

CONSTITUTION OF THE KILLARNEY SWIMMING CLUB

Version 5.0 - October 2020

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List of Terms and Abbreviations

“Club”	Killarney Swimming Club
“Discipline”	The sport of swimming
“SI”	Sport Ireland – previously Irish Sports Council (ISC)
“AGM”	Annual General Meeting
“EGM”	Extraordinary General Meeting
“CCO”	Club Children’s Officer
“Officer”	Officers of the 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.

Swim Ireland – is the National Governing Body for the Aquatic Disciplines in Ireland, recognised as such by the Irish Government, the Irish Sports Council, Sport Northern Ireland, the Olympic Council of Ireland and FINA and LEN, the World and European Aquatic Governing Bodies.

National Governing Body (NGB) - The role of a NGB is to organise and administer the sport; train and deploy coaches; organise representative level sport; and provide sporting opportunities and pathways leading from grass root sport to national and international competition.

Swim Ireland website – www.swimireland.ie

Club website – www.killarneyswimmingclub.com

Club contact details:

Chairperson - killarneyscchair@gmail.com

Secretary – killarneyswimmingclub@gmail.com

Treasurer - Treasurerksc2020@gmail.com

CCO - ccokillarney@gmail.com

Head Coach - headcoachkillarneysc@gmail.com

Lead Covid Officer - killarneyswimmingclubcovid19@gmail.com

1. **Name(s) and Colour(s)**

- 1.1 The name of the club shall be The Killarney Swimming Club.
- 1.2 The colours of the club shall be white, wine and navy-blue.
- 1.3 The headquarters of the club shall be the Killarney Sports & Leisure Centre, By-pass Road, Killarney, Co. Kerry.

2. **Objectives**

- 2.1 The objectives of the Killarney Swimming Club are:
 - To foster and develop the sport of swimming and its participants.
 - To promote the teaching/coaching and practice of the sport of swimming in line with current best practice.
 - To promote the development of physical, moral and social qualities associated with sport, within the participants.
 - To accept and enforce the rules and regulations set down by Swim Ireland regarding the sport of swimming in accordance with the affiliation status afforded to the club.
 - To provide a positive and safe environment for all its members and staff.
 - 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.
 - 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.
- 2.2 Killarney Swimming Club is fully committed to safeguarding the wellbeing of its members. Every individual in Killarney 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 Killarney Swimming Club and the guidelines contained in *The Code of Ethics and Good Practice for Children's Sport* and *The Swim Ireland Safeguarding Children Policies and Procedures 2010* or their most up to date equivalent.

3. **Affiliation**

- 3.1 By virtue of the affiliation of Killarney Swimming Club to Swim Ireland, its members acknowledge that they are subject to the laws, rules and constitutions of:
 - Swim Ireland, the governing body for the whole of the island of Ireland.
 - Ligue Européenne de Natation (LEN), the European governing body for the aquatics.

- Fédération Internationale de Natation (FINA), the world governing body for the aquatics.

4. **Membership**

4.1 All members are subject to the Constitution, Bye-Laws and/or rules of Killarney Swimming Club (hereinafter known as “the Rules”) and the rules and regulations of Munster Region, Swim Ireland, LEN and FINA.

4.2 **Membership Categories**

The following shall constitute as members of the club:

4.2.1 *Competitor*: members of Killarney Swimming Club who decide to engage in competitive events.

4.2.2 *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.

4.2.3 *Honorary Members*: Those only who have rendered exceptional service to the Club, or whose distinguished or influential position or public service would render their membership an asset to the Club, shall be elected for life or any defined period.

4.2.4 *Nominated Members*: No Member under the age of 18 shall be entitled to vote, hold office or become a member of the Management Committee but a nominated parent (as defined in clause 8.5) may do so and shall be deemed to be a Member for these purposes and for the purpose of the Rules.

4.3 **Membership Caveats**

4.3.1 The club management committee reserves the right to accept or reject applications for membership of the Club. Killarney Swimming Club will have rules and criteria covering requirements, trials and waiting lists for admission in place. The Management Committee of the Club shall decide membership numbers in all categories. If applicants are refused, they must be notified by the management committee in writing as to the reasons for their refusal.

4.3.2 The management committee may only suspend or expel a Member from membership in accordance with the Swim Ireland Complaints and Disciplinary Rules and Procedures.

4.3.3 Lapsed members may not participate in any activities of the club until all subscriptions have been paid and all liabilities to the club cleared.

4.4 Killarney Swimming Club will publish all relevant Club and Swim Ireland rules and regulations on the club’s website or provide a link to Swim Ireland’s website for a complete listing of abiding policies. Such documents will include but not be limited to; Swim Ireland Code of Ethics and

Good Practice for Children's Sport, Swim Ireland Guidelines for Safeguarding Children, Swim Ireland Complaints and Disciplinary Rules and Procedures and the Killarney Swimming Club Constitution.

- 4.5 *Waiver of legal rights:* pursuant to the provisions of section 34(1)(b) of the Civil Liability Act 1961, Members (and in the case of children under the age of 18, their parents on their behalf) waive their legal entitlement to claim against a fellow Member, Officer or Committee Member, compensation for personal injury, loss or damage, howsoever caused.

4.6 **Duration of Membership and Annual Subscriptions**

- 4.6.1 Membership fees shall be due in September and January of each year and should be paid within one calendar month (or immediately on admission of a new member). Any variation from this must be agreed by the Management Committee otherwise the member will be deemed to be a Lapsed Member.
- 4.6.2 The Membership year shall run from the 1st of September to the 31st of July each year.
- 4.6.3 Club fees (together with the manner of payment) will be determined by the management committee. All Members (excluding Honorary Members) shall be liable for the full Annual Subscription.
- 4.6.4 Additional Charges (levies) may be determined from time to time by the Annual General Meeting or Special General Meeting and shall become due as determined by the Annual General Meeting or Special General Meeting. All Members (excluding Honorary Members) shall be liable for the full Additional Charges.
- 4.6.5 If a member is deceased, their legal personal representative is not liable for any balance of subscriptions.

4.7 **Application Procedures for Club Members**

- 4.7.1 All members must complete the required application forms and attach the requisite fees as set down by Swim Ireland and Killarney Swimming Club.
- 4.7.2 All members must also be familiar with and comply with the Swim Ireland and Killarney Swimming Club Constitution and rules and read and sign the relevant codes of conduct annually.
- 4.7.3 The forms must then be forwarded to the management committee for approval. Parents must sign the application form where the applying member is under 18.
- 4.7.4 On acceptance the member will be provided with a copy of the Constitution and rules of Killarney Swimming Club.
- 4.7.5 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 and if this person wishes to renew membership at a later date they must re-apply. Lapsed members may be

removed from membership at the discretion of the Management Committee or may be readmitted on such terms and conditions as the Committee see fit.

4.7.6 No person shall be a Member nor shall have full membership status unless (a) all subscriptions have been paid in full and on time or in a manner agreed by the club management committee and, on receipt of same, (b) the proposed Member submits to the Club Rules and Bye-Laws and those of Swim Ireland.

4.7.7 Membership is for the membership year only and Members are required to renew their membership annually with Killarney Swimming Club and Swim Ireland.

4.8 Learn to Swim

The Club wishes to encourage all new participants to join the approved Swim Ireland 'learn-to-swim' classes that may be running in the area.

5. Club Management

5.1 The Management Committee is the body elected by the members for the management of the business and affairs of the club. It consists of seven members who must be members of Swim Ireland in their own right. The Club Children's Officer and Head Coach are appointed positions who must also be members of Swim Ireland and sit on the committee in addition to the seven elected.

5.2 Membership of the Management Committee

5.2.1 Membership of the management committee shall consist of the following: a chairperson, a secretary, a treasurer, a Club Children's Officer, the Head Coach and four other adult members.

5.2.3 The management committee will appoint a complaints and disciplinary committee (CDC) in accordance with the SI Complaints and Disciplinary Rules and Procedures.

5.3 Roles and Responsibilities of Management Committee Members

5.3.1 Duties of the Chairperson

- Comply with Swim Ireland rules and regulations
- Support the efficient running of the club
- Chair regular committee and annual general meetings
- Help others understand their roles and responsibilities
- Communicate with various members within the club
- Be actively involved in developing an action plan for the club
- Represent the club at local and regional events
- Assist the club to fulfil its responsibilities to safeguard young people at club level

- Ensure an understanding of the legal responsibilities of the club to which the Club complies

5.3.2 Duties of Club Secretary

- Comply with Swim Ireland rules and regulations
- Be the first point of contact for club enquiries
- Organise and attend key meetings (including Annual General Meetings) • Take and distribute minutes
- Delegate tasks to club members
- Deal with all correspondence
- Attend to club affiliations
- Ensure insurance is up to date and relevant
- Maintain up to date records and reference files
- Arrange handover or succession planning for the position

5.3.3 Duties of the Treasurer

- Comply with Swim Ireland rules and regulations
- Co-ordinate the clubs financial planning
- Manage the club's income and expenditure in accordance with club rules
- Produce an end of year financial report
- Regularly report back to the club committee on all financial matters
- Efficient payment of invoices and bills
- Propose amendments to subscriptions as appropriate
- Deposit cash and cheques that the club receives
- Keep up to date financial records
- Arrange handover or succession planning for the position
- To act as co-signature to cheques along with the Chairperson and/or Secretary

5.3.4 Duties of the Club Children's Officer

- Comply with Swim Ireland rules and regulations
- Ensure completion of required training and awareness of the role within the club
- Act in the best interest of young people
- Ensure young people have opportunity to express opinions and views
- Ensure safeguarding policies and procedures are implemented and effective in all areas of the club.

- Act as advisor for and report concerns of abuse to the appropriate authorities. (Further details are contained in the latest Swim Ireland Safeguarding Policy document).

5.3.5 Other Committee Members

All Committee Members are responsible for the smooth day to day running of the Club. The Management Committee will agree amongst themselves the assignment of specific responsibilities to Committee Members.

5.4 Roles and responsibilities of the coaching and teaching staff

5.4.1 Duties of coaching/teaching staff

- Comply with Swim Ireland rules and regulations
- Operate within qualified level specifications
- Ensure all coaches/teachers hold an up to date Swim Ireland licence
- Plan and deliver coaching sessions appropriate to the ability of the athletes
- Work with the club's coaching and teaching team to deliver the coaching programme as agreed by the Head Coach
- Make athletes aware of their progress.
- A clear understanding of any special needs of the athletes involved i.e. fitness levels, medical conditions, physical impairments or disabilities.
- Be aware and understand the facility Emergency Action Plan and Normal Operating Procedures (EAP & NOP)
- Attend all appropriate competitions and gala's in accordance with agreed yearly coaching plan
- Ensure appropriate cover for sessions if unable to attend, meeting the requirements for the club, i.e. licensed member of Swim Ireland
- Assist athletes to achieve their full potential

5.5 Rights and Duties of the Management Committee

5.5.1 The management committee shall be empowered to introduce, amend and/or rescind rules and/or Bye-Laws, as the need arises, for the general regulation of the club. No rule shall be inconsistent with anything contained in the Swim Ireland rulebook or this constitution. The management committee must ensure the club's rule book is in place, which is made available to all members.

5.5.2 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. All subcommittees must be ratified annually at the club AGM.

- 5.5.3 The management committee shall be responsible for all assets of the club.
- 5.5.4 The management committee, in conjunction relevant parties; i.e. head coach and coaching staff, will be responsible for formulating club policy in accordance with the *'Swim Ireland Safeguarding Children Policies and Procedures 2010'*, or most recent edition, and on the direction the club takes in the future in all its activities.
- 5.5.5 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.
- 5.5.6 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.
- 5.5.7 The management committee will be expected to sign and follow codes of conduct in relation to their obligations to Killarney Swimming Club members. These include, but are not limited to, confidentiality, objectivity, loyalty, fairness and a constant awareness of their obligations to Killarney 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 of the *'Swim Ireland Safeguarding Children Policies and Procedures 2010'*, or the most recent equivalent. The Committee will also adhere to any updated versions of these policy documents which are issued in the future.
- 5.5.8 The Management Committee shall have no power to enter into any contract whereby the Members are personally responsible for the performance thereof. If the Club's assets are insufficient to honour the terms of the contract with a supplier or provider of services, the Members shall have no personal liability in respect thereof.
- 5.5.9 The Management Committee shall ensure that all goods, supplies and services be purchased or otherwise acquired in accordance with procedures and conditions and within the limits laid down from time to time by the Management Committee. In the case of emergency, however, an expenditure not exceeding €500.00 may be approved provisionally by any two Officers.

5.5 Meetings of the Management Committee

- 5.6.1 The management committee shall meet twelve times per year with a minimum quorum of 50% plus 1 of the members of the committee present.
- 5.6.2 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 club.

- 5.6.3 A minimum of 7 days notice will be given to Management Committee members save with exceptional circumstances. The management committee shall agree how notice shall be provided.
- 5.6.4 The management committee should set out its agenda for a meeting no less than 4 days prior to the meetings.
- 5.6.5 The chairperson has the casting vote on any motion arising during the meetings.
- 5.6.6 The chairperson's decision on a Point of Order is final.
- 5.6.7 The chairperson shall preside at all meetings however, in the chairperson's absence, a member of the management committee may be nominated.
- 5.6.8 The secretary, or in her/his absence a member of the committee, shall take minutes.
- 5.6.9 The treasurer shall relay the financial position of the club at each meeting.
- 5.6.10 The CCO and other committee members shall also relay details on the areas of the club to which they are designated.
- 5.6.11 The Head Coach shall be given the opportunity to report and voice their concerns on their designated areas within the club, as well as to advise the Management Committee on relevant issues.
- 5.6.12 The club secretary shall circulate points of note from the meetings of the management committee within 7 days to all club members.
- 5.6.13 The management committee may also decide upon acceptable means of communication used, during periods between meetings, to ensure the day to day running of Killarney Swimming Club.

6. Annual General Meeting (AGM)

- 6.1 The AGM will be held annually in February.
- 6.2 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 emailed to club members as well as posted on the club notice board and website.
- 6.3 The committee shall distribute to members, by posting on the club website, its annual report and other relevant documents not less than 14 days prior to the AGM.
- 6.4 At the AGM, the annual report shall be presented, which shall consist of a: chairperson's report; secretary's report; treasurer's report; head coach's report and the CCO report.
- 6.5 Any changes or updates to the club constitution or club rules will be notified to the members and Swim Ireland within 21 days following the AGM.
- 6.6 Any resolution to amend the club's constitution which is successful at the general meeting will come into immediate effect upon conclusion of the general meeting.
- 6.7 Two delegates for the club will be elected to represent the club at the Swim Ireland AGM.
- 6.8 The club AGM shall be run in accordance with Swim Ireland standing orders.

7. Extraordinary General Meeting (EGM)

- 7.1 An Extraordinary General Meeting may be called at any time in the following circumstances:
 - 7.1.1 If a resolution to convene a club EGM is passed at the preceding club AGM
 - 7.1.2 If 20% of club members serve on the club secretary a written notice duly signed seeking the holding of such a club EGM
 - 7.1.3 Where two-thirds of the club management committee resolve to convene a club EGM
- 7.2 A club EGM must be held within 14 days of receiving such a request and must allow for 7 days' notice to all club members.
- 7.3 The EGM shall be run in accordance with Swim Ireland standing orders, as amended from time to time.
- 7.4 The total number of eligible voting club members will be made available by the management committee to club members.
- 7.5 Only the specific matter outlined in the submitted EGM notice may be dealt with at the EGM.

8. Procedures at General Meetings (AGM & EGM)

- 8.1 No business shall be transacted at a general meeting unless a quorum is present. A quorum of 10% of the eligible voting members is the number required.
- 8.2 If such a quorum is not present within half an hour from the time appointed for the meeting, or if during a meeting such a quorum ceases to be present, the meeting shall stand adjourned to the same day in the next week at the same time and place or to such time and place as the club committee may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.
- 8.3 Members who are fully paid up and over 18 years of age are eligible to vote.
- 8.4 No voting by proxy is allowed.
- 8.5 Parents shall hold one vote on behalf of their child/children within the club Only one parent (the '*Nominated Parent*') may exercise this vote and this must be so agreed between the parents (i.e. 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
- 8.6 Voting shall be conducted via a show of hands, which will be counted by the secretary. If the Management Committee recommend that a vote should be held by secret ballot owing to the context of the vote **OR** if the majority of the Members present wish any question under discussion to be put to the vote by secret ballot, that mode of voting shall be adopted.
- 8.7 Nominations will be passed at AGM's by simple majority.
- 8.8 Motions for a change to the Killarney Swimming Club Constitution must be passed by a special resolution of 75% of persons entitled to vote present at the meeting.

8.9 The chairperson will have a casting vote if there is an equality of votes

9. Nominations, Notice of Motions and Election of the Management Committee

- 9.1 Election of the management committee members takes place at the club AGM each year. At this time the executive officers of the club shall be elected - chairperson, treasurer and secretary, along with four other members of the management committee.
- 9.2 If an executive officer of the club must step down during their term the management committee may appoint an existing committee member to fill this vacancy to hold office from the date of such appointment until the expiry of the term of office that would have been served by that executive officer where he or she had completed a full term.
- 9.3 A committee member may stand for re-election for four consecutive years. After this time period is up, they will be ineligible for election for a period of two years.
- 9.4 Nominations for office and notice of motions must be received in writing by the club secretary no less than 14 days prior to the general meeting.
- 9.5 A proposer and seconder are required for all nominations and notice of motions.
- 9.6 Notices of motions 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 club secretary. Motions and nominations without due notice will not be discussed.
- 9.7 In the event that no nominations are received by the Secretary by at least 14 days prior to the general meeting, only then may a nomination from the floor at the AGM can take place.
- 9.8 A Club Children's Officer must be appointed by the Management Committee and fulfil the criteria laid down by the 'Swim Ireland Safeguarding Children Policies and Procedures 2010', or most recent equivalent.

10. Transfers

- 10.1 If a member wishes to leave Killarney Swimming Club and join another they must follow the Swim Ireland transfer rule (6.9 – Swim Ireland Rule Book).

11. Finance

- 11.1 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.
- 11.2 Annual accounts of Killarney Swimming Club should be prepared for the Annual General Meeting by the Killarney Swimming Club treasurer

- 11.3 The management Committee shall be empowered to open bank accounts in the name of Killarney 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.
- 11.4 The treasurer will receive all money paid to the Killarney Swimming Club and ensure all such sums are lodged to Killarney Swimming Club's bank account as soon as possible.
- 11.5 Any assets invested in by the management committee will be used for Killarney Swimming Club's 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 Killarney Swimming Club.
- 11.6 The committee will have the power to negotiate sponsorships on Killarney Swimming Club's behalf and engage from time to time fundraising activities. Any financial returns from these activities will be used for Killarney Swimming Club development purposes only.

12. Complaints and Disciplinary Procedures

- 12.1 The club hereby adopts The Swim Ireland complaints & disciplinary rules and procedures as amended by Swim Ireland from time to time.
- 12.2 All members of Killarney Swimming Club must abide by the Swim Ireland complaints and disciplinary procedures
- 12.3 All complaints will be dealt with in accordance with the relevant complaints and disciplinary procedures.
- 12.4 The management committee will appoint a complaints and disciplinary committee (CDC) in accordance with the Swim Ireland Complaints and Disciplinary Rules and Procedures.
- 12.5 Any matter involving members under 18 must also be brought to the attention of the CCO.

13. Cessation/Suspension/Expulsion of Membership

- 13.1 Killarney Swimming Club has 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 in line with Swim Ireland complaints and disciplinary policies
- 13.2 All club terminations and suspensions will be reported to Swim Ireland.
- 13.3 All club terminations and suspensions can be appealed in line with the Swim Ireland complaints and disciplinary policy.
- 13.4 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'.

14. Dissolution

14.1 (Club) may be dissolved:

- 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.
- A Court Order where a dispute exists within its membership

14.2 Notice must be given to members and Swim Ireland for any Dissolution to come into effect, owing to a resolution at a general meeting

14.2.1 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 Killarney Swimming Club or Swim Ireland.

14.2.2 The management committee shall be responsible for the winding up of assets and liabilities of Killarney Swimming Club.

15. Equality

15.1 In accordance with the Equal Status Act 2000 – 2004, (club) will not discriminate against any persons or visitors within (club). No discrimination of any kind against employed and voluntary staff, membership applications, members and individuals within the general public, will be tolerated.

16. Criminal Allegations

16.1 Killarney 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.

17. Data Protection

17.1 The club hereby adopts The Swim Ireland data protection policy as amended by Swim Ireland from time to time.