

# **UNIVERSITY SPORT SOUTH AFRICAN**



## **PROTOTYPE CONSTITUTION USSA SPORT ASSOCIATIONS**

**MARCH 2009**

# UNIVERSITY SPORT SOUTH AFRICAN

---

## PROTOTYPE CONSTITUTION FOR USSA SPORT ASSOCIATIONS

### PREAMBLE

By the authority of the Constitution of University Sport South Africa (USSA), the USSA [Sport] (e.g. Cricket) Association is hereby formed to promote and to govern the playing of [Sport], in accordance with the provisions of the Constitution of USSA, for all its members with powers, duties and obligations set out herein.

*Note: Where the word [Sport] appears in this document, it is to be replaced by the name of the particular sport, e.g. Rugby, Cricket, Netball, etc.*

# CONTENTS

Article 1	:	Name of the Association	5
Article 2	:	Headquarters	5
Article 3	:	Aims, Objective and Powers	5
Article 4	:	Colours and Emblem	6
Article 5	:	Jurisdiction	6
Article 6	:	Legal Status of the Association	6
Article 7	:	Membership	7
		7.1. Categories of Membership	7
		7.2. Application for Membership	7
		7.3. Termination of Membership	7
		7.4. Honorary Officials	8
Article 8	:	Structures	8
		8.1. Executive Committee	8
		8.2. Termination of Membership	9
		8.3. Duties of Office Bearers	9
		8.4. Sub-Committees	11
Article 9	:	Powers of the Association	12
Article 10	:	Meetings	12
		10.1. Annual General Meeting	12
		10.2. Special General Meeting	13
Article 11	:	Quorums	14
Article 12	:	Finance	14
Article 13	:	Laws of the Games	15
Article 14	:	Student Status	15
Article 15	:	Affiliation and Representation	16
Article 16	:	Amendments to the Constitution	16
Article 17	:	Dissolution of the Association	16

**TERMS AND ABBREVIATIONS USED IN THIS DOCUMENT**

**The following terms and abbreviations should be interpreted in the context of this constitution:**

USSA	University Sport South Africa
NUSA	National University Sports Association
Ordinary member	A student [Sport] club which has been admitted to membership of the Association in terms of Article 7.1.1 of this Constitution
Institutional member	A tertiary institution which has been admitted to membership of the Association in terms of Article 7.1.2 of this Constitution
Day	Any calendar day, including Saturday, Sunday or public holiday
Month	Any calendar month
Chairperson	The duly-elected Chairperson of the Association or any person deputising for him/her in terms of this Constitution
General Secretary	The duly-elected General Secretary of the Association or any member of the Executive Committee appointed by the Executive Committee to perform the functions of such person
General Meeting	Any Annual, Biennial or Special General Meeting of the Association

## **ARTICLE 1: NAME OF THE ASSOCIATION**

The name of the organisation shall be UNIVERSITY SPORT SOUTH AFRICA [*SPORT*] (hereinafter referred to as "USSA [*SPORT*]").

## **ARTICLE 2: HEADQUARTERS**

The Headquarters of the Association shall be as determined from time to time by a resolution of the Annual General Meeting or a Special General Meeting.

## **ARTICLE 3: AIMS, OBJECTIVES AND POWERS**

- 3.1 The aims, objectives and powers of the Association shall be constrained by the following principles:
- 3.1.1 the unhindered participation in [*Sport*] by any student registered at a tertiary institution registered with University Sport South Africa (USSA);
  - 3.1.2 a general unity of purpose and action of members of the Association;
  - 3.1.3 mutual respect amongst members without any form of discrimination based on race, religion and gender;
  - 3.1.4 respect for and the recognition of the authority of the Association and USSA.
- 3.2 The aims and objectives of the Association shall be:
- 3.2.1 to uphold and promote the founding principles, rules and regulations, as well as the aims and objectives of USSA;
  - 3.2.2 to facilitate the development of [*Sport*], contact and competition amongst members at all levels;
  - 3.2.3 to encourage interest in and the playing of [*Sport*] at all institutions registered with USSA;
  - 3.2.4 to encourage and to assist in the dissemination of literature and information which may further the aims of the Association;
  - 3.2.5 to take such steps as it may deem necessary to maintain and/or improve the standard of the sport in all institutions registered with USSA;
  - 3.2.6 to administer, coordinate and govern the playing of [*Sport*] under the jurisdiction of the Association;
  - 3.2.7 to enforce the Laws of [*Sport*] recognised by the National Sports Federation, subject to the provisions as contained in Article 13 hereunder;

- 3.2.8 to make, amend and repeal such rules, regulations and by-laws as may be necessary for the efficient governing, regulating and control of [*Sport*] and to enforce the carrying out thereof, subject to the provisions of the USSA Constitution and Regulations;
- 3.2.9 to formulate, amend and coordinate the conditions under which competitions under its immediate jurisdiction are contested, subject to the provisions of the USSA Constitution and Regulations;
- 3.2.10 to arrange, coordinate, regulate and finance - in conjunction with relevant governing bodies - tours by appropriate teams to and from South Africa, subject to the provisions of the USSA Constitution and Regulations;
- 3.2.11 to raise and administer funds according to the Financial Policies and Regulations of USSA;
- 3.2.12 to distribute monies to its members for the protection, promotion and advancement of [*Sport*].

#### **ARTICLE 4: COLOURS AND EMBLEM OF THE ASSOCIATION**

- 4.1 The colours and the Emblem of the Association shall be as provided for in the USSA Constitution and Regulations.
- 4.2 The regulation of such colours shall be in accordance with the USSA selection policies and Regulations.

#### **ARTICLE 5: JURISDICTION**

- 5.1 The area of jurisdiction of the Association shall be all tertiary education institutions registered with USSA.
- 5.2 Each member shall accept the authority of USSA and the Association in all matters relevant to [*Sport*] at tertiary education level.

#### **ARTICLE 6: LEGAL STATUS AND INDEMNITY**

- 6.1 The Association is universitas personarum, being a voluntary association independent of its members and has the capacity to sue or be sued in its own name.
- 6.2 The office bearers, employees, or any other appointed official of the Association shall be indemnified by the Association against all costs, losses and/or expenses which he/she may incur or become liable for by reason of any act or omission in discharge of his/her duties, unless the loss in question is caused by his/her gross negligence, dishonesty or intentional action which may bring the organisation into disrepute.

- 6.3 No person or member shall have any right to claim assets belonging to the Association, nor incur any liabilities for its obligation.
- 6.4 All legal proceedings shall be brought by or against the Association, and the Association may authorise any member of its Executive Committee to act on its behalf and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.
- 6.5 The Association and USSA shall not be responsible for liabilities incurred by members or individuals prior to its formal and legal establishment.
- 6.6 The Association does not envisage profit-seeking for itself or its members.

## **ARTICLE 7: MEMBERSHIP**

### **7.1 CATEGORIES OF MEMBERSHIP:**

#### **7.1.1 Ordinary Members**

Any student [*Sport*] club of a member tertiary education institution of USSA may be granted ordinary membership of the Association.

#### **7.1.2 Institutional Members**

Any tertiary education institution which is a member of USSA may, whether or not it has an established and operational [*Sport*] club, be granted institutional membership of the Association. Such member(s) may attend all meetings of the Association and may speak, but shall not have the vote.

### **7.2 APPLICATION FOR MEMBERSHIP:**

- 7.2.1 Applications for membership of the Association shall be in writing or on advice of USSA.
- 7.2.2 Any application for institutional membership of the Association shall be made through the USSA National Secretariat and the Association shall be informed accordingly.

### **7.3 TERMINATION OF MEMBERSHIP:**

- 7.3.1 Any member may terminate its membership of the Association by submitting to the General Secretary written notice of such termination.
- 7.3.2 Should any member consistently contravene the provisions of this Constitution or any by-laws, rules or regulations made there-under or consistently bring the Association into disrepute, the Association may by resolution at a General Meeting, acting on the recommendation of the Executive Committee, either suspend the membership of such member for a

specific or definite period, or terminate its membership, provided that such termination or suspension shall receive the approval of a two-thirds majority of the votes present at the meeting, and subject to an appeal to USSA.

- 7.3.3 Should any member cease to be a member of USSA.
- 7.3.4 Termination or suspension of membership shall not in any way nullify any financial liability of members of the Association.
- 7.3.5 Termination of membership shall result in the immediate forfeiture of all rights of the member to participate in any of the activities of the Association or to receive assets, funds or otherwise, of the Association.
- 7.3.6 Suspension of membership shall, during the period of suspension, result in the immediate forfeiture of all rights of the member to participate in any of the activities of the Association or to receive assets, funds or otherwise of the Association.

#### **7.4 HONORARY OFFICIALS:**

The Association may create such honorary office as it deems fit by means of a two-thirds majority vote at an Annual General Meeting and may at any Annual General Meeting appoint persons to occupy such office until the end of the following Annual General Meeting. Such appointments are subject to the ratification of USSA.

### **ARTICLE 8: STRUCTURES**

Only officials (i.e. full time employees of a member institution of USSA) and students of ordinary members of the Association may serve on the committees of the Association. All committees shall include at least two student representatives or at least two staff members.

#### **8.1 EXECUTIVE COMMITTEE:**

- 8.1.1 The Executive Committee of the Association shall consist of the following portfolios:
  - (i) Chairperson;
  - (ii) Vice-Chairperson;
  - (iii) General Secretary;
  - (iv) Tournament Secretary;
  - (v) Treasurer;
  - (vi) Development Officer.

The composition of the Executive Committee shall be consistent with the provisions of the USSA Constitution and Regulations, i.e. a minimum of two (2) bona fide students and a minimum of two (2) administrators/officials in the employ of a member.

- 8.1.2 The Executive Committee shall be elected at the Annual/Biennial General Meeting and shall hold office until the end of the following Annual/Biennial General Meeting.
- 8.1.3 All nominations (duly accepted in writing by the candidates) for election to the Executive Committee shall be made in writing and shall reach the General Secretary at least twenty (20) days before the Annual General Meeting, with the proviso that if there are no written nominations for any office, nominations for any such office may be made from the floor during the meeting.

**8.2 TERMINATION OF MEMBERSHIP OF THE EXECUTIVE COMMITTEE:**

- 8.2.1 Any member of the Executive Committee may be discharged from office by the unanimous decision of the other members of the Executive Committee provided the Executive Committee has substantial grounds for regarding him/her unfit to continue in office, subject to ratification by a General Meeting of the Association or the National Executive Committee of USSA.
- 8.2.2 Any person may terminate his/her membership of the Executive Committee by submitting to the General Secretary written notice of such termination.
- 8.2.3 The Executive Committee shall fill by means of an ad hoc appointment any vacancy that may occur on the Committee, provided that all members of the Association are notified in writing of such an appointment within thirty (30) days of the appointment.

**8.3 DUTIES OF THE EXECUTIVE COMMITTEE AND OFFICE BEARERS:**

- 8.3.1 The Executive Committee shall be responsible for furthering the aims and pursuing the objective of the Association.
- 8.3.2 The Committee shall particularly:
- (a) attend to the day to day administration of the Association;
  - (b) exercise control over the Association's finances and take all financial decisions, subject to a report to the Annual General Meeting and with due regard to any instructions that may be issued by the Annual General Meeting. Such instructions shall not retroactively invalidate any action already performed by the Committee;
  - (c) grant to such officials as it may deem fit the authority to sign, issue, accept, endorse, draw and execute on behalf of the Association any negotiable instruments, powers of attorney or other deeds or instruments as may be necessary for the administration of the Association;
  - (d) take such steps as it deems proper for the furtherance of the aims of the Association subject to a report to the Annual General Meeting;

- (e) submit regular reports to the Council of USSA.
- 8.3.3 The Executive Committee shall meet at least two (2) times per year and a summary of decisions taken shall be circulated to all members within thirty (30) days of the meeting.
- 8.3.4 The Chairperson shall preside at all Executive Committee and General Meetings of the Association.
- 8.3.5 In the absence of the Chairperson, the Vice-Chairperson shall preside at all Executive Committee and General Meetings of the Association.
- 8.3.6 In addition to the duties granted to the General Secretary in terms of the Constitution, the General Secretary shall have the following specific duties:
- (a) record the minutes of General Meetings of the Association, a copy of which shall within thirty (30) days of the meeting, be circulated to each member at its last designated address;
  - (b) record the minutes of all Executive Committee meetings;
  - (c) maintain a record of the names and designated addresses of all officials and members of the Association;
  - (d) undertake such correspondence and other duties as the Executive Committee may from time to time prescribe;
  - (e) maintain a full and complete set of all documents, correspondence and publications of the association;
  - (f) maintain a complete record of the history and business of the Association, such record to be lodged with such recognised archives as the Annual General Meeting may from time to time prescribe.
- 8.3.7 The Tournament Secretary shall have the following duties:
- (a) establish hosts for tournaments for a period of (3) years;
  - (b) to continuously inform members about tournament changes;
  - (c) to act in close liaison with the host institution;
  - (d) together with the host institution facilitate the availability of officials for the tournament;
  - (e) to write a tournament report and ensure that it is sent to the National Secretariat of USSA on the prescribed report forms.

- 8.3.8 The Treasurer shall have the following duties:
- (a) shall be responsible for the coordination of the financial activities of the Association;
  - (b) initiate fundraising projects for the Association;
  - (c) draw up the Association's budget;
  - (d) ensure efficient utilisation of the Association's finances;
  - (e) give regular reports to the Executive Committee;
  - (f) present an audited financial report to the General Meetings of the Association.
- 8.3.9 The Development Officer shall have the following duties:
- (a) ensure the development of [*Sport*] amongst all members;
  - (b) facilitate development projects in consultation with the National Federation and the National Executive Committee of USSA;
  - (c) facilitate training camps for the Association's national teams;
  - (d) give regular reports to the Executive Committee.
- 8.3.10 Every member of the Executive Committee or subcommittee shall submit to the General Secretary without delay a copy of every item of correspondence received or signed by such member on behalf of the Association.
- 8.3.11 The Chairperson in consultation with the Executive Committee may allocate duties to any member of the Committee or appointed official.

#### **8.4 SUBCOMMITTEES:**

- 8.4.1 The Executive Committee shall appoint such subcommittees as it deems necessary for the furtherance of the aims, objectives and the efficient administration of the Association.
- 8.4.2 Subcommittees shall consist of members of the Executive Committee, representatives of the members of the Association and/or any other person deemed necessary for the execution of its duties. With the exception of the selections subcommittee, all other subcommittee shall be convened by a member of the Executive Committee.
- 8.4.3 A full report on all decisions or acts of subcommittees shall be submitted to the Executive Committee at its next ordinary meeting and shall be recorded in the minutes of that meeting.

## **ARTICLE 9: POWERS OF THE ASSOCIATION**

The Association derives its authority and existence from the provisions in the Constitution of USSA and shall in addition to the said rights, powers and duties, have the following powers without in any way diminishing the provisions contained in the USSA Constitution:

- 9.1 Administer, allocate and/or grant subsidies out of the funds and other assets of the Association for purposes intended to promote the interests and further the aims and objectives of the Association;
- 9.2 Compensate any appointed official and/or auditor of the Association out of its funds in respect of any costs, losses and expenses which may be incurred by such a person in the performance of his/her duties on behalf of the Association, except through dishonesty, bad faith or gross neglect;
- 9.3 Make, vary and repeal rules, regulations and by-laws governing the affairs of the Association, provided amendments do not conflict with any of the provisions contained in this Constitution and/or the Regulations of USSA;
- 9.4 Hear, deal with, and decide upon any matters or appeals submitted by members;
- 9.5 Select or to arrange for the selection of national student teams, representative of the Association for ratification by USSA and the appropriate National Federation;
- 9.6 Appoint, dismiss or suspend such officials as it may deem necessary and to determine the terms and remuneration in respect of such appointments subject to the ratification of USSA;
- 9.7 Initiate and/or promote improvements in the Laws of [*Sport*];
- 9.8 Generally to further the aims of the Association according to the principles of the Association and for such purposes to do and to perform all such acts and things as may be required and necessary.

## **ARTICLE 10: MEETINGS**

### **10.1 ANNUAL GENERAL MEETINGS:**

- 10.1.1 Annual General Meetings of the Association shall be held once in each calendar year at a time and place to be decided by the Executive Committee, provided that not more than fifteen (15) calendar months shall elapse between such meetings.
- 10.1.2 The notice of the Annual General Meeting must be forwarded to all member clubs and the NEC of USSA at least two (2) months prior to the meeting.
- 10.1.3 Written notice of any motion to be discussed at Annual General Meetings shall be signed by the proposer and shall be received by the General Secretary

at least twenty (20) days prior to the meeting. Motion of an urgent nature, other than a proposal to amend the constitution, proposed by the Executive Committee, may without the required notice and with the consent of a two thirds majority or the delegates present, be discussed and voted upon.

- 10.1.4 The General Secretary shall circulate the final agenda with all motions submitted to him/her, to each member at its last designated address at least fourteen (14) days prior to any General Meeting.
- 10.1.5 Each ordinary member shall be entitled to appoint two delegates (one staff member and one student) to attend any General Meeting and to speak and vote on its behalf at such a meeting. Each institutional member shall be entitled to appoint one delegate to attend any General Meeting and to speak on its behalf at such a meeting, but shall not have a vote.
- 10.1.6 The Annual General Meeting shall be conducted in the following order:
- (a) reading of the notice calling the meeting;
  - (b) submission and confirmation of delegates written credentials;
  - (c) reading and confirmation by signature (Chairperson and General Secretary) of the minutes of the previous Annual General Meeting;
  - (d) reading and confirmation of the minutes of all Special General Meetings held since the previous Annual General meeting;
  - (e) matters arising from the minutes;
  - (f) presentation and adoption of the Chairperson's or General Secretary's report;
  - (g) presentation and adoption of the Treasurer's report and the audited annual financial statements;
  - (h) presentation and consideration of the reports of the subcommittees of the Association;
  - (i) motions in terms of Article 10.1.3 above;
  - (j) election of office bearers in the order set out in Article 8.1.1 above.
- 10.1.7 Each fully represented member in terms of the USSA Constitution and Regulations, shall have one (1) vote.
- 10.1.8 Executive Committee members are ipso facto full voting members of all General Meetings.
- 10.1.9 At all meetings, the Chairperson of the meeting shall have a casting vote.

## **10.2 SPECIAL GENERAL MEETINGS:**

- 10.2.1 A Special General Meeting shall be held at the request of a least forty percent (40%) of ordinary members or the Executive Committee. Such meeting shall take place, at a time and place to be determined by the Chairperson within forty (40) days of the receipt by the General Secretary of such request. Such request shall be in writing and shall contain details of the purpose of the meeting, including any motion(s) to be put to the meeting.

10.2.2 The General Secretary shall give written notice of any Special General Meeting to each member of the Association at its last designated address at least thirty (30) days prior to the meeting.

10.2.3 No business other than that of which advance notice has been given in terms of Article 10.2.1 above shall be discussed at a Special General Meeting.

## **ARTICLE 11: QUORUMS**

11.1 The quorum at any General Meeting of the Association shall be fifty percent plus one (50% + 1) of the total number of paid-up members of the Association, provided that at least five (5) institutions are present.

11.2 In the absence of a quorum at any such meeting, the commencement of the meeting shall be postponed for a period not to exceed thirty (30) minutes where after the meeting shall stand adjourned and shall reconvene at a time and at a place to be determined by the Chairperson in consultation with those delegates present immediately prior to the adjournment. Should a quorum not be present at the start of the reconvened meeting, the meeting shall proceed, subject to the following provisions:

11.2.1 that no decision taken at such meeting shall be binding on the Association until forty-five (45) days after the conclusion of the meeting; and

11.2.2 the meeting shall not be in a position to consider or approve any amendment to the Constitution of the Association.

11.3 The quorum at subcommittee meetings of the Association shall be fifty percent (50%) of the members of that committee.

11.4 In the absence of a quorum at subcommittee meetings, the members present shall constitute a quorum for the purpose of conducting business, provided that a minimum of one-third of the members of that committee are present. Decisions taken at such a meeting shall not be binding until they are ratified at the next quorate meeting of that committee or at the next Annual General Meeting, whichever is the sooner.

## **ARTICLE 12: FINANCE**

12.1 Each tertiary institution shall annually affiliate its [*Sport*] club to USSA. All affiliation fees and such other monies as determined by USSA, must be paid annually to the USSA National Secretariat before 31 March.

12.2 The business of the Association shall be conducted on a non-profit basis with the intent and purpose that its assets and income from whatever source, be applied solely towards the attainment of its aims and objectives, provided that nothing herein contained shall preclude the payment in good faith to any member or person of:

- 12.2.1 reasonable remuneration for services actually rendered to or on behalf of the Association;
  - 12.2.2 reimbursement of actual costs of expenses incurred on behalf of the Association;
  - 12.2.3 payment of such monies to members as may be deemed necessary for the protection and advancement of *[Sport]*;
  - 12.2.4 no member of the Executive Committee may for reasons other than those stated in this constitution, claim commission or whatsoever from donations and/or sponsorships he/she has raised in his/her capacity as an Executive Committee member for the Association.
- 12.3 The financial year of the Association shall be deemed to coincide with that of USSA, i.e. from the first day of January to the last day of December of the same year.
- 12.4 The accounts of the Association shall be audited annually and the audited financial statements of the Association shall be submitted to the Annual General Meeting for scrutiny and adoption.
- 12.5 No ordinary member shall be permitted representation at any General Meeting nor shall it be permitted to participate in any event, tournament or competition conducted under the auspices of the Association unless it has paid all its current and arrear subscriptions, affiliation fees and dues.

### **ARTICLE 13: LAWS OF THE GAME**

The Laws of *[Sport]* as formulated by the National *[Sport]* Federation and approved by the International *[Sport]* Federation, shall be adopted by the Association, provided that should such laws in any way be in conflict with the by-laws of the Association, the latter shall prevail.

### **ARTICLE 14: STUDENT STATUS**

- 14.1 Only a bona fide student registered with the *[Sport]* club of a member institution of the USSA in terms of Article 7.1 above, may participate in events of the Association.
- 14.2 Unless contradictory with the provision of the USSA Constitution and Regulations, a bona fide student shall be defined as:
- 14.2.1 For domestic tournaments:
    - (a) any person who is officially registered for a full time accredited higher education course of study with a tertiary education institution registered with USSA in order to obtain a degree, diploma or certificate of such an institution and whose status as a tertiary education institution is

recognised by the appropriate national academic authority in the country (i.e. Department of Education);

- (b) the above is limited to a full course of study registered with the Higher Education Qualifications Council (HEQC) and excludes students enrolled for short courses.

14.2.2 For international tournaments:

The selection of students for international events or tournaments shall be according to the appropriate international federations' rules and regulations.

## **ARTICLE 15: AFFILIATION AND REPRESENTATION**

The Association shall seek affiliation to, the National [*Sport*] Federation and such other bodies as may be determined by the Council, subject to the approval of the USSA.

## **ARTICLE 16: AMENDMENTS TO THE CONSTITUTION**

The Constitution of the Association may be amended and/or approved only at a General Meeting, subject to the requirement that written notice of motions have been submitted in accordance with Articles 10.1.3 or 10.2.1 above. Any such amendment shall be effected only with a two-third majority of the votes present at the meeting.

## **ARTICLE 17: DISSOLUTION OF THE ASSOCIATION**

- 17.1 Any motion to dissolve the Association may be considered at a Special General Meeting only and shall not take effect unless two-thirds of the votes present are cast in favour of the motion.
- 17.2 Should the Association be dissolved by any means or for any reason whatsoever, any assets of whatever nature that remain after all debts and liabilities of the Association have been settled, shall not be paid to or distributed amongst members of the Association, but shall be transferred to USSA in consultation with the National [*Sport*] Federation. Such assets shall be kept in trust for later use in an appropriate manner.