West End Glasgow Basketball Club

Club Constitution

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1. General

1.1 Name

The name of the organisation shall be 'West End Glasgow Basketball Club', hereinafter referred to as the 'Club'.

The Club is comprised of teams that will choose their own names, which will apply for friendly matches and competitive games.

All teams comprised of the Club's members belong to- and operate under the umbrella of the Club.

1.2 Structure

The organisation will register with BasketballScotland and be a not-for-profit volunteer run community sports club. At this stage, the Club does not need to register and operate as a Scottish Charitable Incorporated Organisation (SCIO) but will review this choice on an annual basis and as required should it wish to access benefits of SCIO status such as gift aid.

1.3 Vision

The Club is established to pursue the following aims and objectives:

a) To provide access to learn and play basketball, form and build friendships; in doing so it will play a role in supporting good health and wellness among the people of Glasgow as a welcoming, inclusive, and friendly community-based sports club.

b) In particular, the Club will represent a safe space for female, non-binary persons, and others of vulnerable groups; intimidating, discriminatory, and/or aggressive behaviour will not be tolerated.

c) To offer basketball sessions guided by certified coaches and friendly as well as competitive (league) opportunities in the sport of basketball.

d) To provide members with opportunities to participate, gain qualifications and experience in basketball in all of the following roles; player, referee, official, coach or team / club leadership and administration.

e) To promote the sport of basketball and the Club in the local community.

f) To ensure a duty of care to all members of the Club.

g) To provide all its services in a way that is fair to everyone.

h) To ensure that all present and future members receive fair and equal treatment.

1.4 Powers

a) Whilst adhering to overall constitution, the Club has power to do anything which is considered to further its vision or is conducive or incidental to doing so.

b) No part of the income or property of the Club may be paid or transferred (directly or indirectly) to the members - either in the course of the organisation's existence or on dissolution - except to compensate members for out-of-pocket expenses supporting the Club's activities or other circumstances agreed by the Executive Officers to be in direct furtherance of the Club's charitable, not-for-profit vision.

c) All facilities used by the club will be personally inspected by one or more members of the Board ± coaches, and risk assessed, prior to use by the Club.

1.5 Affiliation

The Club shall be affiliated to the BasketballScotland, Glasgow Life - Sport, and will – as appropriate - register with, adhere to, and be informed by Volunteer Scotland, and Glasgow Council for the Voluntary Sector. Plus, the club will comply with the operating standards and will draw on the policies, guidance, and advice provided by the organisations with which it is affiliated such as: www.glasgowlife.org.uk/sport/develop-your-club and https://basketballscotland.co.uk/policies-documents/

1.6 Liability of members

a) The members and Executive Officers of the organisation have no liability to pay any sums to help to meet the debts (or other liabilities) of the Club if it is wound up; accordingly, if the organisation is unable to meet its debts, the members and Executive Officers will not be held responsible.

b) The members and Executive Officers have certain moral and legal duties; the above clause does not exclude (or limit) personal liabilities they might incur if in breach of those duties or in breach of other obligations that apply to them personally.

1.7 General structure

The structure of the Club consists of:-

a) The Members - who have the right to attend members' meetings (including any annual general meeting) and have important powers under the constitution; in particular, the members appoint people to serve on the board and take decisions on changes to the constitution itself;

b) The Executive Officers - who hold meetings across the year, and generally steer the activities of the organisation; for example, the board is responsible for monitoring and controlling the financial position of the Club. Note - the Treasurer will lead on financial handling, analysis, fee level design and budgetary advice to the Board.

All members will be subject to the regulations of the constitution and by joining the club will be deemed to accept these regulations and codes of conduct that the club has adopted and the policies and rules of the National Governing Body for Basketball.

Members will be enrolled in one of the following categories:

a) Full membership - Senior playing member (*attends over 40% of practices after joining).
b) Full membership - Junior playing member (*attends over 40% of practices after joining).
c) Associate member (any non-playing person and/or parent of Junior playing members, or player who *attends less than 40% of relevant practices after joining).

*In situations where a member's attendance has been impacted by injury, illness, or other exceptional circumstances, the Board will consider their eligibility for Full Membership on a case by case basis.

The Club's Executive Officers hereafter referred to as 'the board' are appointed through election and are:

a) Club President
b) Club Secretary and Vice President
c) Club Treasurer
d) Δ Club Fundraising Officer (grants, sponsorship, and other)
e) Club Welfare / Safeguarding / Vulnerable Groups Protection Coordinator
f) *Δ Club Website and PR Officer
g) *Δ Team Captain(s) and/or Match Schedule Coordinator.
h) *Δ Club Social Media Officer
i) *Δ Club Community Engagement Officer
j) *Δ Club Social Secretary
k) *Δ Coaching, Officials, and/or Junior Teams Development Officer

If required, up to two of the Club Executive Officer roles denoted by (*) can be held by a given individual. All other Club Executive Officer positions must be held by a person, or persons, without responsibility for another role on the board. Club Executive Officer roles denoted by (Δ) can be held by a single eligible volunteer or two individuals working together in the duties of the position.

Only the Club's Executive Officers will have the right to vote at meetings of the board. The board will have the power to appoint sub-committees comprised of volunteers as necessary and to appoint consultants if needed to fulfil its vision. These sub-committees and consultants will advise as requested on the following areas:

a) Social Events
b) Website and Social Networking
c) Sponsorship (local businesses or benefactor gifts)
d) Grants
e) Other Fund Raising
f) Tournaments or other activities of the Club deemed by the board to be significant
g) Coordination of volunteering and volunteers
h) Plus any other areas as deemed necessary by the Executive Committee.

Any of these sub-committee and consultancy roles may be filled by one of the elected members of the Executive Committee.

1.8 Number of Executive Officers

a) The maximum number of board members is 15.

b) The minimum number of Executive Officers is 4.

c) At least 4 of the positions should be filled as The President, Club Treasurer, Club Secretary and Vice President, and Team Captain(s).If operating with a minimum of Executive Officers the duties of the Club Welfare / Safeguarding / PVG Officer must be taken up by one or more of these four.

1.9 Finances

All Club monies will be banked in an account held in the name of the Club. The Treasurer will be responsible for the finances of the Club. After its founding period, the Financial Year of the Club will begin and end on 31st July. Any cheques drawn against Club funds should hold the signatures of the Treasurer plus another Executive Officer as indicated on the bank mandate.

1.10 Accounting Records and Annual Accounts

a) The board must ensure that proper accounting records are kept, in accordance with all reasonable expectations and applicable statutory requirements.

b) The board must ensure that annual accounts are prepared (led by the Treasurer), complying with all relevant expectations among members and statutory requirements; if an audit is required under any statutory provisions (or if the board consider that an audit would be appropriate for some other reason), the Executive Officers should ensure that an audit of the accounts is carried out by an independent party and/or qualified auditor approved through paper or electronic vote by at least 30% of Full Members.

c) Following the founding period for which a financial report will be available at the club's first AGM, a statement of Annual Accounts will be presented by the Treasurer at each subsequent Annual General Meeting.

2. Membership

All members, including the board, are subject to the Constitution of the Club and the regulations of the National Governing Body.

a) Membership is open to all and no application for membership will be refused on grounds other than those deemed concerning by the board.

b) There will be no discrimination on the basis of age, disability, gender identity or reassignment, relationship status, pregnancy, maternity, paternity, parenting (or absence thereof), race, religion or belief, sexual orientation, political or other opinion.

c) All applications for membership shall be accompanied by an appropriate annual membership fee, which shall thereafter be payable on demand, preferably through monthly or annual payments, or weekly under special circumstances.

d) The board and relevant sub-committees will endeavour to deliver a financial model able to support assistance for members experiencing hardship, and will define guidance as to eligibility to access this provision. The Club Treasurer will assess and make decisions on requests for hardship support.

e) Membership Categories:

i) Senior or Junior Player
ii) Coach
iii) Non playing member

f) All Full Senior Members, coaches, Full Junior Members or a parent if instead of and on behalf of their child member (one vote per junior member, U18 – if the Junior Member votes it will be taken in preference to the parent) shall be entitled to vote at Members, Extraordinary, or Annual General Meetings. Other Associate Members will be entitled to attend and contribute to discussion but are not permitted to vote at Members, Extraordinary, or Annual General Meetings.

g) All members will receive a copy / be given an electronic version or website link of the relevant Codes of Conduct, a copy of this Club's Constitution and other policies.

h) Any person who wants to withdraw from membership must give a written, signed notice of withdrawal to the Club; they will cease to be a member as from the time when the notice is received by the organisation.

i) In keeping with our National Governing Body the Club, its Board, and all of its members will adhere to the following policies of BasketballScotland:

- Safeguarding policy and implementation for children and adults. Including anti-bullying policy, processes to respond to concerns (see also item 2.3), PVG guidance and processes.
- Code of Conduct for players, coaches, officials, volunteers & parents
- Regulatory grievance and disciplinary procedures, and equality statement
- Inclusion principles
- GDPR compliance policy
- Health and safety compliance with all activities risk assessed.

In addition, the Club adopts the following policies based on the club's own research or templates provided to it by BasketballScotland. The Board, and all Club members will adhere to these policies.

- Equity Policy
- Child and Adult Protection Policy
- Secure Handling, Use, Storage and Retention of Disclosure Information.
- Making Referrals For Sports Governing Bodies And Their Clubs.
- Barred and Under Consideration Policy.
- Recruiting with Convictions with Self Disclosure.

j) All playing members of the Club will be registered with BasketballScotland.

k) Before leading any session, all coaches active with the Club will be registered with and insured via our National Governing Body and are required to hold a recognised coaching certification with BasketballScotland, or coaching certification with an equivalent body that is formally accepted and recognised by BasketballScotland.

2.1 Membership Fees

Membership fees will be advised on by the Club Treasurer, set annually, and agreed by the board or voted on at the Annual General Meeting. Fees will be paid either monthly or by an agreed alternate subscription. If significant changes to operating expenses or income are experienced by the club, membership fees will be reviewed by the Treasurer and any changes communicated to members.

2.2 Register of Members

a) The board must keep a register of members, setting out for each current member:
- their full name, contact information, and contact details for next of kin as deemed relevant; and
- the date on which they registered as a member of the Club.

Or for each former member - for at least six years from the date on which they ceased to be a member:
- their name; and
- the date on which they ceased to be a member.

b) The board must ensure that the register of members is updated within 28 days of any change:
- which is notified to the Club.
- or which arises from a resolution of the board or a resolution passed by the members.

2.3 Discipline and Appeals

All concerns, allegations or reports of poor practice / abuse relating to the welfare of the club's members, treatment of any board member, children, young, vulnerable, or other people will be recorded and responded to swiftly and appropriately in accordance with the relevant Codes of Conduct and duty of care. The board member responsible for welfare matters will be the lead contact for all members in the event of any such concerns.

All complaints regarding the behaviour of members should be presented and submitted in writing to the Club Welfare / Safeguarding / Vulnerable Groups Protection Coordinator, Club Secretary, and/or Club President. The board will meet to hear complaints within fourteen days of a complaint being lodged. To protect any victim(s) and avoid victimisation toward the subject of complaint, whilst the complaint process is ongoing the matter will be handled with discretion. The board has the power to take appropriate disciplinary action including the termination of membership. Within seven days of the hearing, the outcome of a disciplinary hearing should be notified in writing to the person who lodged the complaint and the member against whom the complaint was made.

There will be the right of appeal to the board following disciplinary action being communicated to the subject of the complaint. The board should consider the appeal within seven days of the Club Welfare / Safeguarding / Vulnerable Groups Protection Coordinator, Club Secretary, and/or Club President receiving the appeal.

2.4 Suspension, Refusal or Termination of Membership

a) The board shall be entitled to:

   i) Refuse any application for membership on the grounds that such membership would undermine or be prejudicial to the vision of the club as set out in this constitution.

   ii) For good and sufficient reason to refuse renewal of any existing membership or terminate or suspend any membership provided that the member concerned shall have the right to be heard by the full board before a final decision is made.

   iii) Any reason for refusal or termination must be communicated in writing to the individual and can be appealed to a body other than the committee/ individuals making the original decision e.g. disciplinary committee or AGM.

b) Any member who, without prior discussion with the Treasurer, fails to pay their fees by the date required shall forfeit their right to representation on the board and at general meetings, and shall be suspended from taking part in any event under the control of the club until such fees are paid.

c) Any member under suspension shall be barred from taking part in any match or event under the control of the club.

d) Notification of the termination of a membership will be forwarded to Basketball Scotland.

2.5 Transfer of membership

Membership of the Club may not be transferred by a member.

3. Decision Making by the Board

3.1 Meetings of the Board

a) Official meetings of the board will be convened by the Club Secretary with no less than six meetings each year. All such meetings will follow and agenda and minutes will be kept for club records.

b) The quorum for business to be agreed at board meetings will be four, one of whom should be either the Club President or the Club Secretary.

c) In the event of a vacancy arising on the board following the AGM the Executive Officers may hold an ad hoc election and appoint a full member of the Club to fill the vacancy.

d) The board will be responsible for disciplinary hearings of members who infringe Club rules/Vision, relevant regulations and Codes of Conduct in accordance with the complaints / disciplinary procedure or policies of the Club, the local league(s) into which it is entered, or the national governing body for basketball. The board will be responsible for taking any action of discipline or suspension following appropriate hearings (see also 2.3 and 2.4).

3.2 Annual General Meeting (AGM)

a) The AGM shall be held each year at such time and place as determined by the board, at approximately twelve monthly intervals, but no more than fourteen months after the date of the previous AGM. At each AGM the following business shall be conducted:

- Receive and confirm the minutes of the previous AGM.
- Presentation of the clubs financial accounts for the year (usually by the Treasurer).
- Presentation of clubs projected financial situation for the forthcoming year, and the setting of all fees (usually by the Treasurer).
- Presentation of President's report.
- Election, resignation, or re-election of Club's Executive Officers.
- Any other business brought before the meeting, which has been submitted, in writing to the Club Secretary not less than seven days prior to the AGM, and any other business deemed relevant by the President.

b) Notice for the approach of an AGM accompanied by its proposed agenda, and access for members to relevant accompanying information, shall be a minimum of 21 days.

c) A quorum for an AGM shall be 30% of the voting membership

3.3 Extraordinary General Meeting (EGM)

a) An EGM may be called upon the written demand of:
   i) 25% of the Full Members.
   ii) The Club President or Club Treasurer.
   iii) 2/3 majority of the board.

b) Notice for an EGM shall be of a minimum of 21 days notice, and stating the business to be discussed along with provision of any supporting documents.

3.4 Rules for General Meetings

a) A minimum of 21 days notice in writing shall be given to all members along with the provision of an agenda and access to supporting informational materials.

b) The President, or in their absence a board member selected by the meeting, will take the chair.

c) All members shall register with the Secretary prior to the start of the meeting.

d) Each member shall have one vote.

e) All votes shall be determined by a simple majority. In the event of a tied vote, the Chair may exercise a casting vote.

f) The quorum shall be 30% of those eligible to vote.

g) The Club Secretary shall keep the minutes of the meetings and record all proceedings, votes, and resolutions.

3.5 Procedure at Members' Meetings

a) No valid decisions can be taken at any members' meeting unless a quorum is present.

b) The quorum for a members' meeting is 5 members, present in person.

c) If a quorum is not present within 15 minutes after the time at which a members' meeting was due to start - or if a quorum ceases to be present during a members' meeting - the meeting cannot proceed; fresh notices of meeting must be sent out, to deal with the business (or remaining business) which was intended to be conducted.

d) The President or other board member of the Club should act as chairperson of each members' meeting.

e) If the President or other board member is not present within 15 minutes after the time at which the meeting was due to start (or is not willing to act as chairperson), the members present at the meeting must elect (from among themselves) the person who will act as chairperson of that meeting.

f) The board and/or members must ensure that proper minutes are kept in relation to all members' meetings.

g) Minutes of members' meetings must include the names of those present; and (so far as possible) should be signed by the chairperson of the meeting.

4. The Board

4.1 Election of Members to Executive Officer roles

a) The members of the board shall be drawn from the Club's membership.

b) Candidates shall be elected by paper or electronic ballot at the commencement of the Club, and thenceforth at subsequent AGMs whereupon they shall be members of the board from the conclusion of that AGM until the conclusion of the following AGM.

c) In the event that an executive officer role becoming vacant or deemed necessary to fill after an AGM, ad hoc nominations and elections can be conducted to appoint a full member to a role.

d) All nominations of candidates for election shall: have the consent of the nominee; be in writing or adhere to electronic record keeping processes advised by the Club Secretary; be seconded; be received by the Club Secretary not less than ten days before the commencement voting of the Club or AGM.

e) Uncontested posts may be filled by nomination(s) and/or election at the AGM.

f) The Club Secretary shall send all members a list of all nominations not less than seven days prior to the commencement voting of the Club or AGM.

4.2 Eligibility

a) A person will not be eligible for election or appointment to the board of management unless they are a Full Member of the Club.

b) To be eligible for nomination and election to the board, members must be willing to serve in the relevant role in a voluntarily capacity and without remuneration by the Club.

4.3 Election, retirement, re-election

a) At each AGM, the members may elect any member (unless they are debarred from membership) to be an Executive Officer.

b) An Executive Officer retiring at an AGM will be deemed re-elected unless:

   I. they advise the board prior to the conclusion of the AGM that they do not wish to be re-appointed as a board member; or

   II. an election process was held at the AGM and they were not among those elected or re-elected through that process; or

   III. a resolution for the re-election of that executive officer was put to the AGM and was not carried.

c) all elected members of the board shall be entitled to one vote each at General Meetings, except the Chair of the meeting who may have the deciding vote in the event of a tie.

d) The board may appoint any sub-committees it may deem necessary to deal with the matters of the club, until the conclusion of the following AGM.

4.4 Termination of office

A board member will automatically cease to hold office if: -

a) they become incapable for medical reasons of carrying out their duties as an Executive Officer - but only if that is requested by them or has continued (or is expected to continue) for a period of more than two months;

b) in the case of an elected board member ceasing to be a member of the Club;

c) they give the Club a notice of resignation, signed by them;

d) they are absent (without good reason, in the opinion of two thirds of the board) from more than three consecutive meetings of the Executive Officers - but only if the board resolves to remove them from office;

e) they are removed from office by resolution of the board on the grounds that they are considered to have committed a material breach of a relevant code of conduct or vision of the Club;

f) they are removed from office by resolution of the board on the grounds that they are considered to have been in serious or persistent dereliction or breach of their duties;

g) they are removed from office by resolution of the board on the grounds that they:

- have a reasonably perceived or real conflict of interest influencing or otherwise affecting their duties, commitment, loyalty, judgement, and/or from which they or a role or relationship that they hold in conflict stands to gain,

- unfairly burden or fail to help / support, seek additional volunteers, resulting in one or more other members of the board with excessive voluntary load,

- misrepresent the vision and interests of the Club among members or other parties,

- seed derision among members, or

- undermine or disparage the club's reputation, members, executive officers, and/or coaches - with the Club's members and/or with other parties; or

h) they are removed from office by a resolution of the members passed at a members' meeting.

A resolution under paragraph d, e, f, g, or h shall be valid only if: -

i) the board member who is the subject of the resolution is given reasonable prior written notice (at least 21 days) of the grounds upon which the resolution for their removal is to be proposed;

ii) the Executive Officer concerned is given the opportunity to address the meeting at which the resolution is proposed, prior to the resolution being put to the vote; and

iii) in the case of a resolution under paragraph d, e, f and g at least two thirds of the board members then in office vote in favour of the resolution.

4.5 Conflict of Interest

In circumstances giving rise to the possibility of a conflict of interest between the Club and any other party (to include other competitive or recreational Clubs, external groups / teams):

a) the interests of the Club must be put before that of the other party;

b) should any other duty prevent the member concerned from doing so, disclose the conflicting interest to the Club and refrain from holding positions of influence, and/or participating in any deliberation or decision of the Club with regard to specific matters in question.

c) ensure that the Club complies with any direction, requirement, notice or duty imposed under or by virtue of the bodies with which it is affiliated, or by law.

5. Other matters

5.1 Amendments to the Constitution

This Constitution may only be amended by a proposal passed by a quorum of at least 40% of members present and entitled to vote at an Annual or Extraordinary General Meeting.

5.2 Dissolution, Partnership, or Merge of The Club

a) Any resolution to dissolve the club, change its operational context and independence, or merge with another group may be passed at any General Meeting provided that:

   i) The terms of the proposed resolution are received by the Club Secretary at least thirty days before the meeting at which the resolution is to be brought forward.

   ii) The Club Secretary shall inform the members of the proposed resolution at least twenty one days prior to the meeting.

   iii) The terms of the proposed resolution must – among other aspects – explicitly address handling of all existing assets of the club ± other party, the financial standing of each club / group involved, and where required to adopt the membership fees and rights, the stated vision, constitution, and wider policies of parties involved.

   iv) Such a resolution shall receive the assent of three quarters of those present and entitled to vote.

b) If, upon, the winding up or dissolution of the club there remains after the satisfaction of all the club's debts and liabilities any property whatsoever, the same shall be given or transferred to some other organisation or organisations having objects (that is, aims and activities) similar to the objects of the club by resolution passed at a general meeting at or before the time of dissolution.

6. Declaration

Declaration

It is hereby certified that this document represents a true and most up to date version of the Constitution of West End Glasgow Basketball Club

SIGNATURES

Club President (print name) Raheema Chunara

Sign

Date

Club Secretary and Vice President (print name) Amy Riches

Sign

Date

Club Treasurer (print name) Samantha Carmona

Sign

Date