

THE CONSTITUTION OF PORTUMNA RUGBY FOOTBALL CLUB

1. NAME

The Club shall be called PORTUMNA RUGBY FOOTBALL CLUB (Hereinafter referred to as the Club) and it shall seek affiliation to and be bound by the rules of the Irish Rugby Football Union and the Connacht Branch of the Irish Rugby Football Union.

2. OBJECTIVES

- i. The objectives of the club shall be to promote rugby union as a game, to arrange matches, training and social events for the playing and non-playing members of the club.
- ii. The Club is committed to encouraging the highest ethical standards. All individuals involved in the Club should conduct themselves with integrity, transparency, accountability and in a fair and equitable manner.

3 . CLUB COLOURS AND TEAM SPONSORSHIP.

- i. The Club Colours shall be Green and Red. With a red and green quartered jersey, green shorts and green socks. Any team looking to wear alternative playing gear will first need to get clearance from the club executive.
- ii. All team sponsors need to get clearance from the club executive, before any association is made between the club and an outside entity.
- iii. No business principally associated with alcohol, tobacco or gambling shall be allowed as sponsors for underage teams.

4. RULES AND REGULATIONS

- i. The Club shall have the status of an Affiliated Member Club of The Connacht Branch of the Irish Rugby Football Union.
- ii. The Club will abide by The Irish Rugby Football Union Safe guarding policy, Codes of Conduct and the Equal Opportunities and Anti-Discrimination Policy.

5. MEMBERSHIP

- i. The membership shall consist of the following categories:

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16th Man Member, Non-Playing Member, Adult Playing Member, Youth Playing Member, Mini Playing Member and Family Member.

ii. Members in each category shall pay Membership fees as fixed by the executive committee. The Club in General Meeting may also require Members to contribute to the funds of the Club by way of a special levy.

iii. All members joining the Club shall be deemed to accept the terms of this Constitution and any Bye-laws from time to time adopted by the Club. They will also be required to conduct themselves in accordance with the Club's ethical framework and the bye-laws as to discipline set out therein.

iv. Any person seeking to join the Club shall submit an application in writing to the Executive Committee.

v. Members shall be admitted by the Executive Committee. Membership is open to all and no application for membership will be refused on other than reasonable grounds. There will be no discrimination on grounds of sexual orientation, civil status, racial / ethnicity, age, religion, family status, gender, membership of the traveler community or disability

vi. The Secretary shall keep a Membership Register. In the event of a member's resignation or expulsion, his or her name shall be removed from the Membership Register.

Vii. The Committee shall have power to elect honorary life members.

viii. Should a member conduct himself/herself in the manner that in the opinion of the committee is derogatory to the club the committee may call for an explanation and, if they think fit, remove such a person from membership without any obligation to refund his subscription.

ix. No player at any age grade shall be deemed eligible for selection unless their membership is up to date.

ix. **Waiver of legal rights:** pursuant to the provisions of section 34(1)(b) of the Civil Liability Act 1961 members waive their legal entitlement to claim against a fellow member, Officer or Committee member, compensation for personal injury, loss or damage, however caused.

6. THE COMMITTEE

i. The Club Committee shall consist of the following Club Officers: President, Treasurer, Secretary, P.R.O., and plus 7 other members, elected at an Annual General Meeting. All officers of the Club shall be honorary (non-paid). All Committee members must be members of the Club.

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- ii. The officers and committee shall be elected at the club AGM by simple majority of eligible voters present. An eligible voter is a paid up adult club member, who has been a member of the club for more than 11 months.
- iii. Committee Members shall hold office from the date of appointment until the next Annual General Meeting unless otherwise resolved at an Extraordinary General Meeting. One person may hold no more than two positions of Club Officer at any time.
- iv. Decisions of the Club Committee shall be made by a simple majority of those attending the Club Committee meeting. The Chairperson of the Club Committee meeting shall have a casting vote in the event of a tie.
- v. Meetings of the Club Committee shall be chaired by the President or in their absence the Secretary.
- vi. The quorum for the transaction of business of the Club Committee shall be five.
- vii. The Club Secretary will keep minutes of club meetings including any decisions made and actions assigned.
- viii. Any member of the Club Committee may call a meeting of the Club Committee by giving not less than 7 days notice to all members of the Club Committee. The Club Committee shall hold not less than four meetings a year.
- ix. An outgoing member of the Club Committee may be re-elected. Any vacancy on the Club Committee which arises between Annual General Meetings shall be filled by a member proposed by one and seconded by another of the remaining Club Committee members and approved by a simple majority of the remaining Club Committee members.
- x. The Club Committee shall have the power to decide all questions and disputes arising in respect of any issue concerning the Club Rules.
- xi. The club committee shall ensure that adequate club liability insurance is in place to include public liability and officers liability insurance.
- xii. The Club Committee shall be responsible for the management of all the affairs of the Club.

7. TRUSTEES

Amendment & Alterations to Trustees

No alteration, amendment, or addition (shall be made to these rules except at the Annual General Meeting of the Club with the consent of at least two thirds of the members present and voting (save that an alteration, amendment, or addition required to comply with any

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statute may be made by the committee) provided always that should any motion at any General Meeting be considered by not less than seven members present (quorum) and voting to be inimical to the best interests of Rugby Football in the club, such motion shall be referred to the I.R.F.U. committee whose decision as to whether or not the Motion be so inimical shall be final and binding; and pending the decision of that Committee no steps shall be taken to implement the Motion, notwithstanding that it shall have received the said two thirds consent.

Notice of any proposed alteration, amendment or addition shall be given in writing to the Honorary Secretary at least seven clear days before any AGM.

- a. There shall be at least five and not more than seven Trustees of the club.
- b. A Trustee must be a club member, over 18 years of age and have at least three years membership prior to appointment.
- c. The present Trustees of the club shall be retained on adoption of any revised constitution.
- d. A Trustee shall cease to be a Trustee if:
 1. He/she resigns from the trusteeship.
 2. If removed by a vote of two-thirds of the members present at a Club Annual or Special General Meeting - due notice having been served to the members.
- e. The Trustees shall be known as "The Trustees of the Portumna Rugby Football Club"
- f. All properties of the club shall be vested in the Trustees to be dealt with by them, held, sold, mortgaged, leased, etc., as the club shall from time to time direct and so record in the minute book.
- g. The Trustees shall be indemnified against risk and expense by the club, provided they act in a prudent and sensible manner consistent with the interests and objects of the club.
- h. The Trustees shall act with majority agreement.
- i - The club shall not incur any single expenditure exceeding €10,000 without the consent in writing of the Trustees of the club. The club and/or the trustees are authorized and empowered to borrow from time to time such sums of money to an extent not exceeding such amount, and upon such terms and conditions as may be authorized from time to time by a resolution of the Executive Committee of the club.
- j. The Trustees may meet as and when necessary but in any event shall meet once per year, with the club Treasurer to review the club assets and trust funds.

8. GENERAL MEETINGS

- i. The Club shall hold an Annual General Meeting in the month of April or May each year.
- Approve the minutes of the previous year's AGM.
 - Receive reports from the President and Secretary.
 - Receive a report from the Treasurer and approve the Annual Accounts.
 - Elect the Executive Committee.
 - Appoint someone responsible for certifying the Club's accounts.
 - Consider changes to the Constitution.
 - Review and consider any Bye-laws.
 - Deal with other relevant business.
- ii. Nominations for election of members as Club Officers can be made on or before the night of the AGM. The proposer and seconder must be existing members of the Club.
- iii. Notice of any resolution to be proposed at the AGM shall be given in writing to the Club Secretary not less than 7 days before the Meeting, by paid up club members only.
- iv. A Extraordinary General Meeting (EGM) may be called at any time by the majority of the Committee or on a requisition to the Honary Secretary, signed by not less than 20 paid up full members of the Club giving detailed particulars of the business for which the meeting is required. The meeting must take place within 14 days of the Secretary receiving notice of the request. Business at an EGM may be any business that may be transacted at an AGM.
- v. The club shall make fair effort to notify members of an AGM or EGM via text message and/or social media giving at least 7 days notice. There is no entitlement for any member to receive a written notification or agenda of such meetings.
- vi. The quorum for a General Meeting shall be 10.
- vii. The President or in their absence a member selected by the Club Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairperson of the Meeting shall have a casting vote.
- viii. The Club Secretary, or in their absence a member of the Club Committee, shall keep minutes of General Meetings.

9. FINANCE AND ACCOUNTS

- i. The financial year shall run from 01 May to 30 April each year.
- ii. The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- iii. The Accounts shall be certified by an appropriate independent person elected annually at the Annual General Meeting.
- iv. All cheques drawn against the Club's funds shall be signed by the Treasurer and one of two other nominated office-bearers.

10. CLUB TEAMS

At its first meeting following each AGM, the Club Committee shall appoint a Club member to be responsible for each of the Club's football teams. The appointed members shall be responsible for managing the affairs of the team.

The appointed members shall present to the Club Committee at its last meeting prior to an AGM a written report on the activities of the team.

11. DISSOLUTION

- i. The Club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve or develop the Club's facilities or to carry out the objects of the Association to which it is affiliated. No profit or surplus will be distributed other than to another non-profit making body on a winding-up or dissolution of the Club.
- ii. If, upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be transferred to some other organisation or organisations having objects similar to the objects of the Club, such organisation or organisations to be determined by the members of the Club by Resolution passed at a General meeting or in the absence of such a resolution (or that the extent to which it cannot be given effect) to the Association to which the Club is affiliated.

10 – CHILD WELFARE

The club will implement and abide by the IRFU Safeguarding Policy for age grade players. See Appendix 2 for the club anti-bullying policies.

APPENDIX 1 - GRIEVANCE AND DISCIPLINARY PROCEDURE

The Executive Committee shall be empowered to take disciplinary action against any Member who is found to be in breach of the Rules and Code of Conduct of the Club.

In the event of a complaint being made to the Club in respect of any matter which would be deemed to contravene the Rules and Code of Conduct of the Club, the following Grievance and Disciplinary procedures shall be followed :-

(a) Grievance Procedure

A complaint may relate to a personal grievance, a collective grievance or an alleged breach of the Portumna Rugby Football Club Code of Conduct (including bullying) or other serious matter. A separate set of procedures is in place for dealing with concerns relating to child protection and can be found under the Portumna RFC Youth Code of Practice.

(b) Raising an issue informally

It is anticipated that most issues can be resolved at local level between the parties involved, i.e. between members themselves, with the captains or the appropriate member of the committee. The sooner an issue is raised informally the better as it can often be resolved quickly and in a low key manner. This is the case also when a person feels they are being subject to repeated behaviour that is an affront to their dignity (i.e. bullying behaviour). However, where this is not possible/appropriate or where such an approach fails to address the matter satisfactorily, the formal complaints procedure should be followed.

(c) Formal Grievances

A formal complaint should be sent to the Club Secretary or the Child Welfare Officer (where the complaint relates to youth rugby) in writing setting out the issue and the relevant details. The complaint should identify any efforts (if appropriate) that were made to try and resolve the matter at a local level. Complaints relating to another player, captain or officer that allege a breach of the Portumna Rugby Football Club code of conduct or other serious matter that could potentially lead to disciplinary action will be dealt with under the disciplinary procedure.

Any other formal complaint will be considered by the Club Secretary (or Child Welfare Officer) and one other member of the committee, who will seek to resolve the matter with the relevant parties. Having done so a response will be sent to the complainant informing them of the outcome and reasons in as timely a fashion as possible (preferably within 21 days)

The complainant may appeal this decision in writing to the Club Secretary (or Child Welfare Officer) requesting the matter be reconsidered. At this stage the Club President will appoint two other members of the committee to review the complaint and the outcome. A written response outlining the decision will be sent to the complainant in as timely a fashion possible (preferably within 21 days). This decision shall be final and binding.

(d) Disciplinary Procedure

This procedure is intended to be used only where issues cannot be resolved at local level with captains or other members of the committee or between players themselves. Notwithstanding this all complaints brought in writing will be given due consideration.

The aim of this procedure is to ensure that the club properly controls its player or players or members (hereafter referred to as “the Player”) and to ensure that the Club acts in a manner designed to protect the good name of the Club and of the game of rugby generally.

(e) Formal Procedure

Any alleged breach of Portumna Rugby Football Club code of conduct or serious matter that can be reasonably shown as something that could bring the club or the game of rugby into disrepute shall be notified in writing (to be known as ‘a Complaint’) by the relevant captain (or any other person) to the Club Secretary or the Child Welfare Officer (where the complaint relates to youth rugby) as soon as possible (but, where possible, within 21 days*) following the alleged breach taking place.

***Note:** In the interests of fairness, complaints should be submitted within these timeframes. However, later complaints will be considered where the allegation is of a serious nature or where it involves a youth member.

Any complaint so initiated must be referred to the Club President. Upon receipt of such complaint, and as soon as reasonably practicable, the Club President and Secretary (or the Child Welfare Officer**) shall consider the complaint and refer the matter to a Disciplinary Committee which shall be convened as soon as practicable.

****Note:** The Child Welfare Officer and/or designated contact person should always be consulted on any complaint/issue that involves a person under the age of 18 so they can provide guidance. Allegations of child abuse/child protection issues must be reported to the relevant authorities.

(f) Disciplinary Committee

The Club President shall appoint a disciplinary committee and arrange a hearing as soon as is practicable but where possible within 21 days of the decision to refer. Any adjournments may be granted at the discretion of the Chairman of the Disciplinary Committee.

The Disciplinary Committee shall consist of not less than three persons, none of whom shall be connected with the player at the time of the alleged breach. Where possible one member of the committee shall be an Officer of the club. Where the disciplinary matter involves a player under 18 the Child Welfare Officer or a youth team manager will be a member of the committee to ensure adherence to the Youth Code of Ethics and Good Practice.

In any case which is referred for a Disciplinary Hearing, at least seven days' notice in writing of the hearing and of the offence(s) alleged shall be given to the player.

The player shall be entitled to attend the hearing, state their case, be informed of the evidence provided by others and shall be given the opportunity to refute charges against him or her. The player shall be entitled to be supported by a colleague, friend or parent and to call witnesses.

The purpose of the Disciplinary Hearing shall be to establish the facts and the committee having considered all the evidence shall make a finding.

(g) Penalties

If the Disciplinary Hearing finds the misconduct proved, they shall have the following powers:

- To require the player to write letter(s) of apology within a specified time.
- To record a reprimand and to give a warning as to future conduct.
- To suspend the player's right to be considered for selection by the club to play in one or more matches.
- To suspend the player's membership of the club for a period.
- For the same offence the hearing may, if it is thought fit due to the seriousness of the offence, impose more than one of the above penalties.
- Where the conduct constitutes gross misconduct the hearing shall have the power to terminate the player's membership forthwith.

The Disciplinary Panel shall have the power to suspend the operation of any part, or all, of the penalty it imposes for such period and subject to such terms and conditions it deems appropriate. Decisions of the Disciplinary Panel (a finding that a complaint is proved or not proved or a decision on penalty) shall be by majority vote; where necessary the Disciplinary Panel Chairman shall have a casting vote.

The player will be notified by the Club Secretary in writing of the decision and any penalties, if any, imposed by the Disciplinary Panel within seven days of the decision being made.

(h) Appeals Procedure

The player shall have the right to appeal to the President of the Club or to the President's nominee for a review of the findings of the Disciplinary Hearing and of the penalty or penalties imposed.

If Notice of Appeal is given the penalty shall not take effect pending the hearing of the Appeal, which shall take place as soon as is practicable.

The Appeal shall be by way of re-hearing before a different Panel. The composition of the Appeals Panel shall be at the discretion of the Club Chairman and shall consist of not less than three persons, none of whom shall be connected with the player at

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the time of the alleged breach. The player shall have the same rights of attendance and representation, and to call witnesses as they had before the Disciplinary Panel.

The Appeals Panel may confirm, vary or reverse the decision of the Disciplinary Panel and it shall have the power to increase the penalty and award costs of the Appeal hearing. Decisions of the Appeal Panel shall be by majority vote; where necessary, the Appeals Panel Chairman shall have a casting vote.

The player will be notified by the Club Secretary in writing of the decision and any penalties, if any, imposed by the Appeals Panel within seven days of the Appeals decision having been made.

The decision of the Appeals Panel or, if no appeal, of the Disciplinary Panel, in all cases shall be final and binding.

Appendix 2 – Anti-bullying Policy



Statement of Intent

We are committed to providing a caring, friendly and safe environment for all our members so they can participate in sport in a relaxed and secure atmosphere.

Bullying of any kind is unacceptable in our club.

If bullying does occur, all club members should be able to tell and know that incidents will be dealt with promptly and effectively. We are a TELLING club. This means that anyone who knows that bullying is happening is expected to tell the club welfare office.

What is Bullying?

Bullying is repeated aggression, be it verbal, physical or psychological, by any individual or group against others, which causes significant harm to victim(s). It is intentional, aggravating and intimidating.

Bullying can be:

(This list is non-exhaustive and serves only as a guide)

- Name calling.
- Spreading harmful rumours about others.

Exclusion from activities.

- Intentionally isolating another person from conversation or during activity.
- Threatening or intimidating behaviour.
- Taking or damaging property or belongings.
- Physical assault or causing physical harm.
- Making a person do things they do not want to do.
- Threatening or abusive text messaging.

Why is it Important to Respond to Bullying? Bullying hurts. No one deserves to be a victim of bullying. Everybody has the right to be treated with respect. Individuals who are bullying

need to learn different ways of behaving. The club has a responsibility to respond promptly and effectively to issues of bullying.

Objectives of this Policy

- All club members, coaches and volunteers and parents should have an understanding of what bullying is.
- All club members, coaches and volunteers should know what the club policy is on bullying, and follow it when bullying is reported.
- As a club we take bullying seriously. Players and parents should be assured that they will be supported when bullying is reported.
- Bullying will not be tolerated.

Signs and indicators

A child may indicate by signs or behaviour that he or she is being bullied. Adults should be aware of these possible signs and that they should investigate if a child:

- says he or she is being bullied.
- is unwilling to go to club sessions.
- becomes withdrawn anxious, or lacking in confidence.
- feels ill before training sessions.
- comes home with clothes torn or training kit damaged.
- has possessions go “missing”.
- asks for money or starts stealing money (to pay the bully).
- has unexplained cuts or bruises is frightened to say what’s wrong gives improbable excuses for any of the above.

In more extreme cases

- starts stammering.
- cries themselves to sleep at night or has nightmares.
- becomes aggressive, disruptive or unreasonable.
- is bullying other children or siblings.
- stops eating attempts or threatens suicide or runs away.
- These signs and behaviours could indicate other problems, but bullying should be considered a possibility and should be investigated

Procedures

1. Report bullying incidents to the club welfare officer, member of the club committee or an adult you can trust.
2. In cases of serious bullying, the incidents will be referred to the Connacht Branch and the IRFU (NGB).
3. In serious cases parents should be informed and asked to come in to a meeting to discuss the problem.
4. If necessary and appropriate, the HSE and/or an Garda Síochána will be consulted.
5. The bullying behaviour or threats of bullying must be investigated and the bullying stopped quickly.
6. An attempt will be made to help the bully (bullies) change their behaviour.
7. If mediation fails and the bullying continues the club will initiate disciplinary proceedings according to the club constitution.

In the case of adults reported to be bullying anyone within the club who is under 19

(Youth & Minis):

1. The club welfare officer should always be informed and will advise on action to be taken where appropriate.
2. It is anticipated that in all cases where the allegation is made regarding a coach, team manager, club official the Connacht Branch Child Welfare and IRFU National Child Welfare Officers will be informed.
3. More serious cases may be referred to H.S.E. and/or an Garda Síochána.

Recommended club action (particularly age grade incidents)

If the club decides that it is appropriate to deal with the situation the following procedure will be followed:

1. Reconciliation by getting the parties together. It may be that an apology solves the problem.

2. If this fails/not appropriate, a panel of 3 members, appointed by the Executive, should meet with the parent and child alleging bullying to get details of the allegation. Minutes should be taken for clarity, which should be agreed by all as a true account.

3. The same panel should meet with the alleged bully and parent/s and put the incident raised to them to answer and give their view of the allegation. Minutes should again be taken and agreed.

4. If bullying has, in their view, taken place the individual should be warned and put on notice of further action i.e. temporary or permanent suspension if the bullying continues. Consideration should be given as to whether a reconciliation meeting between parties is appropriate at this time.

5. In some cases the parent of the bully or bullied player can be asked to attend training sessions, if they are able to do so, and if appropriate. The club committee should monitor the situation for a given period to ensure the bullying is not being repeated.

6. All coaches involved with both individuals should be made aware of the concerns and outcome of the process i.e. the warning.

Prevention

1. The club has a written constitution, which embraces the IRFU Child Welfare Policy through affiliation to the IRFU, our National Governing Body; this includes what is acceptable and proper behaviour for all members of which the anti-Bullying policy is one part. All those involved with under 18's (age grade) players are required to sign the Declaration of Intent form.

2. All members accept the constitution upon joining the club.

3. The Club Child Welfare Officer will raise awareness about bullying and why it matters, and if issues of bullying arise in the club, will consider meeting with members to discuss the issue openly and constructively.

You may also wish to access websites designed to give advice and guidance to parents and children who are faced in dealing with bullying:

[IRFU Child Welfare Policy](#) – page 27 gives an overview of Bullying.

<http://www.irishsportscouncil.ie/> - section 5 of the Irish Sports Council's Code of Ethics provides information on abuse.

<http://www.letsomeoneknow.ie/> - Health Service Executive support site for young people.