

Mildenhall and District Swimming Club Constitution

Rules of Mildenhall and District Swimming Club as ratified on 9th May 2007

1. Name

- 1.1 The name of the Club shall be Mildenhall and District Swimming Club.
- 1.2 The Club colours shall be Blue and Silver.
- 1.3 The Headquarters shall be at Mildenhall Swimming Pool, Recreation Way, Mildenhall, Suffolk, IP28 7HG

2. Objects

- 2.1.1 The objects of the Club shall be the objects of the Amateur Swimming Association and in particular to promote the teaching and practice of swimming. In the furtherance of these objects:
- 2.1.2 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 believe 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.
- 2.2 The Club shall be affiliated to Amateur Swimming Association East 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.
- 2.2.2 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("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 Protection Procedures; and
 - 2.3.3 members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures and
 - 2.3.4 abide by Mildenhall and District Swimming Clubs Code of Conduct for all competitive swimming squads (Appendix 1)
 - 2.3.5 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 and rules of:
 - 2.4.1 Suffolk County ASA; and
 - 2.4.2 ASA East Region; and
 - 2.4.3 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and
 - 2.4.3 the rules of British Swimming (to include in particular the British Swimming Doping Control Rules and Protocols and British Swimming 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, instructors, teachers and coaches, whether employed, self employed or voluntary, 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 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (in the case of swimmers under the age of 18 years the application must be signed by the swimmer's parent or guardian). Election to membership shall be in the discretion of the Committee or other person(s) authorised by the Committee.

4. Subscription and Other Fees

- 4.1 The annual member's subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as (it) OR (the Annual General Meeting) shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st day of January each year.
- 4.3 Any member whose subscription is unpaid by the 31st March 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 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 the members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary written notice of his / her resignation. A member's resignation shall only take effect when 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 two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address. If a member leaves the club owing money the club shall advise the ASA

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 interest of the Club for him to remain a member.
- 6.2 The Club shall adopt and comply with the ASA Guidelines for handling Internal Club Disputes (“the Guidelines”) as the same may be revised from time to time. The Guidelines are set out as an Appendix to the ASA Judicial Laws and appear in the ASA Handbook. A copy of the current Guidelines may be obtained from the ASA Legal Affairs Department.
- 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 (unanimously) OR (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 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 complaint will thereafter be dealt with in accordance with the Guidelines.

7. Committee

- 7.1 The Officers of the club shall be the Chairman, Hon Secretary and Hon Treasurer. The Committee shall consist of the officers plus a Vice Chairman, Fixtures Secretary, Membership Secretary, Fund Raising Secretary, Gala Co-ordinator, Welfare Officer (together with such additional secretaries (eg. Press Secretary) as required to manage specific activities of the Club and up to a maximum of four elected members. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings as observers without power to vote.
- 7.2 The 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. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election.
- 7.3 The Committee shall appoint a Chief Coach. He/She shall be co-opted by the Committee and shall have voting rights. The Chief Coach and Committee shall determine, arrange and supervise a programme of teaching to swim, stroke development and competition activities to cater adequately for all levels of ability.
- 7.4 Committee meetings shall be held at least once every 8 weeks and the quorum of that meeting shall be five persons. At each meeting the Committee shall receive a report from each of the Officers plus any other business. The Chairman 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. Decisions of the 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 absence a member of the Committee, shall take minutes.
- 7.5 In addition to the members so elected the Committee may co-opt further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present.
- 7.6 The Committee may from time to time appoint from among their numbers such sub-committees as they may consider necessary (and to remove (in whole or 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 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 the 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.
- 7.8 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club in accordance with ASA Laws.

8. Annual General Meeting

- 8.1 The Annual General Meeting of the Club shall be held on a date during October in each year fixed by the Committee.
- 8.2 Additions, deletions or alterations to the Club rules shall be made only at:
 - 8.2.1 an AGM and any such propositions shall be submitted to the Club Secretary 21 days prior to the AGM or:
 - 8.2.2 an SGM which shall be held within twenty-eight days of the receipt by the Club’s Secretary of any such propositions.
- 8.3 The purpose of the Annual General Meeting is to transact the following business:
 - 8.3.1 to receive the Chairman and other Officer’s reports of the activities of the Club during the previous year;
 - 8.3.2. 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.
 - 8.3.3 to elect the Officer’s, Honorary members and other members of the Committee, plus the Financial Examiner.

9. Special General Meeting

- 9.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Secretary within (28) days of receipt by him of a requisition in writing signed by not less than five members entitled to attend and vote at a General Meeting stating the purpose for which the meeting is required and the resolutions proposed.

10. Procedure at the Annual and Special General Meetings

- 10.1 Each Member in Subscription shall be given notice of an AGM (or SGM) not less than fourteen days before the date of the meeting. Such notice shall include an agenda containing all items for discussion and decision. The Secretary shall personally be responsible for the handing out or sending to each member at his last known address written notice of the date, time and place of the General Meeting together with the regulations to be passed. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.

- 10.2 Only Senior Swimming Members and Associate Members may speak and vote at an AGM or SGM. Twelve such Members shall form a quorum. In exceptional circumstances and by special notice from the Committee, Junior Swimming Members (under 18 years) may be entitled to vote on matters concerning only Juniors.
- 10.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair.
- 10.4 The Secretary, or in his absence a member of the Committee, shall take minutes at the Annual and Special General Meeting.
- 10.4 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.

11. Alteration of the Rules and other Resolutions

- 11.1 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 to the rules shall become effective until such amendment shall have been submitted to and validated by the A.S.A. East Region.

12. By-Laws

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

13. Finance

- 13.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. All cheques to have two of three signatories who shall be the Two Committee members and Treasurer. Any moneys not required for immediate use may be invested as the Committee in its discretion thinks fit.
- 13.2 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.
- 13.3 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.
- 13.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 13.5 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. Property

- 14.1 The property of the Club, other than cash at the bank, shall be nested 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.
- 14.2 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.
- 14.3 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.

15. Liability

- 15.1 The Club shall not be responsible for any loss of property, injury or accident to any person, or wilful damage caused by a member.
- 15.2 Any accident that occurs during the period of hire shall be placed in the Club's Accident Report Book and the Accident Book of the Establishment where the incident took place, a copy of the report sheet shall be given to the Club, members have a Duty of Care to inform the Club of such incidents. Any entries in the Clubs Accident Book should be notified to the ASA with the annual return of membership.

16. Dissolution

- 16.1 A resolution to dissolve the Club shall only be proposed at a Special Meeting and shall be carried by a majority of at least two thirds of the members present and entitled to vote.
- 16.2 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.
- 16.3 Any property remaining after the discharge of the debts and liabilities of the Club shall pass to the Suffolk ASA.

17. ACKNOWLEDGEMENT

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