



# **CAMBRIDGE UNIVERSITY SWIMMING AND WATER POLO CLUB CONSTITUTION 2023–2024**

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## **1. NAME**

The name of the Club is “Cambridge University Swimming & Water Polo Club” (hereafter referred to as “the Club”). The Club represents Cambridge University in men’s and women’s swimming and men’s and women’s water polo.

## **2. AIMS AND OBJECTIVES**

- 2.1. The Club’s objects shall be the support, development, improvement and promotion of swimming and water polo within the University of Cambridge. The income and property of the Club shall be applied solely to the furtherance of the objects.
- 2.2. 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.
- 2.3. The organisation and provision of facilities for the learning, teaching, coaching, practising and competing in swimming and water polo with the object of promoting health and wellbeing.
- 2.4. The advancement of sports education by the provision of support, assistance and encouragement for Swimming and Water Polo in order to enable members to develop their capabilities and fulfil their potential.
- 2.5. The Club shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.6. The Club shall be affiliated to Swim England East Region, and shall adopt and conform to the rules of Swim England East Region, and to such other bodies as the Club may determine from time to time.
- 2.7. The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:

- 2.7.1.** All competing members shall be eligible competitors as defined in Swim England Regulations
- 2.7.2.** The Club shall in accordance with Swim England Regulations adopt Swim England's Child Safeguarding Policy and Procedures ("Wavepower"); 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.
- 2.7.3.** Members of the Club shall in accordance with Swim England Regulations comply with Wavepower
- 2.8.** By virtue of the affiliation of the Club to Swim England East Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.8.1.** Swim England East Region; and
- 2.8.2.** Swim England (to include the Code of Ethics); and
- 2.8.3.** British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
- 2.8.4.** FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").
- 2.9.** 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.

The aims and objects set out above will be directed primarily for the benefit of undergraduate and postgraduate student members (Student Members) of the University, but may additionally benefit other members of the University and/or residents of Cambridge and the surrounding area where the Executive Committee is satisfied that to do so would be conducive or incidental to the benefit of Student Members of the University.

### **3. MEMBERSHIP**

- 3.1.** Membership of the Club shall be open to all junior members of the University. A "junior member" for these purposes is a matriculated member of a college or hall who is reading and registered for a recognized degree, diploma or certificate.
- 3.2.** If non-student membership exceeds 10% of total Club membership, the Executive Committee and Senior Treasurer must decide that it is in the best interests of the student members of the Club for this to be the case.
- 3.3.** There shall be an annual subscription fee for membership which shall be determined by the Club annually, dependent on the expected costs of running the club estimated by the Junior Treasurer.
- 3.4.** In its consideration of applications for membership, the Club shall not act in a discriminatory

manner and in particular, shall adhere to the Equality Act 2010 (as may be amended).

Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

- 3.5. The Club may offer Life Membership and Honorary Membership on such terms as it may decide.
- 3.6. The Club may refuse membership only for good and sufficient cause, such as (a) on the basis of individuals' potential for furthering the Club's sporting goals, as determined by the relevant team Captain, or (b) conduct or character likely to bring the Club or the sport into disrepute.
- 3.7. All Club Members must adhere to the Constitution and Code of Conduct upon their joining the Club. This should be acknowledged by new members on their Membership Form.

#### **4. EQUALITY OF OPPORTUNITY**

4.1 The Club is committed in its pursuit of sporting achievement to equality of opportunity and to a proactive and inclusive approach to equality, which supports and encourages all under-represented groups, promotes an inclusive culture, and values diversity.

4.2 The Club is committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse

4.3 The Club has a responsibility to oppose discriminatory behaviour and promote equality of opportunity.

4.4 The Club will deal with any incidence of discriminatory behaviour seriously, according to club disciplinary procedures.

#### **5. THE COMMITTEE**

5.1. The day-to-day management of the Club's affairs shall be in the hands of the Committee, which shall normally be elected in an annual election held at the beginning of Easter Term.

5.2. The election shall be conducted by a Returning Officer who is normally outgoing Junior President but may be another person nominated by the outgoing Committee. Candidates for election to office shall be self-proposed to the outgoing Returning Officer before the elections. If there are two or more candidates for a post, they should submit manifestos not less than three days before the elections, which shall be circulated to all non-Honorary members of the Club. Voting shall be done in person by secret ballot, or virtually through an anonymous online form, and if there are more than two candidates for a post, voting shall be by Single

Transferable Vote. Voting for Executive Officers shall be open to all non-Honorary members of the club. Voting for other positions (e.g. a Captain) may, at the discretion of the Committee, be restricted to an appropriate sub-group of the Club. Members may vote in absentia by notifying the Returning Officer of their voting intentions not more than three days before the election. The Returning Officer shall give members at least 10 days' notice of the election.

- 5.3. The Committee shall consist of a Junior President, Junior Vice-President, Secretary, and Junior Treasurer (together, the "Executive Officers"), a Men's Swimming Captain, Women's Swimming Captain, Men's Water Polo Captain, Women's Water Polo Captain, and any other positions as the Committee sees appropriate, all of whom shall be elected by the members as in 5(1) and 5(2). In addition, there shall be a Senior President and a Senior Treasurer, who shall be resident members of the Regent House or other persons approved by the Sports Service. The Senior Treasurer and Senior President shall be appointed by the elected members of the Committee and the Senior President shall be ex officio members of the Committee.
- 5.4. All members of the Executive Committee, with the exception of the Senior Treasurer and President, should be members of the Club.
- 5.5. A majority of the elected members of the Committee shall be full-time undergraduate or postgraduate students at the University.
- 5.6. Any Executive Officer, or any three members of the Committee, shall have discretion to call meetings of the Committee when they consider it to be in the interests of the Club.
- 5.7. An Executive Officer shall give all members of the Committee not less than three days' notice of a meeting.
- 5.8. Meetings of the Committee shall be chaired by the Junior President or in his or her absence the Vice-President. If neither the Junior President nor Vice-President is present, the remaining members shall elect a chairperson for that meeting. The quorum of a committee meeting shall be five members and shall include one or more Executive Officers.
- 5.9. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the chairperson shall have a casting or additional vote).
- 5.10. The Secretary, or in his or her absence another member of the Committee, shall take minutes.
- 5.11. Experts may be included in Committee discussions without carrying a vote themselves, to allow the Club to operate at maximum efficiency and not be immobilised by strict voting position requirements.

## **6. GENERAL MEETINGS**

- 6.1. The Club shall hold an Annual General Meeting (AGM) during each Academic year. The AGM

shall be held in Cambridge during Michaelmas Full Term. All members, other than Honorary Members, shall be entitled to attend and vote at any General Meeting. At least fourteen days' notice shall be given to members before the AGM.

- 6.2.** The AGM shall approve Minutes of the last General Meeting and the Club's Accounts for the preceding year, and conduct such other business as is necessary.
- 6.3.** Every motion at a General Meeting shall be proposed and seconded by two members. Voting shall be by secret ballot if requested by any member (otherwise, a show of hands will suffice). If there are more than two options on a motion, voting shall be by Single Transferable Vote via secret ballot.
- 6.4.** Voting should only be carried out by paid members.
- 6.5.** An Extraordinary General Meeting (EGM) may be held at any time during Full Term. It shall be held in Cambridge and may be called by the Committee or at the written request of at least ten members. Twenty-one days' written notice shall be given to members before an EGM is held. An EGM shall have the same powers as an AGM.
- 6.6.** The Senior President or in his or her absence the Senior Treasurer shall take the Chair at any General Meeting. In the absence of the Senior President and Senior Treasurer the meeting shall elect a Chairperson for that meeting. The quorum for a General Meeting shall be ten members and a written record of every General Meeting shall be kept.

## **7. FINANCIAL & LIABILITY MATTERS**

- 7.1.** The Club shall maintain a banking account in the name of the Club with a suitable Bank or Building Society to hold the Club's funds
- 7.2.** It shall be the responsibility of the Junior Treasurer to ensure that monies received are properly accounted for, and that the Club's financial records are kept in good order. In particular, the Junior Treasurer shall ensure continuity of Cambridge resident signatories for any bank accounts held by the Club.
- 7.3.** The Senior Treasurer shall make arrangements for the Club's Accounts to be properly audited on an annual basis, either by themselves, or by some other person approved under University Ordinances.
- 7.4.** For so long as the Club shall be registered with the University Sports Service, it shall be the duty of the Executive Committee to ensure that the Club complies with the requirements for registration as a University Sports Club.
- 7.5.** The Executive Committee (acting by its members) is authorised to enter into contractual arrangements with third parties for and on behalf of all members, but only to the extent reasonably necessary for the proper performance of its duties pursuant to the constitution and acting always in the best interests of the Club and its members. Non-Executive Committee members are not entitled to enter into contractual arrangements for and on behalf of other members unless expressly authorised in writing by the Executive Committee.
- 7.6.** When entering into contractual arrangements pursuant to clause 6(5), the Executive Committee shall endeavour to agree a contractual limit on the members' liability which does not exceed the assets of the Club from time to time, or, if not possible, a reasonable limit of liability taking into account the nature of the contract and the circumstances.
- 7.7.** All monies drawn against Club funds should be authorised by at least two members of the Committee (including the Junior Treasurer) through written evidence. Monies above £500 drawn out against the Club must be authorised by at least two members of the Executive Committee (including the Junior Treasurer), either by signature, or access to online banking facilities.
- 7.8.** The assets of the Club shall be held on trust by the members of the Executive Committee as trustees for the benefit of the Club and its members.
- 7.9.** As an unincorporated association, all members are liable for any debts and obligations properly incurred by one or more members on behalf of the Club. In the event that members individually or collectively suffer a claim, penalty or other financial loss or liability on behalf of the Club (whether in negligence, contract or otherwise) which is not covered by insurance, then provided the relevant members have acted in good faith and in accordance with the constitution and have

taken all reasonable steps to mitigate their loss, they shall be entitled to an indemnity from the Club's realisable assets up to the value of the assets from time to time, such indemnity to be administered by the Executive Committee, subject to the following exclusions: claims, penalties or other financial loss or liability incurred by a member or members: (i) as a result of criminal offences committed by such members; and/or (ii) in connection with the use of motor vehicles by such members; and/or (iii) which would have been covered by insurance but which due to the acts or omissions of such members (including but not limited to failure to obtain insurance required by law or failure to comply with the terms and conditions of insurance), is not so covered.

- 7.10.** The Senior Treasurer shall not be held personally liable for any financial debt or other obligation unless they are either (i) also a member of the club or (ii) have acted otherwise than in accordance with the club constitution.

## **8. CHANGES TO THE CONSTITUTION**

- 8.1.** Any proposed changes to the Constitution can only be passed with the approval of the Senior Treasurer and at least two-thirds of the Members voting at any general meeting.

## **9. COMPLAINTS PROCESSES**

- 9.1.** Prior to submitting a written complaint members should, where possible and appropriate, first discuss any concerns that they may have in relation to club activities with a member of the Executive Committee, Club Welfare Officer or relevant team captain so that a suitable informal resolution may be considered. If not possible or appropriate, or an informal resolution cannot be agreed, then the member should follow the complaints process identified in the remainder of this clause 9.
- 9.2.** Prior to submitting a written complaint, members should refer to the University Sports Club Incident Pathway (Students/Adults) to determine the complaints procedure(s) that should be followed. Advice on the appropriate procedure(s) may be sought, in confidence, from the Club or Sports Service Welfare Officer(s) whose contact details can be found in the Club Welfare Policy.
- 9.3.** Where a club level complaint is indicated, this must be submitted in writing to the Executive Committee in an expedient manner. Complaints should be treated confidentially and must not be distributed publicly.
- 9.3.1. The Executive Committee will acknowledge receipt of any written complaint within 7 days.
- 9.3.2. The Executive Committee will meet to hear any member complaints within 28 days of a

complaint being lodged.

9.3.3. Where indicated by the University Sports Club Incident Pathways, or when agreed by the Executive Committee as the appropriate course of action following their meeting, the complaint will be referred to the Senior President who will conduct an investigation.

9.4. The Executive Committee may also trigger the complaints process in the event of an observed or alleged breach of the Code of Conduct.

9.5. Complaints against a member(s) of the Executive Committee may be lodged with the Senior President, or, where a further conflict of interest arises, with the Sports Service who will advise on the appropriate procedures depending on the nature of the complaint.

9.6. The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures (“the Procedures”) as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).

## **10. DISCIPLINARY PROCESSES**

10.1. Subject to the remainder of this clause 10, the Executive Committee, in consultation with the Senior President, shall have the authority to expel or to suspend a member or members whose actions are felt to be such as to bring the Club into disrepute, or gravely harm the interests of its members.

10.2. The Executive Committee may also take other disciplinary action in respect of a member of the Club, commensurate with the seriousness of the offence. The Executive Committee may take action as a result of member behaviour within any Club-organised activities.

10.3. In line with clause 9, written notice of any investigation will be provided within 28 days of a complaint being received. In the case of serious misconduct, the Club Executive Committee, in consultation with the Senior President, may suspend a member pending the outcome of the investigation.

10.4. The member against whom a complaint has been made will be given an opportunity to make written or oral representations, following the conclusion of any investigation, before a decision is taken regarding expulsion. The expulsion of a member can only be effected, following a majority vote of all Executive Committee members.

10.5. In the event of an expulsion, the excluded member is required to return all equipment, documents and finances belonging to the Club within 7 days. They will not be entitled to any full or partial refund of annual subscriptions.

10.6. If a member who has been excluded, suspended or subject to other disciplinary action pursuant to clause 10(2) wishes to appeal the decision, that appeal should be made to the Sports



Club Registration Sub-Committee which will assess the appeal in consultation with the Club's Senior Treasurer.

- 10.7. University members subject to disciplinary action have the right to lodge a further formal complaint with the University.

## **11. DISSOLUTION**

11.1. The Club may be dissolved at a General Meeting provided that at least twenty-one days' written notice of the intention to dissolve the Club has been given to the members. At least two thirds of those present and voting at the General Meeting must vote in favour of the motion for Dissolution for it to be effective.

11.2. Any motion for Dissolution of the Club shall provide that assets remaining after all liabilities have been met shall be transferred either to another Registered University Society, or to the Club's Syndicate.

## **12. RESERVED MATTERS**

The following matters (the "Reserved Matters") require approval by the Senior Treasurer and at least two thirds of the Members voting at any general meeting at which any of the following matters require approval:

1. Any amendment to the Constitution which materially affects the position of the Members or which materially alters the relationship between the Club and the University.
2. The dissolution of the Club.
3. Any proposal which has a material impact on the Club, its members, its assets, and/or its finances.
4. The application and/or use of Club/financial assets of the Club other than for the benefit of the Club.
5. 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) shall have been submitted to and validated by such person as is authorised to do so by Swim England East Region.

## **13. PROVISION OF INFORMATION**

The Executive Committee must supply annual accounts of the Club to the University, together with

such other information as the University may reasonably require from time to time, whether in connection with the Club's registration as a Sports Club of the University, or in relation to the need to ensure that the Club is being administered in accordance with paragraph 28(1)(a) of Schedule 3 to the Charities Act 2011 or otherwise.

## 12. DECLARATION

**12.1.** The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

**12.2.** The following statement must appear on Club membership forms and is to be signed by the member.

*"I acknowledge receipt of the rules of Cambridge University Swimming and Water Polo 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."*

**Signed Jean Khalfa (Senior President)**

A handwritten signature in black ink, appearing to be 'JK' with a flourish underneath.

**Date** 5 July 2023

**Signed** Eleanor Mason (**Junior President**) **Date** 26<sup>th</sup> July 2023

E.Mason