



UNIVERSITY SPORT SOUTH AFRICA

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Ref: 4/01

3 September 2012

**USSA MEMBER INSTITUTIONS
USSA PROVINCIAL COMMITTEES
USSA SPORTS ASSOCIATIONS
USSA NEC MEMBERS**

SPECIAL GENERAL MEETING OF USSA

In accordance with Article 10.1 of the USSA Constitution, notice is hereby given of a Special General Meeting (SGM) of University Sport South Africa (USSA) that will be held at the Convention Dynamics Conference Centre in Isando (near the OR Tambo Airport) on Friday, 12 October 2012 commencing at 13h30. Registration will take place from 13h00 to 13h30 and the meeting is expected to last till 19h00. The purpose of the meeting shall be to consider the revised Constitution of USSA as prepared by the task team that was appointed by the Special General Meeting of 2 June 2012. The SGM will be followed by the USSA Council meeting that will be held on Saturday, 13 October 2012 at 08h30 (separate notice will follow).

Attached please find for your attention the necessary Letter of Credence that must be presented to the accreditation officials at the start of the meeting to be eligible to vote. A copy of this form must also be returned to the USSA National Secretariat before 16h00 on Monday, 1 October 2012. Each member (affiliated institution) and each Council member (PEC and NUSA), must nominate a maximum of two (2) representatives, one of whom shall be a bona fide student and one a full time sports administrator or official in the employment of a member institution, as their representatives at the SGM (USSA Constitution, Article 9.4). Each institution, PEC and NUSA shall be responsible for the travel and accommodation arrangements (costs included) of their delegates to the meeting.

Kind regards
Yours faithfully

Dr Rendani Mulaudzi
CHAIRPERSON



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**A SPECIAL GENERAL MEETING OF UNIVERSITY SPORT SOUTH AFRICA
WILL BE HELD AT CONVENTION DYNAMICS IN ISANDO, JOHANNESBURG
ON FRIDAY, 12 OCTOBER 2012 COMMENCING AT 13h30**

AGENDA

1. WELCOME

Chairperson – Dr Rendani Mulaudzi

2. ATTENDANCE REGISTER (Credentials and apologies)

Secretary General – Mr Louis Nel

3. PURPOSE OF THE MEETING

The purpose of the meeting shall be to decide on the proposed amendments to the USSA Constitution as decided by the Annual General Meeting of 21 April 2012, a Special General Meeting of 2 June 2012, a resolution by the NEC of USSA on 31 August 2012, and as requested by 44.12% of the USSA Members (USSA Constitution, Article 10.1).

4. VOTING AT THE MEETING

Only members in good standing with USSA may participate in the voting process (USSA Constitution, Article 12.1). 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 (USSA Constitution, Article 12.2).

5. AMENDMENTS TO THE CONSTITUTION

Vice-Chair and Convener of the Constitution Subcommittee – Mr Matsobane Laka

6. THE WAY FORWARD

Chairperson – Dr Rendani Mulaudzi

7. CLOSING REMARKS

President – Mr Makhosandile Majeke

Louis Nel

SECRETARY-GENERAL



043-773-NPO

UNIVERSITY SPORT SOUTH AFRICA

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Ref: 4/4/03

02 October 2012

MINUTES OF A MEETING OF THE CONSTITUTION SUB-COMMITTEE OF USSA AND THE CONSTITUTION TASK TEAM HELD AT THE MANNAH GUEST HOUSE, KEMPTON PARK ON TUESDAY, 18 SEPTEMBER 2012 AT 10:00

1. Confirming the Chair and Secretary of the meeting

Chaka Croukamp requested that a Chair be appointed. It was agreed that Jerry Laka would act as Chairperson and Anton Louw as Secretary.

2. Confirming the agenda

The agenda was approved as presented.

3. Welcome

Jerry Laka welcomed all those present to the meeting and confirmed that the purpose of the meeting was to try and reach common ground on the proposed amendments to the USSA Constitution.

4. Attendance Register and Apologies

The following persons were in attendance and signed the register:

Makhosandile Majeke	USSA President
Jerry Laka	USSA Vice Chairperson
Roger Adams	USSA Assessor
Chaka Croukamp	Task Team
Anton Louw	Task Team
Sanpat Coetzee	Task Team (joined later)
Stephen Mokoka	Task Team

Apologies:

Ilhaam Groenewald	Task Team
Lianne Riley	Task Team
Banzi Siyongwana	Task Team
Nneile Nkholise	Task Team

5. Background information

The Chair of the task team provided background information confirming the processes that resulted in the formation of the Task Team. The process started with the initial proposal to change the USSA Constitution at the General Council Meeting in February leading to a Special General Meeting in June. A Task Team was appointed who further reviewed the proposed amendments and compiled a new document that was then circulated to all USSA Members for comments.

Comments were received from various members where after a final document was drafted and submitted to the USSA Office for circulation. The President mentioned that he had not seen the final draft and enquired why no further input was requested. Mr Croukamp replied that the task team had considered all input and made some changes after which they decided to conclude with the draft. The document was sent to the USSA Secretary General who then as agreed called for a combined meeting of the USSA Constitutional Sub Committee and the Task Team to try and reach consensus on the proposals before final submission at a Special General Meeting scheduled for 12 October 2012.

The meeting agreed that only substantial matters would be discussed and that other smaller issues such as terminological changes, sentence construction, etc. should be left as is for consideration at the SGM.

6. Discussions on substantive issues

6.1 Definition bona fide students (Article 3.4.1)

Ms Coetzee circulated a document that she had compiled of different definitions of Bona Fide students as implemented by FISU, USSA (current), Academic Registrars (suggested) and the Varsity Cup Executive Committee. Explanations were given of bridging and extended courses.

After consideration the meeting recommended the following as definition

A bona fide student is defined as a person who:

- (a) Is officially registered at an Institution of Higher Education recognised by the appropriate National Education Authority in the country (i.e. Department of Higher Education and Training) for a course on at least NQF Level 5, consisting of a minimum of 120 SAQA credits and is 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. It also includes extended courses which offer the required 120 SAQA credit;*
- (b) It excludes students enrolled for short courses or registered for courses or modules or units of study;*
- (c) 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.*

The meeting encouraged the creation of a whistle blowing mechanism in this regard – especially to assist the NUSAs. The meeting further confirmed that the definitions should be captured under Terms and Abbreviations of the Constitution as well as **Article 3.4.1** of the USSA Regulations.

6.2 USSA Membership (Article 7)

The committee deliberated on membership issues and whether FET Colleges should be accepted as member. The President commented that it is a highly politicised issue and that USSA should concur with the policy of the Department of Higher education.

Mr Croukamp commented that the FET Colleges were in the process of forming their own structure and that it wouldn't make sense for them to then also be allowed membership of USSA. They should however be allowed a grace period of one year as member of USSA. Ms Coetzee confirmed that the USSA Secretary General had attended a meeting of the FET Colleges where the process was confirmed and a date for the launch of the structure was announced. Mr Croukamp further commented that the FET Colleges would receive their own funding and that they could apply for LOTTO funding independently from USSA.

The meeting acknowledged that a link should be established between the FET Colleges and USSA which may allow students of FET colleges, who meet the FISU requirements, to compete at FISU events.

6.3 Structure (Article 8)

The President proposed a different structure to the one that was originally proposed. The meeting considered the suggestion favourably apart from not agreeing on the position of a Financial Officer. The President felt that the NEC after taking office could designate one of their members to fulfil this role. The rest of the meeting disagreed and concluded that the position should be identified as a Financial Officer/manager and elected as such.

After further discussions and input the meeting decided to submit two alternative structures for consideration at the SGM which would address different options for the position of the Finance Officer.

Option 1 See Addendum A – Option 1

- 1) President
- 2) 1st Vice-President (Operations – staff member)
- 3) 2nd Vice-President (Student Forum – student)
- 4) 3rd Vice-President (Finance and Marketing)
- 5) Additional member
- 6) Additional member
- 7) Additional member
- 8) Additional member (Student)
- 9) Additional member (Student)

Note: a minimum of 2 students should serve as additional members.

Option 2 See Addendum B – Option 2

- 1) President
- 2) 1st Vice-President (Operations – staff member)
- 3) 2nd Vice-President (Student Forum – student)
- 4) Chief Financial Officer and Marketing

- 5) Additional member
- 6) Additional member
- 7) Additional member
- 8) Additional member (Student)
- 9) Additional member (Student)

Note: a minimum of 2 students should serve as additional members and at least three (3) shall be staff members.

6.3.1 The president shall be a Vice-Chancellor and Principal, Deputy Vice-Chancellor, Vice-Principal of a member institution of Higher Education or a Council Chairperson and shall serve in an honorary capacity on the recommendation of the NEC. The President will chair all relevant USSA meetings.

6.3.2 The 1st Vice-President will chair USSA meetings in the absence of the President.

6.3.3 The 2nd Vice-President will be the Chairperson of the Student Forum. In the absence of the President and 1st Vice-President, he/she will chair all USSA meetings. This position will be occupied by a student who is at least in his second year of study.

6.3.4 Five (5) x Additional members of which at least two (2) shall be students and at least three (3) shall be staff members.

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

6.4 Voting

6.4.1 Voting of constituent members (Article 12.2)

The meeting discussed at length the proposal of a weighted voting system of institutions. Factors that were considered to be taken into account were:

- The number of students per institution;
- A spread of different philosophies / focus areas of universities;
- Contribution towards membership and fees paid annually;
- Number of codes affiliated to USSA.

Possible scenarios that were discussed:

Scenario One

A 3-tier system based on number of students with:

- the top tier allowing 8 universities with 3 votes - Total 24 votes
- 2nd block of 12 universities with 2 votes each - Total 24 votes
- 3rd block with 15+ universities - Total 15+ votes

Scenario Two

- 25000 students or more and affiliated to 12 codes or less - 2 votes
 - Less than 25000 students and affiliated to 12 codes or less - 1 vote
- One (1) additional vote for affiliating to more than 12 codes.

The meeting could not reach consensus and decided to submit the original proposal to change the constitution to the General Council to decide, or possibly refer back for further investigation.

6.4.2 Voting by NEC (Article 12.3)

The original proposal with regard to voting powers of member institutions and the NEC will be submitted to the SGM for consideration.

7. Other Constitutional amendments

7.1 Term of Office

7.1.1 The meeting decided that USSA should follow the SASCOC policy of serving a 4 year term that would coincide with the Olympic cycle. It was agreed that members should be elected in a staggered manner but that the matter would be referred to the new NEC for further investigation.

7.1.2 Staff members who leave the university will vacate his/her position with immediate effect.

7.1.3 Students who complete their studies will be allowed to retain the position until the end of the year of his/her graduation or a new election whatever comes first.

7.1.4 Students who are no longer registered will vacate their positions with immediate effect.

7.2 Casting vote – The meeting agreed that Article 12.5 should be submitted as is with a possible amendment depending on the new structure to be decided on (President/ Chairperson).

7.3 Article 19 – The meeting noted that the proposed amendments to Article 19 would clarify the conditions under which amendments to the constitution could be done to prevent disagreement or differences in interpretations.

The way forward

It was agreed that the minutes of the meeting as well as a new draft document with all the decisions taken at the meeting would be circulated to members of the USSA Constitutional Sub-Committee as well as the Constitutional Review Task Team for ratification and then to the USSA Secretary General by **1 October 2012**.

12. Closure

There being no further matters to discuss, the Chair thanked everybody for their contributions and closed the meeting at 15h45.

USSA NEC STRUCTURE OPTION ONE

PRESIDENT
Vice Chancellor, Deputy Vice-Chancellor, or Chairperson of Council

**1st VICE PRESIDENT
(OPERATIONS)**
Staff member; HOD,
Deputy Director,
Director

**2ND VICE PRESIDENT
(STUDENT FORUM)**
STUDENT IN 2ND YEAR OF
STUDIES and beyond

**3RD VICE PRESIDENT
FINANCE AND
MARKETING**

**ADDITIONAL
MEMBER**
STAFF

**ADDITIONAL
MEMBER**
STAFF

**ADDITIONAL
MEMBER**
STAFF

**ADDITIONAL
MEMBER**
STUDENT

**ADDITIONAL
MEMBER**
STUDENT

A minimum of 2 students and 3 staff members shall serve as additional members of which one staff and one student shall be female.

ADDENDUM B
USSA NEC STRUCTURE - OPTION TWO

PRESIDENT
Vice Chancellor, Deputy Vice-Chancellor or Chairperson of Council

1st VICE PRESIDENT (OPERATIONS)
Staff, Director/Deputy HOD or Senior Sport Manager

2ND VICE PRESIDENT (STUDENT FORUM/COUNCIL)
STUDENT IN 2ND YEAR OF STUDIES

CHIEF FINANCIAL OFFICER (FINANCE AND MARKETING)
Staff

ADDITIONAL MEMBER
STAFF

ADDITIONAL MEMBER
STAFF

ADDITIONAL MEMBER
STAFF

ADDITIONAL MEMBER
STUDENT

ADDITIONAL MEMBER
STUDENT

A minimum of 2 students and 3 staff members shall serve as additional members of which one staff and one student shall be female.



**THE CONSTITUTION OF
UNIVERSITY SPORT SOUTH AFRICA**
(Amended: ~~1 OCTOBER 2012~~ APRIL 2011)

PREAMBLE AND FOUNDING PRINCIPLES

WHEREAS the sport ~~fraternity spersons~~ of South African ~~i~~Institutions of ~~Higher tertiary~~ ~~e~~Education note that the ~~disparities emanating from state of fragmentation of student sport in~~ South Africa's ~~historical past was caused by policies~~ of intentional racial division and discrimination; ~~and the lack of access to sporting that these policies removed from the majority of South African students the opportunities~~ and the inequitable distribution of resources ~~among Institutions of Higher Education to acquire and enhance their sporting skills and to participate freely and normally~~; ~~and~~ recognising the need to ~~promote unity, e~~ access and equity in sport ~~spersons participation~~ at all South African ~~tertiary i~~Institutions of ~~Higher Education~~; ~~and to for the improvement of opportunities for the development and enhancement acquisition~~ of sporting skills by all South African students.

Comment [u1]: Proposed changes are aimed at refining, streamlining and updating the Preamble to be more focused on student sport which is the core focus of USSA.

And **WHEREAS** the founder ~~member of Institutions of Higher Education and their representative~~ organisations herein mentioned have ~~ing~~ agreed to establish one united national body representing the interests of all ~~bona fide students-athletes~~ at ~~tertiary educational i~~Institutions of ~~Higher Education 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 institutions~~ ~~Institutions of Higher Education of higher education that has lead reflected in the existence of distinct university and college sectors; to the possibility of different developmental needs, focus, ; the differences in the logical-organisation, management and resourcing of sport programmes~~; and ~~recognising~~ that all of the above may have an effect and bearing on the sporting ~~and aspirations needs~~ of ~~participants, particular sectors~~.

THEREFORE the sport ~~fraternity spersons~~ of South African ~~i~~Institutions of ~~Higher tertiary~~ ~~e~~Education commit themselves ~~through the medium of sport and sporting contact~~ to the establishment, ~~development~~ and promotion of a ~~sport programmes peaceful, united, non-racial, non-sexist and democratic society where all people are equal before the law; that 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 sporting competitions; ~~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; 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 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)

AGM/SGM - Annual General Meeting / Special General Meeting of USSA

Association - National University Sport Association (NUSA) of USSA (Article 8.4)

bona fide student - a) Student officially registered 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 course on at least NQF Level 5, consisting of a minimum of 120 SAQA credits and is 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. 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) 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.
~~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)~~

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Constitution - This Constitution, as amended from time to time

Council - The Council of USSA

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. ~~of~~ ***Must be discussed.***

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Member — Tertiary institution affiliated to USSA (Article 8.5)

Individual - Person affiliated to or associated with a ~~m~~Member

Institutions of Higher Education - means any institution that provides ~~h~~Higher ~~e~~Education Programmes on a

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- full-time, part-time or distance basis and which is-
- (a) established or deemed to be established as a ~~h~~Higher ~~e~~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(?) ~~H~~higher ~~e~~Education -~~I~~nstitution under the Higher Education Act 101 of 1997.

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~~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)~~

~~Manager/ Administrator/Official-~~ Full or part time employee of a ~~m~~Member Institution of Higher Education

~~Member~~ - Institution of Higher Education affiliated to USSA (Article 8.5)

~~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).~~

~~NEC~~ - National Executive Committee of USSA

~~Official meeting~~ - Meetings taking place under the auspices of USSA on a provincial, regional, sectoral ~~and or~~ 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~~

~~SASCOC~~ - South African Sports Confederation and Olympic Committee

~~Sport/s~~ - Sport/s discipline recognised by USSA

~~HESA~~ — ~~Higher Education South Africa~~

~~SASCOC~~ — ~~South African Sports Confederation and Olympic Committee~~

~~FISU~~ — ~~International University Sports Federation~~

~~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 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.

Comment [u2]: To give recognition to institutions (colleges, Technikons and universities) that formed SASSU through the representation listed in the Article.

ARTICLE 2 : NAME AND STRUCTURE

2.1 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.

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2.2 USSA is a registered Non-Profit Organisation (NPO) established and incorporated under the Non-Profit Organisations Act 71 of 1997.

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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 April 2012 *Must be discussed.*

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Comment [u3]: New Clause to recognize the nature/structure of USSA.

Comment [CN4]: Kindly affix date

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ARTICLE 3 : AIMS AND OBJECTIVES AND POWERS

The ~~aims powers~~ 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, constrained by the following aims and objectives:

The objectives of USSA shall therefore be:

3.1 to uphold and promote its founding principles through organisational structures as may evolve through the continuing interaction of its members;

Comment [u5]: Integrated in the Founding Principles (last paragraph) – seen as a principle not an objective

3.12 To facilitate and influencee ordinate the development of sSport ~~from~~ by promoting mass bona fide student participation through intramural, inter-campus and other forms; and to promote ~~to~~ high performance ~~for~~from elite performers, physical recreational activities and sports competition amongst its members at all levels;

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3.23 To safeguard and ensure the proper implementation and adherence to the Republic of South Africa's sport ~~government~~ policies and regulations with respect to USSA games, tournaments and championships; y on sport and recreation at tertiary education level;

3.34 To liaise and advocate matters of interest ~~make representations to the~~ macro sports ~~bodies and relevant~~bodies, relevant government departments and various stakeholders with respect to USSA's aims and objectives sport at tertiary education structures;

~~3.5~~ to liaise with national and provincial federations with respect to sport at tertiary education institutions and structures;

Comment [u6]: Integrated with 3.4 above

~~3.46~~ To identify and facilitate the affiliation of USSA e-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; the appropriate international, continental and national sports structure(s), and to participate in international and continental sports events, endorsed by the above-mentioned structures;

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Comment [u7]: There is an emphasis on both participation and influence policy direct and shifts at international level.

~~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;

Comment [u8]: Covered under 3.6 above.

~~3.58~~ To ensure that consolidate all student sport associations share the same vision and aspirations as USSA under one student sport organisation, and facilitate and promote the formation of sport associations when a need arises;

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~~3.9~~ to facilitate the formation of sport associations where these do not exist;

Comment [u9]: Integrated with 3.8 above.

~~3.610~~ To raise and administer funds of USSA in accordance with the Non Profit Organisation Act 71 of 1997 in such a manner as USSA may deem advisable and, in particular, by means of subscription, donations and sponsorships;

Comment [CN10]: USSA to ensure compliance with this Act as it will be guided by such Act

~~3.7~~

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USSA CONSTITUTION

~~3.11~~ To facilitate the selection, preparation and delivery of national student teams and/or athletes to international tournaments in consultation with SASCOC and other applicable national federations, 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;

~~3.813~~ To establish ~~develop and develop and~~ rules and regulations to ensure that USSA programmes are carried out in a sustainable and consistent manner, and in accordance with all members abide by the Constitution of USSA and any applicable legislation.

~~3.914~~ 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.

~~3.105~~ To take such steps as may be necessary to incorporate and promote the objects, intents and purpose of USSA if deemed advisable.

Comment [u11]: Institution have this capacity – USSA might grow to have the capacity but does not have it at the present time.

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Comment [CN12]: For the avoidance of doubt, is 'member' used as defined in this Constitution?

Comment [u13]: This was not spelled out in the Constitution.

ARTICLE 4 : EMBLEM AND, 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 in

Comment [CN14]: Kindly provide Headquarters

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.

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. Every office bearer, official or employee of USSA shall not be liable for any of the obligations and liabilities of USSA solely by virtue of their status members or as office bearers, officials or employees of USSA.

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-USSA~~ into disrepute.

6.3 No ~~person-Individual~~ or ~~m~~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, ~~whether movable or immovable~~, to its ~~m~~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.

Comment [CN15]: Who will authorize the NEC by power of attorney?

Ad para 6.5 to be amended to read as following: "All legal proceedings shall be brought by or against USSA. USSA hereby grants any member of its National Executive Committee or his/her designated representative the power 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, ~~o~~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 ~~M~~members or ~~i~~Individuals prior to its formal and legal establishment. *Must be discussed.*

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~~6.8 USSA does not envisage profit seeking either for itself or its members.~~

Comment [u16]: Article II, 2 confirms that USSA is an NPO

ARTICLE 7 : COMPOSITION AND MEMBERSHIP

7.1 USSA shall be composed of ~~tertiary i~~Institutions of Higher Education in the Republic of South Africa that have applied and have been admitted to membership within the boundaries as defined in Article 5 of this Constitution, who are admitted to membership.

Comment [CN17]: What are the conditions of affiliation? Are there application forms to be completed? And to whom are the forms to be submitted?

An undertaking to submit to instructions of the association and the Constitution must be taken by the Members and included herein.

Remittance of the appropriate affiliation fees to be made a condition of Membership before being a Member.

7.2 Membership may be granted to public and private tertiary institutions ~~Institutions of Higher Education~~ that offer academic qualifications at the NQF Level 5 and above and are registered with the Department of Higher Education ~~higher education programmes.~~

Comment [CN18]: Provision must be made for the cancellation or suspension of Membership.

Comment [CN19]: Propose that this provision be re-inserted to make provision for eligibility for membership

7.3 Only registered bona fide students of a ~~member~~Member of USSA shall be entitled to participate in events or in teams to participate under the jurisdiction of USSA, CUCSA, FASU and FISU ~~or USSA.~~

Comment [CN20]: To be fully cited as abbreviations not defined

7.4 Honorary membership shall be granted by the Annual General Meeting (AGM) of USSA to such persons ~~as, by the Annual General Meeting (AGM) of USSA, who shall~~ 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 Managers and/or oOfficials and bona fide students of ~~member~~Member institutions nominated by ~~members~~Members, ~~provinces, sports associations and members of the NEC of USSA~~ are eligible to stand for and be elected to portfolios of USSA.

Comment [u21]: Membership to USSA is financial and is open to institutions of higher education. Provinces, sport associations and members of the NEC are structures of USSA and cannot be permitted to vote (corporate governance matter).

~~7.6~~ Affiliation fees shall be proposed by the Council and agreed to (by majority vote) by those present at USSA's aAnnual ~~g~~General ~~M~~meeting.

Comment [CN22]: Is this correct?

ARTICLE 8 : STRUCTURES

8.5 MEMBERS

Comment [u23]: This Clause to become 8.1 or 8.2. Which comes first, the NEC or the Institutions?

8.5.1 ~~—The constituent membership shall comprise of institutions of Higher Education admitted to as members of USSA and who have paid the applicable membership and fees for the year.~~

8.5.2 ~~—The institution of higher education shall be admitted to USSA on submitting a written application and payment of the annual subscription and salary contribution.~~

8.5.3 ~~The Institutions so admitted, shall exclude individual campuses of an Institution of Higher Education, though such campuses shall registered as clubs in USSA. (NUSAs)~~

8.5.4 ~~The 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 7.2.~~

~~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 commencement of the meeting. At least one delegate must attend the meeting in person.~~

~~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.~~

8.5.5 ~~Institutions 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.~~

8.1 NATIONAL EXECUTIVE COMMITTEE (NEC)

8.1.1 The NEC shall comprise of the following:

- ~~President~~ President
- ~~1st Vice President~~ Chairperson
- ~~2nd Vice President~~ Vice-Chairperson
- Secretary General (ex-officio)
- ~~Finance and Marketing Officer~~ Treasurer / 3rd Vice President Finance and Marketing
- ~~Five~~ Five (545) Members Assessors

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Comment [CN24]: Annual subscriptions shall be as proposed by the Council and agreed to (by majority vote) by those present at the association annual general meeting.

Comment [u25]: The question here is whether higher education with a number of campuses can registered each campus as a member with the right to vote?

Comment [u26]: Given the nature of sport departments at institutions and financial constraints, occasions arise where full time official/managers are few and p ...

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Comment [u27]: It does not appear i ...

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Comment [u28]: Becomes 8.2.

Comment [CN29]: Is the election of ...

Comment [u30]:

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Comment [u31]: This person's ...

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Comment [CN32]: If the NEC appoi ...

Comment [u33]: The principle is to ...

Comment [CN34]: To provide the ...

USSA CONSTITUTION

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.

The president shall be a Vice-Chancellor and Principal, Deputy Vice-Chancellor or Vice Principal or chairperson of Council of a member institution of Higher Education elected for a two or four year term and shall serve in an honorary capacity on the recommendation of the NEC.

The 1st Vice President shall be a staff member at the level of Director, Deputy Director, or Head of Sport or Deputy Head of Sport at a member institution of Higher Education.

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

The Treasurer (or 3rd Vice President Finance and Marketing) shall be a senior permanent sport staff member at a member institution of Higher Education. (See proposed structures addendums A and B).

Five additional members who shall be either staff or students and of which at least two shall be students.

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

“Members elected to the NEC shall immediately relinquish their positions in the NEC when their status, according to which they were elected, changes (e.g. student representatives must relinquish their positions if they are no longer students – with exception of sub-clause b) – and staff members must relinquish their positions if they are no longer employed by or are suspended by the member institution).

Sub-clause a) Members elected to the NEC shall immediately relinquish their positions in the NEC when they are in bad standing with or suspended by any national and/or regional South African sport federation or structure.

Sub-clause b) Student-members elected to the NEC who obtain their academic qualifications may serve in the NEC for the next calendar year or next election whichever occurs first.

8.1.2 The NEC shall be elected ~~biennially-triennially or quadriennially in even years~~ at a Special General Meeting to coincide with the October Council meetings of USSA. Student representatives will be elected biennially

8.1.3 Not more than two (2) persons representing the same member institution shall be elected to the NEC simultaneously.

8.1.4 Members elected to the NEC shall relinquish positions held in any other structures of USSA ~~the Executive Committees of National University Sports Associations.~~

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USSA CONSTITUTION

8.1.5 Elected members of the NEC shall not hold office for more than ~~two three (23)~~ 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.~~

8.1.69 The NEC shall meet at least ~~four three (43)~~ times per year ~~with and~~ a summary of relevant decisions taken at such a meetings to be ~~shall be~~ circulated to ~~m~~Member institutions, provincial committees and National University Sports Associations within ~~within~~ thirty-one (31) days ~~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.~~

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

8.1.742.1 nominations shall be received in writing by the Secretary General at least twenty (20) days prior to the AGM; 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.

8.1.742.2 the aforementioned nominations shall be submitted and signed by those ~~m~~Members nominating them, and each nomination shall be acknowledged

Comment [u35]: These need to be stated in another Article/Clause that deals with the duties and responsibilities of office bearers.

Comment [u36]: These are consolidated under 8.1.13 below – this is done to eliminate duplication and streamline the duties and responsibilities of the NEC

Comment [CN37]: To also make provision for terms of office

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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;

8.1.712.3 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;

8.1.712.4 if no nominations are received for a particular position, nominations may be made from the floor;

8.1.712.5 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.

Comment [CN38]: Article 8.1.2 provides that the President shall be elected at an SGM

8.1.712.5 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.

8.1.813 The NEC shall have full and complete control over all activities of USSA subject to:

8.1.813.1. Limits and restrictions imposed by this Constitution

8.1.813.2. Limits and restrictions imposed by General Meetings and Council

Comment [CN39]: The deleted paragraph, Paragraph 8.1.10 and 8.1.11 clearly defines the duties and obligations of the NEC.

The proposed Paragraph 8.1.13 does not clearly define the duties and obligations

Propose that Article 8.1.10 and 8.1.11 be re-inserted/

8.1.914. -The powers of the NEC shall be as follows:

8.1.914.1 To assume overall responsibility for the management of the affairs of USSA;

8.1.914.2 To appoint, acquire or engage such staff permanently, temporarily or on voluntary basis and to discipline, ~~as staff as~~ may be determined from time to time;

8.1.914.3 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~~Members;

8.1.914.4 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;

8.1.914.5 To facilitate the formation of National University Sports Associations;

8.1.914.6 To the delegate 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;~~

8.1.914.7 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.~~ Recommendations and

Comment [CN40]: Which projects are being referred to herein?

resolutions of such subcommittees shall be presented to Council for approval or rejection. Council and its appeal board will be final.

8.2 COUNCIL

Comment [CN41]: Terms of office?

8.2.1 The Council shall comprise of:

8.2.1.1 ~~The~~ NEC;

8.2.1.2 ~~Two (2) delegates from each Member (i.e. affiliated tertiary Higher Education Institution in terms of Article 8.5);~~

~~two (2) delegates from each province as defined by a resolution of Council (Article 8.3);~~

Comment [u42]: Moved up this item is these are the financial members of USSA and should be accorded a more serious status in the order of things.

8.2.1.3 two (2) delegates from each National University Sport Association in respect of sports recognised by USSA (Article 8.4);

~~8.2.1.43. —Two (2) delegates from each province as defined by a resolution of Council (Article 8.3);~~

~~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.~~

Comment [u43]: This clause appears to be superfluous and has never been implement

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 Article~~ 7.2 and one a person who is a full or part time sports manager/administrator or official in the employ of a Member.

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

Comment [CN44]: At an SGM

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

Comment [CN45]: At the request of the entire NEC or majority of NEC members?

Comment [CN46]: Power to convene meetings must be established.

~~8.2.3.1 —to set the date for the AGM;~~

Comment [u47]: Done by the NEC

8.2.3.12 ~~T~~o ratify the decision of the NEC and to fill any vacancies arising in the NEC for the remaining period before the AGM;

Comment [CN48]: By majority vote?

8.2.3.23 ~~T~~o adjudicate upon the interpretation of ~~the~~ 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;

8.2.3.34 ~~T~~o examine and approve reports on all USSA programmes and activities (e.g. tournaments, tours, projects, etc.);

8.2.3.45 ~~T~~o delegate or assign any of its powers or duties to the NEC.

~~8.2.3.5 —To appoint subcommittees.~~

8.3 PROVINCIAL COMMITTEES

Comment [u49]: Must become 8.4.

8.3.1 Member Institutions of Higher Education within the official ~~boundries~~ boundaries of each province shall exercise the right to establish provincial committees where they are needed ~~The Council shall define boundaries of provinces and their regions.~~

8.3.2 ~~The~~ Each provincial committee shall be responsible for the following ~~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;~~

- 8.3.24.12 ~~The responsibility authority~~ to raise funds by means of sponsorships, donations, or any other means with the approval of the ~~NEC Council~~;
- 8.3.24.23 ~~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 ~~and with due consideration of sectoral differentiation~~;
- 8.3.4.4 ~~to award provincial colours as approved by Council to those individuals who qualify~~;
- 8.3.24.35 ~~To~~ submit to ~~the NEC Council~~, annual reports relating to their ~~sports programmes~~ sports programmes ~~and an audited financial report at the end of each financial year~~; ~~and~~
- 8.3.24.46 ~~To~~ facilitate development programmes in conjunction with provincial federations, where possible ~~the USSA Development Officer and appropriate development structures~~.

Comment [u50]: Done by USSA NEC

8.4 NATIONAL UNIVERSITY SPORTS ASSOCIATIONS

Comment [u51]: Must become 8.3.

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.

Comment [u52]: What is implied for USSA in Preamble and Founding Principles is also implied for the various structures.

8.4.2 NUSAs ~~These associations~~ shall be responsible for the administration of the various codes of sports recognised by the Council.

8.4.3 ~~The responsibilities of the NUSAs~~ These associations shall be the following; ~~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:~~

- 8.4.34.1 ~~The responsibility authority and obligation~~ to organise and co-ordinate their activities and to maximise student participation in Sport under the jurisdiction of USSA ~~USSA on a sectoral, provincial and national level where the need may arise provided that the national tertiary tournaments take precedence~~;
- 8.4.34.2 ~~To~~ conduct ~~their own~~ their own financial affairs with the help of the Secretary General/CEO of USSA; and pursue and acquire including the acquisition of sponsorships, subject to the approval of the ~~NEC Council~~;
- 8.4.34.3 ~~To~~ submit to ~~the NEC Council~~ annual reports of their activities with income and expenditure statements for each project/programme ~~an audited annual financial report~~;
- 8.4.34.4 any other rights or powers which are not incompatible with the provisions of this Constitution, subject to the approval of the Council.

Comment [u53]: NUSAs finances are audited through the NEC

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Comment [u54]: What could this be?

8.4.45 The USSA ~~prototype e~~Constitution shall take precedence over that of the ~~for~~ National University Sports Associations (NUSA), with the NUSAs' constitution being in

~~alignment with shall take precedence over~~ that of National Sports Federations (NSF's) ~~when dealing with student matters.~~

~~8.5 TERTIARY INSTITUTIONS OF HIGHER EDUCATION~~

~~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 mMember, and one a bona fide student who qualifies in terms of Clause Article 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.~~

Comment [CN55]: Propose that this Clause be re-inserted. Clause 8.1 deals with the appointment, powers and duties of the NEC

Comment [u56]: Moved to 8.1. above.

ARTICLE 9 : ANNUAL GENERAL MEETING (AGM)

- 9.1 The AGM shall be held before ~~30~~ April ~~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 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.
- 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 Mmember 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.

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Comment [u57]: Defined in 8.2.1. above and not necessary.

Comment [CN58]: To be inserted for the avoidance of doubt.

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ARTICLE 10 : SPECIAL GENERAL MEETING (SGM)

- 10.1 A Special General Meeting (SGM) of USSA shall be called for a specific purpose:
 - 10.1.1 -upon written request of at least forty percent (40%) of the mMembers of USSA;
 - 10.1.2 by the ~~The~~ NEC, AGM 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.

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10.4 A copy of such notice shall be forwarded to each ~~m~~Member, by the Secretary General, at least thirty (30) days prior to the date of the meeting.

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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 ~~m~~Members in good standing with USSA, including paid up affiliation and staff fees may participate in the voting process. 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 commencement of the meeting (as per clause 8.5.4). At least one delegate must attend the meeting in person.

Comment [u59]: The principle is that on Constitutional and Electoral issues, only member institutions have the right to vote as there are the only organization that are recognized members of USSA. NUSAs, Provincial Committees and the NEC are structures of USSA and cannot or should not vote on Constitutional and Electoral issues.

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12.2 Constituent members shall be accorded votes according to their enrolment numbers amount of membership and fees paid each year. Constituent members shall be accorded votes in the following manner:

12.2.1 —Universities with more that 25 000 students: 3 votes.~~Members paying membership and fees over R100, 000.00 per year: 3 votes~~

12.2.2 —Universities with more than 10 000 students: 2 votes.~~Members paying membership and fees between R50, 000.00 and R99, 000.00 per year: 2 votes~~

12.2.3 —Universities with less than 10 000 students: 1 vote.~~Members paying membership and fees of R49, 000.00 or less: 1 vote~~

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12.3 —Each member of the NEC, each fully represented mMember (institution) and each National University Sport Association to the Council AGM or SGM shall have one (1) vote. However, only members of the NEC and each fully represented Mmember Institutions of Higher Education 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.~~

Comment [u60]: See 12.2. above

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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, except during elections of the NEC and constitutional amendments. However, the Chairperson shall have a casting vote in Council, such a vote representing the decision of the NEC on the specific matter under discussion.

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 by:

12.7.1 Aby 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.

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ARTICLE 14 : SUBSCRIPTIONS

The Council shall before ~~the end of October~~ ~~June~~ of each year, determine subscriptions payable by ~~M~~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 ~~Treasurer Finance and Marketing Officer~~ and/or the Secretary General and any other official delegated by the NEC.

15.3 The ~~Treasurer, 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.

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 ~~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.

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.

Comment [CN61]: How are appeals to be handled? What are the powers provided for by the Constitution in appeal cases?

Comment [CN62]: Constitution to make provision for appeal procedures against decisions regulated by the rules and regulations of the Council.

Comment [CN63]: This Constitution to establish such misconduct and protest committee to be regulated by the rules and regulations of the Council.

ARTICLE 17 : ANTI DOPING

~~USSA shall recognise Doping is strictly forbidden and constitutes a doping offence under the Regulations of Drug-Free Sport South Africa, 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 ~~shall have 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

Comment [CN64]: Appelas?

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 rules and regulations of-issued by the Council.

Comment [CN65]: Article 13.1 provides that the Rules and Regulations are issued by the NEC and approved by the Council. Is this correct?

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 afore-going, such resolution shall be final and binding on the parties in the dispute.

Comment [CN66]: Must be last recourse that party may have

ARTICLE 19 : AMENDMENT OF THE CONSTITUTION

19.1 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 20 days prior to the AGM (refer article 9).

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19.2 This constitution may also be amended at an SGM of USSA called specifically for that purpose upon written request of at least 40% of the members of USSA.

19.3 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.

19.4 The Rules and Regulations will be updated to include all consequential changes brought about by amendments to the constitution.

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~~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 Mmembers 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.~~

19.5 Any constitutional changes are immediately applicable upon adoption by the AGM, SGM or Council.

ARTICLE 20 : DISSOLUTION

- 20.1 USSA shall be dissolved upon a resolution passed by a majority of two thirds of the Mmembers 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



THE CONSTITUTION OF UNIVERSITY SPORT SOUTH AFRICA (Amended: 1 OCTOBER 2012)

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 the Annual General Meeting of University Sport South Africa (USSA) held at the CSIR ICC, City of Tshwane, on 9 April 2011. [To be decided]

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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) Student officially registered 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 course on at least NQF Level 5, consisting of a minimum of 120 SAQA credits and is 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. 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) 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.
- Constitution - This Constitution, as amended from time to time
- Council - The Council of USSA
- 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. **[Must be discussed]**
- Individual - Person affiliated to or associated with a Member
- Institutions of Higher Education - means 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 8.5)

- NEC - National Executive Committee of USSA
- Official meeting - Meetings taking place under the auspices of USSA on a provincial, regional, sectoral or national level
- 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 _____ 2012.
[Must be discussed]

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 from 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.

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. Every office bearer, Official or employee of USSA shall not be liable for any of the obligations and liabilities of USSA solely by virtue of their status as office bearers, officials or employees of USSA.
- 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 USSA into disrepute.

- 6.3 No Individual 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, whether movable or immovable, 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. ***[Must be discussed]***

ARTICLE 7 : COMPOSITION AND MEMBERSHIP

- 7.1 USSA shall be composed of Institutions of Higher Education in the Republic of South Africa that have applied and have been admitted to membership within the boundaries as defined in Article 5 of this Constitution, who are admitted to membership.
- 7.2 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.
- 7.3 Only registered bona fide students of a Member of USSA shall be entitled to participate in events or in teams to participate under the jurisdiction of USSA, CUCSA, FASU and FISU.
- 7.4 Honorary membership shall be granted by the Annual General Meeting (AGM) of USSA to such persons as shall 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 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.
- 7.6 Affiliation fees shall be proposed by the Council and agreed to (by majority vote) by those present at USSA's Annual General Meeting.

ARTICLE 8 : STRUCTURES

8.5 MEMBERS

8.5.1 The constituent membership shall comprise of Institutions of Higher Education admitted as Members of USSA and who have paid the applicable membership fees for the year.

8.5.2 The Institution of Higher Education shall be admitted to USSA on submitting a written application and payment of the annual subscription and salary contribution.

8.5.3 The Institutions so admitted, shall exclude individual campuses of an Institution of Higher Education, though such campuses shall register as clubs in USSA. (NUSAs)

8.5.4 The 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 7.2.

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 commencement of the meeting. At least one delegate must attend the meeting in person.

8.5.5 Institutions shall have the obligation to pay subscriptions to the various national sport associations as well as to USSA.

8.1 NATIONAL EXECUTIVE COMMITTEE (NEC)

8.1.1 The NEC shall comprise of the following:

- President
- 1st Vice President
- 2nd Vice President
- Secretary General (ex-officio)
- Treasurer / 3rd Vice President Finance and Marketing
- Five (5) Members

The president shall be a Vice-Chancellor and Principal, Deputy Vice-Chancellor or Vice Principal or chairperson of Council of a member institution of Higher Education elected for a two or four year term and shall serve in an honorary capacity on the recommendation of the NEC.

The 1st Vice President shall be a staff member at the level of Director, Deputy Director, Head of Sport or Deputy Head of Sport at a member institution of Higher Education.

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

The Treasurer (or 3rd Vice President Finance and Marketing) shall be a senior permanent sport staff member at a member institution of Higher Education. [See proposed structures in minutes of Constitutional Meeting, addendums A and B]

Five additional members who shall be either staff or students and of which at least two shall be students.

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

“Members elected to the NEC shall immediately relinquish their positions in the NEC when their status, according to which they were elected, change (e.g. student representatives must relinquish their positions if they are no longer students – with exception of sub-clause b) – and staff members must relinquish their positions if they are no longer employed by or are suspended by the member institution).

Sub-clause a) Members elected to the NEC shall immediately relinquish their positions in the NEC when they are in bad standing with or suspended by any national and/or regional South African sport federation or structure.

Sub-clause b) Student-members elected to the NEC who obtain their academic qualifications may serve in the NEC for the next calendar year or next election whichever occurs first.

8.1.2 The NEC shall be elected triennially or quadriennially at a Special General Meeting to coincide with the October Council meetings of USSA. Student representatives will be elected biennially

8.1.3 Not more than two (2) persons representing the same member institution shall be elected to the NEC simultaneously.

8.1.4 Members elected to the NEC shall relinquish positions held in any other structures of USSA.

8.1.5 Elected members of the NEC shall not hold office for more than two (2) consecutive terms.

8.1.6 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.

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

8.1.7.1 nominations shall be received in writing by the Secretary General at least twenty (20) days prior to the AGM; 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.

- 8.1.7.2 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;
 - 8.1.7.3 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;
 - 8.1.7.4 if no nominations are received for a particular position, nominations may be made from the floor;
 - 8.1.7.5 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.
 - 8.1.7.6 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.
- 8.1.8 The NEC shall have full and complete control over all activities of USSA subject to:
- 8.1.8.1 Limits and restrictions imposed by this Constitution;
 - 8.1.8.2 Limits and restrictions imposed by General Meetings and Council.
- 8.1.9 The powers of the NEC shall be as follows:
- 8.1.9.1 To assume overall responsibility for the management of the affairs of USSA;
 - 8.1.9.2 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;
 - 8.1.9.3 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;
 - 8.1.9.4 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;
 - 8.1.9.5 To facilitate the formation of National University Sports Associations;
 - 8.1.9.6 To delegate the selection of national student teams to represent USSA at international events to the National University Sports Associations;

- 8.1.9.7 To appoint subcommittees. Recommendations and resolutions of such subcommittees shall be presented to Council for approval or rejection. Council and its appeal board will be final.

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 Member (i.e. affiliated Higher Education Institution in terms of Article 8.5);
- 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 province as defined by a resolution of Council (Article 8.3);

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

- 8.2.2 The Council shall meet at least once per year before the end of 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 Article of the Constitution, the following further powers shall be vested in the Council:
- 8.2.3.1 To ratify the decision of the NEC and to fill any vacancies arising in the NEC for the remaining period before the AGM;
- 8.2.3.2 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;
- 8.2.3.3 To examine and approve reports on all USSA programmes and activities (e.g. tournaments, tours, projects, etc.);
- 8.2.3.4 To delegate or assign any of its powers or duties to the NEC.
- 8.2.3.5 To appoint subcommittees.

8.3 PROVINCIAL COMMITTEES

- 8.3.1 Member Institutions of Higher Education within the official boundaries of each province shall exercise the right to establish provincial committees where needed.
- 8.3.2 The provincial committee shall be responsible for the following:
- 8.3.2.1 The responsibility to raise funds by means of sponsorships, donations, or any other means with the approval of the NEC;
- 8.3.2.2 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;

- 8.3.2.3 To submit to the NEC, annual reports relating to their sports programmes;
- 8.3.2.4 To facilitate development programmes in conjunction with provincial federations, where possible.

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

ARTICLE 9 : ANNUAL GENERAL MEETING (AGM)

- 9.1 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.
- 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 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.

- 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:
- 10.1.1 upon written request of at least forty percent (40%) of the Members of USSA;
 - 10.1.2 by the NEC, AGM or Council.
- 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, including paid up affiliation and staff fees may participate in the voting process. *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 commencement of the meeting (as per clause 8.5.4). At least one delegate must attend the meeting in person.*

- 12.2 Constituent members shall be accorded votes according to their enrolment numbers. Constituent members shall be accorded votes in the following manner:
- 12.2.1 Universities with more than 25 000 students: 3 votes;
 - 12.2.2 Universities with more than 10 000 students: 2 votes;
 - 12.2.3 Universities with less than 10 000 students: 1 vote.
- 12.3 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.
- 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, except during elections of the NEC and constitutional amendments. However, the Chairperson shall have a casting vote in Council, such a vote representing the decision of the NEC on the specific matter under discussion.
- 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 by:
- 12.7.1 A show of hands; or
 - 12.7.2 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 the end of October 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 Treasurer and/or the Secretary General and any other official delegated by the NEC.
- 15.3 The Treasurer, 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.
- 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 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.
- 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

USSA shall recognise the Regulations of Drug-Free Sport South Africa, FISU and 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 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 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 rules and regulations issued by 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 afore-going, 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. 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 20 days prior to the AGM (refer article 9).
- 19.2 This constitution may also be amended at an SGM of USSA called specifically for that purpose upon written request of at least 40% of the members of USSA.
- 19.3 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.
- 19.4 The Rules and Regulations will be updated to include all consequential changes brought about by amendments to the constitution.
- 19.5 Any constitutional changes are immediately applicable upon adoption by the AGM, SGM or Council.

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 _____ at the Annual/Special General Meeting of University Sport South Africa (USSA) held at the _____, and signed on their behalf. [To be decided]

Dr Rendani I Mulaudzi: Chair

Louis J Nel: Secretary-General