



STAR DIVING CLUB GUILDFORD CLUB CONSTITUTION

1. Name

- 1.1 The name of the Club shall be Star Diving Club Guildford and the Club colours shall be black and yellow.

2. Aims and Objectives

- 2.1 The objects of the Club shall be the teaching, development and practice of highboard and springboard diving for its members. In the furtherance of these objects:
- 2.1.1 The Club is committed to treating everyone equally within the context of his or her 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 ASA Equal Opportunities Policy.
- 2.2 The Club shall be affiliated to the ASA South 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 ("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 shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
- 2.3.3 Members of the Club shall in accordance with ASA Laws comply with the ASA Child Protection Procedures.
- 2.4 By virtue of the affiliation of the Club to the ASA South East Region, the Club and all its members acknowledge that they are subject to the laws and rules of:
- 2.4.1 The ASA South East Region; and
- 2.4.2 The Amateur Swimming Association (to include the ASA/IOS Code of Ethics); and
- 2.4.3 The Amateur Swimming Federation of Great Britain (to include in particular the ASFGB Doping Control Rules and Protocols and ASFGB 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 ASA and the relevant ASA membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, committee members, helpers, honorary members, life members, officers, patrons, presidents, technical and non-technical officials, temporary members, vice-presidents and verifiers or tutors of the ASA's educational certificates.

Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the ASA's Code of Ethics, the laws relating to Child 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 ASA 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 secretary (and in the case of a junior diver, the application must be signed by their parent or guardian). Election to membership shall be in the discretion of the committee but other person(s) authorised by the committee may make recommendation as to the applicants' acceptability. The committee shall not be required to give reasons for the refusal of any application for membership.

The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to sex, ethnic origin, religion, disability or political persuasion.

4. Subscription and Other Fees

- 4.1 The annual membership 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 shall determine.

- 4.2 A joining fee shall be due on joining the Club and a membership fee is payable annually on the anniversary date. The term's subscription shall be due on joining the Club and thereafter per school term in advance. A term's subscription is non-refundable once term has started.

- 4.3 Any member whose subscription is unpaid after the start of the term shall not be entitled to participate in any Club activities, and may be suspended by the committee from some or all Club activities from a date to be determined by the committee, 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 and shall, where the Club pay the individual ASA membership fees to the ASA on behalf of members, be consequential upon an increase in individual ASA membership fees. Any increase in subscriptions shall be advised to the members in writing 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 or membership officer written notice of their 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 four weeks in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way they shall be informed in writing or via e-mail correspondence that they are no longer a member.

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 them to remain a member.
- 6.2 The Club shall adopt and comply with the ASA guidelines for handling internal club disputes ("the Guidelines") and 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.
- 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 (consisting of the Club officers or any person(s) to whom the committee delegates this power) 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(s) 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 co-chair or membership officer (together "the Executive Officers of the Club") and 5 elected members, all of whom must be members of the Club. The Club shall have a welfare officer and a volunteer co-ordinator. All committee members must be not less than 18 years of age, though the committee may allow younger member(s) to attend its meetings, without the power to vote. Junior members have a right to be heard subject to chair approving subject of matter to be raised as being appropriate.

The Executive Officers of the Club shall be responsible for the day-to-day management of the Club's activities.

- 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 Rule 8.1)
- 7.3 Committee meetings shall be held not less than once per term (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 (to include not less than one executive officer). Any of the Club executive officers 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 seven days' written 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 thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting or such other date and time as may be determined by the chairman. If a quorum is not present at the adjourned meeting then those committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.5 In addition to the members so elected, the committee may co-opt up to 5 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 it 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 some 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.
- 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 at the Annual General Meeting. The committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution. The committee shall be responsible for ensuring that the annual financial statements are a true and fair representation of the financial health of the Club. Financial statements will be available for scrutiny by any member of the Club following publication at the AGM each year.
- 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 ensure that the financial records and minutes of meetings are retained for a period of at least six years.
- 7.10 The committee shall maintain an accident book in which all accidents to Club members at diving-related activities shall be recorded. Details of such accidents shall be reported to the ASA office. The Club shall make an annual return to the ASA in the prescribed form.

8. Officers and Honorary Members

- 8.1 The executive officers and the committee of the Club shall be proposed, seconded and elected at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation (or otherwise) may be filled by the committee. Retiring officers shall be eligible for re-election.
- 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a president and vice-presidents. A president or vice-president need not be a member of the Association and on election shall, *ex officio*, be an honorary member of the Club and must be included in the Club's annual return of members to the ASA.
- 8.3 The committee may elect any person 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 as to membership.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in June. Its date 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 on 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 elect the independent examiner (who must not be a member of the committee or a member of the family of a member of the committee) or confirm that they remain in office;
 - 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 no later than 21 days before the Annual General Meeting. The nominee shall be required to indicate in writing on the nomination form their willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the secretary not later than 21 days before the AGM.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the committee. It shall be called by the secretary within 28 days of receipt by him of a requisition in writing signed by not less than 5 members entitled to attend and vote at a General Meeting, 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 shall be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least 14 days before the meeting, and in the case of the Annual General Meeting a list of the nominees for the committee posts and a copy of the examined accounts. The notice of meeting shall in addition, wherever possible, be displayed on the Club noticeboard, where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be 5 members entitled to attend and vote at the meeting.
- 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 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. No amendment(s) to the rules shall become effective until such amendment(s) have been submitted to and validated by such person as authorised to do so by the County Association / ASA South East Region.
- 12.2 Any member shall be entitled to put forward any proposal for consideration at any General Meeting provided the proposal in writing has been handed to or posted to the secretary of the Club so as to be received by him not later than 21 days before the AGM (in the case of the Annual General Meeting), or in the case of a Special General Meeting 14 days before the date of the meeting. 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 it may from time to time consider necessary for the well-being of the Club. These by-laws, repeals and amendments shall have effect until set aside by the committee or at a General Meeting.
- 14. Finance**
- 14.1 All moneys payable to the Club shall be received by an executive officer and be deposited in a bank account in the name of the Club. Cheques which exceed £50 must be signed by the treasurer and one other signatory appointed by the committee. Cheques below £50 can be signed by the treasurer or other officer of the Club. Any moneys not required for immediate use may be invested at the discretion of the committee with the advice of the treasurer.
- 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 April 1 and ending on March 31. Any change to the financial year shall require the approval of the members in a General Meeting.
- 15. Borrowing**
- 15.1 The committee may borrow money on behalf of the Club for the purposes of the Club from time to time at its own discretion (up to such limits on borrowing as may be laid down from time to time by the General Meeting) for the general upkeep of the Club, or with the prior approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing, the committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sum 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 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.

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.