

# **UNIVERSITY SPORT SOUTH AFRICA**



## **CONSTITUTION**

**AMENDED  
30 APRIL 2016**



## THE CONSTITUTION OF UNIVERSITY SPORT SOUTH AFRICA (Amended: 30 April 2016)

### PREAMBLE AND FOUNDING PRINCIPLES

**WHEREAS** the sport fraternity of South African Institutions of Higher Education note that the disparities emanating from South Africa's historical past of intentional racial division and discrimination; **and** the lack of access to sporting opportunities and the inequitable distribution of resources among Institutions of Higher Education; **and** recognising the need to promote unity, access and equity in sport participation at all South African Institutions of Higher Education; **and** to improve opportunities for the development and enhancement of sporting skills by all South African students.

And **WHEREAS** the founder member of Institutions of Higher Education and their representative organisations herein mentioned having agreed to establish one united national body representing the interests of all bona fide student-athletes at Institutions of Higher Education which are recognised by the appropriate national and international sports structures; **WHILST** also noting the system differentiation in South African Institutions of Higher Education that has led to different developmental needs, focus, differences in the organisation, management and resourcing of sport programmes; and that all of the above may have an effect and bearing on the sporting and aspirations of participants.

**THEREFORE** the sport fraternity of South African Institutions of Higher Education commit themselves to the establishment, development and promotion of a sport programmes that embody the values and tenets implied in the Constitution of the Republic of South Africa and its Bill of Rights through organisational structures and continuing interaction among members, thereby where they may compete equally in sport competitions; and where the principles of accountability are upheld; thereby agreeing to pursue and promote equal access and opportunities to all who desire and aspire to participate in sport at Higher Education Institutions.

*This Constitution as amended, was approved by an Annual General Meeting of University Sport South Africa held at the CSIR International Conference Centre in Tshwane on 30 April 2016.*

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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**

- AGM / SGM - Annual General Meeting / Special General Meeting of USSA
- Association - National University Sport Association (NUSA) of USSA
- Bona fide student - a) Students officially registered with a member club of USSA at a higher education institution recognized by the appropriate national academic authority in the country (i.e. Department of Higher Education and Training) for a programme of at least 120 SAQA credits on NQF Level 5, and approved by that institution's senate. This includes bridging courses, although only one (1) attempt at completing any bridging course will be allowed at any institution. Students enrolled for bridging courses must have a matriculation endorsement or a certificate of exemption issued by the Matriculation Board. This excludes students who are enrolled for short courses or are registered for courses or modules or units of study that are less than 120 SAQA credits.  
b) Students actively involved in pursuing his/her academic career, i.e. attending lectures, submitting assignments, writing tests and examinations in order to be promoted to the next level of study.  
c) In the case of a postgraduate student, a letter from the Registrar (or appointed representative of the Registrar) of the participating institution in question is required for all honours, masters and doctoral students indicating that the student is making satisfactory progress towards the completion of his/her postgraduate degree.
- Constitution - This Constitution, as amended from time to time
- Council - The Council of USSA (Article 10.2)
- CUCSA - Confederation of University and College Sports Associations
- FASU - Federation of Africa University Sports
- FISU - International University Sports Federation
- Fully representative - A Manager or Official or a bona fide student with a letter of accreditation from a Member Institution
- HESA - Higher Education South Africa
- Higher Education Programmes - Higher Education Programmes is defined as all learning programmes beginning at the National Qualifications Framework Level 5 as contemplated in the South African Qualification Authority Act, 1995 (Act No. 58 of 1995) and offered at Institutions of Higher Education.
- Individual - Person affiliated to or associated with a Member

Institutions of Higher Education	- Any institution that provides Higher Education Programmes on a full-time, part-time or distance basis and which is - a) established or deemed to be established as a Higher Education Institution under the Higher Education Act 101 of 1997; b) declared as a higher education institution under the Higher Education Act 101 of 1997; c) registered or conditionally registered as a private Higher Education Institution under the Higher Education Act 101 of 1997.
Manager/Official	- Full or part time employee of a Member Institution of Higher Education
Member	- Institution of Higher Education affiliated to USSA (Article 9.1)
NEC	- National Executive Committee of USSA
NUSA	- National University Sports Association of USSA
Official meeting	- Meetings taking place under the auspices of USSA on a provincial, regional, sectoral or national level
PEC	- Provincial Executive Committee of USSA
SASCOC	- South African Sports Confederation and Olympic Committee
Sport/s	- Sport/s discipline recognised by USSA
Tertiary tournament	- Tournament organised under the auspices of USSA
USSA	- University Sport South Africa

**ARTICLE 1 : FOUNDER ORGANISATIONS**

The founder organisations of University Sport South Africa (USSA) are the institutions formerly represented by 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 AND STRUCTURE**

- 2.1 The name of the organisation shall be **UNIVERSITY SPORT SOUTH AFRICA** (Hereinafter referred to as USSA), whose powers, duties and obligations are set forth herein.
- 2.2 USSA is a registered Non-Profit Organisation (NPO) established and incorporated under the Non-Profit Organisations Act 71 of 1997.
- 2.3 These Articles of the Constitution of “USSA”, as set out herein, shall cancel and replace any previous articles of the Constitution of the association, notwithstanding anything to the contrary included in such previous articles of the Constitution, where applicable, and shall become full force as effect from the 20 April 2013.

**ARTICLE 3 : AIMS AND OBJECTIVES**

The aims of USSA shall be to develop and enhance the environment in which Member Institutions of Higher Education and their bona fide students shall participate in Sport.

The objectives of USSA shall therefore be:

- 3.1 To facilitate and influence the development of sport by promoting mass bona fide student participation through intramural, inter-campus and other forms and to promote high performance for elite performers;
- 3.2 To safeguard and ensure the proper implementation and adherence to the Republic of South Africa’s sport policies and regulations with respect to USSA games, tournaments and championships;
- 3.3 To liaise and advocate matters of interest to macro sports bodies, relevant government departments and various stakeholders with respect to USSA’s aims and objectives;
- 3.4 To identify and facilitate the affiliation of USSA to FISU, FASU and CUCSA to allow South African Institutions of Higher Education to participate in various international competitions, and influence decision making processes of these structures;
- 3.5 To ensure that all student sport associations share the same vision and aspirations as USSA, and facilitate and promote the formation of sport associations when a need arises;

- 3.6 To raise and administer funds of USSA in accordance with the Non Profit Organisation Act 71 of 1997 by means of subscription, donations and sponsorships;
- 3.7 To facilitate the selection, preparation and delivery of national student teams and/or athletes to international tournaments in consultation with SASCOG and other applicable national federations;
- 3.8 To establish and develop rules and regulations to ensure that USSA programmes are carried out in a sustainable and consistent manner, and in accordance with the Constitution of USSA and any applicable legislation;
- 3.9. To facilitate the organisation, management, monitoring and evaluation of national games and championships in the Republic of South Africa for Member Institutions of Higher Education;
- 3.10 To take such steps as may be necessary to incorporate and promote the objects, intents and purpose of USSA if deemed advisable.

**ARTICLE 4 : EMBLEM, COLOURS AND HEADQUARTERS**

- 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 of the USSA emblem shall be green and gold.
- 4.3 The headquarters of USSA shall be situated in the City of Tshwane or any other city determined by Council from time to time.

**ARTICLE 5 : AREA OF JURISDICTION**

This Constitution shall be governed by, interpreted and applied in all respects in accordance with South African law. The area of jurisdiction of USSA shall be the Republic of South Africa in all matters relating to this Constitution.

All National University Sports Associations (NUSA's) as well as Provincial Executive Committees (PEC's) as outlined which from part of USSA have agreed to subject itself to the terms and conditions of this Constitution in the interest of the development of sport on tertiary level in South Africa.

**ARTICLE 6 : LEGAL STATUS AND INDEMNITY**

- 6.1 USSA is a body corporate with its own legal identity which is separate from its office-bearers and members. The Organisation will continue to exist even if the members change.

- 6.2 Subject to the provisions of any relevant law, members, office-bearers or appointed delegates of USSA shall be indemnified by USSA for all acts done by them in good faith on its behalf. No member of the Organisation or appointed delegates shall be liable for the acts, receipts, neglects or defaults of any other member or office bearer, or for any loss, damage or expense suffered by USSA, which occurs in the execution of the duties of his/her office, unless it arises as a result of his/her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.
- 6.3 No Individual or Member shall have any right to claim assets or property belonging to USSA, nor incur any liabilities for its obligation.
- 6.4 The income and property of USSA shall be used solely for the promotion of its stated objectives and shall not be paid or distributed directly or indirectly to any person, or to any member of the Organisation or office bearers, except as reasonable compensation for services actually rendered to the Organisation or reimbursement of actual costs or expenses reasonably incurred on behalf of the Organisation.
- 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.

## **ARTICLE 7 : TAXATION**

USSA may apply to the Commissioner for the South African Revenue Service for approval as a Public Benefit Organisation in terms of section 30 of the Income Tax Act. Upon approval the provisions set out in Schedule A (refer to page 20) shall bind the Organisation.

## **ARTICLE 8 : POWERS OF USSA**

USSA shall have the same powers as that of a company under the Companies Act, as amended. Such powers include:

- 8.1 To institute or defend any legal or other proceedings and to settle any claims;



- 8.2 To prudently invest funds of the Organisation;
- 8.3 To buy, attain, maintain, manage, lease, sell, or in any way deal with property and assets of the Organisation;
- 8.4 To donate and transfer the property and assets of the Organisation to public benefit organisations with similar objectives;
- 8.5 To borrow and to use the property or assets of the Organisation as security for borrowing;
- 8.6 To exercise all the management and executive powers ordinarily vested in the NEC;
- 8.7 To carry out all the powers and authority of the Organisation in South Africa and in any other part of the world.

**ARTICLE 9 : COMPOSITION AND MEMBERSHIP**

- 9.1 USSA shall be composed of Institutions of Higher Education in the Republic of South Africa that have applied and have been admitted to membership upon receipt of their applicable annual membership fees.
- 9.2 Membership may be granted to public and private Institutions of Higher Education that offer academic qualifications at the NQF Level 5 and above and are registered with the Department of Higher Education & Training.
- 9.3 Institutions of Higher Education shall be represented at all official meetings of USSA by not more than two (2) delegates, one of whom shall be a full or part time sports manager, administrator or official in the employ of the Member, and one a bona fide student who qualifies in terms of Article 9.2. The official or student member attending the meeting may submit a written proxy on behalf of the person not attending. Such written proxy must be submitted with the letters of credence or prior to commencement of the meeting. At least one delegate must attend the meeting in person.
- 9.4 Only registered bona fide students of a Member of USSA shall be entitled to participate in events or in teams under the jurisdiction of USSA, CUCSA, FASU and FISU.
- 9.5 Honorary membership shall be granted by the Annual General Meeting (AGM) of USSA based on consideration and approval by the National Executive Committee (NEC). This award will be made to persons who have made exceptional contributions to student sport, based on the following key areas:
  - 9.5.1 Occupied a leadership position within the USSA structures for a minimum period of five (5) years and or full-term at recognized sport structures;
  - 9.5.2 Substantial contribution to:

- 9.5.2.1 Professional educational research, innovation and development;
- 9.5.2.2 Educational community (policy formulation, advocacy and best practice);  
and
- 9.5.2.3 Promotion and growth of the organization.

Such honorary members may attend all Council and General Meetings of USSA and may speak, but shall not have the vote.

The President may invoke executive privilege to award an honorary membership. To invoke executive privilege, the President will make a recommendation to the NEC for their approval.

A written motivation must be submitted to the USSA NEC by any member of USSA in good standing.

- 9.6 Affiliation fees shall be proposed by the NEC and agreed to (by majority vote) by those present at USSA's Annual General Meeting or Council.

## **ARTICLE 10 : STRUCTURES**

### **10.1 NATIONAL EXECUTIVE COMMITTEE (NEC)**

10.1.1 The NEC shall comprise of the following:

- President
- 1<sup>st</sup> Vice President (Official)
- 2<sup>nd</sup> Vice President (Student)
- Chief Finance and Marketing Officer (Official)
- Five (5) Assessors
- CEO/Secretary General (ex-officio)

The composition of the NEC shall be made up of a minimum of four (4) bona fide students and a minimum of four (4) managers/officials in the employ of a member.

The President shall be a freely contested position.

The 1<sup>st</sup> Vice-President shall be a manager/official at the level of Director, Deputy Director, Head of Sport or Deputy Head of Sport at a member institution of Higher Education.

The 2<sup>nd</sup> Vice-President shall be a senior student in at least his/her 2<sup>nd</sup> academic year of study.

The Chief Finance & Marketing Officer shall be a full time employee at a member institution of USSA.

At least one staff member and one student shall be female.

- 10.1.2 Members elected to the NEC and all other USSA committees or structures shall immediately relinquish their positions in the NEC when their status according to which they were elected change, i.e.
- 10.1.2.1 staff members who are no longer employed by or who are suspended by a member institution;
  - 10.1.2.2 student representatives who are no longer students with the concession that if they successfully obtain their academic qualification, they be allowed to serve for a further period not exceeding 6 months or the next election whichever occurs first;
  - 10.1.2.3 members who are in bad standing with or suspended by any national and/or regional South African Sport Federation or structure.
- 10.1.3 The NEC shall be elected triennially at a Special General Meeting to coincide with the October Council meetings of USSA. Student representatives will be elected biennially.
- 10.1.4 Not more than two (2) persons representing the same member institution shall be elected to the NEC simultaneously.
- 10.1.5 Members elected to the NEC shall relinquish positions held in any other structures of USSA.
- 10.1.6 Elected members of the NEC shall not hold office for more than two (2) consecutive terms.
- 10.1.7 The NEC shall meet at least four (4) times per year with a summary of relevant decisions taken at such a meeting to be circulated to Member institutions, provincial committees and National University Sports Associations within thirty-one (31) days of the meeting.
- 10.1.8 The election of office bearers in the NEC shall be subject to the following terms and conditions:
- 10.1.8.1 Only Managers and/or Officials and bona fide students of Member institutions nominated by Members are eligible to stand for and be elected to portfolios of USSA.
  - 10.1.8.2 nominations shall be received in writing by the Secretary General at least twenty (20) days prior to the AGM/SGM. If constitutional changes regarding structural changes to the NEC are accepted, nominations may be made on a shorter notice period for the first electoral Council meeting following such acceptance of constitutional changes.
  - 10.1.8.3 the aforementioned nominations shall be submitted and 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;

- 10.1.8.4 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;
  - 10.1.8.5 if no nominations are received for a particular position, nominations may be made from the floor;
  - 10.1.8.6 the order of the election shall be that the President shall be elected first and thereafter the AGM/SGM shall vote for the persons designated in Article 10.1.1, and in that order.
  - 10.1.8.7 Any temporary or part time vacancy amongst the office bearers of the association, except those of Honorary Presidents and/or Honorary Office Bearers, however caused, shall be filled temporarily by the NEC until the next Annual General Meeting of the association, provided that, if the circumstances so warrant, the NEC shall be empowered to convene a Special General Meeting for the purpose of electing a new officer or officers after proper circulation of notice of his intention to all affiliated Members. In the event of the office of Presidents and/or that of the Secretary General becoming vacant for any reason whatsoever, a Special General Meeting shall be called within thirty (30) days of such vacancy occurring in orders to make a new appointment or appointments.
- 10.1.9 The NEC shall have full and complete control over all activities of USSA subject to:
- 10.1.9.1 Limits and restrictions imposed by this Constitution;
  - 10.1.9.2 Limits and restrictions imposed by General Meetings and Council.
- 10.1.10 The powers of the NEC shall be as follows:
- 10.1.10.1 To assume overall responsibility for the management of the affairs of USSA in accordance with the resolutions of members in General and Council Meetings;
  - 10.1.10.2 To appoint, acquire or engage such staff permanently, temporarily or on voluntary basis and to discipline staff as may be determined from time to time;
  - 10.1.10.3 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;
  - 10.1.10.4 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;
  - 10.1.10.5 To facilitate the formation of National University Sports Associations;
  - 10.1.10.6 To delegate the selection of national student teams to represent USSA at international events to the National University Sports Associations;
  - 10.1.10.7 To appoint subcommittees. The recommendations and resolutions of such subcommittees shall be presented to Council for approval or rejection. The decision by Council and its appeal board will be final.
  - 10.1.10.8 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;

10.1.10.9 To suspend the membership of any member by taking disciplinary action against such member subject to ratification by the AGM or Council.

In addition to Articles 10.1.10.1 – 10.1.10.9 above, the performance of the NEC as the recognised Board of Directors shall be governed by a Board of Directors Charter.

10.1.11 Delegation of powers – The NEC may delegate any of its powers or functions to a committee or member(s) of USSA provided that:

10.1.11.1 such delegation and conditions are reflected in the minutes for that meeting;

10.1.11.2 at least one NEC member serve on the committee;

10.1.11.3 the NEC in advance approves all expenditure incurred by the committee or member; and

10.1.11.4 the NEC may revoke the delegation or amend the conditions.

10.1.12 Conflicting interests – Any actual, potential or perceived conflict of interest on the part of any member of the NEC, on a matter pertaining to the Organisation, must be disclosed in writing to the NEC which shall record such conflict of interest in the minutes of that NEC meeting. Such member may be requested by the NEC to state his/her position in the matter or to respond to pertinent questions, but shall not vote or use his/her influence on the matter and shall not be counted for purposes of determining a quorum for the meeting where the voting takes place.

10.1.13 Confidentiality – All matters pertaining to litigation, security measures, contractual negotiations, employment matters and any other matters deemed confidential by the NEC, must be treated as confidential and only the actual decisions may be disclosed to members and the general public.

## **10.2 COUNCIL**

10.2.1 The Council shall comprise of:

10.2.1.1 The NEC;

10.2.1.2 Two (2) delegates from each Member (i.e. affiliated Higher Education Institution in terms of Article 9.1);

10.2.1.3 two (2) delegates from each National University Sport Association in respect of sports recognised by USSA (Article 10.4);

10.2.1.4 two (2) delegates from each province as defined by a resolution of Council (Article 10.3).

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 Article 9.3 and one a person who is a full or part time sports manager/administrator or official in the employ of a Member.

10.2.2 The Council shall meet at least once per year before the end of October or at the request of the NEC.

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

10.2.3.1 To ratify the decision of the NEC and to fill any vacancies arising in the NEC for the remaining period before the AGM;

10.2.3.2 To adjudicate upon the interpretation of this 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;

10.2.3.3 To examine and approve reports on all USSA programmes and activities (e.g. tournaments, tours, projects, etc.);

10.2.3.4 To delegate or assign any of its powers or duties to the NEC.

10.2.3.5 To appoint subcommittees.

### **10.3 PROVINCIAL COMMITTEES**

10.3.1 Member Institutions of Higher Education within the official boundaries of each province shall exercise the right to establish provincial committees where needed.

10.3.2 The provincial committee shall be responsible for the following:

10.3.2.1 The responsibility to raise funds by means of sponsorships, donations, or any other means with the approval of the NEC;

10.3.2.2 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 of USSA competitions;

10.3.2.3 To submit to the NEC, annual reports relating to their sports programmes;

10.3.2.4 To facilitate development programmes in conjunction with provincial federations, where possible.

### **10.4 NATIONAL UNIVERSITY SPORTS ASSOCIATIONS**

10.4.1 National University Sports Associations (NUSAs) (natural members) shall comply with the following requirements in order to be properly constituted:

10.4.1.1 unity;

10.4.1.2 approved constitution;

10.4.1.3 approved development programme;

10.4.1.4 be represented in at least five (5) provinces. However, based on sport code affiliation annually and where required, NUSAs may motivate to the NEC to consider not less than three (3) provinces representation.

10.4.2 NUSAs shall be responsible for the administration of the various codes of sports recognised by the Council in accordance with the USSA Constitution and approved Bye-Laws of NUSAs.

- 10.4.3 The responsibilities of NUSAs shall be the following:
- 10.4.3.1 The responsibility to organise and co-ordinate their activities and to maximise student participation in Sport under the jurisdiction of USSA;
  - 10.4.3.2 To conduct their own financial affairs with the help of the CEO/Secretary General of USSA; and pursue and acquire sponsorships, subject to the approval of the NEC;
  - 10.4.3.3 To submit to the NEC annual reports of their activities with income and expenditure statements for each project/programme;
  - 10.4.3.4 any other rights or powers which are not incompatible with the provisions of this Constitution, subject to the approval of the Council.
- 10.4.4 The USSA Constitution shall take precedence over that of the National University Sports Associations (NUSAs), with the NUSAs constitution being in alignment with that of National Sports Federations (NSF's).

## **ARTICLE 11 : ANNUAL GENERAL MEETING (AGM)**

- 11.1 The AGM shall be held before 30 April 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.
- 11.2 Notice, as well as the agenda, of such meeting shall be given at least forty (40) days prior to the meeting.
- 11.3 Motions to an 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.
- 11.4 Attendance at the AGM shall be as follows:
- 11.4.1 members of the NEC;
  - 11.4.2 members of the Council as defined in Article 10.2.1.
- 11.5 The following matters will be considered at each AGM:
- 11.5.1 Minutes of previous meeting(s);
  - 11.5.2 Matters arising;
  - 11.5.3 President's address;
  - 11.5.4 NEC Report;
  - 11.5.5 Financial Report;
  - 11.5.6 Motions;
  - 11.5.7 Amendments to the Constitution;
  - 11.5.8 Amendments to the Regulations.

**ARTICLE 12 : SPECIAL GENERAL MEETING (SGM)**

- 12.1 A Special General Meeting (SGM) of USSA shall be called for a specific purpose:
- 12.1.1 upon written request of at least forty percent (40%) of the Members of USSA;
  - 12.1.2 by the NEC, AGM or Council.
- 12.2 The President shall convene an SGM within forty (40) days of receipt of such request.
- 12.3 The notice of an SGM shall contain the nature and grounds of the reason for the meeting.
- 12.4 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 13 : QUORUMS**

- 13.1 For all meetings the quorum shall be fifty percent plus one (50% + 1) of all possible votes.
- 13.2 If a quorum is not present within thirty (30) minutes of the appointed time of the meeting, the meeting must be adjourned to another date, within fourteen days thereafter. Notice of such adjournment, as provided for under the constitution, must be given to all members of USSA.
- 13.3 If no quorum is present at the reconvened meeting within thirty (30) minutes of the appointed time, the members present, or represented by proxy, shall deem to constitute a quorum for that meeting.

**ARTICLE 14 : VOTING**

- 14.1 Only Members in good standing with USSA, including paid up affiliation and staff fees may participate in the voting process.
- 14.2 The staff or student member attending the meeting may submit a written proxy on behalf of the person not attending. Such written proxy must be submitted with the letters of credence or prior to the commencement of the meeting. At least one delegate must attend the meeting in person.
- 14.3 Each fully represented Member (institution) and each National University Sport Association to the Council shall have one (1) vote. However, only fully represented Member Institutions of Higher Education may participate and vote in the election process for the NEC.
- 14.4 Each member of the NEC shall have one (1) vote at all meetings of the Executive Committee.



- 14.5 At all meetings, the President of the meeting shall have a casting vote, except during elections of the NEC and constitutional amendments. However, the President shall have a casting vote in Council, such a vote representing the decision of the NEC on the specific matter under discussion.
- 14.6 The President shall propose, for the approval of the meeting, an electoral officer and at least three (3) scrutineers for all voting.
- 14.7 Voting at all USSA meetings may employ one of the following methods as approved by the meeting:
- 14.7.1 show of hands; or
  - 14.7.2 secret ballot.
- 14.8 The election of office bearers in the NEC shall be by secret ballot.

## **ARTICLE 15 : RULES AND REGULATIONS**

- 15.1 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.
- 15.2 Such rules and regulations shall be amended by the Council for ratification by the AGM.
- 15.3 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 16 : SUBSCRIPTIONS**

The Council shall before the end of October of each year, determine subscriptions payable by Members and such other fees and levies as deemed necessary.

## **ARTICLE 17 : FINANCE**

- 17.1 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.
- 17.2 There shall be two (2) signatories to every cheque or instrument drawn on the banking account, one of whom shall be the Chief Finance & Marketing Officer and/or the Secretary General and any other official delegated by the NEC.

- 17.3 The Chief Finance & Marketing Officer, with the help of the Secretary General/Chief Executive Officer shall submit an annual auditor's report as well as an audited financial statement to the AGM.
- 17.4 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.
- 17.5 Affiliation fees shall be payable by the thirty-first day of March of each year.
- 17.6 The Secretary General/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.
- 17.7 Within six months of its financial year a report shall be compiled by an independent practicing auditor registered in terms of the Auditing Profession Act stating whether or not the financial statements of USSA are consistent with its accounting records, the accounting policies are appropriate and have been appropriately applied with in preparing the financial statements, and that the Organisation has complied with the financial provisions of this constitution.
- 17.8 The auditors shall be appointed by the NEC for ratification by the AGM.

#### **ARTICLE 18 : 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 19 : ANTI DOPING**

USSA shall recognise the Regulations of Drug-Free Sport South Africa, FISU and the World Anti Doping Agency. USSA shall make appropriate Anti-Doping Regulations, governing the use of drugs and imposing prescribed sanctions where a doping offence shall have 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 20 : DISPUTE RESOLUTION**

- 20.1 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 rules and regulations issued by the Council.

- 20.2 Any dispute arising or carried forward from the above, or any dispute between a Member of the NEC and USSA itself, shall be attended to by internal procedures that will include the USSA Dispute Resolutions Sub-Committees as well as the option of appeal to the USSA NEC if and when necessary, with the main aim not to refer any disputed matters to external structures.
- 20.3 Any dispute not resolved in terms of Article 20.2 above, 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 afore-going, such resolution shall be final and binding on the parties in the dispute.

## **ARTICLE 21 : AMENDMENT OF THE CONSTITUTION**

- 21.1 This constitution may be amended at the AGM. Recommendations for amendments may be submitted by any member or the NEC and does not require a seconder on submission. Recommendations for amendments must be forwarded to the Secretary General 20 days prior to the AGM (refer article 11).
- 21.2 This constitution may also be amended at an SGM of USSA called specifically for that purpose.
- 21.3 The said amendments shall be passed by a majority of two thirds ( $\frac{2}{3}$ ) of those present and entitled to vote at such meeting.
- 21.4 The Rules and Regulations will be updated to include all consequential changes brought about by amendments to the constitution.
- 21.5 Any constitutional changes are immediately applicable upon adoption by the AGM, SGM or Council.

## **ARTICLE 22 : DISSOLUTION**

- 22.1 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.
- 22.2 Upon the dissolution and after all debts and commitments have been paid, any remaining assets or property in the possession of USSA shall not be paid to or distributed amongst members, but shall be transferred by donation to some other non-profit organisation which the NEC (and failing which the members in a General Meeting) considers appropriate and which has similar objectives as USSA, and should the Organisation be exempt from the payment of any taxes and duties;
- 22.2.1 Any similar public benefit organization which has been approved in terms of section 30 of the Income Tax Act;

- 22.2.2 Any institution, board or body which is exempt from tax under the provisions of section 10 (1)(cA)(i) of the Income Tax Act, which has its sole or principal object the carrying on of any public benefit activity;
- 22.2.3 Any department of state or administration in the national or provincial or local sphere of government of the Republic.

**This Constitution as amended, was approved by the members on 30 April 2016 at an Annual General Meeting of University Sport South Africa (USSA) held at the CSIR International Convention Centre in Tshwane Pretoria.**

**SCHEDULE A**

**REQUIREMENTS FOR APPROVAL AS PUBLIC BENEFIT ORGANISATIONS**

As provided for in Clause 7 of this Constitution, USSA intends to apply to the Commissioner for SARS for approval as a Public Benefit Organisation in terms of Section 30 of the Income Tax Act. Upon approval, USSA shall:

1. Be required to have at least three persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility of the organisation.
2. Ensure that no single person directly or indirectly controls the decision making powers relating to the Organisation.
3. Is prohibited from distributing any of its funds to any person (otherwise than in the course of undertaking any public benefit activity) and is required to utilise its funds solely for the object for which it has been established.
4. Be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A; provided that a donor may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
5. Ensure that it is not knowingly a party to, and does not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy, which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Act or any other Act administered by the Commissioner.
6. Submit to the Commissioner a copy of any amendment to this constitution.
7. Not pay any remuneration to any employee, office bearer, member or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
8. Comply with such reporting requirements as may be determined by the Commissioner.
9. Take reasonable steps to ensure that the funds which it may provide to any association of persons as contemplated in paragraph 10(iii) of Part 1 of the Ninth Schedule of the Act are utilised for the purpose for which they are provided.
10. Has not and will not use its resources directly or indirectly to support, advance or oppose any political party.