

# ASGARD SWIMMING CLUB CONSTITUTION

18<sup>th</sup> of September 2010  
(with amendments voted at EGM 3<sup>rd</sup> November 2015)

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Co Wicklow  
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## **Introduction**

### What is a Constitution?

A Constitution for a sports club is a set of rules which ensure that every individual within a club is aware of their legal rights and obligations<sup>1</sup>. If rules are not adopted dispute and conflict may arise amongst members, and the risk of this is always increased with the importance of the club and its relevant sport. It is important to note that a constitution is not just some paperwork that is left in a drawer, but rather a living, working and dynamic document. It should be constantly consulted and updated for the benefit of its members.

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<sup>1</sup> McNamara, D (2005) 'A Legal Guide for Clubs and Associations'. Artwerk Ltd, Dublin.

## **List of Terms and Abbreviations**

**Asgard Swimming Club** – The name of your club.

**Swimming** – The aquatic discipline(s) in which the members participate.

**ISC** – Irish Sports Council

**SI** – Swim Ireland

**DP** – Designated Person

**LSP** – Local Sports Partnership

**AGM** – Annual General Meeting

**EGM** – Extraordinary General Meeting

**CCO** – Club Children's Officer

**Officer** – Officers of a club are the Chairperson, Secretary and Treasurer.

**Management Committee** – This is the body elected by the Members for the management of the business and affairs of the club.

**Leader** – this is any person, whether paid or unpaid, who is responsible for those participating in the aquatic disciplines; roles include but not limited to supervisor, team manager, sports science personnel, chaperone, helpers, committee members, tutors, coaches and teachers.

## Constitution Section 1

### 1. Name and Colours

- a) The name of the club shall be **Asgard Swimming Club**.
- b) The colours of the club shall be blue and white.
- c) The headquarters of the club shall be Coral Leisure Centre, Seaview Ave., Arklow and will be contacted through the current Secretary.

### 2. Objectives

- a) The objectives of the club are:
  - i) To foster and develop Swimming and its participants
  - ii) To promote the teaching/coaching and practice of Swimming in line with current best practice.
  - iii) To promote the development of physical, moral and social qualities associated with sport, within the participants.
  - iv) To accept and enforce the rules and regulations set down by Swim Ireland regarding Swimming in accordance with the affiliation status afforded to the club.
  - v) To provide a positive and safe environment for all its members and staff.
  - vi) To ensure sport for young people in the club is fun, and conducted in an encouraging atmosphere in line with Swim Ireland guidelines and best practice.
  - vii) To provide equal opportunities whenever possible for successful participation, irrespective of ability or disability, so as individuals can be involved in sports activities in an integrated and inclusive way.
  
- b) Asgard Swimming Club is fully committed to safeguarding the well being of its members. Every individual in Asgard Swimming Club should, at all times, show respect and understanding for their rights, safety and welfare and those of others, and conduct themselves in a way that reflects the principles of Asgard Swimming Club and the guidelines contained in the *Code of Ethics and Good Practice for Children's Sport* and the 'Swim Ireland Guidelines for Safeguarding Children 2008' or most up to date equivalent.

## **Constitution – Section 2**

### **3. Affiliation**

- a) By virtue of the affiliation of Asgard Swimming Club to Swim Ireland, it's members acknowledge that they are subject to the laws, rules and constitutions of:
  - i) Swim Ireland, the governing body for the whole of the island of Ireland.
  - ii) Ligue Européenne de Natation (LEN), the European governing body for the aquatics.
  - iii) Fédération Internationale de Natation (FINA), the world governing body for the aquatics.

### **4. Membership**

- a) All members are subject to the rules and constitution of Asgard Swimming Club and rules and regulations of Leinster swimming, Swim Ireland, LEN and FINA.

- b) Membership Categories

The following constitute as Members of the club:

- i) Competitor – Members of Asgard Swimming Club who decide to engage in competitive events.
  - ii) Non-Competitor – This category includes but is not limited to: participants who wish to train but not compete; coaches; administrators; aquatics leaders; and CCO's.
- c) The Club Management Committee reserves the right to accept or reject applications for membership of the club. If they are refused, the applicant must be notified by the Management Committee in writing as to the reasons for their refusal.

- d) Application Procedures for Club Members

- i) All members and officials must complete the necessary application forms and attach the necessary fees as set down by Swim Ireland and Asgard Swimming Club.

- ii) They must also be familiar with and comply with the Swim Ireland and Asgard Swimming Club rules and read and sign the Swim Ireland and Asgard Swimming Club Codes of Conduct.
- iii) All candidates for membership will be assessed by the Coach regarding his/her swimming ability.
- iv) These forms must then be forwarded to the Management Committee for approval. Those under 18 must have their parents sign the necessary application forms.
- v) Upon acceptance the member will then be provided with a copy of the Constitution and Rules of Asgard Swimming Club.
- vi) A member who wishes to resign as a member of the club must inform the secretary in writing. No refund of subscription monies will be paid upon resignation from the Club.
- vii) Full membership status is only valid where a subscription has been paid in full or in a manner agreed by the Club Management Committee.
- viii) Members will be required to renew their membership with Asgard Swimming Club and Swim Ireland on an annual basis.

e) Annual Subscriptions

- i) Club fees will be determined by the Management Committee.
- ii) If a member is deceased, their Legal Personal Representative is not liable for any balance of subscriptions.
- iii) A member may resign by communicating this in writing or verbally to the Club Secretary, and if this persons wishes to renew membership at a later date they must re-apply.
- iv) The Annual subscription shall be available to both families and individuals. The cost of pool hire, coach and insurance shall govern the subscription rates.

## **Constitution – Section 3**

### **5. Club Management**

#### a) Description

The Management Committee is the body elected by the Members for the management of the business and affairs of the Club. It consists of 7 individuals who must be members of Swim Ireland in their own right

#### b) Membership of the Management Committee

Membership of the Management Committee shall consist of the following: - A Chairperson, a Secretary, a Treasurer and a Club Children's Officer and four other adult members. The CCO can not hold any other office position on the committee. The committee agree with the CCOs (if more than one) which is to be on the committee – this must be ratified and recorded in the minutes of a committee meeting of it.

#### Management Committee Officers of Asgard Swimming Club

#### c) Duties of the Chairperson

- i) To promote the interest of Asgard Swimming Club at all times and act as the official spokesperson for the club.
- ii) To ensure the principles of due process and natural justice are applied in all decisions made by the committee.
- iii) To maintain order and prevent unnecessary disruptions.

#### d) Duties of the Treasurer

- i) To keep a record of all financial transactions concerning Asgard Swimming Club business.
- ii) To keep appropriate books of record on Asgard Swimming Club business.
- iii) To identify all income received and all expenditures.
- iv) To act as co-signature on cheques along with the Chairperson/Secretary.

e) Duties of the Secretary

- i) To record the minutes of all committee and club meetings.
- ii) To keep records of membership, complaints and contracts regarding the dealings of the club. Records shall be kept for a minimum of 6 years.
- iii) To set out meetings including agenda details, notice period and any other necessary information.
- iv) To deal with all club correspondence.

f) Other Committee Member

- i) Duties and Responsibilities of all Committee Members – All Committee members are responsible for the smooth day to day running of the Club. The Management Committee can agree amongst themselves the additional rules required, to be carried out by Committee Members.

## **Constitution – Section 4**

### **f) Duties and Responsibilities of the Club Children’s Officer (CCO)**

- i) The Club Children’s Officer shall be child centred in focus and have as the primary aim, the establishment of a child centred ethos within Asgard Swimming Club.
- ii) The CCO shall be the link between the children and adults in Asgard Swimming Club.
- iii) The CCO shall take responsibility for monitoring and reporting to Asgard Swimming Club Management Committee on how club policy impacts on young people and their Sports Leaders.
- iv) The CCO shall hold an up to date certificate of Child Protection from ISC/CNI/NISC and be familiar with the Code of Ethics and Child Welfare Guidelines of Swim Ireland.
- v) One Club Children’s Officer, in addition to their existing responsibilities, will be appointed to the Club committee; the appointment may not be shared between different people where there is more than one CCO in a Club. The CCO on the committee will act as liaison between the other CCOs and the committee.
- vi) Act as advisor for and report concerns of abuse to the appropriate authorities.
- vii) Ensure safeguarding policies and procedures are implemented and effective in all areas of the club.

### **g) Duties and Responsibilities of the Designated Person**

- i) Any concerns or disclosures relating to child abuse shall be reported to the Designated Person (DP) who is responsible for reporting this to the statutory authorities.
- ii) The Designated Person shall hold an up to date certificate of Child Protection from ISC/CNI/NISC and also be familiar with the Code of Ethics and Child Welfare Guidelines of Swim Ireland.
- iii) The Designated Person shall be a member of the Committee, with this individual acting in a dual role capacity, performing both their existing role in conjunction with that of Designated Person.

- h) Duties and responsibilities of the coaching and teaching staff
- i) Those included, but not limited to Coaches, Teachers and Leaders, will comply with the guidelines set out in ‘Swim Ireland Guidelines for Safeguarding Children 2008’ or most recent edition.
  - ii) The recruitment procedures of any individual engaged or working under the club, shall be in accordance with ‘Swim Ireland Guidelines for Safeguarding Children 2008’, the Employment Rights (Northern Ireland) Order 1996, the Terms of Employment Act 1994 (ROI) and all other related recruitment legislation. Information relating to the responsibilities of the roles, duties and the level of experience/qualifications shall be indicated in the recruitment process.
  - iii) All Coaching and Swimming Teachers shall have written contracts which outline their duties, functions and responsibilities. Where coaches and/or swimming teachers operate on a voluntary basis, a written agreement as to new roles or duties shall be agreed, and put in place, within 2 months of appointment.
  - iv) All coaching details are the ultimate responsibility of the Head Coach. These duties are as follows
    - a. Training content
    - b. Training schedule
    - c. Team selection (relays)
    - d. Appropriating competitive swimmers into respective groups according to their ability
    - e. To report to and act as liaison to Swim Ireland HQ.
  - v) All teaching staff will undergo a police vetting (Garda Siochana, PSNI, and Swim Ireland) in accordance with ‘Swim Ireland Guidelines for Safeguarding Children 2008’ or most recent edition.. If the applicant is from a jurisdiction outside Ireland, enquiries will be made to the relevant statutory bodies.
  - vi) Coaches and teachers shall not hold a management or elected position on the Club Committee where working as a coach or teacher for more than three hours a week.
  - vii) The Head Coach shall be accountable to the Committee and shall be entitled to attend any Committee meeting. A minimum attendance is also required of

4 meetings per year, effectively one per quarter, of the coach at Committee meetings.

- viii) All Coaches and Leaders must be affiliated to Swim Ireland, and must possess the requisite qualifications.

## **Constitution – Section 5**

### j) Rights and Duties of the Management Committee

- i) The Management Committee shall be empowered to introduce rules, as the need arises, for the general regulation of the club. No rule shall be inconsistent with anything contained in this constitution. The Management Committee must ensure a Club's Rule Book is in place which is made available to all members
- ii) The Committee have the power to appoint such sub committees as they may consider necessary. These sub committees will act on behalf of the Management Committee and follow procedures and relay information as directed by the Management Committee.
- iii) The Management Committee shall be responsible for all assets of the club.
- iv) The Management Committee, in conjunction with the CCO, will be responsible for formulating Club policy in accordance with the 'Swim Ireland Guidelines for Safeguarding Children 2008, or most recent edition, and on the direction the Club takes in the future in all its activities.
- v) The members of the Management Committee shall be indemnified by the members of the club against all liabilities properly incurred by them in the management affairs of the club.
- vi) Committee members must declare any personal or business interest, which may conflict with their duties as a member of the Management Committee. Such a declaration may be discussed with the other Committee members at a designated meeting, and they may be required to absent themselves content, discussions and decisions.
- vii) The Management Committee will be expected to follow codes of conduct in relation to their obligations to Asgard Swimming Club members. These include, but are not limited to, confidentiality, objectivity, loyalty, fairness and a constant awareness of their obligations to Asgard Swimming Club and its members. The Committee will familiarise itself with the 'Code of Ethics and Good Practice for Children's Sport' and fulfil the duties required in the *Code of Conduct for Club Committees* section (p.25) of the 'Swim Ireland Guidelines for Safeguarding Children 2008', or the most recent equivalent..

The Committee will also adhere to any updated versions of these policy documents which are issued in the future.

- viii) A Club Children's Officer must be appointed by the Management Committee and fulfil the criteria laid down by the 'Swim Ireland Guidelines for Safeguarding Children', or most recent equivalent. The Club's DP will also be appointed by the Management Committee from within.
- ix) Representatives at Swim Ireland AGM from the club will be nominated by the Committee.
- x) All staff appointments will be advertised and selected by the Committee.
- xi) The club reserves the right to refuse or withdraw membership (including board and or committee member) in circumstances where the board deems the person to have breached Swim Ireland or club rules.
- xii) The club shall be run under Swim Ireland rules, which Swim Ireland may introduce prior to the club's AGM.
- xiii) The club shall also adhere to the Code of Ethics and Good Practices of children's Sport in Ireland and Swim Ireland's Child Protection Guidelines.

## **Constitution – Section 6**

### **k) Meetings of the Management Committee**

- i) The Committee shall meet at least 6 times per year with a minimum quorum of 50% plus 1 of the members of the committee present. A quorum for a committee will be 4 people.
- ii) The Chairperson and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Asgard Swimming Club.
- iii) A minimum of 7 days notice will be given to members save with exceptional circumstances. The Management Committee shall agree how notice shall be provided whether this is phone, email and so forth.
- iv) The Committee should set out its agenda for a meeting no less than 3 days prior to the meetings.
- v) The Chairperson has the casting vote on any motion arising during the meetings.
- vi) The Chairperson's decision on a Point of Order is final
- vii) The Chairperson shall preside at all meetings.
- viii) The Secretary, or in her/his absence a member of the Committee, shall take minutes.
- ix) The Treasurer shall relay the financial position of the club at each meeting.
- x) The other Committee members must also relay details on the areas of the club they are designated too.
- xi) The CCO, Coaching and Teaching staff must also be given the opportunity to report and voice the concerns of their designated areas within the Club, as well as to advise the Management Committee on relevant issues.
- xii) Members can acquire the minutes of the meeting in a summary format by providing the Secretary with a self addressed envelope.
- xiii) The Management Committee may also decide upon acceptable means of communication used, during periods between meetings, to ensure the day to day running of Asgard swimming club.

- xiv) A committee member who fails to attend three consecutive meetings without reasonable excuse shall be deemed to be no longer a member of that committee and shall be notified accordingly. The committee will be at liberty to co-opt others as members as it sees fit.
- xv) Committee members are obliged to sign the Officials Code of Ethics prior to the first meeting of the Committee. Failure to do so will result in their expulsion from the Committee.
- xvi) A list of officers and the members of the committee will be available, from the Secretary, to all club members.
- xvii) The committee shall have the authority to appoint a sub-committee for any special purpose with or without power to act.

## **Constitution – Section 7**

### **6. Voting Rights at General Meetings**

- a) Members who are fully paid up and over 16 years of age are eligible to vote.
- b) No voting by proxy is allowed.
- c) Parents shall hold one vote on behalf of their child/children within the club.  
Only one parent may exercise this vote and this must be so agreed between the parents (that is one vote only and not one vote per child). Parents who are club members in their own right may vote with this right for themselves and also cast one vote on behalf of their child/children
- d) Voting shall be conducted via a show of hands, which will be counted by the Secretary. The Committee may, however, recommend that a vote should be held in a secret ballot format owing to the context of the vote.
- e) No business shall be transacted at a general meeting unless a quorum is present. A quorum of 25% of the eligible voting members is the number required. If this quorum is not fulfilled the General Meeting can be suspended for exactly one week.
- f) Nominations will be passed at AGM's by simple resolution of 50% plus one.
- g) Motions for a change to the Asgard Swimming Club Constitution must be passed by a special resolution of 75% of persons present at the meeting entitled to vote.
- h) The Chairperson will have a casting vote if there is an equality of votes

## Constitution – Section 8

### **7. Election of the Committee Members**

- a) Election of the Management Committee members takes place at the Club AGM each year. At this time a Chairperson, Treasurer and Secretary along with four other members of the Management Committee shall be elected. The Chairperson, Officers and Committee shall be elected at the A.G.M. The Committee shall comprise of at least 3 officers, Chairperson, Secretary and Treasurer, 4 members and 2 Team Captains. The team captains will represent the views of the swimmers. The coaches of the club will be recognized as ex-officio members of the club committee.
- b) A Committee member may stand for re-election for 3 consecutive years. After this time period is up, eligibility for re-election is revoked for a period of one year.
- c) Nominations for office and Notice of Motions must be received in writing by the Secretary no less than 14 days prior to the General Meeting.
- d) A proposer and seconder are required for all Nominations and Notice of Motions.
- e) Notices of Motion and nominations for the Management Committee shall be displayed on the Club notice board for not less than 7 days prior to the AGM. They will also be available on request from the Secretary. Notices and Motions without due notice will not be discussed.
- f) In the event that no nominations are received by the Secretary by 7 days before the meeting, only then may a nomination from the floor at the AGM can take place.

## **Constitution – Section 9**

### **9. Annual General Meeting (AGM)**

- a) Members shall be informed of the date, time, place and order of business of the AGM at least 21 days prior to the meeting. This information shall be posted on the club notice board and website.
- b) Additions, deletions or alterations to the constitution shall be made at the AGM or a special general meeting convened for that purpose only and any propositions shall be submitted to the Secretary at least 14 days before the date of the meeting.
- c) The Constitution can be updated or altered by the Committee, without a general meeting if in order to implement any law/rule changes passed by a Swim Ireland AGM, it is necessary to do so.
- d) The Management Committee must decide when the AGM is held each year.
- e) At this meeting, the Annual Report shall be presented, which shall consist of a: Chairman's Report; Secretary's Report; Treasurer's Report and Coaches' Report.
- f) Any changes or updates to the Club Constitution will be notified to the members and Swim Ireland within 7 days following the AGM.
- g) Any resolution to amend the Club's Constitution which is successful at the General Meeting will come into immediate affect upon conclusion of the General Meeting.

### **10. Extraordinary General Meeting (EGM)**

An Extraordinary General Meeting may be called at any time once two thirds of the Committee resolve to convene such a meeting. It can also be called within 28 days of the Secretary receiving a requisition in writing signed by 10 of the voting members.

## **Constitution – Section 10**

### **11. Transfers**

If a member wishes to leave a club and join another they must follow the rules set down by Swim Ireland. All members must have paid any outstanding subscriptions before they will be released by the Club save with exceptional circumstances.

## **Constitution – Section 11**

### **12. Finance**

- a) The financial affairs of the club shall be the responsibility of the Management Committee in general and in particular, the Treasurer. Correct accounts and book keeping shall be done by Treasurer or under his/her supervision.
- b) Annual Accounts of Asgard Swimming Club should be prepared for the Annual General Meeting by Asgard Swimming Club Treasurer. Club accounts shall be closed on the 31<sup>st</sup> August in each year and shall be ready for submission at the AGM.
- c) The Management Committee shall be empowered to open Bank Accounts in the name of Asgard Swimming Club and all transactions in these accounts shall be authorized by the Management Committee. All cheques, drafts and so forth shall be signed by the Treasurer and either the Chairperson or Secretary.
- d) The Treasurer will receive all money paid to the Asgard Swimming Club and ensure all such sums are lodged to Asgard Swimming Club bank account as soon as possible.
- e) Any assets invested in by the Management Committee will be used for Asgard Swimming Club purposes only. The Management Committee will delegate the use of these assets under advisement from coaches, teachers, club children's officers and others within the Asgard Swimming Club
- f) The Committee will have the power to negotiate sponsorships on Asgard Swimming Club behalf and engage from time to time fundraising activities. Any financial returns from these activities will be used for Asgard Swimming Club Development purposes only.
- g) All funds shall be applied to the promotion of the club's objectives.

## Constitution – Section 12

### **13. Complaints and Disciplinary Procedures**

Asgard Swimming Club will deal with complaints as laid out in Swim Ireland's 'Complaints and Disciplinary Procedures', and shall adopt SI procedures in this regard. Any issue involving members under 18 must also be brought to the attention of the CCO.

Grievances are to be brought to the attention of the Committee through the Club Secretary who will respond formally. A complaints book will be kept by the Secretary, who will note the complaints and what action, if any, was taken by the Committee.

If a complainant is not satisfied with the action, if any, that is/is not taken, they have the right to ask the National Governing Body to appoint an Arbitrator, whose decisions will be final.

A Disciplinary Committee will be set up to deal with issues arising. All members shall conform to committee instructions.

### **14. Cessation/Suspension/Expulsion of Membership**

- a) Club's have the power to terminate and suspend membership owing, but not limited to, violation of the constitution and/or rules, criminal behaviour or any activity deemed unseemly by the Management Committee. All club terminations and suspensions will be reported to Swim Ireland, and can be also appealed to SI.
  
- b) Suspension or termination of an individual's membership to Swim Ireland can only be done by Swim Ireland's board. These procedures are laid out in the 'Articles of Association of Swim Ireland'.

## Constitution – Section 13

### **15. Dissolution**

- a) Asgard Swimming Club may be dissolved:
  - a. By a Resolution passed owing to the inactivity of its members. This Resolution would be passed at an EGM, specifically called for that purpose and carried by three quarters of the members present.
  - b. A Court Order where a dispute exists within its membership.
  
- b) Notice must be given to members and Swim Ireland for any Dissolution to come into affect, owing to a Resolution at a General Meeting
  
- c) All aspects of the Club, having discharged debts and liabilities, shall be distributed to a charity, charities or other non-profit making organization having an agenda similar to those of Asgard Swimming Club or SI.
  
- d) The Management Committee shall be responsible for the winding up of assets and liabilities of Asgard Swimming Club.

## **Club Constitution – Section 14**

### **16. Equality**

In accordance with the Equal Status Act 2000 – 2004 and the Equality Act 1996 in Northern Ireland, Asgard Swimming Club will not discriminate against any persons or visitors within Asgard Swimming Club. No discrimination of any kind against employed and voluntary staff, membership applications, members and individuals within the general public, will be tolerated.

## **Club Constitution – Section 15**

### **17. Criminal Allegations**

Asgard Swimming Club shall treat allegations of criminal activity very seriously. Any allegation of a criminal offence will be reported to Swim Ireland and the appropriate policing body.

### **18. Data Protection**

Asgard Swimming Club shall aim to follow the necessary data protection guidelines set down by the relevant bodies.