

Seitenwechsel – Sportverein für FrauenLesbenTrans*Inter* und Mädchen e.V.

last modified on 28th of October 2021

§ 1 Name, main office, financial year

1. The association is called "Seitenwechsel - Sportverein für FrauenLesbenTrans*Inter* und Mädchen e.V." The short forms "Seitenwechsel e.V." or "SV Seitenwechsel FLTIM e.V." can be used. The association is registered in the register of associations at the district court Berlin-Charlottenburg.
2. The main office of the association is Berlin.
3. The financial year matches the calendar year.

§ 2 Purpose of the association

1. The association pursues exclusively and directly charitable purposes within the meaning of the section "tax-privileged purposes" of the German Tax Code, namely by practising sport. The purpose is realized in particular by the support and practice of the sports swimming, badminton, basketball, boxing, football, volleyball, karate, self-defence.
The association supports children's / youth / adult / popular / competitive / health / and senior indoor sports.
Members of the association are entitled to participate in regular training and competitions.
2. Furthermore, the association pursues the purpose of fostering a feminist sport and movement culture in order to support and develop the self-determination of girls, lesbians, women, trans* and inter* in sport and everyday life. In particular, this means the establishment and promotion of a wide range of partisan sports and exercise programmes, as well as the development of scientific concepts for theory and practice.
3. The association is neither denominationally bound nor tied party-politically. It shall provide competent and up-to-date support for girls, women or rather Trans* and Inter* notwithstanding of their gender identity, sexual orientation, origin, racist ascriptions, social status, possible disability and age are offered in order to contribute to the elimination of social disadvantages and to realise the social claim to self-determination.
4. The respective offers of the association are determined by the interests of the association according to the contents of § 2 paragraph 1.

§ 3 Common public interest and principles for activities

1. The association pursues exclusively and directly charitable purposes in the sense of the tax code (§§ 51ff. AO 1977 or equivalent tax provisions replacing them).
2. The association is selflessly active; it does not pursue any self-economic purposes.
3. Any gains may only be used for statutory purposes. Members of the association do not receive any shares in profits and in their capacity as members of the association no other benefits from the association's funds.
No person may be favoured by expenses that are alien to the purposes of the association or by disproportionately high remuneration.
4. The bodies of the Association (§ 8) may carry out their activities for an appropriate remuneration. If necessary, offices of the association can be exercised within the framework of budgetary possibilities against payment on the basis of a contract of service or against payment of an expense allowance in accordance with § 3 Nr. 26 a EstG. The decision about an association activity against payment is made by the board of directors. The same applies to the contents and terms of the contract.

§4 Admission to national associations

The association strives for membership in the professional associations of the Landessportbund Berlin e.V., whose sports are practiced in the association, and recognizes their statutes and regulations.

§ 5 Membership

1. The following can become members of the association
 - a. Children with the consent of their legal representatives,
 - b. natural persons whose gender entry is 'female' or 'diverse' or has no entry,

- c. natural persons to whom the gender entry 'female' or 'male' has been assigned at birth, but who feel incorrectly or insufficiently described by this entry,
2. and juristic legal persons who are willing to support the tasks and goals of the association. Juristic legal persons have a vote in the General Assembly just like natural persons.
3. After a written application, the board of directors decides on admission by simple majority. If the application for admission is rejected, the next General Assembly may decide on admission by simple majority.
4. Membership of the association ends by resignation, exclusion, deletion or death of the person belonging to the association as well as by deletion of the association.
5. Withdrawal from the Association shall be notified to the board directors in written application form, giving two months' notice to the end of a calendar month.

§ 6 Disciplinary measure

1. The board of directors may impose sanctions against members of the association on the grounds of substantial violation of obligations under the statutes or violation of regulations and resolutions:
 - a) due to arrears with contributions of more than half a year contribution despite reminder,
 - b) if a person behaves in a manner damaging to the association, a serious violation of the interests of the club or gross unsportsmanlike conduct
 - c) due to serious violations of the prohibition of violence, regardless of whether it is physical, mental or sexualized.
2. Disciplinary measure are:
 - a) Expulsion
 - b) Temporary ban on participation in sports activities and events of the association
 - c) Exclusion from the association
3. In cases § 6.1. b, c the person concerned must be given the opportunity to express their views before the decision is taken. The person shall be summoned with a written invitation to the hearing of the Board of directors with a minimum period of 14 days.

This period shall begin on the day of dispatch. The decision on the measures shall be sent to the person concerned by registered mail. An appeal against the decision may be made to the General Assembly. The appeal must be lodged in writing within two weeks of receipt of the decision. The decision of the General Assembly is final. The decision shall be deemed to have been received on the third day after posting to the last address of the person concerned known to the Association.

The right to judicial review of the decision remains unaffected. After termination of membership of the Association, the obligation to pay the amounts due up to that point in time remains in force.

§ 7 Dues

1. Dues are collected from the members of the association.
2. The association has its own membership fee regulations. The General Assembly decides on the membership fee regulations.
3. The Advisory board decides on the reduction, deferment or exemption of the membership fees on a case-by-case basis.

§ 8 Bodies of the Association

1. Plenary assembly
2. Executive Board
3. Advisory board
4. Departments
For each sport practised in the club can, if necessary, be set up by the advisory board as a separate department, which is dependent on the budget management. The financial affairs of the departments are regulated by the executive board. The departments regulate their sporting matters themselves. The overall interest of the association must not be affected. The provisions of these constitutions apply respectively to the Department. A contact person is appointed for the department.

§ 9 Plenary assembly

1. The plenary assembly shall be convened at a minimum of once a year by the executive board in a

written letter sent by e-mail to the e-mail address last notified to the Association or in a simple letter to the address last notified to the Association.

2. The invitation to the ordinary plenary assembly shall be issued with a notice period of two weeks and shall include the agenda. Planned changes to the Constitution must be listed in the invitation in the old and new wording. Applications for the plenary assembly must be submitted in written form to the executive board at least 8 days before the meeting.
3. The plenary assembly shall have a quorum if it has been duly convened. This must be pointed out in the invitation.
4. The resolutions of the plenary assembly shall be adopted by simple majority of the valid votes cast. Decisions on amendments to the Constitution require a two-thirds majority of the votes cast, in the case of dissolution a three-quarters majority of the votes cast. In the event of dissolution, at least two thirds of the members of the Association must be present. In case of absence of a quorum, the executive board is obliged to call up a second general meeting with the same agenda within one week, which has a quorum regardless of the number of persons present. This must be pointed out in the invitation.
5. Upon written request, stating the reasons and purpose, an extraordinary plenary assembly shall be convened within one month by a majority of the Advisory board or 20 % of the members of the Association.
6. The Assembly elects one person each to chair the meeting and take the minutes. The resolutions of the plenary assembly must be recorded in the minutes and made available to the members of the association.

§ 10 Online general meeting and written resolutions

1. Notwithstanding Section 32 (1) sentence 1 of the German Civil Code (BGB), the Executive Board may, at its discretion, decide and announce in the invitation that the members of the association may participate in the general meeting without being present at a meeting venue and exercise their rights as members of the association by means of electronic communication (online general meeting).
2. The Executive Board may adopt suitable technical and organizational measures for the conduct of such a general meeting in "Rules of Procedure for Online General Meetings", which are intended in particular to ensure that only members of the association participate in the general meeting and exercise their rights.
3. the "Rules of Procedure for Online General Assemblies" are not part of the Articles of Association. The Executive Board shall be responsible for adopting, amending and repealing these rules of procedure, which shall be decided by a simple majority. The current version of the rules of procedure shall become binding for all members of the association upon publication on the association's homepage.
4. The provisions of this section apply accordingly to Board meetings and Board resolutions.

§ 11 Tasks of the plenary assembly

1. Election and recall of the executive board.
2. Election and recall of the advisory board.
3. Election and recall of a person for auditing the cash desk check out.
4. Receipt of the report of the person who audited the cash desk.
5. Passing of resolutions on amendments to the statutes and dissolution of the association.
6. Resolution on the contradiction against the non-admission or the exclusion of members of the association.
7. Changes and additions to the agenda.
8. Discharge of the executive committee.
9. Determination of the contribution rules.

§ 12 Voting rights and eligibility

1. All members of the association have voting and election rights.
2. The right to vote can only be exercised personally.
3. All members of the Association who are of full age and legally competent may be elected.

§ 13 Executive Board

1. The executive board consists of three equal members of the association, two of them represent the association in court or out of court.
2. The executive board is elected by the plenary assembly for a period of one year. It remains in place until the election of a new executive committee.
3. If a person leaves the executive board prematurely, the executive board may, after consulting the advisory board, elect a new person for the remaining term of service or continue their business until the election of a new executive board.
4. The executive board has the following main tasks:
 - ensure that the purposes of the association are achieved;
 - to conduct the current business and to administer the association's assets;
 - to keep records of income and expenditure;
 - to prepare the annual accounts;
 - to set up the accounts of the association.

In addition, the executive board may appoint authorised representatives for specific tasks.

5. The executive board may adopt its own rules of procedure.
6. The executive board or individual persons from the executive board can be dismissed contrary to clause 2 by a vote of no confidence with a two-thirds majority of the votes cast, if a new executive board or a new member of the executive board is elected in the same general meeting with a simple majority of the votes cast.
7. The executive committee is entitled to appoint and call upon a management as special representation in accordance with § 30 BGB (German Civil Code), if required, task-related, for individual projects or for a limited period of time after consultation of the advisory board; it advises and monitors the management (for special legality, expediency and economic efficiency) and discharges it. It may issue instructions to the management in general or in individual cases.
8. The executive board is entitled to employ full-time staff.

§ 14 Advisory board

1. The Advisory board is composed of the executive board and members of the Association to be elected annually by the General Assembly.
2. The Advisory board shall define its own rules of procedure.
3. The plenary assembly decides on the method of election and the number of members to be elected.
4. The tasks of the advisory board include everything that does not have to be regulated by the executive board or the plenary assembly.

§ 15 Dissolution of the association

1. The dissolution of the association can only be decided by the general assembly with the majority stipulated in § 9, paragraph 4.
2. In case of dissolution of the association or discontinuation of tax-privileged purposes according to § 2 of these statutes, the association's assets, as far as they exceed existing liabilities, will fall to the association "Spinnboden Lesbenarchiv und Bibliothek e.V.", which has to use it exclusively and directly for charitable purposes according to the German Fiscal Code. If the benefiting association is not non-profit at the time of the dissolution of "Seitenwechsel - Sportverein für FrauenLesbenTrans*Inter* und Mädchen e. V.", the association's assets will be transferred to "Lesbenberatung - Ort für Kommunikation, Kultur, Bildung und Information e. V."

§ 16 Entry into force

The statutes were adopted in their present form on 24.04.2008 by the plenary assembly of the Association and revised on 12.04.2019. It comes into force after entry into the register of associations. Any editorial changes due to orders of the court or other authorities can be made by the executive board of the association on its own initiative.