



THE CONSTITUTION OF UNIVERSITY SPORT SOUTH AFRICA (Amended: 9 APRIL 2011)

PREAMBLE AND FOUNDING PRINCIPLES

WHEREAS the sportspersons of South African institutions of tertiary education note that the state of fragmentation of student sport in South Africa was caused by policies of intentional racial division and discrimination; **and** that these policies removed from the majority of South African students the opportunity to acquire and enhance their sporting skills and to participate freely and normally; **and** recognise the need to unite sportspersons at all South African tertiary institutions; **and** for the improvement of opportunities for the acquisition of sporting skills by all South African students.

And **WHEREAS** the founder organisations herein mentioned have agreed to establish one united national body representing the interests of all students at tertiary educational institutions who are registered participants in sports which are recognised by the appropriate national and international sports structures; **WHILST** also noting the fact of system differentiation in South African tertiary education reflected in the existence of distinct university and college sectors; the possibility of different developmental needs; the differences in logical organisation; and recognising that all of the above may have an effect and bearing on the sporting needs of particular sectors.

THEREFORE the sportspersons of South African institutions of tertiary education commit themselves through the medium of sport and sporting contact to the establishment and promotion of a peaceful, united, non-racial, non-sexist and democratic society where all people are equal before the law; where they may compete equally in sporting competition; where the tenets of affirmative action apply, based on the equitable provision and distribution of sporting facilities; where normal democratic principles apply; and where the principles of accountability are upheld.

This Constitution as amended, was approved by the Annual General Meeting of University Sport South Africa (USSA) held at the CSIR ICC, City of Tshwane, on 9 April 2011.

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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
NEC	- National Executive Committee of USSA (Article 8.1)
Council	- The Council of USSA (Article 8.2)
Association	- National University Sport Association (NUSA) of USSA (Article 8.4)
Member	- Tertiary institution affiliated to USSA (Article 8.5)
Individual	- Person affiliated to or associated with a member
Bona fide students	- Student enrolled for an accredited higher education course of study at a member of USSA, i.e. qualification recognised by the South African Qualifications Authority (SAQA)
Administrator/Official	- Full time employee of a member
Higher Education	- Higher education is defined as all learning programmes leading to qualifications higher than Grade 12, the highest grade in which education is provided by a public school. These qualifications shall be comparable to university/technikon qualifications (Higher Education Act 101, 1997).
Official meeting	- Meetings taking place under the auspices of USSA on a provincial, regional, sectoral and national level
Fully representative	- An official and a bona fide student of a member or one of the previous with a letter of accreditation from the other party
AGM / SGM	- Annual General Meeting / Special General Meeting of USSA
Tertiary tournament	- Tournament organised under the auspices of USSA
Sports	- Sports recognised by USSA
HESA	- Higher Education South Africa
SASCOC	- South African Sports Confederation and Olympic Committee
FISU	- International University Sports Federation

ARTICLE 1 : FOUNDER ORGANISATIONS

The founder organisations of University Sport South Africa (USSA) are the founding members of the South African Student Sports Union (SASSU), i.e. South African Universities Sports Council, the South African Colleges Sports Association, the South African Technikons Sports Council and the South African Tertiary Institutions Sports Union.

ARTICLE 2 : NAME

The name of the organisation shall be the **UNIVERSITY SPORT SOUTH AFRICA** (Hereinafter referred to as USSA), whose powers, duties and obligations are set forth herein.

ARTICLE 3 : AIMS, OBJECTIVES AND POWERS

The powers of USSA shall be constrained by the following aims and objectives:

- 3.1 to uphold and promote its founding principles through organisational structures as may evolve through the continuing interaction of its members;
- 3.2 to facilitate and co-ordinate the development of sport, physical recreational activities and sports competition amongst its members at all levels;
- 3.3 to implement government policy on sport and recreation at tertiary education level;
- 3.4 to make representations to the macro sports bodies and relevant government departments with respect to sport at tertiary education structures;
- 3.5 to liaise with national and provincial federations with respect to sport at tertiary education institutions and structures;
- 3.6 to affiliate to the appropriate international, continental and national sports structure(s), and to participate in international and continental sports events, endorsed by the above-mentioned structures;
- 3.7 to cooperate with the International University Sports Federation (FISU) in the fulfilment of their objectives and accept to respect the statutes and regulations of FISU.
- 3.8 to consolidate all student sport associations under one student sport organisation;
- 3.9 to facilitate the formation of sport associations where these do not exist;
- 3.10 to raise and administer funds of USSA in such a manner as USSA may deem advisable and, in particular, by means of subscription, donations and sponsorships;

- 3.11 to in association with SASCOC and national federations, regulate, facilitate and co-ordinate tours, events and matches of all high performance student teams to and from South Africa;
- 3.12 to share its specialised resources (both human and infra-structural) with the community, maximise participation and co-ordinate intra and inter-institutional competitions;
- 3.13 to establish rules and regulations to ensure that all members abide by the Constitution of USSA.

ARTICLE 4 : EMBLEM AND COLOURS

- 4.1 The emblem of USSA shall be the Protea (*Cynaroides*) flower with stem and two leaves, one on either side, with the five (5) stars of FISU underneath.
- 4.2 The colours shall be green and gold.

ARTICLE 5 : AREA OF JURISDICTION

The area of jurisdiction of USSA shall be South Africa.

ARTICLE 6 : LEGAL STATUS AND INDEMNITY

- 6.1 USSA shall have a legal personality and independent existence and have the capacity to sue or be sued in its own name.
- 6.2 Every office bearer, official or employee of USSA shall be indemnified by USSA against all costs, losses and expenses which he/she may incur or become liable for by reason of any act or omission in discharge of his duties, unless the loss in question is caused by his/her own gross negligence, dishonesty or intentional actions which may bring the organisation into disrepute.
- 6.3 No person or member shall have any right to claim assets belonging to USSA, nor incur any liabilities for its obligation.
- 6.4 Except for reasonable compensation for services rendered to the organisation, USSA may not allot any of its money or property to its members or office bearers.
- 6.5 All legal proceedings shall be brought by or against USSA, and USSA may authorise any member of its National 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.

- 6.6 Office bearers, officials and employees of USSA shall be indemnified by USSA against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against USSA or against such office bearer, official or employee in his/her representative capacity, provided that the indemnity conveyed herein shall not extend to private, personal acts of such office bearers, officials or employees, acts outside the course and scope of their employment (in the case of employees), and/or acts outside the official appointment and tenure of office in USSA (in the case of office bearers and officials).
- 6.7 USSA shall not be responsible for liabilities incurred by founder members or individuals prior to its formal and legal establishment.
- 6.8 USSA does not envisage profit-seeking either for itself or its members.

ARTICLE 7 : COMPOSITION AND MEMBERSHIP

- 7.1 USSA shall be composed of tertiary institutions within the boundaries as defined in Article 5 of this Constitution, who are admitted to membership.
- 7.2 Membership may be granted to tertiary institutions that offer higher education programmes.
- 7.3 Only registered bona fide students of a member of USSA shall be entitled to participate in events or in teams under the jurisdiction of FISU or USSA.
- 7.4 Honorary membership shall be granted to such persons, by the Annual General Meeting (AGM) of USSA, who have made exceptional contributions to student sport in South Africa. Such honorary members may attend all Council and General Meetings of USSA and may speak, but shall not have the vote.
- 7.5 Only officials and bona fide students of member institutions nominated by members, provinces, sports associations and members of the NEC of USSA are eligible to stand for and be elected to portfolios of USSA.

ARTICLE 8 : STRUCTURES

8.1 NATIONAL EXECUTIVE COMMITTEE (NEC)

8.1.1 The NEC shall comprise of the following:

- President
- Chairperson
- Vice-Chairperson
- Secretary General (ex-officio)
- Finance and Marketing Officer
- Five (5) Assessors

- The composition of the NEC shall be made up of a minimum of three (3) bona fide students and a minimum of three (3) administrators/officials in the employ of a member. The President shall be a bona fide student and the Chairperson shall be an official.
- 8.1.2 The NEC shall be elected biennially in even years at a Special General Meeting to coincide with the October Council meetings of USSA.
- 8.1.3 Not more than two (2) persons representing the same member institution shall be elected to the NEC.
- 8.1.4 Members elected to the NEC shall relinquish positions held in the Executive Committees of National University Sports Associations.
- 8.1.5 Elected members of the NEC shall not hold office for more than three (3) consecutive terms.
- 8.1.6 The President shall communicate policy approved by the AGM or the Council on behalf of USSA.
- 8.1.7 The Chairperson chairs all meetings of USSA and shall have executive authority in terms of the resolutions of the NEC and USSA.
- 8.1.8 The administration of USSA shall be entrusted to the Secretary General who is a permanent staff member appointed by the NEC. The Secretary General shall act as the Chief Executive Officer (CEO) of USSA.
- 8.1.9 The NEC shall meet at least three (3) times per year and a summary of decisions taken at such a meeting shall be circulated to provincial committees and National University Sports Associations within twenty (20) days of the meeting.
- 8.1.10 Amongst the duties and obligations of NEC office bearers shall be the following:
- 8.1.10.1 attend to the overall functioning of USSA;
 - 8.1.10.2 represent USSA at all international, continental, national, or any other meetings as deemed necessary by a resolution of the Council;
 - 8.1.10.3 submit regular reports to the Council and the AGM.
- 8.1.11 In addition to the powers and duties granted to the NEC in terms of any provisions of the Constitution, the following powers shall be vested in the NEC:
- 8.1.11.1 to approve all expenditure;
 - 8.1.11.2 to co-opt not more than three (3) persons for such projects and periods as may be deemed necessary provided such persons shall have the right to report to and speak at meetings of the NEC, but shall not have a vote;
 - 8.1.11.3 to suspend the membership of any member by taking disciplinary action subject to ratification by the AGM or Council provided that such suspension shall lapse if either the suspension is not confirmed by a meeting of the AGM or Council within thirty (30) days of the date of suspension, or disciplinary action is not commenced within thirty (30) days of the date of suspension.

8.1.12 The election of office bearers in the NEC shall be subject to the following terms and conditions:

- 8.1.12.1 nominations shall be received in writing by the Secretary General at least twenty (20) days prior to the AGM;
- 8.1.12.2 the aforementioned nominations shall be submitted signed by those members nominating them, and each nomination shall be acknowledged by the nominee affixing his/her signature to the nomination form, or confirmation thereof by means of a letter, signifying his/her willingness to accept office in the NEC. In the event of no such acknowledgement being received, such nomination shall be invalid;
- 8.1.12.3 the Secretary General shall, not later than fourteen (14) days before the relevant meeting, notify all institutions, provinces and National University Sports Associations, in writing, of the names of persons nominated along with a brief Curriculum Vitae (CV) of each;
- 8.1.12.4 if no nominations are received for a particular position, nominations may be made from the floor;
- 8.1.12.5 the order of the election shall be that the President shall be elected first and thereafter the AGM shall vote for the persons designated in Article 8.1.1, and in that order.

8.1.13 The powers of the NEC shall be as follows:

- 8.1.13.1 to assume overall responsibility for the management of the affairs of USSA;
- 8.1.13.2 to appoint, acquire or engage such staff permanently, temporarily or on voluntary basis, as may be determined from time to time;
- 8.1.13.3 to enter into donor funding arrangements with companies or individuals and to solicit and accept fees, donations, gifts, contributions and subscriptions for the sole use of USSA and its members;
- 8.1.13.4 to lease, purchase or otherwise acquire premises, equipment, vehicles, furniture and other property, movable or immovable, which it may deem necessary or convenient, for any purpose of USSA;
- 8.1.13.5 to facilitate the formation of National University Sports Associations;
- 8.1.13.6 the selection of national student teams to represent USSA at international events organised under the auspices of FISU or USSA shall be delegated to the National University Sports Associations after consultation with the NEC of USSA;
- 8.1.13.7 to appoint subcommittees and have the power to veto decisions and resolutions of such committees, save the decisions of the disciplinary committee of the Council and its appeal board.

8.2 COUNCIL

8.2.1 The Council shall comprise of:

- 8.2.1.1 the NEC;
- 8.2.1.2 two (2) delegates from each province as defined by a resolution of Council (Article 8.3);

- 8.2.1.3 two (2) delegates from each National University Sport Association in respect of sports recognised by USSA (Article 8.4);
- 8.2.1.4 two (2) delegates from each member (i.e. affiliated tertiary education institution in terms of Article 8.5);
- 8.2.1.5 one (1) delegate from each of the higher education structures and any other similar statutory structures approved by the Council.

Where members, provinces and associations are represented by two (2) delegates, then at least one person must be a bona fide student in terms of Clause 7.2 and one a person who is a full time sports administrator or official in the employ of a member.

8.2.2 The Council shall meet at least once per year in October or at the request of the NEC.

8.2.3 In addition to the powers and duties granted to the Council in terms of any section of the Constitution, the following further powers shall be vested in the Council:

- 8.2.3.1 to set the date for the AGM;
- 8.2.3.2 to fill any vacancies arising in the NEC for the remaining period before the AGM;
- 8.2.3.3 to adjudicate upon the interpretation of the Constitution or the rules and regulations issued in terms thereof and also to consider matters referred to it by the NEC. The decision of the Council shall be final and binding;
- 8.2.3.4 to examine and approve reports on all USSA programmes and activities (e.g. tournaments, tours, projects, etc.);
- 8.2.3.5 to delegate or assign any of its powers or duties to the NEC.

8.3 PROVINCIAL COMMITTEES

8.3.1 The Council shall define boundaries of provinces and their regions.

8.3.2 Each provincial committee shall have certain rights and powers, with commensurate duties and obligations, as defined herein.

8.3.3 Each province shall have approved guidelines.

8.3.4 The rights, powers and duties of provincial committees are:

- 8.3.4.1 the authority to open and operate a banking account with a registered bank;
- 8.3.4.2 the authority to raise funds by means of sponsorships, donations, or any other means with the approval of the Council;
- 8.3.4.3 to run viable programmes for the institutions in their respective regions with the view to selecting provincial or regional representative teams in various codes of sport to participate at various levels and with due consideration of sectoral differentiation;
- 8.3.4.4 to award provincial colours as approved by Council to those individuals who qualify;
- 8.3.4.5 to submit to Council, annual reports relating to their sports programmes and an audited financial report at the end of each financial year; and
- 8.3.4.6 to facilitate development programmes in conjunction with the USSA Development Officer and appropriate development structures.

8.4 NATIONAL UNIVERSITY SPORTS ASSOCIATIONS

- 8.4.1 National University Sports Associations (natural members) shall comply with the following requirements in order to be properly constituted:
- 8.4.1.1 unity;
 - 8.4.1.2 approved constitution;
 - 8.4.1.3 approved development programme;
 - 8.4.1.4 be represented in at least three (3) provinces.
- 8.4.2 These associations shall be responsible for the administration of the various codes of sports recognised by the Council.
- 8.4.3 These associations shall have the rights and powers as defined herein, with commensurate duties and obligations.
- 8.4.4 The said rights, powers and duties of associations shall be:
- 8.4.4.1 the authority and obligation to organise and co-ordinate their activities on a sectoral, provincial and national level where the need may arise provided that the national tertiary tournaments take precedence;
 - 8.4.4.2 to conduct their own financial affairs, including the acquisition of sponsorships, subject to the approval of the Council;
 - 8.4.4.3 to submit to Council annual reports of their activities with an audited annual financial report;
 - 8.4.4.4 any other rights or powers which are not incompatible with the provisions of this Constitution, subject to the approval of the Council.
- 8.4.5 The USSA prototype constitution for National University Sports Associations (NUSA) shall take precedence over that of National Sports Federations (NSF's) when dealing with student matters.

8.5 TERTIARY INSTITUTIONS

- 8.5.1 Shall be the basic unit of USSA.
- 8.5.2 Shall be represented at all official meetings of USSA by not more than two (2) delegates, one of whom shall be a full time sports administrator or official in the employ of the member, and one a bona fide student who qualifies in terms of Clause 7.2.
- 8.5.3 Shall have the obligation to keep and submit to the provincial committee, records of numbers of bona fide student participants in each of the recognised sports.
- 8.5.4 Shall have the obligation to pay subscriptions to the various national sport associations as well as to USSA.
- 8.5.5 Written applications for membership of USSA shall be considered by the NEC for approved by the Council.

ARTICLE 9 : ANNUAL GENERAL MEETING (AGM)

- 9.1 The AGM shall be held before 31 March of each year for the purpose of transacting such business as required of the general assembly of all institutions, provinces and National University Sports Associations of USSA, and for the purpose of examining financial statements and taking resolutions requiring the approval of the AGM.
- 9.2 Notice, as well as the agenda, of such meeting shall be given at least forty (40) days prior to the meeting.
- 9.3 Motions to a AGM shall be received by the Secretary General of USSA in writing not less than twenty (20) days prior to the date of the AGM. The Secretary General of USSA shall circulate all motions submitted to him/her, and the audited financial statement of USSA to all institutions, provinces and National University Sports Associations, not less than fourteen (14) days prior to the AGM.
- 9.4 Attendance at the AGM shall be as follows:
- 9.4.1 members of the NEC;
 - 9.4.2 members of the Council; and
 - 9.4.3 not more than two (2) delegates from each member as defined in Article 8.5.2.
- 9.5 The following matters will be considered at each AGM:
- 9.5.1 Minutes of previous meeting(s);
 - 9.5.2 Matters arising;
 - 9.5.3 President's address;
 - 9.5.4 NEC Report;
 - 9.5.5 Financial Report;
 - 9.5.6 Motions;
 - 9.5.7 Amendments to the Constitution;
 - 9.5.8 Amendments to the Regulations.

ARTICLE 10 : SPECIAL GENERAL MEETING (SGM)

- 10.1 A Special General Meeting (SGM) of USSA shall be called for a specific purpose upon written request of at least forty percent (40%) of the members of USSA. The NEC or Council may also call an SGM.
- 10.2 The Chairperson shall convene an SGM within forty (40) days of receipt of such request.
- 10.3 The notice of an SGM shall contain the nature and grounds of the reason for the meeting.
- 10.4 A copy of such notice shall be forwarded to each member, by the Secretary General, at least thirty (30) days prior to the date of the meeting.

ARTICLE 11 : QUORUMS

For all meetings the quorum shall be fifty percent plus one (50% + 1) of all possible votes.

ARTICLE 12 : VOTING

- 12.1 Only members in good standing with USSA may participate in the voting process.
- 12.2 Each member of the NEC, each fully represented member (institution) and each National University Sport Association to the AGM or SGM shall have one (1) vote. However, only members of the NEC and each fully represented member may participate and vote in the election process for the NEC.
- 12.3 Each member of the NEC and each delegate to the Council shall have one (1) vote.
- 12.4 Each member of the NEC shall have one (1) vote at all meetings of the Executive Committee.
- 12.5 At all meetings, the Chairperson of the meeting shall have a casting vote.
- 12.6 The Chairperson shall propose, for the approval of the meeting, an electoral officer and at least three (3) scrutineers for all voting.
- 12.7 Voting at all USSA meetings may employ one of the following methods as approved by the meeting:
 - 12.7.1 by a show of hands; or
 - 12.7.2 by secret ballot.
- 12.8 The election of office bearers in the NEC shall be by secret ballot.

ARTICLE 13 : RULES AND REGULATIONS

- 13.1 In addition to the provisions of this Constitution, the NEC shall issue such rules and regulations as may be approved by the Council and/or AGM for the smooth running of the affairs of USSA.
- 13.2 Such rules and regulations shall be amended by the Council for ratification by the AGM.
- 13.3 Any amendment of the rules and regulations shall be entered in the minutes of the particular Council meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided for in the Constitution, this shall be deemed sufficient notice of such amendments.

ARTICLE 14 : SUBSCRIPTIONS

The Council shall before June of each year, determine subscriptions payable by members and such other fees and levies as deemed necessary.

ARTICLE 15 : FINANCE

- 15.1 The NEC, as authorised by the Council, shall open and operate a banking account with a registered banking institution in South Africa in accordance with the financial regulations approved by Council.
- 15.2 There shall be two (2) signatories to every cheque or instrument drawn on the banking account, one of whom shall be the Finance and Marketing Officer and/or the Secretary General and any other official delegated by the NEC.
- 15.3 The Chief Executive Officer shall submit an annual auditor's report as well as an audited financial statement to the AGM.
- 15.4 The financial year of USSA shall commence on the first day of January and end on the last day of December of each calendar year.
- 15.5 Affiliation fees shall be payable by the thirty-first day of March of each year.
- 15.6 The Chief Executive Officer shall keep proper books of account, which books shall record all financial transactions by USSA, and such books of account shall be reconciled regularly with the banking account of USSA.
- 15.7 The auditors shall be appointed by the NEC for ratification by the AGM.

ARTICLE 16 : DISCIPLINE

Any member or individual who, contravenes any of the terms or provisions of this Constitution, or fails or refuses to implement any lawful decision of the Council, the NEC, or any standing committee of USSA, shall be charged with misconduct as provided for in the rules and regulations of the Council.

ARTICLE 17 : ANTI DOPING

Doping is strictly forbidden and constitutes a doping offence under the Regulations of FISU and in terms of the World Anti Doping Code. USSA shall make appropriate Anti-Doping Regulations, governing the use of drugs and imposing prescribed sanctions where a doping offence has been found to have been committed. In terms of the said Regulations of FISU and the World Anti Doping Agency, USSA shall implement and apply the said Regulations save to the extent that the said Regulations need to be varied to take into account the requirements of governmental legislation and the national drug testing authorities and/or as otherwise provided for in the said Regulations of FISU.

ARTICLE 18 : DISPUTE RESOLUTION

- 18.1 Any disagreement relating to the enforceability of this Constitution or of the interpretation or application of the provisions thereof, or any conflict of interest between any number of members of USSA or between a member and USSA itself, shall be deemed to be a dispute, and such dispute shall be dealt with in terms of the regulations of the Council.
- 18.2 Any dispute arising carried forward from the above, or any dispute between any member of the NEC and USSA itself, shall be referred to the Arbitration Federation of Southern Africa (AFSA) for resolution through mediation or expedited arbitration in terms of the Rules and Procedures for the Resolution of Disputes in Sport, prevailing at the time such dispute is so referred. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties in the dispute.

ARTICLE 19 : AMENDMENT OF THE CONSTITUTION

- 19.1 This Constitution may be amended at the AGM or at an SGM of USSA called specifically for that purpose upon written request of at least forty percent (40%) of the members of USSA.
- 19.2 The said amendment shall be passed by a majority of two thirds ($\frac{2}{3}$) of those present and entitled to vote at such meeting.

ARTICLE 20 : DISSOLUTION

- 20.1 USSA shall be dissolved upon a resolution passed by a majority of two thirds of the members at an SGM called specifically for that purpose.
- 20.2 Upon dissolution and after the satisfaction of all its debts and liabilities, any property whatsoever in the possession of USSA shall by a resolution of the General Meeting of members, be given or transferred to another non-profit organisation that has similar objectives.

This Constitution as amended, was approved by the members on 9 April 2011 at the Annual General Meeting (AGM) of University Sport South Africa (USSA) held at the CSIR International Conference Centre (ICC) in the City of Tshwane Pretoria, and signed on their behalf.



Dr Rendani I Mulaudzi: Chair



Louis J Nel: Secretary-General