



## **CLAN FARQUHARSON UK CONSTITUTION**

There shall be formed a society based on the Highland Clan Farquharson and named "Clan Farquharson UK" (hereinafter called "the clan").

### **1. OBJECTS**

The objects of the clan are:

- 1.1. To promote the Scottish clan system.
- 1.2. To promote Scottish highland culture, music, dance and dress.
- 1.3. To organise activities for its members.
- 1.4. To assist members to trace family and clan history.
- 1.5. To continue the traditions and heritage of the clan.
- 1.6. To cultivate a spirit of kinship and pride amongst its members.

### **2. ACTIVITIES**

The clan may organise and fund the following activities:

- 2.1. Social events.
- 2.2. Cultural events.
- 2.3. Fundraising for the clan or others.
- 2.4. Activities in support of other organisations.

### **3. MEMBERSHIP**

Membership shall be open to the following:

- 3.1. Those who or whose relatives bear the surname of Farquharson or one of the septs of the clan.
- 3.2. Others who declare their support for the clan subject where necessary to the approval of the committee.
- 3.3. The clan be under no obligation to accept any person into membership and no person shall have the right to membership. A decision to not accept a membership application from any person shall be made by any two of the President, Vice President and Secretary and the decision shall be ratified by a committee meeting.
- 3.4. Full membership shall apply to adults over the age of 18 years.
- 3.5. Family membership shall apply to up to two full members (parents or guardians) and their dependants under the age of 18 years.

- 3.6. Honorary Vice Presidents and Honorary Members may be nominated by any full member, the Clan Chief or his heirs, and appointed or expelled at a general meeting.
- 3.7. The committee may suspend honorary membership at their discretion pending the suspension being brought to a general meeting.
- 3.8. Membership shall cease forthwith due to any of the following events:-
  - 3.8.1. Failure to pay within 28 days of the annual subscription becoming due on 1st September.
  - 3.8.2. Expulsion from the clan (see paragraph 11.12.14 below). Any expulsion from membership shall be on a permanent basis.
  - 3.8.3. Resignation.
- 3.9. Full members are entitled to vote at any general meeting.
- 3.8.4. Honorary Vice Presidents and Honorary Members shall have the same rights as full members.

#### **4. CODE OF CONDUCT**

- 4.1. All members shall respect all other persons and shall treat everybody equally irrespective of their age, disability, ethnicity, gender, politics, religion, sexual orientation.
- 4.2. All members shall conduct themselves with proper decorum.
- 4.3. All members shall not do or say anything which shall bring the clan, its officers or members into disrepute
- 4.4. Any member who shall commit a significant criminal offence or receive any formal warning from the police or who has significant legal proceedings, whether civil or criminal, brought against them shall be held to have breached this code of conduct.

#### **5. COMMITTEE**

The Clan shall be managed by a committee on the following basis:-

- 5.1. The officers of the committee shall be:
  - 5.1.1. President.
  - 5.1.1. Immediate Past President.
  - 5.1.2. Vice President.
  - 5.1.3. Secretary.
  - 5.1.4. Membership Secretary.
  - 5.1.5. Treasurer.
  - 5.1.6. Website Manager.
  - 5.1.7. Editor of the Lion's Face.
  - 5.1.8. Two further full members.
  - 5.1.9. The committee may co-opt up to two further full members to serve for the remainder of the period up to the next AGM following co-option.
  - 5.1.10. The committee may, instead of co-opting a full member as set out above, co-opt a non-member who has a particular interest or expertise that the clan requires.

- 5.1.11. The Clan Chief and his immediate heir shall be invited to attend committee meetings and may speak but not vote.
  - 5.1.12. Full members may attend committee meetings and speak but not vote.
  - 5.1.13. A quorum at committee meetings shall consist of one of either President, Immediate Past President or Vice President plus two members.
  - 5.1.14. In the event that a complaint is made against any committee member that committee member shall leave the room when the complaint is discussed and shall not take any part in discussions on the complaint with other committee members. That committee member must be kept always at arm's length.
- 5.2. The functions of the committee shall be:
- 5.2.1. An annual general meeting shall be called in each calendar year.
  - 5.2.2. No member of the committee may be remunerated.
  - 5.2.3. Committee members may claim expenses but only when such expenses have been approved in advance by the committee.
  - 5.2.4. Full members may attend committee meetings and speak, but not vote. In the event of a tied vote the chairman of the committee shall have a second or casting vote.
  - 5.2.5. Each committee member shall retire at the next AGM and be eligible for re-election.
  - 5.2.6. A committee member may resign by giving written notice to the President or Vice President. The consequent vacancy may be filled on an ad-hoc basis.
  - 5.2.7. The President shall serve for not more than three consecutive years and shall not be eligible for re-election for the next three years except that in the event of no candidate being available at the end of a presidential term of office, the current incumbent may be re-elected to serve a further year.

## **6. ACCOUNTS AND FINANCE**

The Treasurer shall carry out the following:

- 6.1. Keep all accounts of the clan.
- 6.2. Account for all money received and all expenses paid.
- 6.3. Present at each AGM and general meeting a detailed account for the preceding accounting period. Such accounts are to be scrutinised by another clan member prior to presentation at the AGM.
- 6.4. Report immediately to the President or any committee member any suspected irregularity with the clan bank or accounts.
- 6.5. Withdrawals by all methods from the clan's bank accounts shall be on the signatures of two of the following: Treasurer plus one of the persons listed in 5.1.1 to 5.1.7 above. In the event of the non-availability of the Treasurer withdrawals may be made on the signatures of the President and one of the persons listed in 5.1.1. to 5.1.7 above.

## **7. SECRETARY**

The secretary and/or membership secretary shall carry out the following:-

- 7.1. Maintain an up to date membership list and in accordance with the Data Protection Act 1998.
- 7.2. Liaise with the treasurer on all membership subscriptions including those paid by direct debit and standing order.
- 7.3. Check that all of the committee are fully paid up members.
- 7.4. Administer all complaints in accordance with paragraph 11 herein.
- 7.5. Deal with enquiries and correspondence received.
- 7.6. Give notice to committee members of all committee meetings.
- 7.7. Publish agendas and minutes for each committee and general meeting in consultation with the President and any appropriate committee members
- 7.8. Distribution of the Lion's Face and other documents as appropriate.

## **8. WEBSITE MANAGER**

The website manager shall be responsible for the following:

- 8.1. Ensuring the clan website is regularly reviewed and updated.
- 8.2. Liaise with the President and committee members as appropriate before making any significant changes to the content, style or layout of the website.
- 8.3. Report to the committee and AGM.
- 8.4. Ensure nothing of a personal, offensive or controversial nature is published on the website and in the event that such appears to bring that to the attention of the committee without delay.
- 8.5. Liaise with our overseas associations on the exchange in both directions of material suitable for inclusion in the other publications.

## **9. EDITOR OF THE LION'S FACE**

- 9.1. Prepare and edit each edition of the Lion's Face ready for printing and publication.
- 9.2. Ensure at least two editions of the Lion's Face are issued in each year at times set by the committee.
- 9.3. Liaise with the President and other committee members as appropriate on the content of each edition.
- 9.4. Ensure nothing of a personal or controversial nature is contained in any edition of the Lion's Face.
- 9.5. Liaise with our overseas associations on the exchange in both directions of material suitable for inclusion in the other publications.

## **10. GENERAL MEETINGS**

A General Meeting will be held each in calendar year on the following basis:

- 10.1. A quorum shall be 10 full members.

- 10.2. The Chair shall be the President or if absent the Vice President or if absent the Immediate Past President or if absent the person elected by those members present.
- 10.3. Committee members holding a specific office shall present a report.
- 10.4. Notice of all general meetings shall be sent by post or electronically to members not less than 28 days before the meeting.
- 10.5. Notice of each general meeting shall be posted prominently on the clan website.
- 10.6. Each full member is entitled to one vote.
- 10.7. A member may give a written and signed proxy vote to another full member and such proxy shall be registered with the chairman of the meeting at which it is to be used before the start of that meeting. Proxies may be given by email and the printed email shall comply with this paragraph.
- 10.8. All resolutions shall be proposed and seconded, and carried by a simple majority vote. In the event of a tie the Chair shall have a second or casting vote.
- 10.9. All motions from members shall be registered with the President or Vice President at least 7 days prior to the meeting.
- 10.10. The election of officers and committee members.
- 10.11. The annual subscription shall be set.
- 10.12. Extraordinary General Meetings may be called by the committee or on a motion signed by not less than 10 full members and on receiving such a motion the committee shall be obliged to hold an EGM as set out above.
- 10.13. The constitution may be amended at any general meeting that has an attendance of at least 10 full members.

## **11. COMPLAINTS**

Any full member may make a complaint against another full or honorary member of the clan for breaching the Code of Conduct set out above on the following basis:-

- 11.1. The complaint is made in writing or by email signed by the complainant.
- 11.2. The person against whom the complaint is made (the respondent) shall be named.
- 11.3. The event(s) giving rise to the complaint shall have been within 28 days of the date the complaint is made unless there are exceptional circumstances why this time limit could not be complied with. The committee shall be at liberty to not allow this time limit to be exceeded and their decision shall be final.
- 11.4. The President or Vice President with one other committee member may dismiss any complaint at the outset if they consider it to be vexatious, trivial or mischievous.
- 11.5. The complaint shall be set out concisely, in numbered paragraphs, with each matter complained of being made clear and all supporting facts to be clearly set out.
- 11.6. Any statements of other persons or documents in support of the complaint shall be copied with the complaint.
- 11.7. The complaint shall be sent to the secretary by post or (preferably) email.
- 11.8. The secretary will acknowledge the complaint as soon as practicable.
- 11.9. The secretary will send a copy of the complaint and all supporting documents to the respondent.

- 11.10. The respondent shall make any desired response to the complaint within 28 days and such response shall be in writing or email and to include any statements or supporting documents.
- 11.11. The secretary will copy the respondent's response to the complainant as soon as practicable.
- 11.12. The President or Vice President shall appoint any two committee members to consider the complaint and the response and they shall make decisions on how the complaint shall proceed. This may be by the appointment of a mediator with the agreement of both parties, to meet with the parties individually or together, or by arranging for the committee to determine the complaint. If a mediator is appointed then both parties shall be bound by the outcome if such is reached. The mediator may be a professional mediator with his or her fees provided for by the clan or the parties, or a committee member, or a full member, or any other person considered suitable and acceptable to all parties. If no mediator is appointed or no outcome is reached then the complaint will be determined by the committee on the following basis:-
  - 11.12.1 The committee may decide to not hear any complaint if it is considered that another forum is better placed to determine the complaint That decision may be taken prior to holding a meeting to determine the complaint.
  - 11.12.1. There will be a face-to-face committee meeting called specifically for the purpose of determining the complaint and no other item shall appear on the agenda. This shall not prevent the holding of back-to-back committee meetings.
  - 11.12.2. The committee meeting shall be a closed meeting and no other full members shall be entitled to attend.
  - 11.12.3. The parties shall be given not less than 28 days notice of the date, time and venue of the meeting.
  - 11.12.4. There must be at least 3 committee members present.
  - 11.12.5. The complainant and respondent shall be entitled to attend without legal representation but may bring a friend for moral support and such friend shall not be entitled to speak.
  - 11.12.6. The complainant followed by the respondent shall be at liberty, if they so wish, to address the committee.
  - 11.12.7. No witnesses shall be called in person.
  - 11.12.8. The committee may call for further evidence or documents.
  - 11.12.9. The committee may adjourn the meeting to a later date whether during or at the end of a meeting.
  - 11.12.10. The committee may reserve its decision to a later date.
  - 11.12.11. The committee's decision shall be final and no enquiries or appeals will be entertained.
  - 11.12.12. The committee shall give simple reasons for their decision.
  - 11.12.13. The committee may impose any sanction with the consent of both parties.
  - 11.12.14. The committee may suspend or expel from membership either or both of the complainant and respondent.

- 11.12.15. Committee members attending the meeting may claim their travel costs only, and these shall not exceed second class rail travel, economy air flight or 45p per mile, whichever is appropriate. The complainant and respondent shall stand their own expenses in any event.
- 11.12.16. The Clan Chief, his immediate heir, Honorary Vice Presidents and Honorary Members shall take no part in the disciplinary process, except by way of being appointed mediator in accordance with paragraph 11.12.

## 12. WINDING UP

- 12.12. The clan may be wound up if paid up members are less than 10 in number or the clan is insolvent and at a general meeting there is either a majority vote to wind up the clan or to merge with another organisation.
- 12.13. On winding up the funds of the clan shall be disposed of in the following manner:-
  - 12.13.1. Disposal shall be on a majority vote at the general meeting at which the winding up is agreed or a later general meeting set for that purpose.
  - 12.13.2. All liabilities of the clan shall first be established and paid.
  - 12.13.3. The balance then remaining may be paid to any one or more of the following organisations on the percentage set by the general meeting:-
    - 12.13.3.1.1. Ballater Highland Games.
    - 12.13.3.1.2. Ballater & District Pipe Band.
    - 12.13.3.1.3. Braemar Castle.
    - 12.13.3.1.4. Any other organisation which has similar objectives to the clan.
    - 12.13.3.1.5. The balance of funds may not be paid to any individual, any full member or honorary vice president or honorary member.

This constitution was adopted on 16 January 2016 by the clan committee under paragraph 12 of the minutes of the AGM held on 14 August 2015.

SIGNED Alan Caig, President