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CONSTITUTION

AND BYE-LAWS

***MATIES UNDERWATER
CLUB***

Competitive and recreational sports club



Maties Sport





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A. NAME AND STATUS

The name of the club is Maties Underwater Club, hereinafter referred to as “the Club”, and it is a recreational and competitive sports club without legal personality within Stellenbosch University.

B. OBJECTIVES

The objectives of the Club are as follows:

1. To manage and promote Scuba Diving, Spearfishing, Freediving and Underwater Hockey of a recreational and competitive nature at Stellenbosch University.
2. To participate in community service and development.
3. To manage the Club in such a way that it will contribute to being self-sufficient.
4. To promote the good image and stature of Stellenbosch University in accordance with Maties Sport guidelines and procedures.

C. HEADQUARTERS

The headquarters of the Club is Maties Sport Coetzenburg, Stellenbosch.

D. JURISDICTION

1. The jurisdiction wherein the Club will strive to achieve its objectives and fulfil its function will be the following:
 - 1.1. The official campuses of Stellenbosch University
 - 1.2. Any other terrain which has been obtained by the University or the Club for either temporary or permanent use by the Club.
2. All members and officials representing the Club outside the jurisdiction remain bound to the jurisdiction of the Club.
3. Overall jurisdiction of clubs and its activities remains with Maties Sport.





BYE-LAWS

ARTICLE 1 MEMBERSHIP

The following participating and non-participating persons are eligible to become members of the Club:

1. Honorary members

Honorary members are elected on an annual term, on nomination by any member of the Executive Committee and with the unanimous approval of the Executive Committee.

2. Members of the Executive Committee

Members of the Executive Committee are chosen and nominated in accordance with the conditions as set out in Article 5.

3. Club members

Club membership is on application and only the Executive Committee can, after consideration, grant or refuse an application. Persons from the following categories can apply for membership:

- 3.1 All registered students and staff members of Stellenbosch University
- 3.2 Students at tertiary institutions (e.g. Elsenburg, Boland College) in Stellenbosch and the Stellenbosch district
- 3.3 Other persons approved by the Executive Committee subject to the following guidelines:
 - 3.3.1 Maties Alumni
 - 3.3.2 Lack of facilities in the immediate area
 - 3.3.2 Level of participation
- 3.4 The Executive Committee retains the right to refuse any application for membership subject to fair and justifiable reasons. Only members as defined in 3.1 are automatically eligible to apply for the executive committee.
- 3.5 External (non-SU) members may apply for the executive committee subject to nomination by the outgoing executive committee. Said nominations are subject to approval by a residing committee consisting of the management committee and two representatives from Maties Sport. The chairman of the club is responsible in calling the residing committee together. Upon nomination and approval, external members must sign documentation regarding liability under the tutelage of the sports office.





ARTICLE 2 APPLICATION AND TERMINATION OF MEMBERSHIP

- 2.1 All members shall apply for membership on such forms as are prescribed by Maties Sport. Students shall register online.
- 2.2 A member is obligated to pay the annual membership fees for as long as he/she is a member of the Club.
- 2.3 All members are subject to the code of conduct of the Club as set out in the Bye-Laws.

ARTICLE 3 DISCIPLINE

- 3.1 Disciplinary action can be taken against a member if the Executive Committee finds that a member has done anything:
 - 3.1.1 Contrary to the objectives and/or interests of the Club or water sports in general; or
 - 3.1.2 Which violates the SU student code of conduct or common conceptions of good sportsmanship
 - 3.1.3 Which is offensive to his/her fellow members.
 - 3.1.4 The executive committee retains the right to terminate the membership of any member as per the findings of the disciplinary committee.
- 3.2 If a complaint is made against a member by:
 - 3.2.1 Any member of the Executive Committee at an Executive Committee Meeting
 - 3.2.2 Any member to the Executive Committee, in writing
 - 3.2.3 Any other person who claims personal knowledge of the facts alleged the Executive Committee or a duly appointed subcommittee may hear the matter in terms of the Disciplinary Procedure as per Bye-Laws

Article 4 MEETINGS

4.1 Annual General Meeting

The Annual General Meeting is the highest authority of the Club.

- 4.1.1 The Annual General Meeting takes place before the end of October.
- 4.1.2 A written notice of the date, time and venue is sent out by the Secretary at least twenty-one (21) days before the date to all persons eligible to attend the meeting. The following documentation will be sent out together with the notice:
 - a) a notice of the meeting





- b) the agenda for the meeting
 - c) The Minutes of the last Annual General Meeting and of any Special General Meetings held since the last Annual General Meeting
- 4.1.3 Any member desiring to submit a proposal for inclusion in the Agenda, or to propose an amendment or alteration to the Constitution as per paragraph 16, shall submit such a proposal containing the signatures of both the proposer and the seconder in writing so as to reach the Secretary not less than fourteen (14) days prior to the meeting. Both the proposer and the seconder shall be present at the meeting. In their absence the proposal shall fall away.
- 4.1.4 In the event of any proposal being received, the Secretary shall send a further notice to all members setting out these proposals not less than ten (10) days prior to the meeting.
- 4.1.5 The agenda of the meeting will be sent by the Secretary at least ten (10) days before the date of the particular meeting to all of the eligible members and copies thereof will be placed on the webpage as well as physical notice boards which are usually used by the Club.
- 4.1.6 The agenda makes provision for the following matters:
- a) Welcoming and constituency
 - b) Acceptance of minutes of previous Annual General Meeting and any Special General Meeting that have been held since
 - c) Matters arising from the minutes
 - d) Consideration of the Year Report of the Executive Committee for the previous year on proposal of the Executive Committee
 - e) Consideration and acceptance of the Income Statement and Balance Sheet of the Club
 - f) Nomination and election of members of the Executive Committee
 - g) Confirmation of an Auditor (University of Stellenbosch appointed)
 - h) Election of honorary members (if there are any nominations)
 - i) the handling of any special issues of which, in accordance with the Constitution, had been given due notice of
 - j) Awards
 - k) Conclusion of meeting
- 4.1.7 The minutes of the Annual General Meeting will be circulated to members of the Club within twenty one (21) days of the date of the meeting.

4.2 Special General Meetings

- 4.2.1 The chairperson of the Club can at any time on own initiative, subject to the approval of the Maties Sports Office, call a Special General Meeting, or must convene such a meeting on the request of:
- a) The majority of the Executive Committee; or





- b) Any member of the Executive Committee within fourteen (14) days after receiving a written request signed by at least twenty (20) members of the Club.
- 4.2.2 The objective of the meeting will be mentioned in the request and no other issues will be addressed at the meeting if not so mentioned beforehand.
- 4.2.3 The agenda of the Special General Meeting will be sent by the Secretary at least fourteen (14) days before the date of the particular meeting to all of the eligible members and copies thereof will be placed on the webpage and any social media platforms regularly used by the club.
- 4.2.4 If after thirty (30) minutes of the commencement of the meeting no quorum is present, the motion before the Special General Meeting shall be deemed to be defeated.

4.3 Attendance and voting at General Meetings

- 4.3.1 The following persons can attend the General Meetings of the Club, can participate in the discussions and vote on all matters brought forward:
 - a) Members of the Executive Committee
 - b) Club members who have been registered for at least six (6) months prior to the meeting.
 - c) Honorary members
- 4.3.2 Eligible members who are present at the meeting and over eighteen (18) years, all have one vote.
- 4.3.3 Under eighteen (18) years and co-opted members may attend the meeting and take part in discussions, but have no voting rights.
- 4.3.4 Voting by proxy is only possible where signed and written notice is given to the Secretary prior to the meeting and is carried out by a registered club member. This must be submitted forty-eight (48) hours before the commencement of the meeting.

4.4 Decisions taken at General Meetings

- 4.4.1 Decisions are made by a simple majority, closed ballod vote of the members who are entitled to vote.
- 4.4.2 Each of the legitimate attending members have one (1) vote. In the event of a split vote, the outgoing Management Committee will, through collective consensus, cast the deciding vote.





4.4.3 Voting officers (collectors and counters) are appointed by the chairperson of the meeting.

4.5 Quorum at General Meetings

4.5.1 30 registered and eligible members constitute a quorum.

4.5.2 If the required quorum is not present, the Chairperson will dismiss the meeting after thirty (30) minutes. Within seven (7) days of the meeting the Chairperson and Secretary must reconvene the meeting. At this meeting the members present will constitute the quorum.

4.6 Chairperson at General Meetings

4.6.1 The Chairperson acts as the chairman at all the General Meetings of the Club. In his/her absence the Vice-Chairperson of the Club will act as Chairperson. In the absence of both these persons, the relevant meeting will elect a chairperson from the attendees to act as Chairperson for that particular meeting.

ARTICLE 5 EXECUTIVE COMMITTEE

5.1 Elected members:

5.1.1 The Chairperson- Please see addendum A, Chairperson, for portfolio and structure specifics.

5.1.2 The Vice-Chairperson- Please see addendum B, Vice-Chairperson, for portfolio and structure specifics.

5.1.3 The Secretary- Please see addendum C, Secretary, for portfolio and structure specifics.

5.1.4 The Treasurer- Please see addendum D, Finances, for portfolio and structure specifics.

5.1.5 The Head of Scuba- Please see addendum E, Scuba, for portfolio and structure specifics.

5.1.6 The head of Underwater Hockey- Please see addendum G, Underwater Hockey, for portfolio and structure specifics.

5.1.7 The Head of Freediving- Please see addendum F, Spearo/Freediving, for portfolio and structure specifics.

5.2 Appointed members:

5.2.1 Ex Officio members

- a) Chief Director of Maties Sport or designated representative
- b) Club Sport Manager





- c) Club coaches and/or support staff appointed by Stellenbosch University, at the discretion of either the Club Sport Manager or the Chief Director Maties Sport
- d) Each elected member of the executive committee may appoint Ex Officio or sub-committee members as per the need of their respective portfolios. These nominations must be justified to the Executive committee and then voted in by ordinary majority at a committee meeting. These members do not sit in on executive committee meetings unless requested to do so and also have no vote in executive committee meetings.

5.2.3 Co-opted members

Persons with exceptional knowledge can be co-opted by the Executive Committee and/or the Chief Director Maties Sport on an ad hoc basis. Such co-opted members will have voting rights only for the specific field of expertise or project for which they were appointed.

5.3 Nomination and appointment

- 5.3.1 Only club members (as specified in paragraph 3.1) over eighteen (18) years that have been a member of the Club for at least three (3) months prior to the meeting can be nominated and elected into positions, as laid out in paragraph 5.1.1 to 5.1.7.
- 5.3.2 Written nominations, on the official form, must be received by the Secretary one week before the Annual General Meeting.
- 5.3.3 Nominations must be accompanied by the necessary names and signatures, i.e. the nominated candidate, a proposer and a seconder, including the date of each signature.
- 5.3.4 A person may be nominated for more than one position on the Executive Committee, but may not hold more than one position on the Executive Committee.
- 5.3.5 The nominated candidate must be present at the Annual General Meeting; otherwise the nomination will be null and void, except where the Executive Committee grants permission for the person to be absent.
- 5.3.6 No further nominations will be accepted during the meeting, except in the case of inadequate nominations. Nominations from the floor will only be accepted for Club members who are present to accept the nomination, plus support for the nomination by a proposer and a seconder, both of whom must also be present at the meeting.
- 5.3.7 Elections take place during the Annual General Meeting and are done by means of a closed voting ballot. Where only one person is nominated a vote of confidence will ensure, also via closed voting ballot.





5.3.8 A simple majority vote is required in order to be elected into a position.

5.4 Term of Office

5.4.1 The term of office of the executive committee is one (1) year.

5.4.2 The co-opted members are elected for a term of one (1) year.

5.4.3 If a member of the Executive Committee passes away, resigns or evacuates his/her position for any other reason than the normal passing of time, then the vacancy of the remaining period needs to be filled by appointment as per a majority vote of the remaining executive committee, which is then ratified by the Sports Office.

5.5 Dismissal from position

An Executive Committee member can be dismissed from his/her position for the following reasons:

5.5.1 If he/she misses two (2) consecutive meetings of the Executive Committee without a satisfactory excuse; or

5.5.2 As a result of negligence or serious neglect of duty; or

5.5.3 in terms of the findings of a disciplinary meeting.

5.6 Duties of the Executive Committee

5.6.1 Contingent upon the rules and regulations of the Constitution, the control and executive authority of the Club rests with Maties Sport. The Sport Manager regularly consults with the Executive Committee and decisions are binding for members of the Club.

5.6.2 The Executive Committee can appoint other persons who are not members of the Executive Committee to serve on the sub-committee. The meetings and proceedings of such a committee are controlled by the regulations of this Constitution in terms of the arrangements of meetings and proceedings of the Executive Committee. Any acts of the subcommittee are governed by the approval of the Executive Committee to whom they have to report back on a regular basis. The meetings and proceedings of such a committee are controlled by the regulations of this Constitution in terms of the arrangements of meetings and proceedings of the Executive Committee. Any acts of the subcommittee are governed by the approval of the Executive Committee to whom they have to report back on a schedule that has been presented to them when the tasks was allocated.

5.6.3 All bona fide actions of a meeting of the Executive Committee, or of a subcommittee of the Executive Committee, or of a person which acts as a member of the Executive Committee, are as valid as if each relevant person was appointed properly and performed the position properly and was qualified to be a member of the Executive Committee or subcommittee, even if it should come to light later that





either a mistake was made in appointing such a person or by the performance of actions, or that they, or anyone of them are deemed unqualified to meet their assigned responsibilities.

5.6.4 Without detracting from any of the general competencies, the Executive Committee also holds the following duties:

- a) To elect a representative and seconds from the members of the Executive Committee to represent the Club at the representative bodies
- b) To exercise any competence and/or perform any duties which the Constitution or the General Meeting entrust to them
- c) To set such Bye-Laws as is deemed necessary for the effective execution of its powers and duties, with the understanding that no regulation may be contradictory to the Constitution
- d) To approve the nomination of honorary members of the Club
- e) To delegate some of their competencies or duties to one or more persons including the Sport Manager
- f) To appoint convenors of subcommittees from members of the Executive Committee, to elect office bearers and to prescribe the composition and functioning of subcommittees in accordance with the Bye-Laws
- g) To give consideration to and make decisions on proposals that are submitted by any subcommittee or ad hoc committee that might be appointed from time to time
- h) To report to the Annual General Meeting on their actions since the previous Annual General Meeting
- i) To ensure and maintain good accounting practices according to the financial policy of Stellenbosch University. The treasurer must be put through the necessary financial training at the Stellenbosch University financial department.
- j) to appoint a Disciplinary Committee of four (4) members, of which one (1) member must be a student and one (1) member preferably a Stellenbosch University appointed legal advisor.
- k) To refer all appeals to Maties Sport. Maties Sport shall appoint an appeals committee. The decision of this appeals committee is final.
- l) To maintain good order within the Club and where necessary, on recommendation of the Disciplinary Committee, enforce disciplinary actions against office bearers or members
- m) To resolve disputes between elected/co-opted officers and/or members of the Club
- n) To appoint Convenors, subcommittees or ad hoc committees. The convenors must submit their committees to the Executive Committee for approval





- o) To consider applications for membership and to determine membership fees
- p) The members of the Executive Committee who are not members of such a subcommittee may attend the meetings of any subcommittee and participate in discussions but may not vote.
- q) To appoint staff and crew.
- r) To look into the options surrounding the support offered by Stellenbosch University.

5.7 Meetings and Quorum of the Executive Committee

- 5.7.1 The Executive Committee meet at every two (2) weeks, as far as possible, for the effective management and completion of their tasks.
- 5.7.2 The committee will collectively decide when these meetings will take place.
- 5.7.3 The attendance of fifty percent plus one (50%+1) of the members of the elected members constitute a quorum.
- 5.7.4 Decisions are made by a simple majority vote.
- 5.7.5 Club members may submit ideas for discussion to the head of the relevant portfolio.
- 5.7.6 A head of a portfolio may invite a member to an executive meeting if they are part of a succession plan for a relevant portfolio.

5.8 Chairperson at Executive Committee Meetings

- 5.8.1 The Chairperson acts as the chairperson at all the Executive Committee Meetings of the Club. In his/her absence the Vice-Chairperson of the Club will act as chairperson. In the absence of both these persons, the Secretary will act as chairperson.
- 5.8.2 In the absence of both these persons, the relevant meeting will elect a chairperson from the attendees to act a Chairperson for that particular meeting.
- 5.8.3 The chairperson at any Executive Committee Meeting has a casting vote.

5.9 Revision and Annulment of Decisions

Any decision of the Executive Committee can be recalled or revised by a General Meeting of the Club.

ARTICLE 6 MANAGEMENT COMMITTEE

The day-to-day functioning and management of the club remains the responsibility of Maties Sport, however where applicable:

- 6.1 The Executive Committee will appoint the Management Committee, consisting of at least the Chairperson,





- Secretary, Sport Manager and Treasurer, to handle urgent matters on behalf of the Executive Committee.
- 6.2 The attendance of the club Sport Manager plus fifty percent plus one (50%+1) of the members constitute a quorum for the Management Committee
- 6.3 Decisions are made by a simple majority vote.
- 6.4 All decisions are to be referred to the next Executive Committee Meeting for endorsement.

ARTICLE 7 THE CHAIRPERSON

- 7.1 The Chairperson is the executive head of the Club. Under his/her chairmanship the policy of the Club is controlled and supervised by the Executive Committee.
- 7.2 The Chairperson has a responsibility to ensure that good governance is in place with reference to meetings, policy implementation and inform the Executive Committee accordingly.
- 7.3 In his/her absence or that of the Vice-Chairperson, the chairperson for the particular meeting is then chosen.
- 7.4 The Chairperson is an ex officio member of all subcommittees or ad hoc committees of the Club.

ARTICLE 8 FINANCES

8.1 Financial Management

- 8.1.1 The administration of the funds is as follows:
- a) Club funds are administered by Maties Sport in conjunction with the Chief Director: Finance of Stellenbosch University.
 - b) An audited Income Statement and Balance Statement of the financial year must be submitted annually at the Annual General Meeting.
 - c) Budgets for each following year must be set up by the Executive Committee and be revised on a continual basis. These proposed budgets must be submitted to the Chief Director of Maties Sport by the second Wednesday in December of the current year, along with a copy of the Club's financial report as presented at the Club AGM. The responsibility of these budgets sits with the treasurer in collaboration with the portfolio heads.
- 8.1.2 Club funds are generated from membership fees, donations, sponsorships, fines, approved sales and specific projects which are approved by the Executive Committee and the Chief Director Maties Sport in line with Stellenbosch University financial policy.
- 8.1.3 The financial year of the Club is from 1 January to 31 December.





8.2 Membership fees

- 8.2.1 Membership fees are determined by the executive committee and vetted by Maties Sport annually.
- 8.2.2 Fees are payable before or on the date as determined by the Executive Committee after which a fine will be levied. After payment of membership fees the club member will be a fully paid-up member.
- 8.2.3 Membership fees are the same for all membership categories and members joining after the due date will pay on a pro-rata basis.
- 8.2.4 All honorary members, crew, sub-committee and executive committee members are exempted from paying membership fees subject to an annual revaluation
- 8.2.5 Where membership fees are not paid within one month of the due date, membership can be suspended and offenders prohibited from making use of the Club's services and facilities.

8.3 Auditing

The audited statements will be presented by the Treasurer at the Annual General Meeting.

ARTICLE 9 COLOURS OF THE CLUB

Colours of the club shall be determined by Maties Sport in line with the specific rules governing each sport code.

ARTICLE 10 AWARDS

Honorary club awards are conferred to deserving persons based on the criteria determined by Maties Sport. The Executive Committee together with the Sport Manager shall nominate all deserving persons according to the provisions of the set criteria.

ARTICLE 11 AFFILIATION

The Club affiliates to approved district/regional/ provincial / national body where participation is approved by Maties Sport.

ARTICLE 12. AMENDMENTS TO THE CONSTITUTION

Proposed changes to this Constitution can only be initiated by a decision of at least two-thirds (2/3) of eligible voters who are present at the General Meeting of the Club. Proposals for amendments to the Constitution must be submitted in writing to the Sport Manager and Secretary at least fourteen (14) days before the General Meeting and must be accompanied by the signatures of the proposer and the seconder.

If changes in this Constitution are supported at Club level, they will then must be submitted to the Maties Sport Senior Management team through the office of the Chief Director for subsequent consultation and determination of the compatibility of the changes with Stellenbosch University and Maties Sport rules and regulations as well as the Institutional Intent and Strategy. Changes found to be compliant will be accepted. Those changes found to be non-compliant will be referred back to the Club with feedback.





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ARTICLE 13 DISSOLUTION

In the event of the dissolution of the Club, any assets remaining after all its liabilities have been met, shall be transferred to the Stellenbosch University MATIES SPORT as may be decided by Maties Sport and discussed at a Special General Meeting of members still in membership at this time and provided that the normal notice period for a meeting is adhered to. No quorum shall apply for this meeting only.

Maties Sport provides a framework that guides the dissolution of a Club, and in the event of inadequate or no attendance, the Maties Sport decision will carry.



Maties Sport

