

STUTTGART PIRANHAS SWIM TEAM CONSTITUTION

ARTICLE I NAME, LOCATION AND AUTHORITY

The Stuttgart Piranhas Swim Team (SPST), located in Stuttgart, Germany, normally meets at any of the various U.S. Military installations within the Stuttgart Military Community. This organization operates under the jurisdiction of the US Army Garrison Stuttgart, Unit 30401, APO AE 09107-0401, hereinafter referred to as the Approving Authority. The Stuttgart Piranhas Swim Team is directly supervised and managed by the Stuttgart Piranhas Swim Team Board, hereinafter referred to as the "SPST Board".

ARTICLE II MANDATORY STATEMENTS

Section 1. This organization is established in accordance with Army in Europe Regulation (AE Reg) 210-22, Private Organization and Fundraising Policy, as mandated by USAREUR Regulation. This organization is not an instrumentality of the United States, is self-sustaining, and may not receive financial assistance from the U.S. Army, appropriated (APF) or non-appropriated funds (NAF).

Section 2. This organization operates and exists on a military installation only with the consent of the Approving Authority. This consent is contingent upon compliance of the organization with the requirements and conditions of AE Reg 210-22. Failure to comply with cited policy will result in dissolution of the Private Organization (PO).

Section 3. In no event will the Department of the Army or IMA-E/USAREUR assume any responsibility for this organization's actions and/or debts.

Section 4. SPST agrees to reimburse the Army for utility expenses incurred by the organization, unless such use is incidental (i.e. it would cost the Army more to bill and collect payments for the utilities so used than it costs to provide the utilities).

Section 5. All members are required to read the Constitution and Bylaws upon joining the organization.

Section 6. In accordance with host nation laws, all members may be personally liable to creditors if the assets of the society are insufficient to discharge liabilities.

Section 7. This organization does not discriminate in membership on the basis of race, color, creed, religion, national origin, sex, or mental or physical handicap, and will not seek to deprive individuals of their civil rights.

Section 8. This organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the U.S. government.

ARTICLE III PURPOSE

Section 1. The purpose of the SPST Board is to support the Stuttgart Piranhas Swim Team. This support will normally take the form of:

- A. Recruiting a head coach and assistant coaches as required
- B. Maintaining membership, to include payment of dues, in the European Forces Swim League (EFSL)
- C. Arranging pool times for practices and locally held swim meets
- D. Arranging swim meet schedules with other EFSL teams
- E. Raising money from within the community to support the above activities.

However, this organization will not engage in activities that compete with those of any appropriated (APF) or non-appropriated fund (NAF) activity.

Refer to Annex A for the Stuttgart Piranhas Masters Program membership, goals and support to by the SPST Board.

Section 2. The goals of the SPST are to develop competitive swimmers, improve and promote competitive swimming, and promote good sportsmanship, physical fitness, teamwork, self-discipline, and respect for athletic rules and regulations in a positive environment.

Section 3. The objectives of the SPST are to provide a quality-swimming environment consistent with EFSL regulations and the Memorandum of Understanding between DoDDS and the EFSL thus allowing high school swimmers the opportunity to earn high school letters.

Section 4. Finally, the SPST strives to promote good community relations between Americans and Germans in the Stuttgart Military Community.

ARTICLE IV ACTIVITIES AND FUNDRAISING EVENTS

Section 1. Official team activities will consist of SPST board and team meetings, team practices, home swim meets held in the Stuttgart area sponsored by SPST, swim meets held at other U.S./NATO military communities sponsored by another EFSL team, EFSL Divisional and League Championship Meets, an annual awards banquet and SPST Elections. The SPST may sponsor team and/or SPST social activities at the discretion of the SPST Board.

Section 2. The Stuttgart Piranhas Swim Team will be the sole beneficiary of fundraising activities sponsored or conducted by the SPST. Fundraising events may include the sale of merchandise from various catalogs, sale of food items in coordination with other community organizations or events, concessions at home swim meets, car washes, etc. Other fundraising events in accordance with the provisions of Article III, Section 2 may be approved by majority vote of the Full Board and notification to the approving authority within thirty days without revision of this Constitution. Resale activities will be conducted in accordance with the provisions of AR 210-22 and AE Reg 210-22.

ARTICLE V MEMBERSHIP

Section 1. Membership normally will be restricted to members of the U.S. Forces, DoD civilian employees and their family members (i.e., dependents or household members of the household of sponsors stationed in the Stuttgart, Germany Military Community), and U.S. Forces contract employees or employees of organizations granted status under Article 71, 72 or 73 of the NATO SOFA Supplementary Agreement (referred to as "ID card holders").

Section 2. SPST activities are directed toward supporting quality of life and morale, welfare, and recreation programs for charitable purposes. Up to 49% of the membership may be non-ID cardholders IAW Paragraph 12b, USAREUR Regulation 210-1. This organization's activities, including pool practice and swim meets, are primarily conducted off post. Additional training, when offered, and some fundraisers are conducted on post in accordance with US Army Garrison Stuttgart regulations.

Section 3. Membership shall consist of three categories: Active, Associate and Honorary.

A. Active members meet the criteria listed in Article V, Section 1. Active members must pay the Stuttgart Piranhas Swim Team Registration Fee for the current season/year, and meet volunteer obligations or pay the volunteer compensation fees, for each swimmer to be considered as members in good standing and their swimmers eligible to participate in team activities including fundraising activities, practices and meets. Note: where swimmers are

sponsored by persons other than their parents, the member in good standing acting in loco parentis shall ensure that all financial obligations are met by the parents. The member in good standing acting in loco parentis may assume volunteer obligations for the sponsored swimmer(s). Otherwise, the parents of the swimmer(s) must meet the volunteer obligation by paying the total equivalent value of the volunteer time as set by the SPST Board.

B. Associate members meet the criteria listed in Article V, Section 2. Associate members must pay the Stuttgart Piranhas Swim Team Registration Fees for the current season/year for each swimmer to be considered as members in good standing and their swimmers eligible to participate in team activities including fundraising activities, practices and meets. Associate members enjoy all the rights and privileges of active members except that they may not serve as either President or Treasurer.

C. Honorary members are person granted membership in the SPST because of notable contribution of the Piranhas Swim Team. Honorary members pay no dues or fee.

Section 4. The prerequisites for membership on the Stuttgart Piranhas Swim Team for dependents of active or associate members are payment of Stuttgart Piranhas registration fees and meet volunteer obligations or pay the volunteer compensation fees, and a demonstrated willingness to promote the goals of the organization. New members may be accepted into the SPST by any member of the governing body subject to completion of all registration requirements including an assessment by the Head Coach of the proposed swimmer's ability. The board reserves the right to limit the number of swimmers on the team for safety reasons. A waiting list will be kept by the SPST Secretary. Members are required to comply with guidelines set forth in the registration documents, Parent Financial Agreement, Parent Code of Conduct, Swimmer Code of Conduct and Family Volunteer Program. ~~following Annexes:~~

~~Annex A: Registration Documents~~

~~Annex B: Volunteer Obligations and Volunteer Credits Reference Sheet~~

~~Annex B: Parent Financial Agreement~~

~~Annex C: Parent Contract Parent Code of Conduct~~

~~Annex D: Swimmer Code of Conduct Contract~~

Section 5. Membership or eligibility for elected office or volunteer positions of responsibility may be suspended or rescinded for due cause by a majority vote of the SPST Board. The children of persons whose membership is suspended may continue to swim with the team provided a member in good standing is prepared to sponsor them and act *in loco parentis* for all team functions for which the suspended members are ineligible. Due cause may include, but is not limited to:

- A. Failure to comply with European Forces Swim League (EFSL) regulations.
- B. Failure to comply with the provisions of the SPST Constitution and By-Laws and such policies as may be established by a majority vote of the SPST Board or the General Membership.
- C. Failure to comply with the Parent Contract.
- D. Failure to ensure swimmer(s) comply with the Swimmer Contract.
- E. Failure to meet financial obligations.
- F. Failure to meet volunteer obligations.
- G. All other inappropriate behavior or conduct as determined by the SPST Board.

Section 6. SPST Members will normally be expected to exhaust all internal remedies before seeking relief outside the SPST. Members unwilling to be bound by the majority decisions of the SPST Board and/or the General Membership should consider resignation from the organization.

- A. SPST members in good standing may submit grievances as follows:

1) If a member at any time during the swim season has a general concern or question regarding the Coaching Staff or general team operations, he/ she may contact the Head Coach directly and arrange a meeting at a mutually convenient time. This is considered an informal grievance and the member is not required to submit the grievance in writing. If the issue is resolved at this time, no further action is required. If the issue is unresolved at this time the member may submit a formal grievance.

2) Formal Grievance - The SPST member who wishes to file an official grievance concerning the Head Coach or coaching staff must mail or hand deliver a written report describing the grievance to the Parent Liaison. Upon receiving the grievance, the Parent Liaison will notify the Head Coach and a meeting will be arranged between the member initiating the grievance and the Head Coach with the Parent Liaison present serving as a third party. If the issue is resolved at this level, the Parent Liaison and the Head Coach will provide a written, signed report to the President including details of the issue discussed, who brought the matter to his/her attention and how it was resolved. This report should be counter-signed by the individual who brought the matter to the Parent Liaison's attention. A copy of the endorsed report will be provided to the SPST member who submitted the grievance and the original forwarded to the SPST Secretary for the Team Archives. The President will inform the SPST Board at the next scheduled meeting.

3) If the Parent Liaison and/or the Head Coach are unable to resolve the problem, and the member wishes to process the grievance further, the member will provide the President with a written report. The President may convene a special

session of at least a quorum of the voting members of the SPST Board to address the grievance. The SPST member bringing the grievance has the option of attending this session to provide additional information. The SPST Board will discuss the matter in closed session, taking into consideration the comments of the member submitting the grievance. At the conclusion of the discussions the President

a) may put the proposed solution to a vote of the SPST Board the results of which will be final, or

b) adjourn to collect additional information. If this option is chosen, the President will schedule another special session within one week to be conducted in the same fashion as the first, at which the vote resolving the grievance will be taken. Any resolution proposed must be consistent with the Constitution and By-laws. If the proposed resolution involves a change to the Constitution and By-laws, the proposed amendment will be approved by the General Membership at the next scheduled meeting. If no settlement is reached in Step 3 and the member wishes to process the formal grievance further, the following procedure shall be followed: The General Membership will have the opportunity to discuss the matter and it will be resolved by a vote of the General Membership. This decision is binding on all members of the organization.

B. Swim Team Members. Members of the swim team may submit grievances as follows:

1) Any matter not related to team operations (i.e. coaching, practices, etc.) will be referred to the swimmer(s)' parent or authorized sponsor for resolution as described above. 2) Matters related to team operations will be referred first to the Team Captain(s). 3) If the Team Captain(s) are unable to resolve the issue, s/he will refer it to the Coaching Staff. 4) Normally, the decision of the Coaching Staff is final, and the Head Coach will submit a written report of the circumstances to the President for endorsement as described above. 5) If the Coaching Staff determines the issue to be of sufficient seriousness, they may refer it to the SPST Board for resolution. 6) If the matter is referred to the SPST Board, the SPST Board will follow the procedures specified in Section 5 A(3) except that the swimmer will be accompanied by and may be represented by her/his parent or authorized sponsor.

ARTICLE VI

COMPOSITION OF THE GOVERNING BODY

Section 1. The governing body shall be called the Board (or the SPST Board) and consist of the President, Vice-President, Secretary, Treasurer, Parent Liaison, Statistician, Fundraising Coordinator, High School Liaison, Social Coordinator, Logistics Coordinator, Head Coach, Community Liaison, Equipment Manager, Concessions Coordinator, Registrar, Media Manager (Webmaster), Volunteer Coordinator, and Publicity. Board members have one vote.

The President votes only to break tied votes.

Section 2. The governing body will be assisted by an Executive Board consisting of the President, Vice-President, Treasurer, Secretary and Statistician. The Executive Board may meet separately from the Full Board to discuss particular issues, but all separate Executive Board recommendations will be reported to the SPST Board at the next SPST Board Meeting. The President votes only to break tied votes.

ARTICLE VII ELECTION OF OFFICERS

Section 1. Elections will be held annually. The term of office will normally be from 1 May to 30 April.

Section 2. Fifty percent of the total of active and associate members are required to constitute a quorum for regular and special elections. Each family in good standing, or member acting *in loco parentis* has one vote.

Section 3. Votes of absent members must maybe made by written proxy and submitted in a sealed envelope or email to the Secretary to be cast with all other votes at the annual Election Meeting, normally the end of season General Membership Meeting, (Feb-Apr).

Section 4. Should a vacancy occur on the Full Board due to resignation, transfer, or inability to serve for any other reason, the President may appoint an individual to fill the vacancy, subject to a confirmation vote at the next General Membership meeting or by electronic vote. Nominations will be made from the floor during the New Business with election by voice or hand vote immediately thereafter.

Section 5. Advisors and honorary officers may be appointed as needed by a majority vote of the SPST Board.

ARTICLE VIII DISSOLUTION OF THE ORGANIZATION

Section 1. Dissolution of the Stuttgart Piranhas Swim Team may be accomplished by a majority vote of the total general members in good standing or by the order of the Approving Authority.

Section 2. Upon dissolution of the organization, all material and the real assets remaining after payment of all liabilities of the organization will be donated to European Forces Swim League.

Section 3. The Approving Authority will be notified of the dissolution. Notice will include:

- A. A statement of dissolution dated and signed by this organization's President.
- B. A copy of the complete final audit report.
- C. A copy of the receipt(s) issued by the charitable organization to which residual assets were transferred.

- D. A copy of the Community Bank statement showing a zero balance.

ARTICLE IX
AMENDMENTS

Section 1. Proposed amendments to this constitution shall first be presented to the Full Board for presentation and approval by the membership at the general membership meeting. A majority of the total active and associate membership of the organization will approve amendments to this Constitution.

Section 2. Amendments to the Constitution and Bylaws made throughout the year will be forwarded to the Approving Authority. The letter reporting amendments will be signed by the President and the Secretary to indicate approval by the governing board and by vote of the general membership. Proposed amendments will not conflict with any Army Regulation or directive.

ARTICLE X
RATIFICATION

This Constitution was approved by majority vote of the members in good standing of the Stuttgart Piranhas Swim Team on 23 August 2019.

President, SPST _____
Rebecca Koning

Secretary, SPST _____
April Purtell

ANNEX A

The prerequisites for membership on the Stuttgart Piranhas Masters Program:

- A. Able to meet Article V, Membership, Section 1.
- B. Payment of Stuttgart Piranhas registration dues.
- C. Demonstrated willingness to promote the goals of the organization.

The goals of the Masters Swim Program are to improve and promote competitive swimming, and promote good sportsmanship, physical fitness, teamwork, self-discipline, and respect for athletic rules and regulations in a positive environment.

The SPST Board support to the Masters Swim Program will normally take the forms of:

- A. Recruiting a head coach or coaches as required.
- B. Maintaining membership registration and collection of dues.
- C. Arranging pool times for practices.
- D. Payment of fees associated with pool rental.

The Masters program will be self-sustaining and will not be the beneficiary of fundraising activities sponsored or conducted by the SPST.

The Master's program strives to promote good community relations between Americans and Germans in the Stuttgart Military Community.