

CONSTITUTION

FREE STATE SQUASH ASSOCIATION

1. NAME

The Association shall be called the Free State Squash Association (hereinafter referred to as the "Association").

2. OBJECTIVES

The objects of the Association are:

- 2.1 To act as the controlling and administrative body of the sport of squash within its area of jurisdiction, subject to the authority of Squash South Africa, the national controlling body of the sport of squash, and to the rules laid down from time to time by the World Squash Federation.
- 2.2 To promote the game of squash in its area of jurisdiction.
- 2.3 To develop the game of squash within its area of jurisdiction.
- 2.4 To ensure the implementation of a structure within which league matches, tournaments, dispute resolution mechanisms and disciplinary action can be organised and/or instituted.

3. HEADQUARTERS

The headquarters of the Association shall be in Bloemfontein. It shall be affiliated to Squash South Africa and to the Free State Provincial and/or municipal sport controlling body/bodies.

4. AREA OF JURISDICTION

The area of jurisdiction of the Association shall be that as prescribed by Squash South Africa from time to time.

5. CORPORATE PERSONALITY

- 5.1 The Association is a voluntary association and shall have a corporate personality separate from that of its members and shall be entitled to sue or be sued in its own name.

6. MEMBERSHIP

- 6.1 Application for membership of the Association shall be made in writing to the secretary of the committee. The committee reserves the right to request the applicant to furnish such additional information that the committee may require in order to enable the committee to properly consider the application.

- 6.2 The secretary shall submit the above application to the committee for consideration and decision at its next ordinary meeting. The committee shall furnish it's decision to the applicant within three (3) days of the said ordinary meeting.
- 6.3 The committee shall not be obliged to furnish any reason for their decision regarding a members application for membership.
- 6.4 The following shall be eligible for membership of the Association provided that they are situated within its area of jurisdiction.
 - 6.4.1 Squash Clubs including any section of a club which either itself or through the main club of which it is a section, caters for the playing of squash. Provided that where a section of a main club caters for the playing of squash then the section shall be admitted as a member and not the main club.
 - 6.4.2 Clubs, schools, private clubs, public court owners, institutions of tertiary education and other institutions which include the game of squash as one of their activities, provided that where a section of the institution, school or clubs provides for the playing of squash then only that section shall become a member.
- 6.5 The members of the Association in a Annual General Meeting shall be entitled to elect honorary life members of the Association in recognition of their services to the game of squash or to the Association.

7. **TERMINATION OF MEMBERSHIP**

- 7.1 Any member may resign as a member of the Association by submitting a written notice to the secretary.
- 7.2 The committee may expel a member from the Association provided that:
 - 7.2.1 An enquiry shall be held by the committee prior to the decision of the committee to expel such member.
 - 7.2.2 Such member shall be entitled to be heard at the enquiry and may be represented thereat.
 - 7.2.3 The decision of the Committee to expel such member shall be subject to appeal to a General Meeting of the Association.
- 7.3 In the event of a member failing to pay any monies due to the Association within 90 days of due date then the committee may terminate the said members membership by written notice. The committee may on good cause shown and on payment of all arrears re-instate such a member.
- 7.4 No refund of any subscription or other fee or charge shall under any circumstances be due by the Association to a member on termination of its membership for any reason.

8. **DUTIES OF MEMBERS**

On joining the Association, members agree to abide by the provisions of this constitution as well as any rules and/or regulations promulgated by the committee in terms of this constitution.

9. **LIABILITY OF MEMBERS**

The liability of any member of the Association shall be limited to the sum of any monies owing by such member to the Association by way of subscription or otherwise.

10. **MAIN COMMITTEE**

10.1 The elected members of the main committee of the Association shall comprise of:

- 10.1.1 Chairman.
- 10.1.2 Vice Chairman.
- 10.1.3 Secretary.
- 10.1.4 Treasurer.
- 10.1.5 League Secretary
- 10.1.6 Two additional members
- 10.1.7 Past Chairman
- 10.1.8 Marketing Manager
- 10.1.9 Coaching Representative
- 10.1.10 Marking and Refereeing Representative
- 10.1.11 Development Representative

10.2 The election of the main committee of the Association shall occur at the Association's Annual General Meeting in accordance with the following provisions:

10.2.1 No person shall be eligible for election to the main committee unless he/she has been nominated as such prior to or at the meeting, save that nominations for the positions of chairman, treasurer and secretary may only be made in writing to the secretary of the Association not less than seven (7) days prior to the date of the meeting. Nomination forms must include signature of the proposer, seconder and that of the nominee.

10.2.2 If no nomination is received for the position of chairman, treasurer or secretary, the existing chairman or treasurer (as the case may be) shall, if available, continue in office until the next Annual General Meeting, failing which the members of the new committee shall at their first meeting elect a person to act as chairman or treasurer (as the case may be).

10.2.3 One representative of each club or section of club which caters for the playing of squash, school, tertiary education, institution or other institution which caters for the playing of squash and which is a member of the Association shall automatically have representation on the main committee. See section 6.4 for eligibility for membership.

10.3 The first meeting of the newly-elected committee shall be held within thirty (30) days of its election, and such further meetings shall be held not less than one every two calendar months to attend to the ordinary business of the Association and shall

be convened by the chairman or failing him any member of the committee appointed by a majority vote of the committee members present.

- 10.4 Not less than three days notice of meetings of the committee shall be given to the committee members, except in cases of emergency when a shorter period of notice may be given.
- 10.5 A quorum shall consist of five (5) members, and each member shall vote according to the provisions of sections 14.1 and 16.5. The chairman shall have a casting vote.
- 10.6 Resolutions may validly be passed on a simple majority of votes cast.

11. **POWERS OF THE COMMITTEE**

- 11.1 To make, amend and repeal rules and by-laws as may be deemed necessary for the running of the Association.
- 11.2 To organise league fixtures, championships and other tournaments.
- 11.3 To promote the development of squash.
- 11.4 To award representative colours and to prescribe eligibility criteria.
- 11.5 If necessary to nominate a person/s to represent the Association at meetings of Squash South Africa.
- 11.6 To co-opt onto the committee such additional members not exceeding four (4) as it deems appropriate.
- 11.7 To appoint such sub-committees as it may deem appropriate. No person eligible for selection to a representative team shall be on that selection committee, with the exception of the Coaching Representative
- 11.8 To impose fines or take such other disciplinary measures against any of its members or any squash player participating in its activities, as it may deem fit.
- 11.9 To propose persons for election as honorary life members in recognition for their services to squash and/or to the Association.
- 11.10 To raise money whether by subscription or otherwise from its members, and to utilise the same for such purposes as it may deem appropriate in fulfilling the objectives or the Association.

12. **ANNUAL GENERAL MEETINGS OF THE ASSOCIATION**

- 12.1 An Annual General Meeting of the members of the Association shall be held within two (2) months from the end of the Association's Financial Year, which shall run from the 1st of October to the 30th of September each year. Not less than 21 days written notice of such meeting shall be given to the members, accompanied by the minutes of the previous Annual General Meeting.

- 12.2 All members of the Association shall be entitled to be represented at the meeting provided that their levies for the preceding year to the Association are fully paid up.
- 12.3 A member shall include a person who is a member of a squash club or section of a club which either itself or through the main club of which it is a section caters for the playing of squash, member of a school, private club, public court owner, institution or tertiary education, other institutions which include the game of squash amongst its activities and which club, section of club, school, institution of tertiary education or institution as the case may be has duly paid all levies due by it for the preceding year to the Association. A member shall be entitled to be represented by proxy, provided that a written proxy in a form acceptable to the chairman of the meeting is delivered to the secretary of the association prior to the commencement of the meeting.
- 12.4 A quorum shall consist of one third (1/3) of the voting strength of all members of the Association entitled to vote as determined in section 14.
- 12.5 Save where this constitution provides to the contrary, resolutions may validly be passed by a simple majority of the total votes cast at the meeting. Voting shall be by a show of hands unless a ballot is demanded by not less than two (2) members.
- 12.6 The business to be transacted shall be as follows:
 - 12.6.1 To read and, if so resolved, confirm the minutes of the last Annual General Meeting.
 - 12.6.2 To receive and consider the report of the chairman of the committee on the activities of the Association during the past year.
 - 12.6.3 To receive and to adopt, with or without qualification, or to reject, the audited financial statements of the Association for the previous financial year, and to receive and adopt, with or without modification, a draft budget for the ensuing year.
 - 12.6.4 Election of office bearers for the ensuing year. In terms of 10.2 above.
 - 12.6.5 Approval or alteration of rules and regulations made during their term of office, by the outgoing committee.
 - 12.6.6 To appoint auditors for the Association for the ensuing year.
 - 12.6.7 To consider and to adopt, with or without modification, or to reject, any resolution of which written notice was given to the secretary of the Association not less than fourteen (14) days prior to the date of the meeting.
 - 12.6.8 To discuss and consider any other matter/s which the chairman in his/her sole discretion may seem appropriate.

13. **SPECIAL GENERAL MEETING**

- 13.1 A Special General Meeting shall be called by the committee at any time upon the receipt of a written request from not less than three members (not being honorary members) of the Association sent to the secretary of the Association. Not less than

twenty one (21) days written notice of such meeting, furnishing reasons for the calling of the meeting and business to be discussed shall be given to all members.

- 13.2 Six (6) members present in person or by proxy in a form acceptable to the chairman of the meeting shall form a quorum.
- 13.3 All members of the Association shall be entitled to be represented at the meeting, and a roll shall be taken of the persons present.
- 13.4 Resolutions may validly be passed by a simple majority of the total votes cast at the meeting.
- 13.5 The business to be transacted shall be as follows:
 - 13.5.1 To read and, if so resolved, confirm the minutes of the last General Meeting.
 - 13.5.2 The chairman shall read the resolution/s to be considered by the meeting and shall permit the member/s which requested the meeting to provide the motivation for the resolution/s.
 - 13.5.3 Those present shall consider and discuss the resolution/s before the meeting and thereafter vote upon it/them with or without modification.
 - 13.5.4 No business other than that referred to in the notice given in terms of 13.1 shall be transacted at the meeting.

14. **VOTING RIGHTS**

- 14.1 Members shall be entitled to vote as follows at meetings of the Association:

Playing membership of 1 - 30	:	1 vote
Playing membership of 31 - 60	:	2 votes
Playing membership of 61 and over	:	3 votes
- 14.2 For the purpose of this clause, the playing membership of a member shall be determined by multiplying the number of league teams affiliated by the members per team fielded by such member during that year. Where a member affiliated more players than the equivalent teams affiliated, then the total number of players affiliated will be taken into account for the purpose of this clause.
- 14.3 The vote/s to which a member is entitled in terms of 14.1 may only be cast by the official representative of the member present at the meeting or by its proxy.
- 14.4 An honorary member of the Association shall not have the right to vote unless he is the official representative of a member at the meeting.

15. **NOTICES OF THE GENERAL AND SPECIAL MEETINGS**

Any notice of a meeting required to be given under these provisions shall if they are sent by post to the members and main committee members shall be deemed to have been served three days after it has been posted, and in computing the length of notice, the day on which the notice is served and the day on which the meeting is held shall be excluded.

16. **TIME AND PLACE OF GENERAL MEETINGS OF THE ASSOCIATION**

- 16.1 All General Meetings shall be held at such time and such place as the committee shall decide.
- 16.2 Five members present in person or by representation by proxy in a form acceptable to the chairman, shall form a quorum.
- 16.3 Members present at the meetings or represented by proxy shall have voting qualification as laid down in 14.1 above.
- 16.4 A poll may be demanded by two (2) persons present in person or by representation and shall be taken in such a manner as the chairman shall direct.
- 16.5 Each member of the main committee who is not a member of the committee by virtue of his representation of a club, section of a club which through itself or through the main club caters for the playing of squash, school , private club, private court owner, institution of tertiary education or other institution, shall have one (1) vote in his individual capacity.

17. **FEES AND SUBSCRIPTIONS**

The following sums shall be payable annually by all members:

17.1 **SUBSCRIPTIONS**

- 17.1.1 Such affiliation and team participation fees as determined from time to time at a General Meeting of the Association.
- 17.1.2 The above affiliation and participation fees shall be due and payable as and when determined by the Committee.
- 17.1.3 Should a member fail to pay any part of its subscription to the Association by the due date the committee may at its discretion impose a penalty for late payment, provided that such penalty shall not exceed an amount equivalent to the amount unpaid.

17.2 **SQUASH S.A. AFFILIATION FEE**

- 17.2.1 Such affiliation fee per player as is determined from time to time by Squash South Africa. The affiliation fee shall be remitted direct to Squash South Africa in accordance with the procedures stipulated with regard thereto by Squash South Africa from time to time.
- 17.2.2 For the purpose of clause 17.2 a member shall be determined by applying such principles as are laid down from time to time by Squash South Africa.

18. **DISCIPLINARY POWERS**

In addition to the power of expulsion referred to in clause 7.2 the committee shall have the powers hereinafter set out in respect of any member or individual player who contravenes

or fails to comply with the provisions of this constitution or any of the rules made by the Association from time to time, or who is guilty of conduct which is, in the opinion of the committee, likely to prejudice the status or interest of the Association or to bring the game of squash into disrepute; the committee shall have the following powers:

- 18.1 Warning and/or
- 18.2 Reprimand and/or
- 18.3 Temporary suspension from membership and/or
- 18.4 Expulsion from membership and/or
- 18.5 Exclusion from league, championships, tournaments or competitions for a specific period and/or
- 18.6 Withdrawal of the right to wear Orange Free State Squash colours and/or
- 18.7 Imposition of a fine not exceeding the annual subscription of that member in the case of a member, or not exceeding one thousand Rand (R1000,00) in the case of an individual player, provided that the penalties referred to in 18.4 and 18.7 above shall not be exercised until an enquiry has been held as provided for in clause 7.2.

19. **DISPUTES**

Should any dispute arise which cannot be settled by the committee in regard to any matter arising and over which the committee has jurisdiction by virtue of this constitution then such dispute shall be referred to for arbitration to the executive committee of Squash South Africa whose decision shall be final and binding on all parties to the dispute.

See SCHEDULE 2 for process

20. **AMENDMENT OF THE CONSTITUTION**

- 20.1 This constitution may be amended, altered or varied at any time by members in a Annual General Meeting or a Special General Meeting upon a majority vote of not less than two thirds (2/3) of the total voting strength of all the members of the Association, provided that not less than twenty one (21) days written notice of such meeting, specifying the nature of the proposed amendment, alteration or variation has been given to all members.

SCHEDULE ONE

NON - RACIALISM

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, region, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which, though not worded in racial terms, none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of clause 2.
4. The principle of non-racialism also demands that all clubs, regions, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons; e.g. when hosting a league match or a tournament or championship and such non-members are legitimately at the premises of the club or other body in connection therewith.
5. The fundamental rights of freedom of association and freedom of disassociation are recognised. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national, regional or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5, and the principle of non-racialism referred to in 1, and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
 - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para 2 above).
 - 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though de facto its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.

8. Under no circumstances will an infringement of 4, above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so called "ethnic" clubs are perceived to be problematic and require deeper analysis.
- 9.1 Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
- 9.2 What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona fide purpose of catering for the cultural needs or aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.
- 9.3 If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership.
Prima facie this would be an infringement of paragraph 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of 2, above (Cf also 7.1 above). It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the proposed new unified national body or any provincial body.
- 9.4 By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

(Constitution amended at AGM 4 November 2019)

SCHEDULE TWO

DISPUTES

Any disputes arising out of, or in connection with the enforceability of this constitution, or the application and interpretation of the provisions hereof, or any dispute between any members of SASCOC, or Squash South Africa or any Associate body of Squash South Africa or any Province or between a member and the Executive body of any Associate Member, or Provincial Executive or Squash South Africa Executive or SASCOC shall be referred firstly to the body of jurisdiction i.e. USSASA Squash or SASSU Squash or the Associate Body or the Provincial Association.

Thereafter should there be no resolution the matter is referred to Squash South Africa 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 referred. In the event of no resolution the matter shall be referred to the Dispute Resolution Foundation of South Africa. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.

(Constitution amended at AGM 4 November 2019)

4 November 2019