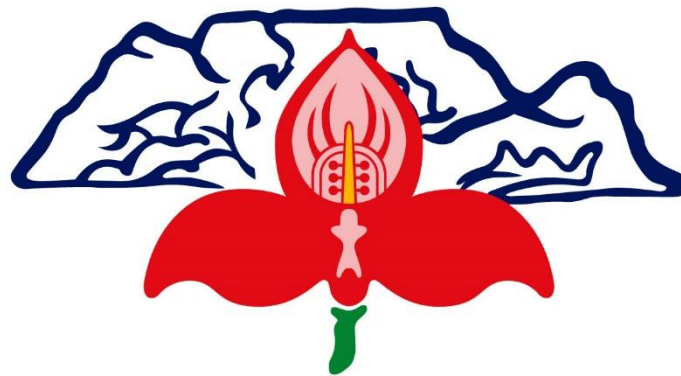


# CONSTITUTION OF WESTERN PROVINCE ATHLETICS



## WESTERN PROVINCE ATHLETICS

Version 12 – August 2023

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## CHAPTER 1 : INTRODUCTION

### 1. DEFINITION OF TERMS

In this constitution, except where incompatible with the context, the following terms shall have the following meaning:

1.1	Annual General Meeting	A meeting of members as formulated in clause 24
1.2	ASA	Athletics South Africa
1.3	Associate Member	Category of membership of WPA as defined in clause 16
1.4	Association	Western Province Athletics
1.5	Athlete	Unless specified otherwise, any person who is entered for, or participating in, an Athletics event or competition sanctioned by WPA, ASA or World Athletics.
1.6	Athlete support personnel	Unless specified otherwise, any coach, trainer, manager, authorised Athlete Representative, agent, team staff, technical official, medical or para-medical personnel, parent, or any other person working with, treating or assisting an Athlete participating in, or preparing for, an Athletics event or competition.
1.7	Athletics	Track and field, race-walking, road-running, cross country, mountain and trail running – incorporating all aspects involved in staging these disciplines
1.8	Athletics meetings	Competitions for track and field, road-running, cross-country, race walking, mountain and trail running and including Fun Runs sanctioned by WPA
1.9	Board	Executive Board of WPA constituted in terms of clause 8
1.10	Commissions	The sub-structures of WPA to manage the different branches of athletics
1.11	Constitution	This constitution of WPA, excluding the Policies
1.12	Council Meetings	Meetings of WPA members as constituted in clause 21
1.13	Day	A calendar day, including weekends and public holidays
1.14	Employees	Persons employed by WPA by virtue of a letter of appointment or contract approved by the Board.
1.15	General Manager	Contracted employee of WPA as defined in clause 12.8
1.16	Fun Runs or Walks	Athletics meetings sanctioned by WPA, not requiring participation to be restricted to licensed athletes
1.17	Individual	Specifically, any registered licence holder or generally any person participating formally in Athletics Meetings
1.18	Licence	Registration of athletes in terms of ASA and WPA Policies
1.19	Licensed athlete	An athlete who has purchased a licence for the current year in terms of ASA rules and WPA rules and Policies and whose registration form has been returned to the WPA office.
1.20	Life Member	Category of membership of WPA as defined in clause 17

- |      |                             |  |
|------|-----------------------------|--|
| 1.21 | Member                      | Member of WPA as defined in clause 14  |
| 1.22 | Notice                      | Notification of a meeting. Written notice may include post, fax or email as appropriate for the intended recipients. Period of notice shall be measured from the date of sending notice to the day before the meeting. |
| 1.23 | Office / Head Office        | The administrative offices of WPA  |
| 1.24 | Officers of the Association | Office bearers and employees of WPA  |
| 1.25 | President                   | Office bearer defined in terms of clause 12.5 and chairperson of Council and Board   |
| 1.26 | Policies                    | The recorded Policies of WPA to give effect to the rules, policies and procedures of WPA   |
| 1.27 | Rules                       | Rules for athletics meetings as formulated by WPA including the rules of ASA and WA  |
| 1.28 | Secretary                   | The secretary/secretaries and other administrative staff employed by WPA   |
| 1.29 | Special General Meeting     | A meeting of members as formulated in clause 26  |
| 1.30 | Standing Committee          | Permanent committee formed in terms of clause 11.2   |
| 1.31 | WA                          | World Athletics  |
| 1.32 | Western Province            | A geographic area with boundaries as defined by the current constitution of ASA.   |
| 1.33 | WPA                         | Western Province Athletics   |
| 1.34 | WPA Office                  | The administrative office of WPA   |
| 1.35 | WPACC                       | Western Province Athletics Cross Country Commission  |
| 1.36 | WPARR                       | Western Province Athletics Road Running Commission   |
| 1.37 | WPATF                       | Western Province Athletics Track and Field Commission  |
| 1.38 | WPARW                       | Western Province Athletics Race Walking Committee  |
| 1.39 | Writing                     | “In writing” shall include email and documents attached to email but does not include SMS or text messages or social media.  |
- 1.40 Except where inappropriate in the context, any reference to gender shall include all other genders and any reference to the singular shall include the plural, and *vice versa*.

## 2. NAME AND LEGAL PERSONALITY

- 2.1 The name of the Association shall be Western Province Athletics.
- 2.2 The Association shall have legal personality and shall, through its authorised representatives:
- 2.2.1 Have an independent existence;
  - 2.2.2 be entitled to acquire, encumber or dispose of movable or immovable property; and
  - 2.2.3 be entitled to enter into legal transactions and to institute or defend legal proceedings.
- 2.3 WPA shall be the only body administering and controlling athletics on behalf of ASA, within the boundaries of Western Province as defined in the current constitution of ASA.
- 2.4 A head office shall be established to carry out the administration of WPA at such address as may be determined by the Executive Board of WPA from time to time.

- 2.5 WPA shall remain a non-profit making organisation responsible for the overall development of athletics within its jurisdiction.

### **3. VISION, MISSION AND OBJECTIVES**

#### **3.1 VISION**

The vision of WPA is to develop all people to their maximum potential through Athletics

#### **3.2 MISSION**

The mission of WPA is to provide people with quality opportunities to participate in all disciplines of Athletics and to develop Athletics; starting from the mass participation level to the highest levels of excellence

#### **3.3 OBJECTIVES**

In pursuit of this mission the following objectives are regarded as fundamental to guiding the activities of WPA:

- 3.3.1 Maintaining, extending and recognising a system of clubs throughout Western Province open to membership by all members of the population and allowing access to registration, participation, coaching and other services of WPA to all members of the community who wish to participate in athletics;
- 3.3.2 ensuring that no form of discrimination, be it based on race, ethnicity, religion, politics, gender or otherwise, be permitted in athletics and taking all practicable measures to prevent such discrimination;
- 3.3.3 ensuring that each committee and each team selected is demographically representative of the population residing in the Western Province;
- 3.3.4 maintaining the rules and Policies concerning athletics of WA, ASA and the provisions of this Constitution;
- 3.3.5 staging, through its members, local, interprovincial, national and international athletics meetings and competitions;
- 3.3.6 selecting teams to participate in national, interprovincial and local meetings and competitions;
- 3.3.7 developing and promoting all branches of athletics, including all the recognised age categories and disabled athletes;
- 3.3.8 participating fully in the affairs of the national governing body for athletics and its affiliated associations;
- 3.3.9 participating in the structures created by all spheres of government to discuss, advise on, promote, develop and manage sport and recreation in the Western Cape;
- 3.3.10 achieving equity throughout the region in the allocation of facilities and opportunities for involvement in athletics;
- 3.3.11 upholding environmental integrity and promoting responsible use of the environment in all competition and development activities;

- 3.3.12 administering WPA as a business which is highly professional, financially sound, accountable to its members, user-friendly to the athletics family and the public at large and with honesty and respect for the individual;
- 3.3.13 striving for total and complete unification and transformation of athletics at all levels;
- 3.3.14 ensuring that athletics meetings take place throughout the province, in particular the previously disadvantaged communities;
- 3.3.15 promoting fair competition in all respects, including the right of the individual to develop without being disadvantaged by administrative constraints, rulings or otherwise.

#### **4. MEANS OF ACHIEVING OBJECTIVES**

The objectives of WPA may be achieved by, *inter alia*:

- 4.1 Affiliation to ASA or an appropriate body of ASA, or any other organisation;
- 4.2 the acquisition, encumbrance or disposal of such movable or immovable property as is required to achieve its aims and objectives;
- 4.3 raising funds for any purpose which may be deemed necessary;
- 4.4 prescribing uniform rules and Policies for the administration, control and protection of athletics in the Western Province;
- 4.5 licensing and registration of athletes, officials and coaches;
- 4.6 implementing a plan for athlete development;
- 4.7 co-ordinating the selection of athletes to represent Western Province in interprovincial meetings, national championships and other competitions;
- 4.8 providing for the keeping of official lists of records and performances of athletes in the province;
- 4.9 staging annual WPA championship meetings in all disciplines;
- 4.10 co-ordinating the nature, award and protection of official colours;
- 4.11 keeping, saving and investing the assets and funds of WPA and tendering any share of it as security where it may be required in promoting its aims and objectives;
- 4.12 publishing any literature that may further the objectives of WPA;
- 4.13 co-ordinating a calendar of athletics competitions and events;
- 4.14 enforcing discipline in accordance with laid-down rules and Policies;
- 4.15 training athletics officials and coaches by the promotion of theoretical and practical courses and examinations accessible to all interested parties and leading to their registration as qualified officials and coaches;
- 4.16 providing incentives to motivate athletes to achieve their full potential;
- 4.17 monitoring athletics at all levels by means of liaison with athletes and regular meetings of members, administrators, officials and coaches;
- 4.18 adoption of an action plan to achieve equal opportunity and access to participation in athletics by all members of the community, to be implemented by development committees working through the structures of WPA;
- 4.19 allowing for co-option of members if, after elections, any sub-structure or committee fails to be demographically representative of the population residing in the Western Province;

- 4.20 working with local authorities and sport and recreation forums as required to further the development of athletics;
- 4.21 sourcing of sponsorships for WPA structures or teams and athletics meetings;
- 4.22 complying with ASA requirements to conduct anti-doping control measures and testing of athletes;
- 4.23 accepting the principle of consensus decision making and avoiding whenever possible taking any decision to which there is significant opposition, regardless of the outcome of any vote;
- 4.24 subscribing to the ASA code regarding transformation:
  - 4.24.1 all structures and substructures shall guarantee equal representation for people from former establishment and non-establishment sectors,
  - 4.24.2 that this code shall remain enshrined in the Constitution until athletics in the province shall be deemed by ASA to have been fully transformed,
  - 4.24.3 that transformation shall be deemed to have been achieved when a reasonable balance exists between the number of clubs in the previously disadvantaged townships/country areas and the number of clubs in the town/city suburbs;
- 4.25 formulation of a business plan for WPA by the Board, which together with the budget shall form the basis for determining priorities and evaluating performance.

## **5. AUTHORITY OF THE CONSTITUTION**

- 5.1 This Constitution supersedes any constitution of an affiliated club or associate member in so far as it is conflict with it.
- 5.2 The provisions of this Constitution shall supersede the provisions of any rules and Policies contained in any other WPA document, in so far as they are in conflict.
- 5.3 All previous constitutions of WPA, its predecessors and any previous constituent associations and/or substructures are hereby expressly revoked.



## CHAPTER 2: STRUCTURE

### 6. CONSTITUENT SUBSTRUCTURES

The constituent substructures of WPA are:

- 6.1 The Council
- 6.2 The Board
- 6.3 The Leadership Forum
- 6.4 The Commissions
- 6.5 The Committees

### 7. COUNCIL

- 7.1 The Council constitutes the highest authority of WPA and as such may deal with any matter placed before it in accordance with this Constitution.
- 7.2 The following may attend Council Meetings:
  - 7.2.1 All Officers of the Association;
  - 7.2.2 Two accredited representatives from each affiliated club and associate member;
  - 7.2.3 Life members and Honorary members of WPA;
  - 7.2.4 Individual members of affiliated clubs and associate members;
  - 7.2.5 Invited guests.
- 7.3 The Annual General Meeting and a Special General Meeting shall be regarded as Council Meetings and the provisions for Council Meetings shall apply *mutatis mutandis* to an Annual General Meeting and a Special General Meeting.

### 8. BOARD

#### 8.1 COMPOSITION

- 8.1.1 The Board shall consist of:
  - 8.1.1.1 The President.
  - 8.1.1.2 The Vice President.
  - 8.1.1.3 The Finance Officer
  - 8.1.1.4 The chairperson of WPA Cross Country or an alternate from WPACC.
  - 8.1.1.5 The chairperson of WPA Road Running or an alternate from WPARR.
  - 8.1.1.6 The chairperson of WPA Track and Field or an alternate from WPATF.
  - 8.1.1.7 First Additional Member
  - 8.1.1.8 Second Additional Member
    - 8.1.1.8.1. The First and Second Additional Members will be assigned roles and responsibilities on the Board in conjunction with the other members of the Board.
- 8.1.2 The General Manager and the Development Officer (when appointed in an honorary capacity) shall serve on the Board as ex officio members and shall have no vote.
- 8.1.3 Any ASA Board member resident in the Western Province shall serve on the WPA Board in an ex officio capacity without vote.

- 8.1.4 Except for the Commission Chairpersons, no person may hold office on the Board concurrently with office in any Commission and no person may hold two offices on the Board.
- 8.1.5 The Board shall have the power to co-opt any person to serve thereon either in general, or for a definite purpose during a specific meeting, or when dealing with a specific matter. Such persons so co-opted shall be allowed to take part in the proceedings and discussions but shall have no vote.

## 8.2 POWERS AND FUNCTIONS OF THE BOARD

In addition to the powers and responsibilities assigned to the Board in terms of any provision of the Constitution, the following further powers and duties shall vest in the Board:

- 8.2.1 To co-ordinate all athletics in the area of control of WPA and administer the affairs of WPA subject to the decisions of Council Meetings.
- 8.2.2 To liaise with ASA and with other such bodies as may be able to assist in the co-ordination and promotion of athletics.
- 8.2.3 To confer rights and powers, with commensurate duties and obligations, upon the Commissions and Committees and to sanction, ratify or veto their activities insofar as it may be necessary.
- 8.2.4 To consider all applications from clubs and associations for affiliation to WPA and make recommendations to the Council as it deems fit.
- 8.2.5 To co-ordinate fixtures for all branches of athletics in terms of the provisions of clause 34.
- 8.2.6 To convene Council Meetings, including the AGM and Special General Meetings.
- 8.2.7 To present at the AGM a proposal for a revenue and expenditure budget for the forthcoming year, including proposals for affiliation and licence fees.
- 8.2.8 To ratify recommendations from Commissions for the awarding of Western Province colours.
- 8.2.9 To receive and decide on applications for the ratification of Western Province records in athletics from the relevant Commissions.
- 8.2.10 To authorise the signature of powers of attorney and other documents on behalf of WPA.
- 8.2.11 To open an account or accounts in the name of WPA with a registered commercial bank or banks, deposit WPA funds therein, draw, accept and endorse such cheques, other bills of exchange and promissory notes and make such payments from WPA's funds as may from time to time be necessary and provided for in WPA's approved budget for the year, or as otherwise provided for by the resolution of a Council or Board Meeting.
- 8.2.12 To at any time require an affiliated club, Commission, committee or office bearer to produce on not less than seven (7) days written notice any book or document relating to the affairs of such body, for inspection at a meeting of the Board.
- 8.2.13 To at any time require the attendance before it on not less than seven (7) days written notice any member or office bearer of any affiliated club or Commission or committee.
- 8.2.14 To appoint ad-hoc committees consisting of persons who need not necessarily be members of WPA to undertake specific tasks or investigation on its behalf.
- 8.2.15 To ensure that minutes of Council Meetings are circulated to all members of WPA and are posted on the WPA website.

- 8.2.16 Discussions and decisions of the Board, Commissions or committees shall be reported at Council Meetings or in any other format deemed appropriate.
- 8.2.17 To report to Council on the activities of the constituent substructures of WPA.
- 8.2.18 To co-ordinate a time-table of meetings of the Council, Board, Commissions and Committees for the year.
- 8.2.19 To establish policy and direction in line with the provisions of this Constitution and the decisions of Council.
- 8.2.20 To institute appropriate disciplinary action in terms of Chapter 7 against any member of WPA.
- 8.2.21 To appoint full or part-time or contracted employees as required for the efficient operation of the Association.
- 8.2.22 To ensure that minutes be kept of all meetings of substructures of WPA.
- 8.2.23 To appoint delegates to various bodies to which WPA is affiliated to or is required to send such to.
- 8.2.24 To ensure that all Standing Committees are properly constituted.
- 8.2.25 To maintain a Head Office.
- 8.2.26 To control the financial affairs of WPA.
- 8.2.27 To pay out any honorarium or allowances specifically approved by Council or the Board.
- 8.2.28 To enter into agreement with any sponsor for WPA as a whole or for any Commission or athletics meeting.
- 8.2.29 To submit to Council an audited financial report, income statement and balance sheet for the financial year past.
- 8.2.30 To do anything that is in the interests of WPA, provided it is in keeping with the mission and objectives and complies with the provision of the Constitution and the decisions of Council.
- 8.2.31 To enter into agreement with any sponsor, supplier or partner for WPA as a whole or for any Commission or athletics meeting; provided such agreement is approved by at least 75% (seventy five percent) of the voting rights of the full WPA Board.
- 8.2.32 To authorise expenditure; either in accordance with the approved budget or on condition that any individual item not in budget may not exceed R200 000 (Two hundred thousand Rands) without approval by Council.

### 8.3 PROCEEDINGS OF THE BOARD

- 8.3.1 The Board shall meet monthly or at such other intervals as it may determine, but not less than ten (10) times annually.
- 8.3.2 A quorum at meetings shall be at least four (4) voting members, which number must include either the President or Vice-President and two (2) of the three Commission Chairpersons or nominated alternates.
- 8.3.3 The President shall chair all meetings of the Board. In the absence of the President, the Vice-President shall assume the powers and duties of the President.
- 8.3.4 Board meetings can be called by the President or by any three voting members of the Board submitting such a request to the President.
- 8.3.5 Members of the Board shall be given not less than seven (7) days written notice of meetings.

- 8.3.6 Each member of the Board as described in clause 8.1.1 shall have one vote. Matters put to the vote shall be carried by a simple majority of the votes cast. In the event of a tie the person chairing the meeting may exercise a casting vote.
- 8.3.7 A meeting of the Board may be conducted by electronic communication ; or one or more Board members may participate in a meeting by electronic communication, so long as the electronic communication facility employed enables all persons to participate effectively in the meeting.
- 8.3.8 A decision that could be voted on at a meeting of the Board may instead be adopted by written consent of the majority of the Board members, provided that the motion to be voted on has been formally distributed by the President or General Manager (or other person authorised by the President or General Manager) to each member and each member has received notice of the matter to be decided. A decision so made in this manner is of the same effect as if it had been approved by voting at a meeting.

## **9 LEADERSHIP FORUM**

### **9.1 POWERS AND FUNCTIONS OF THE LEADERSHIP FORUM**

- 9.1.1 The Leadership Forum is intended as an opportunity for interaction between the various structures of WPA in pursuit of the strategy and objectives of WPA.
- 9.1.2 The Leadership Forum shall have no executive capacity. Any proposal arising from the Leadership Forum must be referred to the Board, Commission or Council as appropriate for consideration, ratification, and implementation.
- 9.1.3 The Leadership Forum shall meet at least twice (2 times) per calendar year.

### **9.2 COMPOSITION**

- 9.2.1 Attendance at the Leadership Forum shall be by invitation of the Board to :
- a. Members of the WPA Board
  - b. Members of the WPA Commissions
  - c. Chairperson or alternative representative of the Standing Committees
  - d. Chairperson or alternative representative of any ad-hoc committees
  - e. Employees of WPA
  - f. Any other persons at the discretion of the Board

9.3 Proceedings of the Leadership Forum shall be recorded as a WPA Policy

## **10 COMMISSIONS**

### **10.1 COMPOSITION**

- 10.1.1 WPA shall have three Commissions to administer, develop, and promote each branch of athletics, namely WPA Cross Country Commission, WPA Road Running Commission and WPA Track and Field Commission.
- 10.1.2 Each Commission shall have a Chairperson elected at the AGM in terms of clause 25.

- 10.1.3 A further eight (8) members shall be elected at the AGM in terms of clause 25.24.
- 10.1.4 The members of the Commission shall elect a Vice-Chairperson from their number.
- 10.1.5 The Secretary shall assist at meetings of the Commissions by arrangement.
- 10.1.6 Any member of an ASA Commission residing in WPA shall serve on the relevant WPA Commission as an ex-officio member without vote.

## 10.2 POWERS AND FUNCTIONS OF THE COMMISSIONS

- 10.2.1 The Commissions are an integral substructure of WPA, and they shall therefore have no standing, legal or otherwise, separate to that of WPA.
- 10.2.2 The Commissions shall have no constitutions of their own and they shall hold neither AGMs nor Council Meetings of their own.
- 10.2.3 Commissions shall have no power except those powers derived from the Council, Board and this Constitution.
- 10.2.4 The Commissions will have the right to co-opt members from time to time, subject to ratification by the Board. Co-opted members shall have no voting powers.
- 10.2.5 The primary role of the Commissions is that of planning, technical input and guidance with specific rules and Policies regarding their particular branch of athletics, with powers including to:
  - 10.2.5.1 Co-operate with and provide guidance to affiliated clubs and associate members to further the development of the particular discipline of athletics;
  - 10.2.5.2 organise WPA Championships and other competitions;
  - 10.2.5.3 select competitors to represent WPA and to propose team managers of any teams selected, subject to approval of the Board;
  - 10.2.5.4 maintain any section of the domestic competition rules relating to the particular branch of athletics and ensure compliance therewith, to be maintained as a Policy;
  - 10.2.5.5 establish standards and Policies for and provide advice to event organisers and assist in the co-ordination of events;
  - 10.2.5.6 catalogue provincial records and performances and maintain comprehensive statistics;
  - 10.2.5.7 submit regular reports to the Board;
  - 10.2.5.8 control and regulate the income and expenditure of its discipline according to generally accepted accounting practice, procedures determined by the Board and the budget approved by Council;
  - 10.2.5.9 nominate and appoint such ad hoc committees as may be required to assist in and ensure the proper management of its discipline;
  - 10.2.5.10 forward representatives of the Commission to all appropriate Standing Committees.
- 10.2.6 Expressly excluded from the rights and powers of the Commissions are:
  - 10.2.6.1 The right to international and interprovincial liaison and participation, except with the approval of the Board, ASA and/or the province concerned;
  - 10.2.6.2 the right to organise fixtures and WPA events at venues outside the borders of WPA without the approval of the WPA Board and/or Council and the other province concerned;
  - 10.2.6.3 the licensing and registration of members;

- 10.2.6.4 the procurement of sponsorship without the prior approval of the Board;
- 10.2.6.5 the right, as a substructure of WPA, to enter into any agreement in the name of the Commission (all agreements are to be in the name of WPA);
- 10.2.6.6 the involvement in any matter that affects WPA as a whole or which relates to or affects other Commissions.

### 10.3 PROCEEDINGS OF THE COMMISSIONS

- 10.3.1 The Commissions shall meet at least eight (8) times a year.
- 10.3.2 Not less than seven (7) days written notice of meetings shall be given to all members of the Commission and to the office of WPA.
- 10.3.3 A meeting of the Commission may be called by the Chairperson or any two members of the Commission on request to the Chairperson.
- 10.3.4 Meetings shall be chaired by the Commission Chairperson or if absent, the Vice-Chairperson.
- 10.3.5 A quorum at meetings shall be at least four (4) voting members which number must include either the Chair- or Vice-Chairperson.
- 10.3.6 Any member of the Board shall have the right to attend and participate in the meetings of the Commissions and their committees, without the right to vote.
- 10.3.7 Minutes of any meeting of the Commission and the meetings of any committee appointed by them shall be submitted within two (2) weeks of said meeting, or as soon as is reasonably possible, to all members of such Commission or committee and to the Board.
- 10.3.8 Each member of the Commission defined in clause 10.1 shall have one vote. Any matter put to the vote shall be carried by a simple majority of the votes cast. In the event of a tie, the person chairing the meeting shall have a casting vote.
- 10.3.9 A decision that could be voted on at a meeting of the Commission may instead be adopted by written consent of the majority of the Commission members, provided that the motion to be voted on has been formally distributed by the Commission Chairperson (or other person authorised by the Commission Chairperson or General Manager) to each member and each member has received notice of the matter to be decided. A decision so made in this manner is of the same effect as if it had been approved by voting at a meeting.

## 11. **COMMITTEES**

Committees of WPA shall be divided into two categories, namely Ad hoc and Standing Committees.

### 11.1 AD HOC COMMITTEES

11.1.1 These are special committees formed on a needs basis (as and when required). The number of members on these committees will differ from committee to committee, depending on the task they have to execute. In each instance a convenor of the committee will be appointed.

11.1.2 Ad hoc committees may be formed at the request of the Board, or any of the Commissions.

11.1.3 Ad hoc committees shall be dissolved as soon as they have achieved the objectives for which they have been formed, or as the Board or Commission responsible for their formation may decide.

## 11.2 STANDING COMMITTEES

11.2.1 As opposed to Ad hoc committees, Standing Committees have a permanent existence (in principle and not in composition).

11.2.2 Except as provided elsewhere, all Standing Committees shall be appointed by and answerable to the Board.

11.2.3 The following Standing Committees are constituted:

11.2.3.1 Athletes

11.2.3.2 Awards

11.2.3.3 Club Welfare – attending to new applications, performance and participation of existing clubs

11.2.3.4 Coaching

11.2.3.5 Disciplinary and Disputes

11.2.3.6 Finance and Administration

11.2.3.7 Marketing and communication

11.2.3.8 Fixtures

11.2.3.9 Performance– attending to grass-roots development and elite performance

11.2.3.10 Race Walking

11.2.3.11 Safeguarding

11.2.3.12 Selection and Statistics

11.2.3.13 Safety, Medical and anti-doping

11.2.3.14 Technical

11.2.3.15 Women

11.2.4 With the notice of the AGM the Board shall call for expressions of interest from members for persons to serve on the Standing Committees. Such nominations may be submitted at any time prior to the first Board meeting after the AGM. This list shall assist the Board and Commissions in the selection of persons to serve on the various committees.

11.2.5 Any Standing Committee shall consist of not less than three (3) persons. There shall be no maximum number of members.

11.2.6 In addition to the members appointed by the Board, each Commission may nominate a representative to serve on each appropriate Standing Committee. Similarly, any Standing Committee may request to attend meetings of any Commission; either permanently or from time to time.

11.2.7 The Standing Committee for Performance shall be chaired by the Development Officer.

11.2.8 The Standing Committee for Finance / Administration shall be chaired by the Finance Officer.

11.2.9 Each Commission shall appoint the convenor and members of a selection committee for their discipline of Athletics. The convenors of these committees shall serve on the Standing Committee for Selection and Statistics.

- 11.2.10 The Awards committee shall consist of a chairperson appointed by the Board, at least one Life Member of WPA, a representative from each of the WPACC, WPATF, WPARR commissions and the Coaching and Technical committees, plus as many additional members as decided by the other committee members.
- 11.2.11 At its discretion or at the request of the convenor of the Standing Committee the Board may add additional members to any Standing Committee.
- 11.3 The Board shall review the composition of all Standing Committees annually and within four (4) weeks of the AGM shall notify all members of such composition in writing before the Council Meeting to be held in November.
- 11.4 The findings and/or recommendations of any committee will be of no force or effect until they are ratified by the Board or Commission responsible for the committee's formation.
- 11.5 The minutes of any meeting of a Standing Committee are to be tabled at the subsequent Board meeting.

## **12 OFFICERS OF THE ASSOCIATION**

- 12.1 The Officers of the Association shall comprise the President, the Vice-President, the Development Officer, the General Manager, the Finance Officer, the Legal Advisor, the members of the Board, the Chairpersons and members of the Commissions, the members of the Committees and the employees of WPA.
- 12.2 All elected positions shall be honorary unless provided for in this Constitution or expressly decided otherwise by the Council.
- 12.3 No Officer of the Association, solely by virtue of their position, shall
- 12.3.1 be personally liable for any loss suffered by any person or member as a result of an act or omission which occurs while the officer is performing functions in good faith for or on behalf of the Association;
- 12.3.2 have any claim or right in the property or other assets of the Association;
- 12.3.3 be or become liable for any of the current or future obligations and liabilities of the Association.
- 12.4 Except for Employees, the General Manager, Development Officer, and Legal Advisor, all officers are to be licensed members in good standing with an affiliated club.
- 12.5 **PRESIDENT**
- 12.5.1 The President shall be elected to the Board at the AGM in terms of clause 25 and should ideally be respected in the athletics community and have experience in the administration of athletics.
- 12.5.2 The President shall preside at all meetings of Council including the Annual General Meeting and Special General Meetings.
- 12.5.3 The President shall preside at all meetings of the Board and the Management Committee.
- 12.5.4 The President shall be considered as the ceremonial head of WPA and will represent WPA at appropriate occasions when requested to do so by the Board from time to time.



## 12.6 VICE PRESIDENT

- 12.6.1 The Vice President shall be elected to the Board at the AGM in terms of clause 25 and should ideally be respected in the athletics community and have experience in the administration of athletics.
- 12.6.2 The Vice President shall act in place of the President whenever required.

## 12.7 DEVELOPMENT OFFICER

- 12.7.1 A Development Officer may be appointed by the Board in either an honorary capacity or as an Employee reporting to the General Manager.
- 12.7.2 The Development Officer, when appointed in an honorary capacity shall serve as an ex officio member of the Board and shall have no vote. If appointed as an Employee the Development Officer shall not serve on the Board.
- 12.7.3 The Development Officer shall chair the Standing Committee for Performance and shall propose and administer policy and strategy in terms of athletic development in its widest context, working at all times in co-operation with the General Manager.

## 12.8 GENERAL MANAGER

- 12.8.1 A General Manager may be appointed by the Board as an employee on a contract basis, to coincide as far as possible with the biennial election of the Board.
- 12.8.2 The General Manager shall be responsible for the day-to-day running of the WPA office and for implementing such policies and decisions as determined by the Board or Council.
- 12.8.3 The General Manager shall serve as an ex-officio member of the Board and shall have no vote.

## 12.9 FINANCE OFFICER

- 12.9.1 The Finance Officer shall be elected to the Board at the AGM in terms of clause 25 and should be qualified and experienced in matters of finance.
- 12.9.2 The Finance Officer shall cooperate closely with the General Manager with regards to the financial responsibilities described in the relevant Policies of WPA, and shall monitor and review all aspects of financial control.

## 12.10 MEMBERS OF THE BOARD

Members of the Board shall be elected or appointed in terms of clause 25

## 12.11 MEMBERS OF THE COMMISSIONS

Members of the Commissions shall be elected or appointed in terms of clause 25.24

## 12.12 MEMBERS OF THE COMMITTEES

Members of the Committees shall be elected or appointed in terms of clause 11.2.

#### 12.13 LEGAL ADVISOR

The Board shall appoint a Legal Advisor who, from time to time, as occasions arise, shall advise the Board on any legal matter referred to him/her. The Legal Advisor may be an individual or a legal firm, at a tariff rate agreed with the Board.

#### 12.14 AUDITOR

A registered auditor shall be appointed at the AGM.

#### 12.15 EMPLOYEES

12.15.1 Employees includes all persons working directly for WPA.

12.15.2 The terms of clause 13 (Secretariat/Employees) shall apply to all Employees.

12.15.3 Employees shall not be office bearers or employees of associate members or affiliated clubs.

### **13. SECRETARIAT / EMPLOYEES**

13.1 The secretary / secretaries / book keeper of WPA shall be salaried employees of the association. Their appointment shall be confirmed by a simple majority of the full Board. The Board shall determine their conditions of employment and remuneration from time to time.

13.2 The secretary / secretaries shall have no vote at any meeting.

13.3 The secretary / secretaries shall report to the General Manager (if appointed) otherwise the President.

## **CHAPTER 3: MEMBERSHIP**

### **14 CATEGORIES OF MEMBERSHIP**

Membership of WPA shall consist of

- 14.1 Affiliated clubs.
- 14.2 Associate members.
- 14.3 Life members.
- 14.4 Honorary members.
- 14.5 Officers of WPA.
- 14.6 Employees of WPA.

### **15 AFFILIATED CLUBS AND PROCEDURE FOR APPLICATION**

- 15.1 Any club within Western Province, having the fostering of athletics as one of its aims, may make application to the WPA Office for affiliation to WPA.
- 15.2 The affiliation of a club shall be subject to the club:
  - 15.2.1 being duly constituted;
  - 15.2.2 having its club constitution and club colours approved by the WPA Board, as well as all subsequent changes thereto;
  - 15.2.3 having at least twenty (20) senior licensed members; whose registration forms shall be submitted to the Office by the end of June of each year.
  - 15.2.4 fulfilling its financial and administrative responsibilities as stipulated in its constitution and those required by this Constitution;
- 15.3 Any new club seeking affiliation to WPA shall submit with its application
  - 15.3.1 a copy of the constitution of the club;
  - 15.3.2 a list of the names and addresses and contact details of its office bearers for the time being;
  - 15.3.3 a list of members and/or prospective members, stating which of these are currently registered licence holders; To curb the fragmentation of existing clubs, the members and/or prospective members must include the details of at least twenty (20) senior members who are not currently licenced members of any other club.
  - 15.3.4 details of where it operates and a list of facilities for Athletics, including facilities for coaching and competition available to the club, if any; and
  - 15.3.5 its existing or proposed club colours.
- 15.4 The Board, upon consideration of a written application for affiliation, shall table the application for ratification at the following Council Meeting where the Council shall, at its discretion, admit or decline to admit the club, or make such other decision as it deems fit.
- 15.5 Existing clubs may, with motivation, object to the creation of a new club and the Board and Council shall take into account such objections raised when considering the application for membership.

15.6 Existing clubs that wish to change their headquarters or registered club colours shall submit such proposed change to WPA for approval prior to implementing any change:

15.6.1 The approval of and any objection to such changes shall follow the same process as the approval of a new club.

## **16 ASSOCIATE MEMBERS**

16.1 Any association, institution or body within Western Province, having the fostering of athletics as one of its aims, may apply to the WPA Office for affiliation as an Associate Member of WPA.

16.2 The Board shall, upon consideration of a written application for affiliation, have the power to grant such body provisional membership. Such provisional membership shall be moved for ratification at the following Council Meeting where the Council shall at its discretion admit or decline to admit the body or make such other decision as it deems fit.

16.3 The following bodies are considered associate members:

16.3.1 Western Province Masters Athletics Association

16.3.2 South African School Sports (SASA) Western Province branch

16.3.3 South African Sports Association for Physically Disabled (SASAPD) Western Province branch

16.3.4 The Two Oceans Marathon NPC

16.3.5 The Trail Running Association of Western Province (TrailWP)

## **17 LIFE MEMBERS**

17.1 Life membership is an honour given to an individual who, in the opinion of the Council, is of suitable stature, has been continuously involved in WPA athletics for not less than 20 (twenty) years, has set a standard which is higher than that normally expected of a person in such position and has set an outstanding example to other athletes or administrators.

17.2 Life Members shall be elected at an Annual General Meeting according to the procedures described in the relevant Policy on Awards.

17.3 Election to Life Membership shall require a seventy five percent (75%) majority of the votes cast.

17.4 Life Members of athletics bodies that preceded the founding of WPA (1996) shall not automatically be considered Life Members of WPA but shall be elected in accordance with the procedures described.

17.5 The number of Life Members of WPA shall not be limited.

17.6 Life Membership shall apply in principle for the natural life of the recipient, but in exceptional circumstances may be revoked by a decision of Council.

17.7 A Life Member shall automatically be considered an Honorary Member.

## **18 HONORARY MEMBERS**

18.1 Honorary membership may be granted to any individual who, at the discretion of the Council:

18.1.1 Has served athletics with distinction; or

18.1.2 may be of value to the cause of athletics in general or WPA in particular; and

18.1.3 is deserving of such status.

- 18.2 Persons nominated for Honorary Membership need not be active in athletics or be a member of an affiliated club or associate member.
- 18.3 Honorary membership shall entitle the recipient to membership of WPA without subscription or levy.
- 18.4 Honorary membership shall be elected by a majority decision of a Council Meeting.
- 18.5 Honorary membership shall be for a two-year period and may be re-awarded.
- 18.6 Honorary members shall be entitled to attend Council Meetings but without the right to vote.

## **19 SUSPENSION AND EXPULSION OF MEMBERS**

- 19.1 Any member that has engaged in misconduct or has unjustifiably violated the Constitution or rules of WPA, or which, by its actions brings WPA into disrepute may be suspended in accordance with the disciplinary procedures of WPA as detailed in the Disciplinary Policy.
- 19.2 The Board shall from time to time review the continued affiliation of clubs. Where it finds that a club fails to meet the requirements of Clause 15 of this Constitution it may in its discretion:
  - 19.2.1 give written warning to that club, and/or
  - 19.2.2 recommend to the next Council Meeting of WPA that the affiliation of the club be suspended or terminated.
- 19.3 The Council may at its discretion by a majority of two thirds of the votes cast, suspend or terminate the affiliation of any such club or associate member, provided that no suspension shall be longer than for a period of twelve months and that the reasons for such suspension shall be reviewed by the Board from time to time.
- 19.4 Any appeal in connection with such suspension or expulsion shall be heard by the Board in the course of its review of such suspension or expulsion, which shall make further recommendations to the Council as appropriate.

## **20 RIGHTS OF MEMBERS**

- 20.1 Save for special rights and duties vesting in the President, the Board, the Commissions and the Committees, all members as listed in Clause 14 shall have the right to participate in all affairs of WPA, as stipulated in this Constitution.

## **CHAPTER 4: GOVERNANCE**

### **COUNCIL MEETINGS**

#### **21. PROCEEDINGS OF COUNCIL MEETINGS**

- 21.1 The President or, if absent, the Vice-President shall preside at Council Meetings. If both are absent the members of the Board present shall appoint someone from their midst to chair the meeting.
- 21.2 Council Meetings shall be held at least quarterly, at a time and place determined by the Board.
- 21.3 The Annual General Meeting shall be held preferably in September or if necessary, no later than the 16<sup>th</sup> October of every year.
- 21.4 The agenda for a Council Meeting shall be decided by the Board and shall be approved by the Council at the start of the meeting. Items to be added to the agenda after the posting of the notice of the meeting as described in clause 21.5 below, must be received by the WPA Office no later than five (5) working days before the meeting. Items for the agenda shall only be added from the floor at the discretion of the meeting, and then only after a satisfactory explanation for the lateness is provided.
- 21.4.1. Voting shall be limited to motions contained in the notice and agenda sent to members as described in Clause 21.5.
- 21.5 Each member as described in Clause 14 shall be sent prior notice in writing of the time, date and place of each Council Meeting and the agenda and all motions submitted for consideration at the meeting. Such notice shall be not less than three (3) weeks in the case of an ordinary Council Meeting or Special General Meeting, and four (4) weeks in the case of an Annual General Meeting.
- 21.6 In the case of an Annual General Meeting, a notice shall be sent to members at least eight (8) weeks before the meeting, which shall detail the date, time and venue for the meeting as well as the deadline for receipt of motions. All notices of motion to be dealt with at the meeting shall reach the WPA office no later than five (5) weeks before such meeting and shall be in writing. The Board, at its sole discretion, shall decide whether to place such motions on the agenda of the meeting or take any other action that it deems appropriate.
- 21.7 Accredited representatives of clubs and associate members shall have the right to speak and vote at all Council Meetings.
- 21.8 Life members, Honorary members, individual members of affiliated clubs and associate members and any invited guests may attend Council Meetings and at the discretion of the person chairing the meeting participate in discussions but shall have no vote. Any such persons should be recognised by the chairperson at the beginning of the meeting. Only the accredited representatives of affiliated clubs and associate members should table new motions for consideration by the meeting.
- 21.9 The chairperson of any Council Meeting shall not permit discussion on any allegation, accusation or personal attack against any individual who is not present at the meeting. Such allegations or accusations must be addressed through the appropriate channels to the WPA office and the individual given the opportunity to respond accordingly. This provision shall not apply where a duly constituted disciplinary hearing of WPA has found against an individual and has ruled that its findings be reported at a WPA Council Meeting.

21.10 No person shall deliberately mislead a Council Meeting. Any person accused of doing so shall be subject to disciplinary action.

## **22. QUORUM FOR COUNCIL MEETINGS**

22.1 A quorum shall be constituted by the presence of a representative from no less than one quarter (25%) of the affiliated clubs of WPA, excluding any club on probation or suspension.

22.2 Should there not be a quorum half an hour after the scheduled starting time of the meeting of which notice was given, the meeting may continue but shall be incapable of passing any resolution or decision. The Board shall thereafter decide whether the said meeting should be reconvened with the same agenda and if so decided, the members of WPA shall be given a minimum of seven (7) days' notice in writing that the said meeting will be reconvened at a time, date and place named in such notice, and being not less than two weeks after the aborted meeting. Should a quorum not be constituted at the reconvened meeting, the delegates then present will constitute a quorum.

## **23. VOTING AT COUNCIL MEETINGS**

23.1 Except where otherwise provided, when a quorum is correctly constituted, all decisions taken and resolutions passed shall be taken or passed, as the case may be, by a simple numerical majority of votes.

23.2 Voting, except where otherwise provided, shall be by a show of hands unless two or more affiliated clubs request a secret ballot.

23.3 The Board shall appoint a neutral person or persons to co-ordinate the voting at an Annual General Meeting or Special General Meeting or where a secret ballot is called for. The name of such person or persons shall be included in the agenda of the meeting. If such persons are not nominated in advance, a suitable person shall be appointed by the meeting.

23.4 Each eligible affiliated club shall have one vote. (One vote per club and not per delegate.)

23.5 An affiliated club shall be eligible to vote at a Council Meeting (including AGM and SGM) provided:

23.5.1. its membership has been approved by Council in terms of clause 15;

23.5.2. its membership has not been suspended or terminated in terms of clause 19; and

23.5.3. its annual affiliation fees to WPA have been paid in terms of clause 32.

23.6 No individual shall have a vote except in their capacity as the accredited representative of an affiliated club. No individual may represent more than one affiliated club.

23.7 Votes by proxy shall not be admissible.

23.8 In the event of tied voting there shall be a revote after further discussion of the matter in question. Any person directly affected by the voting may be asked to leave the room during such discussion.

23.9 On any matter except the election of officials, if after a re-vote the votes are still tied, the President, or if absent the person presiding over the meeting, shall exercise a casting vote if they choose to do so or make any other arrangement they deem suitable provided it is in the spirit of this Constitution.

23.10 Voting in the election of officials shall be according to clause 25.

## **24. PROCEDURE AT ANNUAL GENERAL MEETING**

- 24.1 The agenda of the Annual General Meeting shall as far as possible be disposed of in the following order:
- 24.1.1. submission of delegates credentials;
  - 24.1.2. confirming the validity of the meeting in terms of the Constitution:
    - 24.1.2.1. confirmation of the date of posting of the notice convening the meeting, the reading of such notice; and
    - 24.1.2.2. confirming the presence of a quorum;
  - 24.1.3. confirming the agenda for the meeting including any points to be raised under General;
  - 24.1.4. reading (if need be) and if in order adopting the minutes of the previous Annual General Meeting and any Special General Meeting held since the last Council Meeting; if not in order, duly amending and adopting such minutes;
  - 24.1.5. submission, discussion and adoption of the report of the Board, which shall include reports of the separate Commissions and Standing Committees;
  - 24.1.6. discussion of the income and expenditure statement for the current financial year;
  - 24.1.7. recommendations by the Board for licence fees and subscriptions for the following year, for adoption, or amendment and adoption. Such recommendations to be based on a draft revenue and expenditure budget as envisaged in clause 32;.
  - 24.1.8. dealing with any motions, including motions to amend the Constitution of which due notice has been given as per clause 21;
  - 24.1.9. election of office bearers in terms of clause 25;
  - 24.1.10. acceptance of the fixture list for athletic meetings for the forthcoming year;
  - 24.1.11. appointment of a Legal Advisor and an Auditor for the forthcoming year;
  - 24.1.12. awarding Honours, if any, in terms of clause 37;
  - 24.1.13. election of Life Members, if any, in terms of clause 17;
  - 24.1.14. attending to any matters raised under General.
- 24.2 If the meeting is unable to complete the proposed agenda, the meeting may elect to adjourn the meeting and reconvene within twenty one (21) days. A minimum of seven (7) days' notice of such reconvened meeting shall be sent to all members and persons who received notice of the original meeting.

## **25. QUADRENNIAL / BIENNIAL ELECTION OF OFFICE BEARERS**

- 25.1 All elected positions on the Board shall be elected for a term of four (4) years; Members of the Commissions (excluding chairpersons) shall be elected for a term of two (2) years; with the following conditions:
- 25.1.1. No individual shall be allowed to hold the position of President, or Chairperson of a Commission for more than one (1) four-year term, but may be re-elected after a break.
  - 25.1.2. No individual shall be allowed to hold the position of Chairperson of the Technical Officials or Coaches Committees, for more than two (2) consecutive 2-year terms.
  - 25.1.3. Any position vacated in mid-term due to resignation or other causes shall be filled by co-option at the discretion of the Board for the remainder of the term until the next biennial election



AGM. Due consideration shall be taken of the nature of the position vacated in terms of the criteria for appointments included in clause 12 and the results of voting at the past election.

25.2 All appointed positions on Standing Committees shall be for a term of two (2) years.

25.3 No person shall hold more than one position on the Board or any of the Commissions

## NOMINATIONS

25.4 Nomination forms for the positions to be elected shall be sent to all members with the notice convening the Annual General Meeting.

25.5 Nominations are to be invited for the following positions:

25.5.1. President/Vice President;

25.5.2. Chairperson of each Commission (WPACC, WPARR, WPATF);

25.5.3. Member of each Commission (WPACC, WPARR, WPATF);

25.5.4. Finance Officer

25.5.5. First Additional Member for the Board

25.5.6. Second Additional Member for the Board

25.6 Nominees must be licensed members in good standing of affiliated clubs. Nominees for Commissions and Committees, whether as chairperson or members, must be active as a participant, administrator or official in that discipline. Subject to clause 25.17 below, individuals may accept nomination for multiple positions.

25.7 A nomination for the position of President shall be automatically considered as a nomination for the position of Vice President.

25.8 A nomination for the position of Chairperson for a particular Commission shall automatically be considered as a nomination for member of that Commission.

25.9 The completed nomination forms are to reach the office of WPA by no later than five weeks before the AGM. The nominated person shall confirm in writing their availability to stand for election and provide a short summary of their credentials.

25.10 Lists of the persons nominated together with their credentials shall be prepared by the office and sent to all members with the final notice of the AGM.

25.11 In the event of no nominations having been received for a particular position, or if in the opinion of the Board the nominations received are unlikely to give effect to the conditions regarding gender representation contained in Clause 25, nominations shall be accepted at the meeting.

## ELECTIONS

25.12 All elections shall be held by secret ballot.

25.13 The nominees need not be present at the AGM.

25.14 Ballot papers shall be distributed at the meeting.

25.15 Except for the Commission Chairpersons, no person is allowed to hold a position on the Board as well as any Commission. Similarly, no person is allowed to hold a position on more than one Commission. In other words, as soon as a member is elected to a position, she or he will automatically be removed as a candidate for any other position for which she or he was nominated.

25.16 Elections shall be conducted in the following order:

- 25.16.1. Election of the President and Vice President.
- 25.16.2. Election of chairpersons of the Commissions, conducted in alphabetical order viz: WPACC, WPARR, WPATF.
- 25.16.3. Election of the Finance Officer
- 25.16.4. Election of First Additional Member for the Board
- 25.16.5. Election of Second Additional Member for the Board
- 25.16.6. Election of the Members of the Commissions, conducted in alphabetical order viz: WPACC, WPARR, WPATF

25.17 Any position that for whatever reason cannot be filled by election as intended, shall be appointed by the Board, subject to ratification at the next Council meeting.

25.18 Unless otherwise provided, elected office bearers shall assume office from the close of the Annual General Meeting at which they are elected.

#### VOTING FOR MEMBERS OF THE BOARD

25.19 Voting for members of the Executive Board shall be conducted as follows:

- 25.19.1. The election of the President shall precede that of the election for Vice President.
- 25.19.2. The person who receives the most votes shall be declared the President.
- 25.19.3. Any losing candidate(s) for President shall be added to the ballot paper for the Vice President and the election shall proceed.
- 25.19.4. The person who receives the most votes shall be declared the Vice President.
- 25.19.5. In the case of a tie in voting for any position on the Board there shall be a re-vote excluding all other nominees except the tied parties. If, after a re-vote, the parties are still tied, the winner shall be determined by the toss of a coin or the drawing of lots.

#### VOTING FOR MEMBERS OF THE COMMISSIONS

25.20 Voting for members of the Commissions shall be conducted as follows:

- 25.20.1. In the Quadrennial elections the election of the Chairperson shall be done as part of the election of the Board and shall precede the election of the members of the Commission. In the Biennial elections, the members of the Commissions, and any vacancies on the Board, are to be elected.
- 25.20.2. The elected Chairperson shall be excluded from all further consideration in the appointment of members of the Commission. Unless they decline, all the unsuccessful nominees for Chairperson shall automatically be included in the list of nominees for members of the Commission.
- 25.20.3. If the number of nominations received for members of the Commission do not number eight (8);
  - 25.20.3.1. Those persons already nominated in terms of clauses 25.4 to 25.11 shall automatically be deemed to have been elected.
  - 25.20.3.2. further nominations shall be taken from the floor to fill the remaining positions.

- 25.20.4. After the election of the Chairperson and any automatically elected nominees, each Affiliated Club shall be entitled to vote for as many further members of the Commission as required to bring the total number of members, (excluding the Chairperson), to eight (8)
- 25.20.5. Unless there are already at least two females amongst the Chairperson and members automatically elected in terms of 25.24.1 to 25.24.3., after the voting for the members of the Commission, two (2) positions shall be assigned to the females receiving the highest number of votes,
- 25.20.6. As many further positions as required to bring the total number of Commission members including the Chairperson to nine (9), awarded to the nominees receiving the highest number of votes and not included in the previously assigned positions.
- 25.20.7. In the case of a tie between nominees for a position as member on the Commission, all such tied persons shall be elected to the Commission.

## **26. SPECIAL GENERAL MEETINGS**

- 26.1 Special General Meetings shall be called by the General Manager, or in his /her absence the person acting in such role, upon written request signed by
- 26.1.1. two thirds of the Board members, or
  - 26.1.2. accredited representatives of no less than 12 Affiliated Clubs.
- 26.2 The meeting must be called within thirty (30) days of receipt of such request and must be scheduled to take place within thirty (30) days of the notice calling the meeting.
- 26.3 Should the meeting not be called in accordance with clause 26.2, the persons requesting the meeting shall be entitled to call the meeting on behalf of WPA.
- 26.4 The Members or Board members requesting the meeting shall be obliged to be present at the meeting called.
- 26.5 Only the business stated in the notice of the meeting may be discussed. Any motion to be put to the vote must be included in the notice of the meeting.

## **27. REMOVAL OF PERSONS FROM ELECTED OFFICE**

- 27.1 Notwithstanding anything contained elsewhere in these articles the members may, by resolution passed with a two-thirds majority of votes cast at a Special General Meeting, remove from office any person. This excludes any employee of WPA.
- 27.2 Upon receiving a valid requisition for a Special General Meeting at which a resolution to remove such person is to be proposed, the Board shall give notice in writing of such resolution to the person(s) concerned, and if required by such person(s) circulate to all members entitled to receive notice of the meeting, any written communication of reasonable length provided it does not contain any illegal, offensive or defamatory material.
- 27.3 At the Special General Meeting, the person(s) whose removal is proposed shall have the right to address the meeting.
- 27.4 Any removal of person(s) shall be without prejudice to any legal claim they may have against WPA or that WPA may have against him/her in respect of matters arising before such removal.

## **28. POLICIES AND PROCEDURES**

- 28.1 The Board and Commissions may formulate such Policies and Procedures as may be required for the smooth running of the affairs of WPA.
- 28.2 Such Policies must be ratified by Council before coming into effect.
- 28.3 Policies shall be superseded by any amendments to ASA or WA rules made from time to time, regardless of whether the relevant Policy has been formally modified in terms of this Clause 28 or not.
- 28.4 Unless specifically excluded, Members, Athletes, Athlete support personnel and Employees are subject to the Policies of WPA
- 28.5 The Policies may be amended upon a simple majority of votes recorded at a Council Meeting provided prior notice of such amendments has been given in the notice of the meeting.
- 28.6 Any amendments to the Policies shall be of effect as soon as they are accepted unless the meeting decides otherwise.
- 28.7 All Policies shall be made available to Members through the WPA website and copies provided to Clubs on request to the WPA Office.
- 28.8 INTERIM CLAUSE : All Schedules that formed part of WPA Constitution v10 shall remain in effect until replaced by separate Policies as envisaged in Clause 28.

## **29. AMENDMENTS TO THE CONSTITUTION**

- 29.1 The Constitution may be amended only at an Annual General Meeting or Special General Meeting convened for this purpose, upon a majority of not less than two-thirds of the votes recorded.
- 29.2 Notice of any proposed amendments to the Constitution shall appear on the agenda of such AGM or SGM and shall specify which clause of the Constitution it is proposed to amend and the wording of the proposed revision.
- 29.3 Any amendments to the Constitution shall be of effect as soon as they are accepted unless the meeting decides otherwise.

## **30. DISSOLUTION OF WPA**

- 30.1 A decision to dissolve WPA may be taken by a two-thirds majority of votes cast at a Special General Meeting called for this purpose, subject to the following stipulations:
- 30.2 An interim committee shall be elected to finalise the affairs of WPA.
- 30.3 In the event of WPA disbanding, all remaining debts shall be paid off. Thereafter, any remaining property, money or other assets shall not be paid or given to any of its Members, but shall rather be given in some way to another non-profit organisation that has similar objectives. A Council Meeting shall decide what organisation this should be.

## **31. DISCLOSURE OF INTERESTS**

- 31.1 Each person holding office in WPA or member of any organising committee (LOC) in respect of an event under the auspices of ASA/WPA, shall disclose to the Board any interest (direct or indirect) that they may have in any contract or proposed contract or business being considered by WPA or the relevant

LOC and shall not be present during any discussion or voting upon such business. A person may make a general declaration that they are a member of a particular organisation, so as to be regarded as interested in any transaction involving that organisation.

- 31.2 No person holding office in WPA or any LOC shall use any information acquired in such position for direct gain; personal, business or otherwise.
- 31.3 Nothing in this article shall derogate from the general duty of good faith owed by a member to WPA.
- 31.4 No WPA office bearer shall place themselves in a position where their membership or position of office in another organisation shall cause a conflict of interest. So long as the two (or more) organisations are not in conflict with one another, such a conflict shall not exist. Where such a conflict exists (in the opinion of either party) the WPA office bearer shall either recuse themselves or resign from one of the organisations.

## **CHAPTER 5: FINANCIAL MATTERS**

### **32. FINANCIAL MATTERS**

- 32.1 The financial year for WPA shall be from 01 January to 31 December of each year.
- 32.2 The General Manager, in cooperation with the Finance Officer, shall ensure that for each meeting of the Board, a financial report is prepared, including, where relevant, details for each Commission and a report against budget for the current financial year.
- 32.3 A registered auditor appointed at the AGM shall audit the financial records of WPA. The costs for such services shall be included in the annual budget.
- 32.4 The full audited financial statement of WPA for the previous financial year shall be presented at a Council meeting before the end of July in each year. The audited statements shall be circulated to members together with the notice of such meeting.
- 32.5 WPA shall maintain such special funds as may be decided by Council.
- 32.6 All monies received by WPA shall be deposited to the credit of WPA's bank account.
- 32.7 For the purpose of organising its affairs, each Commission and Standing Committee shall be allocated an operating budget determined by the Board in consultation with the Commissions, to be approved by Council.
- 32.8 The Finance Officer shall submit to the Board, and in turn to the Annual General Meeting, proposals for revenue and expenditure for WPA for the ensuing year. Such proposals shall include recommendations for affiliation and licence fees.
- 32.9 The budget presented at the AGM shall be ratified at the last Council Meeting of the year and, once approved, may only be amended by the Council.
- 32.10 All funds budgeted for a specific Commission or Committee may be used at the discretion of that Commission or Committee. All unspent funds accruing to a given Commission in a financial year will be re-distributed according to the budget for the next financial year and shall not be automatically carried over.
- 32.11 Affiliation fees may be paid from 1<sup>st</sup> October preceding the year of affiliation;

- 32.11.1. Affiliation fees must be paid in full before new licences for the subsequent year will be issued.
- 32.11.2. Affiliation fees of members must be paid before the last day of June in each year. If affiliation fees have not been paid by such date any defaulting members shall be automatically considered for suspension in accordance with clause 11 and shall incur a penalty, to be decided by the Board, of up to half the affiliation fee due.
- 32.12 No Commission or Standing Committee may pay the affiliation fee of any member.
- 32.13 No cheques, other bills of exchange or promissory note shall be drawn, made, accepted or endorsed, and no payment shall be made on behalf of WPA unless such drawing, making, acceptance, endorsement or payment is done in accordance with the procedures and grants of authority approved by the Board.
- 32.14 Any document or documents that are required to be signed in order to an effect a payment on behalf of WPA shall require two signatures, being either the President or Vice-President assisted by any one of the General Manager, Financial Officer or Commission Chairpersons.
- 32.15 Any immovable property, bonds, shares and registered securities of WPA shall vest jointly in the President and Chairpersons of the Commissions.
- 32.16 WPA is a non-profit organisation and any surplus funds arising shall be used for the benefit of athletics in Western Province and shall not be distributed amongst its members.
- 32.17 The Board shall not have the power, save by a resolution of the Council, to dispose of or encumber more than thirty (30) percent of the assets, by market value, of WPA

## **CHAPTER 6: ADMINISTRATION**

### **33. LICENSING AND TRANSFER OF MEMBERSHIP**

- 33.1 Licensing of athletes and officials shall be in terms of the rules of ASA and the WPA rules and Policy

### **34. FIXTURES AND AUTHORISED COMPETITIONS**

- 34.1 Each Commission shall present fixture proposals for athletic meetings for the forthcoming calendar year to the Board not later than 31 August.
- 34.2 The Board shall approve these fixture proposals subject to it having the power to amend them to avoid clashes between the fixtures of the different Commissions and ensuring that fixtures take place only within the boundaries of WPA unless by agreement with neighbouring provinces.
- 34.3 The approved fixture list for the following year shall be presented at the Annual General Meeting.
- 34.4 Changes to the approved fixture list may be made only by the Board or the Management Committee, on the recommendation of the Commission concerned.
- 34.5 The Secretary shall give written notice to each affiliated club and associate member of all decisions on fixtures.
- 34.6 Notwithstanding the paragraphs above, dates for fun runs held in terms of the Policy of WPA shall be set by WPARR.

- 34.7 All athletics meetings staged in Western Province shall be organised under the auspices of a member of WPA or a structure of WPA.
- 34.8 Any member of an affiliated club or associate member who takes part in or officiates at an athletic meeting which is not held under the auspices of WPA, or under the rules of ASA or the WA and without prior authorisation of WPA first being obtained, may be guilty of misconduct.
- 34.9 No member shall organise, promote or hold any athletic meeting without the prior authorisation of the Board having first been obtained.
- 34.10 No person shall compete in any athletic meeting held under the auspices of WPA unless they have been issued with a current licence in terms of ASA rules or the WPA Policy.
- 34.11 All broadcast rights, namely TV, radio and any other broadcast media, to any athletics event taking place in South Africa shall be vested in ASA and as such their permission must be obtained before considering such broadcast.

### **35. COMPETITION RULES**

- 35.1 In addition to the WA and ASA competition rules, WPA shall maintain domestic rules applicable to events organised under the auspices of WPA, which shall be recorded as a WPA Policy.

### **36. APPAREL**

- 36.1 The emblem and uniform of WPA shall be as reflected in the WPA Emblem and Uniform Policy.
- 36.2 The emblem and uniform of WPA shall not be used without permission of the Board.

### **37. AWARDS**

- 37.1 Performance and Service awards may be bestowed on individuals according to the standards and procedures contained in the WPA Awards Policy.
- 37.2 Service and Performance awards may be awarded retrospectively and posthumously.
- 37.3 Life membership is an honour given to an individual who, in the opinion of the Council, is of suitable stature, has been continuously involved in WPA athletics for not less than twenty (20) years, has set a standard which is higher than that normally expected of a person in such position and has set an outstanding example to other athletes or administrators.
- 37.4 Honours may be awarded to any member of an affiliate club or associate member who has served WPA with distinction as an administrator, team manager, technical official or coach for at least ten (10) years.
- 37.5 Criteria for WPA colours may be defined for each discipline of Athletics but the actual award shall be in the name of WPA and not the Commission.

### **38. EXTERNAL RELATIONSHIPS**

- 38.1 Western Province Athletics will be represented in its dealings with the public, government, press, ASA and all persons external to WPA by the President or such representatives as may be appointed by the Board.
- 38.2 No affiliated club or individual member of an affiliated club shall communicate with ASA or other national bodies except through the offices of WPA.

## **CHAPTER 7: DISCIPLINE AND DISPUTES**

### **39. CODE OF CONDUCT**

This code of conduct is applicable to all stakeholders in WPA including athletes, coaches, technical officials, managers, office bearers, supporters, employees, club representatives, event organisers, sponsors and suppliers; who are expected to :

#### STANDARDS

- 39.1 Comply at all times with the constitution, rules and Policies of WPA and its parent structures.
- 39.2 Demonstrate through words and actions a spirit of sportsmanship, sports leadership and ethical conduct including fair and consistent application of rules without bias or favouritism.
- 39.3 Uphold all codes, policies and programmes to combat abuse of banned substances in Athletics.
- 39.4 Uphold and implement standards and procedures to ensure event safety and environmental sustainability.
- 39.5 Conform to stipulated dress codes for participating, officiating or travelling as part of a team.
- 39.6 Be particularly conscious of the safety and wellbeing of children and protection of the rights of minors (under the age of 18).

#### INTEGRITY

- 39.7 Not act in a manner likely to bring the sport into disrepute or affect adversely the reputation of WPA, or the sport of Athletics generally.
- 39.8 Act with the utmost integrity, honesty and responsibility in fulfilling their role in the sport.
- 39.9 Not knowingly place themselves in a situation that could give rise to a conflict between personal interests, the interests of other stakeholders, or the interests of WPA.
- 39.10 Act in good faith towards all members of the athletics family with mutual trust and understanding.

#### EQUALITY

- 39.11 Ensure there is no discrimination on the basis of race, sex, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or any unfair or other irrelevant factor.
- 39.12 Facilitate an inclusive and welcoming environment for persons with disabilities.

#### DIGNITY

- 39.13 Treat all involved in the sport with respect and professionalism and refrain from negativity or disparaging remarks or conduct; including at meetings and on social media.
- 39.14 Refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious, or creates an environment that is hostile or offensive.



## CONFIDENTIALITY

- 39.15 To hold information entrusted to them in connection with their role or activities in Athletics in confidence and to not use confidential information for personal gain or benefit, or to use such information to the detriment of others.
- 39.16 Disclose any personal or private, direct or indirect interests that they, family or business associates may have in any activities undertaken by WPA or its partners.

## BEHAVIOUR

- 39.17 Work in a spirit of cooperation with other stakeholders, assisting less experienced colleagues, and refraining from public criticism of individuals. Refrain from using or launching attacks of any kind via social media.
- 39.18 Demonstrate a high level of personal conduct including; refraining from audible profanity, obscene gestures, verbal abuse including derogatory, insulting or accusing language or tone, inappropriate behaviour, dress or attitude.
- 39.19 Refrain from using alcohol or tobacco products when involved in WPA training sessions or competitive events. To use these products responsibly when attending WPA social events.
- 39.20 Display a high level of professionalism through punctuality, timeous action and considered opinion.
- 39.21 To actively uphold this code by positively influencing the behaviour of others.
- 39.22 Be subject to the disciplinary processes of WPA for any violation of this Code.

## **40 DISCIPLINE**

- 40.1 Every member of WPA and their individual members, the office bearers and employees of WPA shall be subject to the disciplinary code of WPA as described in the WPA Disciplinary Policy.
- 40.2 Any affiliated club or association or person found guilty of misconduct shall have the right to appeal to the Board in accordance with the Policy.
- 40.3 Any affiliated club or associate member or person who is called to appear before a Disciplinary Committee shall exhaust all remedies in terms of this Constitution prior to approaching any court of law in connection therewith.
- 40.4 Nothing in this Constitution shall preclude any aggrieved person or organisation from pursuing any appeal to ASA, provided that all remedies in terms of this Constitution have been exhausted.
- 40.5 In terms of the ASA Constitution, sanction in disciplinary matters imposed by WPA or its members may not exceed two (2) years.

## **41 DISPUTES**

- 41.1 Any dispute between members, or between an athlete and a member, or between individuals, or between a member or individual and any constituent substructure of WPA, however arising, which cannot be resolved by the persons involved, shall be referred to the Board for mediation in terms of the relevant Policy.
- 41.2 Any matter that cannot be resolved by mediation shall be referred to arbitration by the Sports Dispute Resolution Forum of the Western Cape Provincial Government, to be dealt with in accordance with the Rules of that Forum.

<b>Version</b>	<b>Date</b>	<b>Description</b>
<b>0</b>	23 October 2003	Adopted
<b>1</b>	Nov 2004	Policy C – Merit Awards Section 2 replaced in entirety. Clause 14.1.2 “and any ASA Board members residing in WPA.” Added clause 16.1.8. Added clause 30.5. Amended clause 23.2 Removed Clause 39 – Transitional arrangements for 2003. Amended Policy B – Licensing of Athletes. Amended Policy F – Emblem and Uniform Added new Policy G : WPA Domestic Rules : 1. Eligibility to compete at WPA Championships. 2. WPA records.
<b>2</b>	<b>29 Sept 2005</b>	Adopted at SGM of WPA Position of General Manager Added Board reduced in size. Commissions increased in size
<b>3</b>	<b>Sept 2007</b>	Adopted at AGM of WPA Walking introduced as a Commission Disciplinary process modified Licensing through schools added Disciplinary committee changed to 5 members Clause 10.4 Clubs to have at least 20 Senior licensed members
<b>4</b>	<b>Nov 2008</b>	Adopted at SGM of WPA 7.3 Changed Associate Members 10 and elsewhere Added Finance Officer 28.13 Affiliation fees payable from 01 October and licences will not be issued until paid B.9 Technical Officials and Coaches need not be members of clubs C.3 Honours colours changed to 10 years. C.4 Added Merit Certificates
<b>5</b>	<b>18 Aug 2011</b>	Adopted at SGM 18 August 2011 14.1 Two Additional members added to Board 19.3 AGM to be September or October 19.4 Agenda for Council Meeting 25 Special General Meeting 23.5 Nominees must be active in the discipline concerned 23.10 Nominations already received are deemed to be elected 23.23.6 Removed clause assigning one position to black nominee 24.4 Conflict of Interests 37.3 Assets to be distributed to another non-profit organisation Diagram updated
<b>6</b>	<b>08 Oct 2013</b>	Adopted at AGM 8 October 2013 7.3 Add The Two Oceans Marathon NPC & The Trail Running Association of Western Province. 31.2 Arbitration process updated. C2.1 Update ages of Senior and Master Athletes. C2.4.8.2 Update Merit award times. Diagram Updated
<b>7</b>	<b>07 Oct 2014</b>	Adopted at AGM 7 October 2014 8.1 Life membership changed from 10 years to 20 years 17.2.3.10 : Awards committee added 35 Reworded Policy C Awards replaced in its entirety

<b>8</b>	<b>23 Aug 2016</b>	Adopted at SGM 23 August 2016 18. Centre of Excellence removed 22.17 Order of Elections changed 10.7.2 Development Officer not ex-officio on the Board if appointed as an employee 14.3.7 and 16.3.9 to allow decisions by written consent 19.1 Quorum for Council meetings reduced to 25% 20.6 Conditions to vote in elections amended
<b>9</b>	<b>30 March 2017</b>	Adopted at SGM 30 March 2017 14.2.15 Minutes to be posted on WPA website 14.2.30 and 14.2.31 Added clauses defining limits for contracts and expenditure 22.10 Removed provision that persons already nominated shall be regarded as elected. 23.11.5 President to have casting vote in case of tie
<b>10</b>	<b>04 July 2017</b>	Added Policy H : Code of Conduct
<b>11</b>	<b>30 July 2019</b>	Version 11 Adopted at SGM 30 July 2019  The proposed Board of WPA will be elected for a period of four years: President, Vice-President, Finance Officer, Commission Chairs for Cross Country, Road Running and Track & Field, two Additional Members and an Office Manager. Each Commission will have four elected committee members voted in for a two-year term and an option to co-opt further members as required.  Race Walking changed to a Standing Committee
	<b>9 June 2022</b>	Version 11 recalled Revert back to Version 10

12	17 August 2023	<p>Version 12 adopted at SGM on 17 August 2023</p> <ol style="list-style-type: none"> <li>1. In 2022 Constitution v11 was repealed and reverted to v10</li> <li>2. This v12 seeks to re-instate some of the changes from v11</li> <li>3. In addition, some items have changed and new items have been added.</li> <li>4. In addition, the sequence of sections has been revised to improve understanding</li> </ol> <p>Key changes  Clause 3. Vision and Mission refreshed  Clause 6. Board Structure : Management Committee has been removed completely</p> <p>Clause 8. Board Structure. WPARW, Technical Officials and Coaches removed from Board. WPARW is now a Standing Committee</p> <p>Clause 8. Board minutes no longer required to be posted on website</p> <p>Clause 9 Leadership Forum added to improve internal communication and decision making</p> <p>Clause 10 Commission structure. Commission size retained at 9 persons as per v10. Selection Convenor no longer co-opted</p> <p>Clause 11 Standing Committees.  Club Welfare added.  Development changed to Performance.  Selection and Statistics combined.  Marketing and Communication added  Safeguarding added  Technical Officials changed to Technical. Coaches changed to Coaching  Constitution to be convened as an ad-hoc committee when required</p> <p>Clause 12 Legal Advisor can be a law firm. Fee may be paid</p> <p>Clause 15 Club criteria amended.  Clause 23 Restriction on club voting rights removed.</p> <p>Clause 25 Board elected for 4 year term Commissions and committees 2 years</p> <p>Clause 25 Disciplinary Committee members to be appointed like other standing committees. Individuals may not serve on two commissions.  Technical and Coaching Committees to be appointed as for all other Standing Committees</p> <p>Clause 28 All Schedules removed from constitution - but to remain in effect until adopted as separate Policies.</p>
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## STRUCTURE OF WP ATHLETICS

