

Constitution and Rules of the City of Cambridge Swimming Club

1. Name

1.1 The name of the Club shall be The City of Cambridge Swimming Club.

2. Objects

2.1 The objects of the Club shall be the teaching, development and practice of swimming and water polo for its members. In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the A.S.A. Equal Opportunities policy

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 Amateur Swimming Association ("A.S.A. Laws") and in particular:

2.3.1 all competing members shall be eligible competitors as defined in A.S.A. Laws; and

2.3.2 the Club shall in accordance with A.S.A. Laws adopt the A.S.A. Child Protection 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 A.S.A. Laws comply with the A.S.A. Child Protection 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 Cambridgeshire County ASA](#)

2.4.2 the Amateur Swimming Association; (to include the A.S.A./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.

All persons who assist in any way with the club's activities shall become members of the club and hence of the A.S.A. and the relevant A.S.A. 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 A.S.A's educational certificates.

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 A.S.A.'s Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the A.S.A. shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

- 3.2 Any person who wishes to become a member of the Club must submit a signed application to the Membership Officer and in the case of a swimmer under 18 the application must also be signed by the swimmer's parent or guardian. Election to membership shall be determined by the Membership Officer. The Membership Officer 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 ("Review Panel") comprised of not less than three members, who may or may not be members of the Committee. The 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.

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

4 Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad fees 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 shall determine.
- 4.2 The joining fee (if any) shall be due on joining the Club. The annual membership fee, at the discretion of the Committee, be paid as a lump sum or within a monthly payment if other fees are also paid monthly.
- 4.3 Any member whose fees are 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 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 A.S.A. Membership Fees to the A.S.A. on behalf of members, be consequential upon an increase in individual A.S.A. 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.
- 4.5 The Committee shall have the authority to reduce fees in specific cases they consider appropriate, while having regard to the finances of the Club.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Membership Officer written notice of his 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. The ASA must be notified if monies are owed.

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 6.2 and 6.3 below
- 6.2 The Club shall adopt and comply with the A.S.A. 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 A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Guidelines may be obtained from the A.S.A. 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 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 Committee shall consist of the Chairman, Secretary, Treasurer and Membership Officer, (together "the Executive Officers of the Club") and up to twelve elected members all of whom must be members of the Club. It is mandatory that the club shall have a Welfare Officer. The Welfare Officer shall not be a relative of any of the Executive Officers, Coaches, Teachers or Team Managers. It is recommended that the Committee fill the following roles:- Fixture Secretary, Officials Secretary, Club Championship Secretary, Public Relations Secretary, Water Polo Representative. All Committee members must be 18 years of age or older though the Committee may allow younger members to attend meetings 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. (See also 8.1)
- 7.3 Committee meetings shall be held not less than quarterly, save where the 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 Committee members and shall include one or more Executive Officer. 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. The Secretary shall give all the members of the Committee not less than five days written (email) notice of a meeting. 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.
- 7.4 In the event that a quorum is not present within 15 minutes of the published start time, and at the discretion of the Chairman, the meeting may proceed. Any decisions of the Committee will be referred to electronic vote by e-mail. Electronic votes will be collected by the Secretary or

nominated representative and appended to the minutes of the meeting. Decisions will be made by a simple majority of the elected committee members. In the event of equality of votes the Chairman shall have a casting or additional vote. In the event that electronic votes are not cast within 7 days of the e-mail notification to vote, the voter will be deemed to have abstained. It is the responsibility of the elected committee member to maintain their e-mail systems in adequate condition to facilitate electronic voting. The Secretary or nominated representative will notify the outcome of the vote to the Committee and append it to the 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 be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.
- 7.6 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. In particular the Committee will appoint an Emergency Panel and a Finance sub-committee at the first Committee meeting after the AGM.
- 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 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. The Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.
- 7.8 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
- 7.9 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 A.S.A. Office. The Club shall make an annual return to the A.S.A. in the prescribed form.
- 7.10 The Committee shall have the authority to co-opt additional people to assist in matters pertaining to the club and may delegate such authority as seen fit. These additional people shall not be entitled to vote nor shall they be counted as part of the quorum.

8 Officers and Honorary 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 an existing member of the ASA but on election shall, *ex officio*, be an honorary member of the Club for the duration of the role and must be included in the Club's Annual Return of Members to the A.S.A.. They are not eligible to vote at Committee meetings, unless already a committee member.
- 8.2 The Committee may elect any person (by a simple majority vote at a Committee meeting) as an honorary member of the Club for such period as it thinks fit 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 Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return of membership.

- 8.3 The Committee may nominate any person (by a simple majority vote at a Committee meeting) as a Lifetime Honorary Member of the Club because they have rendered service to the Club which is considered to be deserving of the honour. The nomination will go forward to the AGM for approval. A Lifetime Honorary Member may attend Committee meeting but not propose or vote. They may receive copies of the minutes of Committee meetings on request. A Lifetime Honorary Member need not pay membership fees. Such lifetime honorary members must be included in the Club's annual return of membership. (Any individual previously awarded the title of Lifetime Vice-President shall become known as Lifetime Honorary Member on adoption of this constitution)

9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The date for the Annual General Meeting shall be fixed by the Committee
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 to receive the Chairman's report 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 independent examiner and the Treasurer's report as to the financial position of the Club;
 - 9.2.3 to remove and or re-select the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee);
 - 9.2.4 to elect the Executive Officers and other members of the 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 Committee shall be made in writing by the proposer and seconder to the Secretary not later than 28 days before the date of the AGM. The nominee shall be required to indicate in writing their willingness to stand for election. To this purpose a Nomination List will be posted on the Club Notice Board at least 56 days prior to the date of the AGM. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 28 days before the date of the AGM.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee, on a simple majority vote. 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 20 paid up members entitled to attend and vote at a General Meeting or, if greater, such numbers as represents 20% of such members stating the purposes for which the meeting is required and the resolutions proposed.

11 Procedure at the Annual and Special General Meetings

- 11.1 The Secretary will make best endeavours to communicate the date and content of a General Meeting to all members at least 14 days before the meeting This will consist of at least a notice on the Club notice board, a notice on the Club website, and an email through the Club email distribution list.

- 11.2 The quorum for the Annual General Meetings shall be 15 members entitled to attend and vote at the Meeting. The quorum for a Special General Meeting shall be 20 members entitled to attend and vote at the Meeting or, if greater, such number as represents 20% in number of such members.
- 11.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. 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 Chairman shall have a casting or additional vote. Only paid up members (The full and up to date fee or fees pertaining to that member must have been received by the Membership Officer and the membership application having been accepted by the Membership Officer. See 3.2.) 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 absence a member of the 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. Amendment to the Rules shall be notified to the ASA East Region by mailing a copy of the amended Rules with 28 days of any such amendment.
- 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 not later than 28 days before the date of the meeting in the case of the Annual General Meeting or, in the case of a Special General Meeting, 28 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

- 13.1 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. These may cover such subjects as the Club Championships.

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 drawn from that account except by cheque signed by two of the four authorised signatories who shall be members of the Committee. Any moneys not required for immediate use may be invested as the 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 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 thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on the 1st of September and ending on the 31st of August. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Committee shall retain for a minimum period of six years all financial records relating to the club and copies of Minutes of all meetings.
- 14.7 The Committee shall arrange for the accounts to be examined by an independent examining accountant before submission to the AGM.

15 Borrowing

- 15.1 The Committee may borrow money up to £5,000 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 prior approval of a General Meeting for any loan's above £5,000.
- 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. 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 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 distributed as nominated by the last Committee and applied to approved sporting or charitable purposes i.e. given or transferred to a CASC, registered charity, sports governing body or association with similar objects.

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, or one with similar intent, shall appear on Club membership forms and 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 under 18 years of age:

I acknowledge receipt of the rules of The City of Cambridge 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.

ASA Ratified September 2007

Amendments:

Clause 17.3 amended as follows:

“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 Committee.”

To

“Any property remaining after the discharge of the debts and liabilities of the Club shall be distributed as nominated by the last Committee and *applied to approved sporting or charitable purposes i.e. given or transferred to a CASC, registered charity, sports governing body or association with similar objects.*”

Approved AGM 2009