

ASHFORD BARBARIANS RFC

CONSTITUTION

1. NAME:

The name of the club shall be: Ashford Barbarians Rugby Union Football Club (hereinafter referred to as the "THE CLUB")

2. We have 6 key tenets:

1. A club's success should be gauged by the contentment of its members.
2. A club exists for the benefit of its members.
3. A club should be an egalitarian association where every member and his or her opinions are valued.
4. A member's abilities are of secondary importance to his or her dedication.
5. Where possible, requirements of the club should be fulfilled at no cost by the members.
6. The club should be at the heart of, and open to, the community.

We wish to create an environment that embraces those values, one where camaraderie, hospitality and commitment are entrenched, but most of all one that is epitomised by fun.

3. THE PURPOSE AND OBJECTIVES OF THE CLUB:

The purpose and objectives of THE CLUB shall be to:

- Provide a club ground situated at Sandyacres Sports & Social Centre, Sandhurst Lane, Ashford, Kent, TN25 4NT;
- Provide facilities for and to promote the playing of the game of Rugby Union Football within the local Community for adult men;
- To develop, grow, and promote the sport of Rugby Union, at adult levels, so as to develop members (full, new, social) physical and mental capacities on and off the field of rugby. Club efforts will be focused in and around Ashford, Kent;
 - Support rugby played at senior school, college and university aged individuals.
 - Field a competitive side to compete in the Kent RFU, Men's, Shepherd Neame Dragon Fire 4 East annual rugby league. The immediate goal of this side will be to advance to Shepherd Neame Late Red 3.
- Provide sufficient rugby pitches and training areas maintained to a good standard at all times.
- Provide a clubhouse premises to include clubroom, bar, toilet facilities, players and referees changing accommodation with shower/washroom facilities and storage for club equipment.
- Provide a designated car parking area.
- Play at the highest possible level whilst maintaining the integrity of the club.
- Give every player the best coaching available and to encourage all players to reach their full potential.
- Insure that the sport of Rugby Union is carried out in a safe and sportsman-like manner on and off the field.

- Organise recreational and social events for the benefit of its members.
- Ensure a duty of care to all members of THE CLUB, foster the best possible relations, at all times, with other clubs, all members of the general public and any other interested parties,
- Ensure that affiliation is maintained to appropriate bodies in pursuance of the club's aims, including the:
 - Rugby Football Union (RFU);
 - Kent Rugby Football Union (Kent RFU);
 - Kent Society of Rugby Union Referees;
 - Provide any other necessities for the efficient running of the club.

THE CLUB is a non-profit corporation organised under English Law and the Companies Act 2006 and all interpretations of this Constitution shall be consistent with such laws and the act.

4. COLOURS:

The official Colours of THE CLUB are Black and Red. The Official match uniform will be a Black and Red jersey, black rugby shorts and sock colour of player's own choice. The Official formal uniform is a white shirt and Club Tie (supplied at no additional cost to all paid up Full Playing Members – unless a replacement is required due to loss).

5. MEMBERSHIP:

- Each applicant for club membership shall communicate his/her full name, address and occupation (if applicable) to the club Hon. Secretary in writing.
- Each application shall then be considered by the club Executive Committee, and approval shall be at that Committee's sole discretion.
- Membership of THE CLUB will be open to anyone, regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities may occur on a non-discriminatory basis.
- THE CLUB shall have different classes of membership and subscription on a non-discriminatory and fair basis.
- The club shall aim to keep subscriptions at levels that will not pose a significant obstacle to people participating.

Description of Members

Membership of THE CLUB shall be for a period of one year – renewable annually on the first day of September.

Membership categories shall be as follows:

- Full Playing Members,
- Student Playing Members,
- Family Members,
- Social (Associate) Members,

Student Members shall be required to furnish proof of their current full time education. Family members shall be defined as wives or husbands or partners and children less than sixteen years of age.

Termination of Membership

The club Executive Committee shall be empowered to expel, suspend for a specified period, or refuse the annual renewal of membership of any club member who offends against the Constitution of the club or

whose conduct (in the opinion of the Executive Committee) shall render him/her unfit to continue in membership of the club.

The following actions shall take place before such termination of membership is effective. The Hon. Secretary shall give the member seven days written notice to attend a meeting of the Executive Committee, at the same time informing the member of the complaint made against him/her. No termination of membership shall be valid without the member's opportunity to appear before the Executive Committee.

Any member shall cease to be a member of the club whenever a minimum of two-thirds of the Executive Committee members attending that hearing shall so decide.

There will be a right of appeal following any disciplinary action. The appeal must be made within 7 days of any disciplinary judgment and the Club Executive Committee should consider any appeal within 14 days of it being lodged.

Every Member of THE CLUB will be given a copy of the Byelaws. Membership in THE CLUB constitutes tacit acceptance of these Byelaws. The Byelaws will be posted on THE CLUB website.

6. SUBSCRIPTIONS:

On commencement of membership, and then annually at the start of each season, every member shall pay to the Hon. Treasurer the appropriate annual subscription as follows:

a) Subscription rates

The following shall pay subscriptions at the rate prescribed by the previous Annual General meeting (AGM) (or a Financial General Meeting (FGM) held shortly after the previous AGM):

- i. Full Playing Members,
- ii. Student Playing Members,
- iii. Family Members
- iv. Social (Associate) Members,

b) When due

All annual subscriptions and donations shall be due on the first day of September every year. Payment terms may be agreed in writing with the Hon. Treasurer.

c) Arrears

On the thirtieth day of October every year all members who have failed to pay the appropriate annual subscription shall be deemed to be in arrears.

The Hon. Secretary shall then deliver written notice immediately to any such member, allowing seven days in which to pay the outstanding subscription.

Failure to do so entitles the club Executive Committee to terminate the offender's membership after a further short period of "grace", not exceeding twenty one days, has elapsed.

The Committee may also decide to make additional levies on match fees, if the offender is a player, in an attempt to recover the debt.

Any members being in arrears with their fees for more than one season shall definitely cease to be a member of THE CLUB.

d) Members Privileges

In addition to enjoying all the benefits and amenities which the club shall offer, all members are entitled to one casting vote at any General meeting of the club;

Playing Members are currently entitled to a discounted Gym Membership at Visions Gymnasium Ashford International Hotel, Simone Weil Avenue, Ashford, TN24 8UX.

e) Fines

The RFU fines the club/player for the receipt of a RED card. The cost of the fine is £125 at present and the Executive Committee makes a judgement on the player contribution.

7. ADMINISTRATION OF THE CLUB:

The Administration of the club and its affairs shall be entrusted to the club Executive Committee.

The club Executive Committee shall consist of the following members:

- Chairman of the Club
- Honorary President
- Honorary Secretary
- Honorary Treasurer
- Honorary Fixture Secretary
- Membership Officer
- Club Captain
- Club Coach
- Communications Officer
- Sponsorship Officer
- Events Coordinator

The officers of THE CLUB shall make every effort to ensure that THE CLUB maintains membership in the Kent Rugby Football Affiliated Union and/or an appropriate governing body or bodies necessary for THE CLUB to participate in league activities.

The officers of THE CLUB shall be selected in accordance with the procedures described in below:

No Member shall hold more than two elected offices, but may hold more than one appointed position.

The Elected positions of CLUB CAPTAIN will be held for a period of one year. Appointed positions will be in effect until subsequent appointees have filled the positions.

No person shall be nominated for office in THE CLUB who has not been a member in good standing during the one (1) semi-annual playing session immediately preceding the election.

Period of Office

Members of the club Executive Committee shall be elected (or, as relevant, appointed) at every AGM, and their period of office shall be for one year until the following AGM.

Committee Vacancies

Should any of the club Executive Committee membership posts become vacant at any time, the club Executive Committee shall be empowered to fill that vacancy and the newly appointed Committee member shall continue in office until the following AGM, and then be eligible for re-election.

Meetings

The club Executive Committee shall meet on the second Monday of each month and at other such times as they shall decide.

At these meetings each Committee member shall have one vote to cast;

- In the event that 1 person holds two committee positions then only 1 vote is allowed.
- In the event of the votes “for” and “against” being equal, the member acting as Chairman of the meeting shall have one extra vote to resolve the tie.

An agenda will include adequate time for each committee member to give a report of their actions since the last meeting.

Committee Quorums

For the club Executive Committee the presence of three Committee Members at a meeting shall constitute a “quorum”.

“Chairing” Meetings

The Chairman of the club shall preside over all meetings of the club Executive Committee. In his absence the President shall preside. In his absence then a member will be chosen by those present to act as chairman of the meeting, and the rule in the event of any votes “for” and “against” being equal, as described in ‘Committee Quorums’ above, shall apply.

Some officials may be appointed rather than be elected. Currently this is the case for the Club Coach.

Powers

The club Executive Committee shall exercise the widest powers to control the efficient running of the club’s affairs. These powers shall include:

- The authority to co-opt members to club Executive Committee duties
- Expulsion or suspension of members
- Convene General Meetings at any time
- Create other subsidiary committees to undertake special tasks as when required
- Determine the hours during which the club premises shall be open
- Responsibilities over the Clubs finances and the power to borrow at its discretion

8. MEETINGS OF THE CLUB:

Annual General Meeting

The Annual General Meeting (AGM) of the club shall be held during the month of June every year and is not to exceed 3 hours in length from start to finish. At that meeting the following business shall be transacted:

- Approval of the minutes of the previous AGM
- Election of President
- Election of Chairman
- Election of other members of the club Executive Committee
- Appointment of Auditors
- Presentation of statement of the club’s accounts for the current financial year properly signed and audited for approval, and presentation of the budget for the following season. Accounts and budgets must be presented in the formats agreed upon by the club Executive Committee. If audited and signed accounts and/or the budget for the upcoming year are not ready at the

commencement of AGM then a FGM shall be arranged for members to attend and this is to be no later than the beginning of September (following the AGM).

- Confirmation of the annual subscriptions for all categories of member, and the match fees for all categories of playing member, that shall be applicable for the forthcoming season (unless to be dealt with at an FGM to be no later than the beginning of September (following the AGM)).
- Consideration of any other business, the content of which shall have been forwarded in writing to the Hon. Secretary at least fourteen days prior to the meeting.

Members who are more than 30 minutes late to the AGM will not be allowed to attend or vote at the meeting.

The meetings will be led by the Chairman or his representative. The Chairman or his representative can remove a member from the meeting if there is a need. A need can be created if a member repeatedly ignores verbal warnings from the Chairman or his representative during the meeting. The Chairman or his representative will warn the member twice during the meeting. The third time the member will be asked to leave the meeting for the remainder of the meeting session. The actions of the removed member will be reported to the executive committee for disciplinary action if needed.

Election

A request for nominations shall be posted on the club notice board at least one month prior to the AGM.

Members seeking election to the club Committee posts shall ensure that their nomination, duly proposed and seconded in writing, shall have been received by the Hon. Secretary at least fourteen days prior to the AGM.

The Executive Officers of THE CLUB shall be elected, at AGM, by a simple majority vote of the Members who participated in that vote. In the event no candidate receives a majority on the first ballot, a runoff shall be held between the two, or tied, candidates receiving the most votes, with the candidate who obtains a simple majority on the second or any succeeding ballot being named the victor.

The Coach (if available) shall be appointed by either the members at the AGM, otherwise the Executive Committee shall appoint the Coach.

The CLUB CAPTAIN shall be elected by the following procedures: Each member in good standing shall have one vote for Club Captain. Regarding the election of Club Captain, the candidate shall be elected by the vote of a simple majority. In the event no candidate receives a simple majority on the first ballot, a runoff shall be held between the two, or tied, candidates receiving the most votes, with the candidate who obtains a simple majority on the second or any succeeding ballot being named the victor. Members will vote for CLUB CAPTAIN by writing the name of the individual they have voted for onto the ballot.

The name of any candidate for the EXECUTIVE COMMITTEE in THE CLUB shall be placed in nomination by any of the three methods described below:

1. By a signed statement of willingness to serve in the particular office involved, delivered to the President at any time prior to the annual election to fill the office in question;
2. By an oral statement of willingness to serve as an officer of THE CLUB personally delivered when solicited by the President at the annual election meeting;
3. By oral nomination, accompanied by second, delivered by any other member in good standing, when solicited by the President at the annual election meeting. Such nominated candidate does reserve right of refusal of said nomination.

Members not present at the meeting may give their vote to another member by filling out a proxy vote. This proxy vote must be presented to the membership during roll call.

Extraordinary General Meetings

See section 7 above – **Administration of the Club** – Period of Office.

Extraordinary General Meetings (EGMs) may be held at any time as requested by the Chairman of the club, or written notice from one fifth (or thirty members if less) of the total club voting membership requiring such a meeting – in both cases the meeting shall be convened by the Hon. Secretary within twenty one days of such request or notice.

The purpose of the meeting and its agenda shall be stated in order the all club members can be advised in writing seven days before such a meeting specifying the venue, time and business to be transacted.

General Meeting Quorums

At all General meetings of the club, a quorum shall be formed by the presence of one fifth (or thirty members if less) of the total club voting membership.

9. FINANCIAL MATTERS:

Commission

That no part of the net earnings of the corporation shall in any way inure to the benefit of any member or individual. No person shall at any time be entitled to receive at the expense of the club or any club member, any commission, percentage or similar proceeds from the purchase of alcohol by the club.

Nor shall any person derive any pecuniary benefit from the supply of alcohol by, or on behalf of, the club to members of guests apart from any benefit accruing to the club as a as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to, or contributing to a general gain from the carrying on of the club.

Application of Profit

No money or property of the club or any gain arising from the carrying on of the club shall be applied otherwise than for the benefit of the club as a whole or for some charitable or benevolent purpose or purposes decided by resolution of a General Meeting of the club.

Control of Club Funds

Control over THE CLUB funds shall be exercised by the club Executive Committee.

The Hon. Treasurer shall have the authority to make expenditures payments made from Club funds up to one thousand pounds (£1000.00); the Executive Committee shall approve payments in excess of one thousand pounds (£1000.00).

The Hon. Treasurer's be responsible for the oversight and administration of the Club's banking accounts. In this context, the Hon. Treasurer, shall present quarterly statements of activities and annual statements of accounts to the Executive Committee, for review at the appropriate club Executive Committee meetings along with all other aspects of accounts and progress against budgets. That no part of the assets or income of the corporation or its activities shall be applied to the carrying on of lobbying or otherwise in an attempt to influence legislation,

Borrowing Powers

The club Executive Committee shall have power to borrow money for the purposes of the club, upon such terms as it shall think fit, and may appoint any of its members to give such security as shall be specified in the resolution and to enter into such agreements as shall be necessary in relation thereto.

Accounts

Full accounts of the financial affairs of the club and the budget for the following year, shall if at all possible be made available to every club member prior to the convening of, and at, the AGM of the club. If the accounts, and/or the budget for the following year, are not available at the AGM then they are to be made available to every club member prior to or at a Financial General Meeting to be held by the beginning of September (following the AGM).

Accounts (and budgets) shall be presented in the format and under the headings promulgated by the Hon. Treasurer. Under the financial management system in place for the club there shall be nominated persons responsible for each of the main accounting headings for the initial monitoring of progress of accounts against agreed budgets and reporting on progress to the Hon. Treasurer.

Equipment

The Hon. Treasurer shall also make it known to the Executive Committee the status of the team's equipment and any need for repair and/or replacement. It is not incumbent upon the Hon. Treasurer to undertake all of these duties on his own; he/she is authorized and highly encouraged to delegate responsibility for these tasks to other team members who are willing to assist him or whom he deems appropriate.

The Coach and Club Captain will be responsible and accountable for the care and upkeep of the CLUB'S equipment, including making this equipment available for THE CLUB'S use. He shall be responsible for all practice equipment, including practice balls, cones, and pads, and any other equipment related to practice. He will also be responsible for the upkeep of the field, including preparation for matches, which includes securing game balls and the lining of the pitch. He shall also be responsible for the maintenance and upkeep of the team medical kit.

10. GUESTS:

Introduction of Guests

Any club member shall be entitled to introduce guests to the club provided that no person whose application for club membership has been declined or who has been expelled or suspended from club membership shall be introduced as a guest.

Visitors Book

The member introducing guests shall enter the name and address of such guests, together with his/her own name, in the visitors books supplied for that purpose in the clubhouse.

In the case of visiting teams or referees, it shall be sufficient to record the name of the team and Rugby Club or Referees Society and there shall be no necessity to enter individual names and addresses. In the case of organisations that the agreement of the club have organised corporate events at the club's premises, it shall be sufficient to record the name of the organisation and there shall be no necessity to enter individual names and addresses.

Visitors Book Maintenance

The maintenance of the visitors' book shall be the Hon. President's responsibility.

11. CODE OF CONDUCT:

All members of the club are expected to play, or support the playing of, the game of rugby football in accordance with the spirit of good sportsmanship and fair play. In particular, members should ensure that in their playing of the game, and also in their general behaviour, they at no time indulge in actions which could blemish the good name of the club or bring the reputation of the game into disrepute, including: insulting opponents; making offensive remarks or gestures to the referee/touch judges or opposition supporters; deliberately feigning injury; taking property belonging to opponents or their club; publicly criticising the referee; playing under the influence of excessive alcohol or the influence of drugs; making racist or sexist remarks; or behaving in any way likely to cause offence.

Members should understand that the club could be held responsible/answerable to the RFU and/or the Kent RFU for the actions of its members in respect of any misconduct.

The club will discourage from selection any player who repeatedly infringes this code, and in respect of any such player or member may hold an inquiry into alleged breach and suspend or expel from membership any serious offender.

Any action taken by the club in respect of the above shall be without prejudice to any sanctions imposed on the club or any of its members by the disciplinary sub-committee of the RFU and/or the Kent RFU.

12. SPECIAL ASSESSMENTS:

The Executive Committee shall have the right by fiat to pass and collect (without approval of the membership) assessments from the membership as a whole or from specific individuals, and apart from regular dues and continuing assessments. The power to make such special assessments is subject to the following limitations:

An executive *fiat* special assessment on the membership as a whole must be for a purpose not covered by dues or continuing assessments and such assessment(s) cannot total more than 20% of semi-annual dues in any playing season.

An executive fiat special assessment against individual members can only be for the cost charged to THE CLUB for damage to the person or property of THE CLUB, its members, or third parties as a result of negligent conduct on the part of the individuals so assessed. Said individuals may appeal such assessment by requesting a vote at an Extraordinary General Meeting pursuant to the rules for calling said meeting; within 30 days from the date written notice is sent to the individual, at his last known address, and informing him of said assessment.

A special assessment, if passed by a majority of the membership in good standing at the time of passage, and at a properly convened meeting, can be for any purpose or amount consistent with the Constitution of THE CLUB, but cannot extend in duration for more than one year from the date of passage, unless renewed under the provisions of this paragraph.

The Executive Committee shall have the power to impose special assessments under such terms and conditions as set forth in the byelaws. Any such special assessment shall include the date by which payment shall be due.

Any member who is unable to pay dues may seek to make personal arrangement with the Executive Committee or Hon. Treasurer in order to pay dues.

13. OTHERS EXECUTIVE COMMITTEE MEMBER DUTIES:

The Club Captain will be the voice of the players as players and shall strive to represent the players with a high standard of character and integrity. The primary duties of the Club Captain shall be to represent the interests of the League Sides Players during League Play, and all players as appropriate. The Club Captain should be a likely candidate as a League Side Player.

The Club Captain is responsible for the placing the flags and setting up the goal post pads. He shall also be responsible for the care, upkeep and cleaning of the game jerseys and the storage of the jerseys. The Captain is not to undertake all of these duties on his own; he is authorized and highly encouraged to delegate responsibility for these tasks to other team members who are willing to assist him or whom he deems appropriate.

The Coach or his assistant shall be the voice of authority on both playing field and practice field. He shall schedule practice sessions and scrummages whenever he deems such to be necessary and shall instruct members in rugby method and tactics at such sessions. He shall appoint a coach or coaches to assist in directing practice sessions and in instructing players in the tactics of rugby, and in formulating and implementing specific Club strategy and game plans. He may keep a record of attendance at such sessions and for selection may use such record to make selections. He shall make known a match plan before each match. He shall obtain or prepare a summary of the Laws of Rugby and may distribute it to each member in good standing. He shall appoint an acting Coach, whenever necessary, to direct practice sessions with or during his absence. He shall be a Selector and will have final authority over selectors, in the event that there is no unanimity among the selectors. He shall be present at all matches (home and away) barring illness, emergency or other unavoidable reason. If unable to attend a match he shall appoint an acting coach to direct the game plan for that match. If he is unable to appoint an acting coach, then this duty defers to the Club Captain.

The Coach shall make all match substitutions as he deems necessary. He may refer players to the Disciplinary Committee for any behavior that he deems unacceptable, if he deems it necessary to do so.

The Coach shall make a report to the AGM regarding the performance and preparation of the TEAM in the preceding season and for the next, and shall address any other related issues.

The Coach shall have the primary responsibility for recruiting new players to the team. He shall make arrangements and procure the necessary means to hold recruitment meetings and events and he shall direct efforts to increase membership. The Coach may work in conjunction with other members to recruit new players.

The Coach may be removed by a $\frac{3}{4}$ vote of the full membership. A call to vote on the removal of the coach may be undertaken following the procedures outlined for calling a "Extraordinary General Meeting."

In the absence of a Coach, the Executive Committee may appoint whomever they deem most capable of performing the duties of Coach, if such a person expresses a desire to undertake such responsibilities. If the individual appointed as Acting Coach is a full-member of the team, they may not also be League Team Player and must relinquish that position upon assuming the role of Acting Coach.

- The Appointed Acting Coach may be a member of the Executive Committee
- The Appointed Acting Coach may not hold any other appointed position
- The Appointed Acting Coach may only hold that appointment for One Full Season

Selection of teams:

The selection of teams shall be the sole function of a selection committee which shall consist of:

- Club Coach
- Club Captain
- Playing Captains of the (other) Teams (including Veterans)

The Selectors shall have the responsibility of selecting the players for League matches. The Selectors shall convene no later than one day prior to a match and no sooner than 1 day at the end of the last practice prior to a match. The Selectors shall reach a decision on which players shall constitute the League Side, using any criteria, in addition to those specified below, that they deem appropriate.

The Selectors may select only players who have made at least one of the two practices conducted prior to the given match.

The Coach shall have final authority in selections in the event that agreement cannot be reached.

Selections for a given match shall be announced to the team at such time as the Selectors deem appropriate and convenient.

Every member has the right to ask the Selectors to explain their selections; however, the Selectors are the only authority for making selections.

14. BYELAWS:

THE CLUB Executive Committee shall have power to make byelaws for regulating the conduct and affairs of the club provided the same are not inconsistent with the rules set out in this club Constitution. Such byelaws shall be posted in a conspicuous part of the club premises and shall be binding on all members.

15. NOTIFICATION AND MODIFICATION OF THE CONSTITUTION:

This Constitution shall be prominently displayed in the clubhouse, and individual members may receive their own copy if requested.

No alteration, additions to or deletions from this Constitution shall be made except by a resolution carried by a majority of the members present at a club Executive Committee meeting. Members of the club with voting rights can propose changes to this Constitution; proposed changes shall be submitted in writing to the Hon. Secretary.

The Hon. Secretary shall, as soon as possible and in any case within twenty eight days of the making of any alteration or addition to, and/or deletion from, this Constitution, give written notice of such alteration, addition and/or deletion from this Constitution to KENT RFU.

16. DISSOLUTION:

Upon dissolution of the club any remaining assets shall be given or transferred as decided by the club Executive Committee. This may, at the club Executive Committee's discretion, be to a registered community amateur sports club, a registered charity or the RFU.

17. DATA PROTECTION:

THE CLUB is committed to the principles and practices of data protection as laid out in the Data Protection Act 1998, subordinate and related legislation and codes of practice and other official guidance. This policy will be achieved through appropriate management, and the strict application of criteria and controls. All persons having access to any personal material will follow good data protection practice and must handle personal data responsibly.