



## UEA City of Norwich Swimming

### **RULES of UEA City of Norwich Swimming Club as at 24<sup>th</sup> November 2016**

#### **1. Name**

1.1 The name of the Club shall be UEA City of Norwich Swimming Club, herein after called "the Club".

#### **2. Objects**

2.1 The objects of the Club shall be the teaching, development and practice of swimming and open water, the promotion of competitions and championships for its members and entry into competitions and championships at Local, County, Regional, National and International level. In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.

2.1.2 The Club shall implement the ASA Equality policy (as may be amended from time to time).

2.2 The Club shall be affiliated to ASA East Region and shall adopt and conform to the rules of this association, and to 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 ("ASA Laws") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in ASA Laws; and

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

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

2.4.1 ASA East Region and

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

2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial 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 Management Committee considers that there is a good reason to impose any limit from time to time then the Management 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 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 Rules.
- 3.4 There will be 8 categories of membership:
  - 3.4.1 Family Club Membership – Multiple Swimmers. These are two or more squad swimmers and family members who are active volunteers, who have paid an annual subscription (due by the 31<sup>st</sup> August each year) in full, or upon joining the Club.
  - 3.4.2 Family Club Membership – Single Swimmer. These are squad swimmers and family members who are active volunteers who have paid an annual subscription as per 3.4.1.
  - 3.4.3 Family Club Membership - Category 1
  - 3.4.4 Link Swimmer Membership
  - 3.4.5 Student Membership
  - 3.4.6 Life Membership
  - 3.4.7 Officials, Teachers and Coaches Membership
- 3.5 Other classes of membership may be introduced if the Management Committee deems necessary.



- 3.6 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed by the member's parent or guardian). Election to membership shall be determined by the Membership Secretary but other person(s) authorised by the Management Committee may make recommendation as to the applicants' acceptability.
- 3.7 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 Management Committee comprised of not less than three members who may or may not be members of the Management Committee. The Review Panel shall (wherever practicable) include one independent member nominated by the ASA East 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.
- 3.8 In its consideration of applications for membership the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse an application for membership on the basis of a Protected Characteristic within the Act such as disability, gender or gender identity, pregnancy, race, religion or belief, or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.9 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 an athlete, 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 annual members subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Management Committee and the Management Committee shall in so doing make special provision for different classes of membership, as it shall determine.
- 4.2 Membership subscription of the Club shall be due on joining the Club and thereafter renewed on an annual basis through the process of reapplication not later than 31st August.
- 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 Management Committee from some or all Club activities from a date to be determined by the Management Committee and until such payment is made.
- 4.4 The Management Committee shall, from time to time, have the power to determine the annual 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 in writing or by email with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Executive Officers shall have the power, in special circumstances, to remit the whole or part of the fees, including the ASA 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 or email notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have part of the annual membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 above, a member whose membership fee or squad fee is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way, the member shall be informed in writing that they are no longer a member by notice handed to them or sent by post or email to their last known address.
- 5.4 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 Executive Officers shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual 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 shall not be entitled to have any part of the annual membership fee to be refunded and must return any Club or external body's trophy or trophies held forthwith. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes as the same may be revised from time to time. (A copy of the current rules may be obtained from the ASA Website, ASA Handbook or the ASA Department of Legal Affairs.)

- 6.3 A member may not be expelled or (subject to Rule 6.4 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.
- 6.4 The Officers of the Club, or any person to whom this power has been delegated, including Coaches and Meet Promoters, 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 appropriate Judicial Rules and Regulations.

## **7. Management Committee**

- 7.1 The Management Committee shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and up to twelve elected members, all of whom must be members of the Club. All Management Committee members must be not less than 16 years of age though the Committee may allow younger member(s) to attend their meetings by invitation of the Committee without the power to vote. Other members may be invited to attend management meetings without the power to vote.



- 7.2 The Management Committee shall appoint a member/members of the Club as Welfare Officer/Welfare Panel Member who must be not less than 18 years of age, who shall have an appropriate background and who are required to undertake appropriate training in accordance with ASA Child Safeguarding courses. The Welfare Officer/Panel shall not be a member of the teaching or coaching staff or a Team Manager or a member of the family of an officer, Management Committee member, teaching or coaching staff. The Welfare Officer shall not be a member of the Management Committee but will have a right to attend Management Committee meetings without a power to vote and shall report to the Management Committee on all aspects of welfare concerning members of the Club.
- 7.3 The Executive Officers and Management 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. The newly elected Officers and Committee members will take office when the Chairman has closed the meeting. The Management Committee may fill any vacancy occurring by resignation or otherwise. Retiring members of the Management Committee shall be eligible for re-election. (See also 8.1)
- 7.4 Management Committee meetings shall be held not less than once a month (save where the Management Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Management Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Management Committee not less than two days oral notice of a meeting. Decisions of the Management Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Management Committee, shall take minutes.
- 7.5 In the event that a quorum is not present within thirty minutes of the published start time, a meeting shall stand adjourned to a time and date falling seven 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 Management 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 Management 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 Management Committee and shall be counted in establishing whether a quorum is present.
- 7.7 The Management 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 Management Committee as the Management Committee may determine. All sub-committees shall periodically report their proceedings to the Management Committee and shall conduct their business in accordance with the directions of the Management Committee.
- 7.8 The Management 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 Management Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Management Committee shall be



responsible for ensuring that an examiner (who shall not be the Treasurer) is appointed by the members at the Annual General Meeting to prepare the statutory financial statements from the books and records maintained by the Treasurer and to provide an examination of the accounts of the Club for each financial year. The Management Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

- 7.9 The members of the Management Committee shall be entitled to an indemnity out of the assets of the Club for expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 The Management Committee shall maintain Accident Records in which all accidents to club members at swimming related activities shall be recorded. Details of relevant accidents shall be reported to the ASA Office. The Club shall make an annual return to the ASA in the prescribed form.
- 7.11 The Management Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.
- 7.12 Minutes of Management Committee meetings will be made available to members.

## **8. Ceremonial Positions and Honorary Members/Life Members**

- 8.1 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 on election but 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.
- 8.2 The Management Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, 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 Management Committee, unless any such person shall have retained, in addition, his ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.

## **9. Annual General Meeting**

- 9.1 The Annual General Meeting of the Club shall be held each year on a date between 1st October and 30th November. The date for the Annual General Meeting shall be fixed by the Management Committee.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
  - 9.2.1 to receive the Chairman's and other reports of the activities of the Club during the previous year;
  - 9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the examiner and the Treasurer's report as to the financial position of the Club;
  - 9.2.3 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;
  - 9.2.4 to elect the Executive Officers and other members of the Management Committee;



9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.

9.3 Nominations for election of members to any office or for membership of the Management Committee shall be made in writing by the proposer and seconder to the Secretary not later than 21 days prior to the date of the meeting. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 21 days prior to the date of the meeting.

## **10. Special General Meeting**

10.1 A Special General Meeting may be called at any time by the Management Committee. A Special General Meeting shall be called by the Secretary within 28 days of receipt by him/her of a request in writing signed by not less than 30 members entitled to attend and vote at a General Meeting.

## **11. Procedure at the Annual and Special General Meetings**

11.1 The Secretary shall personally be responsible for issuing out a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Management Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists and posted on the Club website.

11.2 The quorum for the Annual and Special General Meetings shall be thirty members entitled to attend and vote at the meeting.

11.3 The Chairman, or in the Chairman's absence a member appointed by the Management Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. The procedures for submitting resolutions to be considered at a General Meeting are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Only 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 Chairman as matters concerning juniors, such as the election of Club Captains).

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

11.5 The Chairman 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. No amendment(s) to the rules shall become effective until such



amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the ASA East Region.

- 12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 21 days prior to the date of the meeting, 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**

- 13.1 The Management Committee shall have the 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 Management Committee or at a General Meeting.

### **14. Finance**

- 14.1 All monies payable to the Club shall be received by the Club shall be received by the Treasurer or appropriate club officer 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 three authorised individuals who shall be the Chairman, Treasurer and others selected by the Management Committee. Any monies not required for immediate use may be invested as the Management Committee in its discretion think fit.
- 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 Management 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 or appointed provider of financial services in such manner as the Management Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Management Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.

### **15. Borrowing**

- 15.1 The Management Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down by the General Meeting for the general upkeep of the Club or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.





- 15.2 When so borrowing the Management Committee shall have the 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 Management 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 the Executive Officers. They shall deal with the property as directed by resolution of the Management Committee and entry in the meeting minutes shall be conclusive evidence of such a resolution.

## 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. A specific date for the dissolution shall be included in the resolution.
- 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Management 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 nominated by the last Management Committee.

## 18. Acknowledgement

- 18.1 The Members acknowledge that these Rules constitute a legally binding agreement to regulate the relationship of the members with each other and the Club.
- 18.2 The following statement on Club membership forms is to be signed by the member and must also be countersigned by the parent, or a person having parental responsibility for the member, if the member is under 18 years of age:

**“I acknowledge receipt of the rules of UEA City of Norwich 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.”**

Signed Chairman

Confirming that this constitution was approved by an Annual General Meeting of the members of the UEA City of Norwich Swimming Club held on 24<sup>th</sup> November 2016