

CUMBERNAULD SWIMMING CLUB

CONSTITUTION, BYE-LAWS AND REGULATIONS

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CONSTITUTION

C1.0 NAME

C1.1 The Club shall be called **Cumbernauld 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 in accordance with paragraph C2.1 of the SASA Constitution.

C3.0 MEMBERSHIP

C3.1 The membership shall consist of the following categories: -

a) Adult Members

- An adult is an individual 16 years and over, as recognised in Scots Law.

b) Junior Members

- 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

c) Life Member

C3.2 Membership fees shall be agreed at each Annual General Meeting.

C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due on 1st. January and those of new members on the date of acceptance for membership.

C3.2.2 Not used.

C3.2.3 All members may be excluded from taking part in any of the Club's activities, competitions or meetings unless their annual subscription payments are up to date.

C3.3 All Club 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 adopted by the Club.

C3.5 Not used.

C3.6 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming 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.

C4.0 GOVERNANCE

- C4.1 The Club 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.
- 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 is secured.
- C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C4.6 The Management Committee shall have the power to 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 21 days notice and the Agenda shall be given to all Adult and Life Members of any General Meeting.

C5.1.2 Attendance

All Adult Members and Life 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 Quora

The quorum at General Meetings shall be two Officers of the Club plus eight members eligible to vote.

C5.1.5 Changes to the Constitution and Bye-Laws.

A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.

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 in the month of March/April.
- C5.2.2 The Secretary shall give notice of not less than 21(twenty one) days prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Management Committee.
- C5.2.3 Not used.
- 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 not later than 14 days before the date of the AGM.
- C5.2.5 Proposed alterations to the Constitution, Bye-Laws, and Notices of motion must be received by the Secretary not later than 14 days before the date of the AGM.
- C5.2.6 The Secretary shall arrange for all nominations and proposed alterations to be circulated at least one day before the meeting. The format of the circulation shall be agreed by the Management Committee.
- C5.2.7 The order of business for an AGM shall include:
 - a) President's Remarks
 - b) Apologies for Absence
 - c) Approval of minutes from the previous AGM and matters arising
 - d) Secretary Report
 - e) Financial Report
 - f) Convenors Reports
 - g) Head Coach's Report
 - h) Proposed changes to Constitution
 - i) Proposed changes to Bye-Laws
 - j) Notices of Motion
 - k) Appointment of President and Vice President
 - l) Election of Management Committee Members
 - m) Appointment of Auditors / Independent Examiners
 - n) Life Membership Awards
 - o) Other relevant business

C5.3 Extraordinary General Meeting (EGM)

- C5.3.1 An EGM shall be called by an application in writing to the Secretary supported by at least fifteen 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 and Life Members at least 21 days prior to such meetings being held.
- C5.3.3 The order of business for an EGM shall be:
 - a) Presidents 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 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and 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 shall be made by any adult or Life Member to the Secretary for submission to the Management Committee Meeting. Full details of the nominee's service should be included with the recommendation.

C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Club Trophies Convenor shall act as Trustee of Club Trophies.
- 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 name on all Club trophies.

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.

BYE-LAWS

BL1.0 MANAGEMENT

- BL1.1 The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club (as defined in Bye-Law BL1.2), Head Coach, Wellbeing and Protection Officer, Membership Secretary, Meet Director, Webmaster/Data Protection Officer, two squad coaches (to be nominated by the Head Coach) and ex-officio members as set out in Bye-Law BL1.5.1
The urgent day to day management of the club shall be delegated to the Officers of the club and Head Coach who shall be called the Executive Committee.
- BL1.2 The Officers of the Club shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Committee Members.
- BL1.3 If the post of any Officer or Adult Committee Member should fall vacant after such an election, the Executive 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 The ex-officio members of the Management Committee shall consist of the Entries Secretary, Press Officer, Trophies and Medals Convenor, Fundraising Convenor, Club Kit Convenor and remaining four Squad Coaches.

- 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 Adult Committee Members shall be two years.
- BL1.5.4 Not used.
- BL1.5.5 Retiring Officers or Members of the Management Committee may offer themselves for re-election.
- BL1.5.6 Not used
- BL1.5.7 Not used
- BL1.5.8 The Management Committee shall be responsible for:
- a) Running the general management and affairs of the Club.
 - b) Presenting annually their nominations for President and Vice President to the Annual General Meeting for ratification.
 - c) 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.
- BL1.5.10 The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) who has attended a Scottish Swimming approved training course.
- BL1.5.11 The Executive Committee shall be delegated the responsibility for;
- a) Running the urgent day to day management affairs of the club.
 - b) The appointment and Contracts of Employment for all employed staff.
 - c) Reporting any actions/decisions taken by them to the Management Committee.

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 to 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 the business is concluded. The meeting shall be presided over by a substitute Chair elected from among those present.
- BL2.1.7 Not used.

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 by at least seven Adult or Life Members of the Club.
- BL2.2.3 A quorum for Management Committee Meetings shall be at least one Officer of the Club and five Committee members
- BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.
- BL2.2.5 The Secretary shall give all the members of the Committee not less than seven days oral or written notice of a meeting.
- BL2.2.6 Not used.
- BL2.2.7 All, except ex officio members shall have a deliberative vote.
- BL2.2.8 Not used.
- BL2.2.9 Any employee or member with a personal interest in a particular issue will not be permitted to participate in any deliberations on any such matter.
- BL2.2.10 All members of the Committee must be adult members, but the Committee may allow younger member(s) to attend their meetings as observers without power to participate in the business.

BL3.0 FINANCE & ACCOUNTS

- BL3.1 The financial year shall run from 1st. January to 31st. December each year.
- BL3.2 The Treasurer shall be responsible for the preparation of the Annual Accounts of the Club.
- BL3.3 The Accounts shall be audited/examined by an independent person(s) elected annually at the AGM.
- BL3.4 All invoices/expenses received by the Club shall 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 e-mail/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 All Adult Members and Life Members, who are Adult Committee Members of the Club, shall be jointly responsible for the financial liabilities of the Club.
- BL3.7 Any surplus of the Club's income will be re-invested in the Club and not distributed to its members.

- BL3.8 The Treasurer shall arrange for the Auditor/Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.9 Not used.
- BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every three months.
- BL3.11 All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.

BL4.0 DISCIPLINE

- BL4.0.1 All Grievances, 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.
- BL4.0.2 Grievances and Complaints involving doping should be referred to British Swimming as per Scottish Swimming Company Rule R13.1.3
- BL4.0.3 Grievances and 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.

BL4.1 Suspensions and Fines

- BL4.1.1 The Management Committee may take action (e.g. fine, suspend or cancel Membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-Laws, Regulations which is detrimental to the interest 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 Suspensions & Fines sections of the Scottish Swimming Governance Documentation (Sections R12 to R15) have been applied.

BL4.2 Grievances

- BL4.2.1 A grievance, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club can be made by:
- a) Any member of the Club.
 - b) A parent or guardian on behalf of a Junior member as defined in Para. 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 grievance by themselves.
 - d) Any Individual.
- BL4.2.2 A grievance is made in writing to the Club Secretary, not later than 30(thirty) days after the incident.
- BL4.2.3 An Enquiry Panel will be set up by the Club to consider the grievance in accordance with the Club Regulations.
- BL4.2.4 If the decision of the Enquiry Panel does not satisfy the person who made the

grievance, that person shall have a right of appeal to Scottish Swimming in accordance with Club Bye-Law BL4.4

BL4.3 Complaints

- BL4.3.1 A Complaint is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming.
- BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules, Section 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 grievance or against decisions taken by a National Complaints Committee.
- BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules, Section R12 to R15.

REGULATIONS/POLICIES

R1.0 CLUB GRIEVANCE PROCEDURE

- R1.1 The Club shall operate a grievance procedure in accordance with Club Bye-Law BL4.2
- R1.2 Membership of the Enquiry Panel will consist of The Officers of the Club, and when appropriate shall include the Wellbeing and Protection Officer.
- R1.3 Any member who is involved in the grievance will not be permitted to be a member of the Enquiry Panel.
- R1.4 A parent or guardian can represent any Junior member of the Club or a member classified as a Vulnerable Person at the meeting.
- R1.5 The decision of the Panel will be notified in writing to the person submitting the grievance within 48 hours.
- R1.6 If the decision of the Enquiry Panel does not satisfy the person who made the grievance, that person shall have a right of appeal to Scottish Swimming in accordance with Club Bye-Law BL4.4

R2.0 WPO APPOINTMENT AND TERMS OF REFERENCE

- R2.1 A Wellbeing and Protection Officer shall be appointed at the Annual General Meeting each year to promote Child Wellbeing and Protection within the Club, and continually communicate '*good practice*' information to parents, swimmers, coaches and other volunteers who come in contact with young swimmers.
- R2.2 The Wellbeing and Protection Officer shall carry out the duties which place the needs of each child first, and winning and competition second, as contained within the Club Child Protection Policy Statement.

- R2.3 The Wellbeing and Protection Officer shall attend Seminars and Courses organised by Scottish Swimming, and deal directly with all matters relating to such.
- R2.4 The Wellbeing and Protection Officer shall be involved in the appointments of all staff, committee members and volunteers who come in contact with club children, to ensure that the Disclosure Scotland conditions are rigorously applied.
- R2.5 The Wellbeing and Protection Officer shall be in regular contact with Scottish Swimming to Ensure that all persons working with children and vulnerable people at the Club are fully aware of up to date legislation and what is required of them within the protocols of the policy / Code of Good Practice as set out by Scottish Swimming and other appropriate agencies.
- R2.6 The Wellbeing and Protection Officer shall be a member of the Management Committee and submit a report at least three times per year.

R3.0 RESPONSIBILITIES OF SQUAD COACHES

The Club through the coaching and technical staff will endeavour to provide:-

- R3.1 An environment in which individuals are motivated to maintain participation and improve performance.
- R3.2 Quality coaching through a progressive programme of safe, guided practice, measured performance and appropriate internal and external competition.
- R3.3 Operation of the guidelines laid down by the Scottish Swimming which places the wellbeing and safety of the swimmer above the development of performance.
- R3.4 Adequate facilities and coaching for swimmers with a disability.
- R3.5 An appropriate working relationship with swimmers (especially children), based on mutual trust and respect, and take all reasonable practical steps to protect them from harm, discrimination, or degrading treatment in all situations.
- R3.6 Encouragement and guidance to swimmers to accept responsibility for their own behaviour and performance, in both training and competition.
- R3.7 All staff with support and encouragement, and urge them to hold up to date UKCC/ Scottish Swimming qualifications and licence.
- R3.8 Staff who co-operate fully with other specialists (e.g. other coaches, officials, sports scientists, doctors and physiotherapists) in the best physiological and psychological interest of the swimmer.

R4.0 MEMBERSHIP OF A SQUAD

The swimmer (or parent/guardian where appropriate) will commit to:-

- R4.1 Consistent attendance at training and recommended competitions.
- R4.2 Give respect and support to the staff and the training programme.
- R4.3 Hard work, both in the pool and land conditioning (where appropriate).

- R4.4 Always listen attentively and try to learn something on every occasion.
- R4.5 Be early for each session to enable a warm up before each training session starts.
- R4.6 Respond well to challenges which are set and always communicate self esteem.
- R4.7 Be responsible for keeping a record of your own best competition times.
- R4.8 Wear Club kit at training sessions, and particularly at competitions and medal presentation ceremonies.
- R4.9 Participate in fund-raising events when requested by the Fund-raising Committee.

R5.0 CODE OF ETHICS AND CONDUCT

All members, coaches, parents/guardians and volunteers must:

- R5.1 Not discriminate on the grounds of race, colour, language, religion, birth or social status.
- R5.2 Put the well-being, health and safety of members above all considerations.
- R5.3 Respect other person's basic human rights and dignity.
- R5.4 Treat all personal information about individual members as confidential, except in exceptional circumstances regarding health and safety or medical requirements.
- R5.5 Sign the club Code of Ethics and Conduct (Including parents/guardians of swimmers under 16 years) before being accepted into membership.
- R5.6 All club coaches working within the club must sign the Coaches Code of Ethics and Conduct, which has been endorsed by Scottish Swimming.

R6.0 ANNUAL CHAMPIONSHIPS

R6.1 There shall be annual championships for boys and girls as follows:-

Sprint Championships

10 years and under	50m. Fly	50m. Back	100m. I.M.	50m. Breast	50m. Free
11/12 years	100m. Fly	100m. Back	100m. I.M.	100m. Breast	100m. Free
13/14 years	100m. Fly	100m. Back	100m. I.M.	100m. Breast	100m. Free
15 years and over	100m. Fly	100m. Back	100m. I.M.	100m. Breast	100m. Free

Rules

1. Ages are determined as at 31 December in the year of the Championships.
2. Swimmers are permitted to swim in all five events.
3. There will be Heats and Finals in all events.
4. Medals will be awarded to First, Second and Third in each individual event.
5. Pennants / Medals will be awarded to Fourth, Fifth and Sixth in each individual event.
6. Awards will made to the overall Champion.
7. The overall Champion will be decided on points as follows:-
1st – 6 points. 2nd – 5 points. 3rd – 4 points. 4th – 3 points. 5th – 2 points. 6th – 1 point.
8. A trophy will be awarded to the Best Swim by a Male and Female, to be decided by the Head Coach.

Distance Championships

11 years & under	400m. Free	200m. Back	200. Breast	200m. I.M.	200m. Free	200m. Fly
12 years	400m. Free	200m. Back	200. Breast	200m. I.M.	200m. Free	200m. Fly
13 years	400m. Free	200m. Back	200. Breast	200m. I.M.	200m. Free	200m. Fly
14 years	400m. Free	200m. Back	200. Breast	200m. I.M.	200m. Free	200m. Fly
15 years and over	400m. Free	200m. Back	200. Breast	200m. I.M.	200m. Free	200m. Fly

Rules

1. Ages are determined as at 31 December in the year of the Championships.
2. Swimmers are permitted to swim in all six events listed.
3. All events will be Heat Declared Winners, and will be seeded according to FINA Rules, irrespective of age.
4. The overall Champion will be decided on points as follows:-
1st – 6 points. 2nd – 5 points. 3rd – 4 points. 4th – 3 points. 5th – 2 points. 6th – 1 point.

R.6.2 The Management Committee will determine the Entry Fees for each Championships.

R7.0 TRAINING SESSIONS

R7.1 The allocation of training times for each squad shall be notified to each squad member and Displayed on the Club Website and notice board when necessary.

R8.0 LAND BASED CONDITIONING

R8.1 Appropriate Land Based Conditioning for swimmers will be provided when suitable. staffing, finance and facilities are available.

R9.0 TECHNICAL OFFICIALS AND VOLUNTEERS

- R9.1 The Club will encourage parents to become Technical Officials at local, District and National level.
- R9.2 Volunteers shall be recruited where appropriate to assist with the running of the club.
- R9.3 The Club shall endeavour to provide incentive schemes for all volunteers in an attempt to acknowledge their contribution and encourage their involvement and support.
- R9.4 The Recruitment and Selection Policy for Volunteers, Club Coaches and Officials as recommended by Scottish Swimming shall be adopted.

R10.0 FINANCE

- R10.1 Payment of Monthly Training Fees are due on the first day of the month and should be paid to the Fees Administrator(s) at times and days notified on the Club notice board.
- R10.2 Swimmers will also require to pay a monthly Membership Fee by Direct Debit to North Lanarkshire Leisure to gain access to the pool.
- R10.3 Competition entry fees should be made with the return of entry forms.
- R10.4 Entry fees for individual events are met in full by the swimmer. Relay Team entries being the responsibility of the club.
- R10.5 Travel, accommodation and meal costs for the Team Staff (i.e. Team Coach(s), Team Manager, Chaperones etc.) are considered part of the overall cost of a trip and therefore swimmers will be required to contribute proportionately.
- R10.6 Swimmers are expected to use travel and accommodation arrangements when organised by the club for away swim meets. If swimmers choose to make other arrangements a nominal fee will be charged to those swimmers to cover staff costs.

R11.0 EQUALITY POLICY

- R11.1 The Club shall operate An Equality Policy.
- R11.2 The policy document is available on the Club Website.

R12.0 HARDSHIP FUND POLICY

- R12.1 The Club shall operate a Hardship Fund to be administered by the Executive Committee.
- R12.2 The policy document is available on the Club Website or on request to the Treasurer.

R13.0 GENERAL

- R13.1 General questions about the operation of the Club should in the first instance be directed to the General Secretary who is the first line of communication with members / parents. The Secretary will normally be available at times displayed on the club notice board.

Many communications are carried out via the Club notice board and the Club Website. Swimmers and Parents are advised to check these regularly.

- R13.2 The Club colours shall be a combination of Yellow and Blue.
Changes to the colours, design and logos etc. shall be implemented by the Club Kit Convenor after consultation with the National Squad swimmers and the authorisation of the Executive Committee.
- The Treasurer must be consulted both in terms of any expenditure and the level of resale charges to be made for any item of kit.
- R13.3 Methods of ordering and purchasing Club Kit will be advised on the Club notice Board and the Club Website.
- R13.4 Outdoor footwear should not be worn by any person on the poolside, except during competitions when it is unavoidable for spectator purposes.
- R13.5 Parents should not walk onto the poolside during training sessions. Requests to speak to anyone working on the poolside should be conveyed by other means.