category of membership of the Club.

3.2 All persons who assist in any way with the Club’s activities shall become members of the Club and hence of the ASA and the relevant ASA membership fee shall be paid. Assisting with the Club’s activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the ASA’s educational certificates.

3.3 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the ASA’s Code of Ethics, the Laws and Regulations relating to Child Safeguarding and those parts of the Judicial Laws, Judicial Rules, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Regulations.

3.4 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Committee but other person(s) authorised by the Committee may make recommendation as to the

applicant's acceptability.

3.5 The Membership Secretary shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee comprised of not less than three members who may or may not be members of the Committee. The Review Panel shall wherever practicable include one independent member nominated by the ASA East Midlands Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

3.6 The club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.

3.7 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

4. Subscription and Other Fees

4.1 The members' subscription and coaching fees shall be proposed to the Annual General Meeting from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.

4.2 The members' subscription and shall be paid either by monthly instalments or on an annual basis dependent on the class of membership.

4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.

4.4 The Committee shall, from time to time, have the power to determine the membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual ASA Membership Fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members through the club website, noticeboard and by e-mail where possible, with the reasons for any increase to be reported to the members at the next Annual General Meeting.

4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion.

5. Resignation

5.1 A member wishing to resign membership of the Club must give to the Membership Secretary written notice of his/her resignation. A member's resignation shall only take effect when agreed by the Committee and there is no financial commitment or disciplinary action outstanding against the individual and this (Rule 5.1) has been complied with.

5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than three months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post or email to his/her last known address.

5.3 The ASA Membership Department shall be informed should a member resign when still owing money or goods to the club.

6. Expulsion and other Disciplinary action.

6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion the former member must return any Club or external body's trophy or trophies held forthwith.

6.3 The Club shall comply with the requirements and procedures of the Judicial Rules and Regulations for handling Internal Club Disputes as the same may be revised from time to time.

6.4 A member may not be expelled or, subject to Rule 6.5 below, be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of, or other penalty imposed upon, the member.

6.5 The Officers of the Club, or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the Judicial Rules and Regulations.

6.6 The Officials in charge of a particular event or club session shall be responsible for the discipline. If further action is required this is to be referred to the Internal Disputes procedures as laid down in the ASA Judicial Laws and Regulations.

7. Committee

7.1 The Committee shall consist of the Chair, Secretary, Treasurer, and not more than six other elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings by invitation of the Committee without power to vote.

7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with ASA Child Safeguarding courses.

7.3 The Officers and Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chair has closed the meeting. 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, except August save where the Committee itself shall by a simple majority resolve not to meet, and the quorum of that meeting shall be 5, to include not less than one Officer. The Chair and the 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 two days notice of a meeting. Decisions of the Committee shall be made by a simple majority and in the event of equality of votes the Chair, or the acting Chair of that meeting, shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Committee, shall take minutes.

7.5 In the event that a quorum of five is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chair. 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 In addition to the members so elected the Committee may co-opt up to four further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present. Co-opted members shall be not less than 18 years of age.

7.7 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, and may delegate to them such of the 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.

7.8 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 and voluntary helpers 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.

7.9 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 a General Meeting.

7.10 The members of the Committee shall be indemnified by members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.

7.11 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the ASA Membership Department. The Club shall make an annual return to the ASA Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.

7.12 The Committee shall have power to make regulations, create by-laws, see also Rule 13.1, and to settle disputed points not otherwise provided for in this Constitution.

7.13 The Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.

8. Officers

8.1 The Officers of the club shall be the Chair, the Secretary and the Treasurer.

8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice Presidents. A President or Vice-President need not be a member of the club and on election shall, ex officio, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the ASA.

9. Annual General Meeting

9.1 The Annual General Meeting of the Club shall be held in November in each year. The Committee shall fix the date, time and venue for the Annual General Meeting.

9.2 Only in the event of exceptional circumstances shall an AGM be postponed by the Committee once the date, time and venue has been fixed and advised to members. A postponed AGM shall normally be reconvened on a date within one month of the original date and a minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At this meeting the same agenda as originally issued shall be used.

9.3 In any event no more than 15 months shall elapse between any two consecutive Annual General Meetings.

9.4 The purpose of the Annual General Meeting is to transact the following business:

9.4.1 to receive the Chair's report of the activities of the Club during the previous year;

9.4.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer’s report as to the financial position of the Club;

9.4.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;

9.4.4 to elect the Officers and other members of the Committee;

9.4.5 to decide on any resolution, which may be duly submitted in accordance with Rule 9.6

9.5 Nominations for election of members to any office or for membership of the Committee shall be made by the proposer and seconder to the Secretary not later than 14 days before such a meeting. The nominee shall be required to indicate on the nomination form his/her willingness to stand for election.

9.6 Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than 14 days before the date of the meeting.

10. Special General Meeting

10.1 A Special General Meeting may be called at any time by the Committee.

10.2 The Secretary shall notify the members of the arrangements for holding a Special General Meeting within 28 days of receiving a written or electronic request for a Special Meeting signed by not less than 7 members entitled to attend and vote at a General Meeting, stating the purposes for which the meeting is required and the resolutions proposed. The meeting shall be held within two months of the receipt of the request to hold the meeting. No business shall be discussed at such a meeting other than that prescribed by the Management Committee or that stated in the request, as the case may be.

11. Procedure at the Annual and Special General Meetings

11.1 The Secretary shall personally be responsible for making available to each member notice in writing or by electronic means of the date, time and place of the General Meeting together with the closing date for the receipt of any resolutions, proposals, nominations or reports to be considered thereat at least 14 days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board.

11.2 The quorum for the Annual and Special General Meetings shall be 5.

11.3 The Chair, or in his/her absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and a majority shall pass resolutions. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chair shall have a casting or additional vote. Paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chair as matters concerning juniors.

11.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.

11.5 The Chair shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and other Resolutions

12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting.

12.2 Any member shall be entitled to put any proposal for consideration at any Special General Meeting provided the proposal shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 14 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

13. By-Laws

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.

14. Finance

14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum shall be paid from that account except by cheque or by electronic means or online and sanctioned by two of the four authorised individuals who shall be Chair, Treasurer and Secretaries.

14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, save as set out in Rule 17.3.

14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee think fit.

14.5 The financial year of the Club shall be the period commencing on 1st October and ending on 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Committee shall retain all financial records relating to the club and copies of minutes of all meetings for a minimum period of six years.

15. Borrowing

15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion for the general upkeep of the Club or with the approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

16.1 The property of the Club, other than cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three - quarters of the members present and entitled to vote.

17.2 The dissolution shall take effect from the date of the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects as nominated by the last Committee.

18. ACKNOWLEDGEMENT

18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement should appear on Club membership forms and should be signed by the member and must also be countersigned by parent or guardian of members under 18 years of age:

> I acknowledge receipt of the rules of Etwall Eagles Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.
>
> Signature: