



## **CONSTITUTION**

**of the BOTSWANA SWIMMING SPORT ASSOCIATION**

**adopted at the Special General Meeting of 26<sup>th</sup> day of November 2023**

## TABLE OF CONTENTS

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1.	DEFINITIONS AND INTERPRETATION .....	3
2.	NAME, HEADQUARTERS, LEGAL FORM AND FINANCIAL YEAR .....	6
3.	AIMS, OBJECTIVES AND POWERS OF THE ASSOCIATION .....	7
4.	NEUTRALITY AND NON-DISCRIMINATION .....	11
5.	PROMOTING FRIENDLY RELATIONS .....	11
6.	MEMBERSHIP OF THE ASSOCIATION .....	12
7.	ADMISSION, SUSPENSION AND EXPULSION .....	7
8.	REQUEST AND PROCEDURE FOR ADMISSION OF MEMBERS .....	15
9.	MEMBERS' RIGHTS .....	17
10.	MEMBERS' OBLIGATIONS .....	17
11.	SUSPENSION OF MEMBERS .....	18
12.	TERMINATION OF MEMBERSHIP .....	19
13.	REGISTRATION AND TRANSFER OF ATHLETES .....	19
14.	ATHLETES COMMISSION .....	20
15.	STRUCTURES OF THE ASSOCIATION .....	21
16.	ANNUAL GENERAL MEETING .....	22
17.	DELEGATES AND VOTES .....	24
18.	GENERAL MEETING AREAS OF AUTHORITY .....	25
19.	QUORUM OF THE GENERAL MEETING .....	26
20.	DECISIONS OF THE GENERAL MEETING .....	26
21.	MINUTES .....	26
22.	SPECIAL GENERAL MEETING .....	27
23.	EFFECTIVE DATES OF DECISIONS .....	27
24.	ELECTION OF OFFICERS .....	27
25.	THE NATIONAL EXECUTIVE COMMITTEE .....	29
26.	MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE .....	30
27.	POWERS OF THE NATIONAL EXECUTIVE COMMITTEE .....	31
28.	DECISIONS OF THE NATIONAL EXECUTIVE COMMITTEE .....	33
29.	RESPONSIBILITIES OF NATIONAL EXECUTIVE COMMITTEE MEMBERS .....	33
30.	ABSENCE FROM NEC and SUB-COMMITTEE MEETINGS AND CO-OPTION .....	37
31.	STANDING COMMITTEES .....	38
32.	DISCIPLINARY AND DISPUTE RESOLUTION STRUCTURES .....	39
33.	DISCIPLINARY COMMITTEE .....	39
34.	APPEALS BOARD .....	40
35.	DISCIPLINARY MEASURES .....	40
36.	JURISDICTION .....	40
37.	COURT OF ARBITRATION FOR SPORT .....	40
38.	UNFORSEEN CONTINGENCIES AND FORCE MAJEURE .....	41
39.	PROPERTY, DISSOLUTION AND DISPOSAL OF ASSETS .....	42



40.	FINANCES .....	43
41.	SETTLEMENTS OF DISPUTES .....	43
42.	INTERPRETATION OF THE CONSTITUTION .....	44
43.	AMENDMENTS TO THE CONSTITUTION .....	44
44.	COMPLAINTS AND SUGGESTIONS .....	44
45.	LIABILITY OF MEMBERS .....	44
46.	ANTI-DOPING REGULATIONS .....	44
47.	NOTICES .....	45
48.	ADOPTION .....	45

## CHAPTER I – GENERAL PROVISIONS

### ARTICLE 1 - DEFINITIONS AND INTERPRETATION

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1.1 In this Constitution, the Rules and Regulations, unless the context indicates otherwise, the following words and expressions shall have the following meanings given to them:

- 1.1.1 **Act** shall mean the Botswana National Sport Commission Act 30 of 2014 as amended from time to time;
- 1.1.2 **Association** shall mean the Botswana Swimming Sports Association, a national sporting association registered with the Registrar of Societies and established in terms of this Constitution;
- 1.1.3 **Associate Member** shall mean an individual or group of persons that have been admitted as an associate member, and has fully paid all membership fees and subscriptions required by the Association to maintain membership;
- 1.1.4 **Active Competitive Athlete** shall mean, for purposes of admission of an Ordinary Member, an Athlete who has participated in at least 3 (three) events of the Sport in the preceding calendar year for which they seek admission;
- 1.1.5 **Athlete** shall mean persons who partake in the Sport administered by the Association;
- 1.1.6 **Appeals Board** shall mean the Appeal Board of the Association, as more fully set out in article 34 of this Constitution;
- 1.1.7 **BNSC** shall mean the Botswana National Sport Commission, established in terms of the Act;
- 1.1.8 **BNOC** shall mean Botswana National Olympic Council;
- 1.1.9 **BSSA** shall mean the Botswana Swimming Sports Association;

- 1.1.10 **Business Day** shall mean a day other than a Saturday, Sunday or public holiday in Botswana;
- 1.1.11 **Club** shall mean a body of individuals duly constituted and registered with Registrar of Societies, coming together for the purpose of participating in the Sport;
- 1.1.12 **Day** shall mean a period of 24 consecutive hours ending at 12:00 midnight;
- 1.1.13 **Disciplinary Code** shall mean the rules and regulations that shall be adopted by the Association regulating the disciplinary procedures of the Members;
- 1.1.14 **Disciplinary Committee** shall mean the Disciplinary Committee of the Association, as more fully set out in article **33** of this Constitution;
- 1.1.15 **Electoral Code** shall mean the rules and regulations adopted by the Association regulating the conduct of elections of the Association;
- 1.1.16 **Honorary Member** shall be a Member who has been admitted as a Member as provided under this Constitution;
- 1.1.17 **Member** shall mean an Ordinary Member, an Associate Member, or an Honorary Member as defined in this Constitution; Member;
- 1.1.18 **Member in good standing** shall mean a Member:
- a) which is registered under the Societies Act, Cap. 18:01;
  - b) which is up to date on submission of prescribed documents;
  - c) which is not on suspension;

d) Which has participated in at least 3 events in the year immediately preceding the AGM;

e) **which has a minimum of 10 Active Competitive Athletes;**

f) **which has participated in the national championships and other national Aquatics competitions recognised and/or organised by the BSSA;**

g) **which has paid its annual membership fee set by the BSSA and complied with all other financial obligations; and**

h) **which has fully complied with the World Aquatics Statutes and Regulations.**

1.1.19 **NEC** shall mean the National Executive Committee of the Association, set up to manage the Association in terms of this Constitution;

1.1.20 **Ordinary Member** shall mean a Club that has been admitted as an Ordinary Member of the Association and has fully paid all Membership fees and subscriptions required by the Association to maintain Membership;

1.1.21 **Simple Majority** shall mean more than half;

1.1.22 **Sport** shall mean the aquatic sports of swimming, artistic swimming, diving, open water swimming, paralympic swimming, synchronized swimming, water polo and other aquatic sports, that are to be administered, developed, promoted and coordinated by the Association.

1.1.23 **Unattached** shall mean an Athlete who either does not belong to an affiliated club or who is in transition between clubs.

1.2 Article headings shall not affect the interpretation of this agreement.

1.3 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

1.4 The Rules and Regulations hereto form part of this Constitution and shall have effect as if set out in full in the body of this agreement.



- 1.5 A reference to a company shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.6 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.7 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.8 A reference to a statute or statutory provision is a reference to an Act of Parliament of Botswana, as amended, extended or re-enacted from time to time.
- 1.9 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to writing or written includes fax and email.

## **ARTICLE 2 - NAME, HEADQUARTERS, LEGAL FORM AND FINANCIAL YEAR**

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- 2.1 The Association hereby constituted shall be known as the Botswana Swimming Sports Association.
- 2.2 The area of jurisdiction of the Association shall be Botswana.
- 2.3 The headquarters of the Association shall be in Botswana at office No. 19 at the Botswana National Sports Stadium in Gaborone, Botswana, P O Box 1404 Gaborone, Botswana, c/o Botswana National Sports Commission, National Stadium, or any address as shall be determined by the Association from time to time.
- 2.4 The Association shall be a body corporate capable of suing and being sued in its own name. It shall enjoy perpetual succession with the right and ability to own its own movable and immovable property and other assets for its own purpose and apart from its Members.

- 2.5 The Financial Year of the Association shall begin on April 01 of each year and end on March 31 of the following year.
- 2.6 It is recorded that the Association is the sport association registered in accordance with the Societies Act and the Act and affiliated to;
- 2.6.1 World Aquatics;
  - 2.6.2 the BNSC;
  - 2.6.3 the BNOC;
  - 2.6.4 Africa Aquatics; and
  - 2.6.5 Africa Aquatics Zone IV.**
- 2.7 *The Association acknowledges that World Aquatics is the only recognised body in the world which governs Sport on a worldwide basis.*
- 2.8 *In the case of inconsistency between this constitution and/or rules the World Aquatics Constitution and/or World Aquatics Rules, the latter shall prevail.*
- 2.9 *The Association is obliged to fully comply at all times with the World Aquatics Constitution and the World Aquatics Rules, the WADA Code, the decisions and directives of the World Aquatics Bodies, as well as the decisions of CAS.”*
- 2.10 *The Association is committed to ensure that World Aquatics is not brought into disrepute in any way whatsoever as a result of actions or omissions of the BSSA or of any of its members, representatives, athletes, officials or any other person subject to the BSSA.*
- 2.11 ***The Association manages its affairs independently and without regard to undue influence by third parties or government(s).***

### **ARTICLE 3 - AIMS, OBJECTIVES AND POWERS OF THE ASSOCIATION**

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- 3.1 The aims and objectives of the Association are:
- 3.1.1 to promote and encourage the development of the Sport in Botswana and maintain high standard of participation in the Sport;



- 3.1.2 to carry on the public benefit activity of administering, developing, coordinating and promoting the Sport in Botswana, in which the participants take part in accordance with the principles as laid down in the rules/regulation and byelaws of BNSC, BNOC, Africa Aquatics, **Africa Aquatics Zone IV** and World Aquatics;
- 3.1.3 to improve the Sport constantly and promote, regulate and control it throughout the territory of Botswana in accordance with the principles of fair play and its unifying, educational, cultural and humanitarian values, particularly through youth and development programmes;
- 3.1.4 to organize competitions in all its forms, by defining precisely, as required, the areas of authority delegated to the various Members and leagues of which it is composed;
- 3.1.5 to draw up publish and enforce rules, regulations and bye-laws for the control, administration and regulation of the Sport and to ensure their enforcement in the management of the Sport and in championships and competition.
- 3.1.6 to protect the interests of its Members;
- 3.1.7 to comply, and to ensure compliance with, the Act, the Societies Act, the statutes, bye laws and regulations of BNOC, Africa Aquatics and World Aquatics. This Constitution and rules of the Association will not conflict with those of World Aquatics. Where there is a conflict the rules of World Aquatics shall prevail;
- 3.1.8 to respect and prevent any infringement of the constitution, regulations, directives and decisions of BNOC, BNSC, Africa Aquatics, **Africa Aquatics Zone IV** and World Aquatics;
- 3.1.9 to prevent all methods or practices which might jeopardise the integrity of the Sport and all matches or competitions held under its banner;
- 3.1.10 to coordinate, control and supervise all competition and/or activities of all forms of the Sport performed throughout Botswana;

- 3.1.11 to provide competitive opportunities for all ages, both sexes and at all levels of local and international competitions;
  - 3.1.12 to provide rules under which records can be established and recognised in accordance with accepted international standards and guidelines;
  - 3.1.13 to sanction, facilitate and regulate all aquatic contests held in Botswana and to approve and regulate the dates and arrangements for them;
  - 3.1.14 to sanction the participation of registered Athletes at sanctioned events held in and out of Botswana;
  - 3.1.15 to host competitions at both national and international levels;
  - 3.1.16 to settle disputes arising between Members or bodies or persons connected directly or indirectly with the Sport within the jurisdiction of the Association;
  - 3.1.17 to raise funds by means of subscriptions, donations and from the carrying on of any business, trade or undertaking consistent with or ancillary to its objects or as calculated directly or indirectly to advance the interests of the Association;
  - 3.1.18 to foster and maintain cordial relationships with other National Sporting Associations in Botswana and internationally whose aims and objectives are similar to those of the Association.
  - 3.1.19 to affiliate to the BNSC, the BNOC, and Africa Aquatics, **Africa Aquatics Zone IV** and World Aquatics;
  - 3.1.20 to do all such things as may be incidental or conducive to the attainment of its objectives or any one of them.
- 3.2 In aid of the above objectives, the Association shall have the full power and authority to do any act, matter or thing as may be required to give effect to the aims and objectives described herein, including, but not limited to the following powers:-
- 3.2.1 to employ staff;

- 3.2.2 to acquire assets and enter into commitments for the promotion of its aims and objectives;
- 3.2.3 to confer honours and awards on individuals, in recognition of their contribution to the Sport in Botswana;
- 3.2.4 to enter into donor funding arrangements with companies, legal entities or individuals and to solicit and accept fees, donations, bequests, contributions and subscriptions for the funds of the Association, provided, however, that the Association shall ensure that no donor will derive any monetary advantage from any monies paid to and on behalf of the Association;
- 3.2.5 to take lease, purchase or otherwise acquire premises, equipment, vehicles, furniture and other property or assets, whether movable or immovable, which may be deemed necessary or convenient for any of the purposes of the Association, and in order to provide suitable equipment, accommodation and facilities of the Sport;
- 3.2.6 to improve, manage, develop, exchange or lease, mortgage, sell, dispose of, turn to account and grant options, rights and privileges in respect of, or otherwise deal with, or any part of the property and rights of the Association;
- 3.2.7 to subscribe, grant subsidies out of, administer and invest the funds of the Association in such manner as it may be deemed best to achieve the objectives and purposes of the Association;
- 3.2.8 to enter into such commercial or other transactions in connection with any trade or business of the Association as may seem desirable for the purpose of the Association affairs;
- 3.2.9 to borrow, or raise money in such a manner as the Association shall deem fit, and, in particular, to secure payment of any money borrowed by means of mortgage, pledge, charge or lien to secure and guarantee the due performance by the Association of any obligation or liability it may undertake;

- 3.2.10 to open and operate banking accounts and to draw, make, accept, endorse, sign, discount, execute, issue cheques, promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable instruments;
- 3.2.11 to make rules which shall not be inconsistent with the terms of this Constitution;
- 3.2.12 to select teams and representatives for national, regional and international competitions, fixtures and matches at all levels;
- 3.2.13 to appoint auditors to audit annual accounts of the Association;
- 3.2.14 to appoint such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers;
- 3.2.15 to suspend, fine, terminate the Membership of or otherwise deal with any Member or individual associated with it for infringing the Constitution, regulations, policies, principles or resolutions or for engaging in acts of misconduct, improper practices, misdemeanor, acts of defiance, or for bringing the Association into disrepute.

#### **ARTICLE 4 - NEUTRALITY AND NON-DISCRIMINATION**

- 4.1 The Association is, and shall be, neutral in matters of politics and religion.
- 4.2 Discrimination of any kind against a country, private person or group of people on account of disability, ethnic origin, gender, language, religion, politics or any other reason is strictly prohibited and punishable by suspension or expulsion.

#### **ARTICLE 5 - PROMOTING FRIENDLY RELATIONS**

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- 5.1 The Association shall promote friendly relations between its Members, officials and Athletes.
- 5.2 Every person and organisation involved in the Sport is obliged to observe this Constitution, regulations, the statutes, bye-laws and regulations of World Aquatics and the principles of fair play, loyalty, integrity and sportsmanship.



- 5.3 The Association shall provide the necessary institutional means to resolve any internal dispute that may arise between Members, officials and Athletes affiliated to Members of the Association.

## **CHAPTER II - MEMBERSHIP**

### **ARTILE 6 – MEMBERSHIP OF THE ASSOCIATION**

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- 6.1 Members and officials of the Association shall observe this Constitution, bye-laws, regulations, standing orders, directives, decisions and codes of ethics of the Association, Africa Aquatics and World Aquatics in their activities.

- 6.2 Every member shall pay a one-time only joining fee.

#### **6.3 SUBSCRIPTIONS**

- 6.3.1 The Annual Membership fee for all Members (save for the Honorary Member and the Patron) shall be a sum fixed by the NEC from time to time and shall be payable on or before the first day of April of every year.

- 6.3.2 Any member who may have left the Association for any cause and who may have owed the Association any monies must pay such outstanding monies to the Association before being readmitted as a member. Such will be in addition to fees for the applicable financial year.

- 6.3.3 A penalty of fifty percent (50%) of the annual fees shall be applied if annual subscription is not paid within 30 (thirty days) of the due date.

- 6.4 There shall be classes of Members, which shall be as follows;

- 6.4.1 Ordinary Membership;

- 6.4.2 Associate Membership; and

- 6.4.3 Honorary Membership



## 6.5 ORDINARY MEMBERSHIP

- 6.5.1 Any Club registered as a Society in terms of the Societies Act promoting the Sport shall be eligible for ordinary membership and shall, subject to the approval of the NEC, become a Member upon satisfaction of all requirements set out in this Constitution and/or the byelaws of the Association.
- 6.5.2 Any Club shall be eligible for Ordinary Membership upon satisfaction of the following;
- a) Proof of registration of at least 10 Active Competitive Athletes;
  - b) Proof of payment of Annual registration fees for each Active Competitive Athlete;
  - c) Proof of at least one Coach with coaching qualification in the relevant Sport;
- 6.5.3 A new Ordinary Member shall acquire Membership rights and duties as soon as it has satisfied the provisions of Article 8.2. and its delegates shall be eligible to vote and be elected at subsequent meetings of the Association.
- 6.5.4 Any Club which falls into arrears with its annual subscriptions for more than 60 (sixty) days shall automatically cease to be a Member of the Association, provided that should the Member wish to be reinstated such Member shall re-apply.
- 6.5.5 Should an ordinary Member fail to maintain ten (10) Active Competitive Members, the NEC shall write to the Member to regularize, and in the event they fail to do so within 14 days the NEC shall issue 2 months written notice to the Member to regularize. In case of continued non-compliance by the Member, the Member shall automatically be suspended from the Association. The suspension shall be lifted on compliance.
- 6.5.6 The NEC may in its discretion and on good and sufficient reasons furnished by the defaulting member extend the timelines provided above.

## 6.6 ASSOCIATE MEMBERSHIP

- 6.6.1 Any individual, group or entity that is not a Club, interested or participating in the Sport and who is prepared to assist in the promotion and organization of the Sport and who subscribes to and abides by this Constitution may be registered as an Associate Member.

- 6.6.2 Any group/s or entity seeking membership in this category must submit an application in the prescribed form to the Secretary General.
- 6.6.3 Each Associate Member shall pay the appropriate membership fee as prescribed by the NEC not later than the first day of April each year.
- 6.6.4 Any Associate Member who falls into arrears with the annual membership fee for more than thirty (30) days shall automatically cease to be a member of the Association. The NEC may however in its discretion reinstate such member on payment of the total amount outstanding.
- 6.6.5 Associate Members shall have the right to participate in all Association sanctioned events in Botswana;
- 6.6.6 Associate Members shall not have a right to;
  - a) hold office;
  - b) vote at meetings;
  - c) to nominate members for election;
- 6.6.7 Notwithstanding 6.6.6 above, an individual Associate Member shall not have the right to vote at meetings and to nominate members for election.

## 6.7 **HONORARY MEMBERSHIP**

- 6.7.1 The NEC may elect to Honorary Membership or Patron of the Association any person who in the opinion of the NEC has rendered exceptional service to the Sport.
- 6.7.2 A candidate for Honorary Membership must be nominated by a member of the NEC in writing setting out fully the grounds on which such nomination is made.
- 6.7.3 An Honorary Member shall be a member of the Association but shall not be an officer or a delegate nor have a right to vote.
- 6.7.4 Subject to the other provisions of this Constitution and its bye laws an Honorary member shall be a member for life.

## **ARTICLE 7 - ADMISSION, SUSPENSION AND EXPULSION**

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- 7.1 Prior to affiliation of the Member as set out in Article 8.2 hereof, the Club shall be placed on probation for a period of not less than 6 months and the said Member shall pay the amount equal to an Affiliation Fee. The Athletes attached to the Club shall swim unattached and shall pay the annual registration fee.
- 7.2 Admission may be granted if the applicant fulfils the requirements set out in **Article 8.2** hereof.
- 7.3 Membership is terminated by resignation or expulsion in accordance with **Article 12** hereof.
- 7.4 Loss of Membership shall not relieve a Member from its his financial obligations towards the Association or other Members of the Association but leads to cancellation of all rights in relation to the Association.

## **ARTICLE 8 - REQUEST AND PROCEDURE FOR ADMISSION OF MEMBERS**

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- 8.1 The procedure for admission of Members may be regulated by byelaws approved by the NEC of the Association.
- 8.2 The application must be in writing and accompanied by the following mandatory items:
- 8.2.1 In the case of an Ordinary Member:
- a) A copy of its legally valid constitution approved by the Registrar of Societies;
  - b) A certificate of registration as a Society with the Registrar of Societies.
  - c) The name and number of Athletes of the Club;
  - d) The names of its officers;
  - e) A list of at least 10 Active Competitive Athletes;



- f) A list of coaches responsible for coaching the Athletes, with the minimum qualification standard / requirement that may from time to time be determined by two thirds majority of the general membership.
- g) a declaration that it is located and registered in Botswana;
- h) In the case of an Ordinary Member, a list of officials;
- i) In the case of an Ordinary Member, a copy of the minutes of its last General Meeting or constitutional meeting;

8.2.2 In the case of an Associate Member;

- a) Official Identity document in the case of an individual;
- b) Official registration documents in the case of a corporate body;
- c) Their certificate of qualification as Coach or Technical Official if applicable;
- d) Police Clearance if the applicant is an individual.

8.2.3 In the case of all members:

- a) A declaration that it will always comply with this Constitution, regulations, standing orders, codes and decisions of Africa Aquatics, **Africa Aquatics Zone IV**, World Aquatics and the BNSC, and shall ensure that these are also respected by its own Members, clubs, officials and Athletes;
- b) A declaration that it recognises the judicial bodies of the Association, the BNSC, Africa Aquatics, **Africa Aquatics Zone IV**, World Aquatics and the Court of Arbitration for Sport (CAS) in Lausanne, as specified in this Constitution;
- c) payment of a prescribed fee.

8.3 This article shall not affect the status of existing Members.



- 8.4 An Ordinary Member shall acquire Membership rights and duties as soon as it has been admitted and its delegates shall be eligible to vote and be elected with immediate effect.

## **ARTICLE 9 - MEMBERS' RIGHTS**

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- 9.1 Members of the Association have the following rights:
- 9.1.1 to take part in a General Meetings of the Association, to know its agenda in advance, to be called to attend the General Meeting within the prescribed time and to exercise their voting rights where applicable;
  - 9.1.2 to draw up motions for inclusion in the agenda of the General Meeting;
  - 9.1.3 to nominate candidates for all bodies of the Association to be elected where applicable;
  - 9.1.4 to be informed of the affairs of the Association through the official bodies of the Association;
  - 9.1.5 to take part in competitions and/or other sports activities organised by the Association where applicable;
  - 9.1.6 to exercise all other rights arising from this Constitution and regulations of the Association.
- 9.2 The exercise of these rights is subject to other provisions of this Constitution and the applicable byelaws.

## **ARTICLE 10 - MEMBERS' OBLIGATIONS**

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- 10.1 The Members of the Association have the following obligations:
- 10.1.1 to comply fully with the Constitution, regulations, directives and decisions of Africa Aquatics, **Africa Aquatics Zone IV**, World Aquatics, the Association, the BNOC and the BNSC at all times, and to ensure that these are also respected by its Members;



- 10.1.2 to ensure the election of its decision-making bodies;
- 10.1.3 to take part in competitions and other sport activities organised by the Association;
- 10.1.4 to pay their Membership subscriptions, if any;
- 10.1.5 to adopt a clause in its constitution specifying that any dispute requiring adjudication involving itself or one of its Members and relating to this constitution, regulations, directives and decisions of the Member, the Association, Africa Aquatics and World Aquatics shall come solely under the jurisdiction of the appropriate dispute resolution tribunal of a Member, the Association, Africa Aquatics, **Africa Aquatics Zone IV**, World Aquatics or the BNSC, and that any recourse to ordinary courts is prohibited;
- 10.1.6 to communicate to the Association any amendment of its constitution and regulations as well as a list of its officials annually;
- 10.1.7 not to maintain any relations of the sporting nature with entities that are not recognised by the Association, Africa Aquatics and World Aquatics or with Members that have been suspended or expelled;
- 10.1.8 to observe the principles of loyalty, integrity and good sporting behaviour as an expression of fair play through a statutory provision.

## **ARTICLE 11 – SUSPENSION OF MEMBERS**

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- 11.1 The powers to suspend a member shall vest in the NEC.
- 11.2 During the period of suspension, a suspended Member shall lose Membership rights.
- 11.3 The Member shall have the right to Appeal the decision to suspend to the Appeals Board.

## **ARTICLE 12 - TERMINATION OF MEMBERSHIP**

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- 12.1 Membership shall be terminated if the annual subscriptions are not paid within sixty (60) days of it becoming due.
- 12.2 Membership may be terminated by the resignation of the Member who shall submit its resignation in writing to the Secretary General. Such resignation shall take effect from receipt by the Secretary General of such notice.
- 12.3 Membership may be terminated by death or dissolution of the member;
- 12.4 Membership may be terminated by the expulsion of the Member, if:
- 12.4.1 The Member seriously violates this Constitution, regulations, directives or decisions of the Association or Africa Aquatics and World Aquatics;
- 12.4.2 The Member's conduct is detrimental to the interests of the Association;
- 12.5 The decision to expel a member shall be as a result of a decision of the Disciplinary Committee, as confirmed by the Appeals Board.

## **CHAPTER III - ATHLETES**

### **ARTICLE 13 - REGISTRATION AND TRANSFER OF ATHLETES**

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- 13.1 Every Athlete shall pay an annual registration fee as determined by the NEC from time to time on or before the date stipulated *in the bylaws* before the Athlete is allowed to participate in any sanctioned events of the Association.
- 13.2 An Athlete must have been a registered member of a Club for at least one (1) month before being entitled to represent such a Club in competition,.
- 13.3 The status of Athletes and the provisions for their transfer from one Member to another shall be regulated by the Association in accordance with the bylaws of the Association.



- 13.4 Athletes shall be registered in accordance with the byelaws of the Association.
- 13.5 Nothing herein contained shall preclude any Member from registering Athletes of clubs affiliated to it in accordance with its own rules, which must not be inconsistent with the byelaws of the Association, Africa Aquatics and World Aquatics for status and transfer of Athletes.
- 13.6 An Athlete shall be registered as an Athlete participating under only one (1) Club at a time for the purpose of each type of competition organized by the Association.
- 13.7 Where an Athlete desires to change registration from one club to another, it shall be the duty of the latter club to advise the NEC of such change in registration, which shall be done in accordance with the bye laws of the Association. The NEC shall be entitled to refuse such application unless it is satisfied that the applicant has resigned from its former Club and has discharged in full indebtedness to the former club, and the former club has produced an Athlete release letter to that effect.
- 13.8 There shall be a cooling off period of thirty (30) days when Athletes transfer between clubs, during which period the Athlete shall participate in the Sport unattached.**

#### **ARTICLE 14 - ATHLETES COMMISSION**

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- 14.1 There shall be an Athletes' Commission for purposes of representing the views of the Athletes and making their voices heard within the BSSA.
- 14.2 The objectives of the Athletes' Commission are:
- 14.2.1 To consider issues related to Athletes and to provide advice to the BSSA on those issues;
  - 14.2.2 To represent the rights and interests of the athletes and to make related recommendations;
  - 14.2.3 To maintain contact with the World Aquatics Athletes' Commission.

14.3 The Athletes Commission shall be made up as follows:

14.3.1 It shall have a minimum of 3 members who are nationals of Botswana. They must be at least 18 years of age and must have never been sanctioned for a doping offence.

14.3.2 It must be composed of a majority of Athletes who, at the time of their appointment are at least participating at a national level in the Sport or have done so within the previous 4 years.

14.3.3 Both sexes must be represented in the Athletes' Commission;

14.3.4 **At least two of the members must be present and residing in Botswana;**

14.3.5 The length of the term of office for members of the Athletes' Commission shall be 2 years, with re-election possibilities, provided such would be within the dictates of the term of office for members of the NEC.

14.4 The Athletes Commission shall meet at least once a year and the Association is responsible for ensuring the Commission is able to meet.

## **CHAPTER IV – ORGANISATION AND STRUCTURE OF THE ASSOCIATION**

### **ARTICLE 15 - STRUCTURES OF THE ASSOCIATION**

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15.1 The structures of the Association shall be the following:

15.1.1 A General Meeting, which is the supreme and legislative body of the Association.

15.1.2 The National Executive Committee, which is the executive body of the Association.

15.1.3 Standing and *ad hoc* committees, which shall advise and assist the Executive Committee in fulfilling its duties. Their duties, composition and functions are defined in this Constitution and/or byelaws drawn up by the NEC.

15.1.4 The judicial bodies, being the Disciplinary Committee and the Appeals Board.

## **ARTICLE 16 - ANNUAL GENERAL MEETING**

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### **Definition and Composition of the Annual General Meeting**

- 16.1 A General Meeting shall be held once a year, on or before the last day of June. In the year where there are to be elections of office bearers, it shall be called an Elective General Meeting, at all other times it shall be called an Ordinary General Meeting.
- 16.2 If for any unforeseen reason the General Meeting cannot be held on the last day of June, such General Meeting must be held on or before the last day of July.
- 16.3 If, by the 1<sup>st</sup> day of August in any year, no General Meeting has been held by the NEC, any Ordinary Member may, by written notice to the Secretary General, nominate a date for the General Meeting between 60 and 90 days away, and the NEC shall convene the General Meeting for the date nominated in the notice received.
- 16.4 The Association's Secretary General shall notify all members in writing, of the convening of the General Meeting and state therein:
- 16.4.1 the agenda of such meeting;
  - 16.4.2 where such meeting shall be held;
  - 16.4.3 the date and time of the meeting.
- 16.5 The notice shall be mailed to every member at least one (1) calendar month prior to the meeting.
- 16.6 The following documents shall accompany the notice of the General Meeting;
- 16.6.1 The Audited financial statements;
  - 16.6.2 The Annual Report of the NEC;
  - 16.6.3 The minutes of the previous General Meeting;

- 16.6.4 Technical Report; and
- 16.6.5 any other relevant documents
- 16.7 The NEC shall draw up the agenda based on proposals from the NEC and Members. Any proposal that a Member wishes to submit to a General Meeting shall be sent to the Secretary General in writing, with a brief explanation, by close of business at least seven (7) days before the date set for issuance of the Notice of the General Meeting.
- 16.8 Motions to a General Meeting shall be submitted to the Secretary General in writing by email by close of business not less than seven (7) days prior to the date of such General Meeting. The Secretary General shall circulate all motions submitted to him/her to all Members by email not less than three (3) days prior to the General Meeting.
- 16.9 The General Meeting may by simple majority vote, on good cause shown, condone any non-compliance with the time limits set out in this Article.
- 16.10 The following business will be considered at each General Meeting:
- 16.10.1 Approval of the agenda;
- 16.10.2 Presentation of the Annual Report of the NEC;
- 16.10.3 Presentation and approval of the Technical Report by the Vice President Technical;**
- 16.10.4 Appointment of observers;
- 16.10.5 Approval of the minutes of the preceding General Meeting;
- 16.10.6 Presentation and approval of the audited Annual Financial Statements;
- 16.10.7 Presentation and approval of the budget;**
- 16.10.8 Appointment of independent auditors (if applicable) upon the proposal of the NEC





16.10.9 Election of NEC Members (if applicable);

16.10.10 Consideration of Motions (if any)

16.11 The agenda of a General Meeting may be altered, provided two-thirds (2/3) of the Members present at the General Meeting and eligible to vote agree to such a motion.

16.12 A General Meeting shall not make a decision on any point not included in the agenda.

16.13 A General Meeting represents the supreme and legislative authority of the Association.

16.14 The President shall conduct a General Meeting business in compliance with the standing orders and/or regulations and/or codes of the General Meeting.

16.15 A General Meeting may appoint observers who take part in the General Meeting without the right to debate or to vote.

## **ARTICLE 17 - DELEGATES AND VOTES**

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17.1 A General Meeting is composed of a number of delegates allocated as follows:

17.1.1 two (2) representatives from each Ordinary Member, provided that there shall be one vote per Member;

17.1.2 all Members of the NEC, who shall not be entitled to vote;

17.1.3 two (2) representatives of each Associate Member (that is not an individual), who shall not be entitled to vote;

**17.1.4 One representative from each Standing Committee, who shall not be entitled to vote; and**

17.1.5 Honorary Members, who shall not be entitled to vote.

- 17.2 Each Ordinary Member shall forward, in writing to the Secretary General, the names of the delegates who will represent them at the General Meeting. Unless such confirmation is received by the Secretary General at least three (3) days before the meeting, the delegates in question shall not be accredited and shall not be entitled to participate in the meeting.
- 17.3 Subject to Article 17.1.1, only delegates of Members in Good Standing shall be entitled to vote and speak at any General Meeting of the Association.

#### **ARTICLE 18 - GENERAL MEETING AREAS OF AUTHORITY**

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- 18.1 A General Meeting has the following powers:
- 18.1.1 adoption or amendment of the Constitution;
  - 18.1.2 approval of the minutes of the previous meeting(s);
  - 18.1.3 election of the NEC;
  - 18.1.4 appointment of observers where applicable;
  - 18.1.5 approval of the NEC report;
  - 18.1.6 appointment of independent auditors upon the proposal of the NEC;
  - 18.1.7 deciding, upon the nomination of the NEC, whether to confer the title of Honorary President or Honorary Member upon any person;
  - 18.1.8 dissolution of the Association;
  - 18.1.9 approval of annual financial statements;
  - 18.1.10 consideration of notices of motion.



## **ARTICLE 19 - QUORUM OF THE GENERAL MEETING**

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- 19.1 A quorum of a General Meeting shall be the simple majority of the Members who are in Good Standing and who are entitled to vote. For illustration purposes: a quorum for twenty (20) Members in good standing and entitled to vote shall be eleven (11) delegates.
- 19.2 In the event of a quorum not being present, within sixty (60) minutes after a proposed time of commencement of the General Meeting, the General Meeting shall be adjourned for an hour, and whoever shall be present shall then constitute a quorum and the General Meeting will proceed.
- 19.3 A quorum is not required for the second (postponed) meeting unless any item on the agenda proposes the amendment of this Constitution or the dissolution of the Association.

## **ARTICLE 20 - DECISIONS OF THE GENERAL MEETING**

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- 20.1 Unless otherwise stipulated in this Constitution, decisions shall be by a simple majority of those entitled to vote.
- 20.2 Unless a secret ballot is requested by a simple majority of the Members present, a decision that requires a vote shall be reached by a show of hands.
- 20.3 In the event of a tie, the President shall have a casting vote.

## **ARTICLE 21 - MINUTES**

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- 21.1 The Secretary General shall be responsible for overseeing the recording and the preparation of the minutes at a General Meeting. The minutes shall be approved at the next General Meeting.
- 21.2 The Secretary General shall distribute the minutes of a General Meeting within sixty (60) days after the date of the General Meeting.

## **ARTICLE 22 - SPECIAL GENERAL MEETING**

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- 22.1 The NEC may convene a Special General Meeting at any time to conduct urgent business of the Association when such business cannot wait until the next scheduled General Meeting.
- 22.2 The NEC shall convene a Special General Meeting, if a two thirds (2/3) majority of the Ordinary Members of the Association make a request in writing. The request shall specify the items for the agenda.
- 22.3 A Special General Meeting shall be held within twenty-one (21) days of receipt of the request.
- 22.4 The Secretary General shall notify the Members in writing of the convening of a Special General Meeting and state therein the purpose for which the meeting shall be held as well as the date, time and place of the meeting. Such notice shall be emailed to every member at least fourteen (14) calendar days before the date of a Special General Meeting.
- 22.5 When a Special General Meeting is convened on the initiative of the NEC, it must draw up the agenda. When a Special General Meeting is convened upon the request of Members, the Members must draw the agenda, which must contain the points raised by those Members.
- 22.6 The agenda of the Special General Meeting may not be altered and only the purpose for which the meeting is called shall be discussed.

## **ARTICLE 23 - EFFECTIVE DATES OF DECISIONS**

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- 23.1 Decisions passed by a General Meeting shall come into effect for the Members immediately after the close of the General Meeting unless a General Meeting fixes another date for a decision to take effect.

## **ARTICLE 24 - ELECTION OF OFFICERS**

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- 24.1 Elections of office-bearers shall be conducted by an Elective Committee appointed in accordance with the Electoral Code at an Elective General Meeting of members, which shall be held at a General Meeting every fourth year.
- 24.2 Subject to the provisions of this Article, the election of office-bearers shall be by secret ballot.
- 24.3 Any person shall be eligible for election, provided that such person is nominated by a Member in Good Standing and complies with the eligibility provisions of the Electoral Code.
- 24.4 Each Ordinary Member present at an Elective General Meeting shall have one vote which shall be exercised in accordance with the provisions of this Constitution in any election of office bearers, provided that no delegate shall be entitled to vote unless the Member which he/she represents is a Member in good standing.
- 24.5 Any Ordinary Member in good standing shall be entitled to submit nominations for the positions of the NEC.
- 24.6 Fourteen (14) days prior to the date of an Elective General Meeting, the Electoral Committee, with the assistance of the Secretary General shall distribute nomination forms to Members by email.
- 24.7 Members shall submit the nomination forms by email duly acknowledged by the Secretary General such that they are received at least seven (7) days prior to the date of an Elective General Meeting. The closing date and time shall be specified in a circular distributed by the Secretary General with the nomination forms. It shall be incumbent upon the person submitting the nomination form to obtain an acknowledgement or receipt of the nomination form from the Secretary General within 24 hours of submission.
- 24.8 It shall be a condition precedent for a valid nomination and election that the nominee has submitted to the Electoral Committee his/her signed acceptance of the nomination on the form provided for this purpose, or in a copy or facsimile thereof.
- 24.9 The onus shall be on the Member concerned to ensure that nominations and acceptances are received by the Secretary General on or before the closing date.
- 24.10 Within three (3) days of closure of nominations, the Electoral Committee, with the assistance of the Secretary General shall send the list of nominations to all Members.
- 24.11 The Electoral Committee shall conduct the elections in accordance with the provisions of the Electoral Code.



- 24.12 Should there be no nominations for a post, nominations may be made from the floor. In such event, no nomination will be accepted unless the nominee in question is present at the Elective General Meeting and indicates his/her willingness to accept nomination.
- 24.13 Should only one nomination be received for a post, the candidate shall be declared duly elected to the post on the day of the General Meeting.
- 24.14 Should any dispute relating to an election arise during the meeting, the Electoral Committee shall rule thereon, and its ruling shall be final.
- 24.15 Subject to the provisions of this article, office bearers shall hold office until their successors have been elected at an Elective General Meeting.
- 24.16 Should the office of any Member of the NEC become vacant, the remaining Members of the NEC shall have the power to co-opt a Member in his or her place until the next Elective General Meeting.
- 24.17 NEC Members shall not be Members of *Executive Committees in* other *Sports Federations* of the BNSC *or the Executive Body of the BNSC*.
- 24.18 For purposes of continuity, the incoming NEC may co-opt a member of the previous NEC as an advisor without voting rights.

## **ARTICLE 25 - THE NATIONAL EXECUTIVE COMMITTEE**

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- 25.1 The NEC shall consist of the following Members:
- 25.1.1 President;
  - 25.1.2 Vice President Administration;
  - 25.1.3 Vice President Technical;
  - 25.1.4 Secretary General;
  - 25.1.5 Vice-Secretary General;
  - 25.1.6 Treasurer;
  - 25.1.7 Additional Member;
  - 25.1.8 Additional Member (Public Relations Officer); and
  - 25.1.9 1 representative of the Athletes' Commission.
- 25.2 The NEC shall hold office for a period of four (4) years, and be eligible for re-election, provided that each Member of the NEC shall not be eligible to be appointed for a period exceeding two (2) consecutive terms.



- 25.3 Clause 25.2 shall not apply retrospectively. For the avoidance of doubt, members currently in the NEC shall be deemed to hold office until the lapse of two years from the date on which they were voted in.
- 25.4 The President of the Association shall have previously served on the NEC of the Association or the Executive of an Ordinary Member.
- 25.5 The following persons shall be precluded from membership of the NEC:
- 25.5.1 Persons under the age of 21 years except for the representative of the Athlete's Commission, who shall have a minimum age of **18** years.
  - 25.5.2 Persons over the age of 65.

#### **ARTICLE 26 - MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE**

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- 26.1 The purpose of the committee meetings is to generally conduct the affairs of the Association, exercise its duties, plan, organize and arrange events for and on behalf of the Association.
- 26.2 The NEC shall meet as many times as shall be necessary to dispatch their duties, provided that it shall meet at least 6 times a year. The NEC shall at all times regulate its own procedures.
- 26.3 The Secretary General shall convene the NEC meetings in consultation with the President. Should a simple majority of the NEC Members request a meeting, the Secretary General shall convene it within fourteen (14) calendar days of such request but it may be convened at short notice upon the President's endorsement.
- 26.4 On the instructions of the President, the Secretary General shall arrange NEC Meetings. The notice for the Committee Meetings shall indicate the purpose of the meeting, the venue, the date and time of the meeting. The agenda for the meeting shall be attached. Each Member of the NEC is entitled to propose items for inclusion in the agenda.
- 26.5 The meetings of the NEC shall not be held in public. The NEC may, however, invite third parties to attend. Those third parties shall not have voting rights and may only express an opinion with the permission of the NEC.

## **ARTICLE 27 - POWERS OF THE NATIONAL EXECUTIVE COMMITTEE**

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27.1 The NEC shall have the powers to:

- 27.1.1 pass decisions on all cases that do not come within the sphere of responsibility of the General Meeting or are not exclusively reserved for other bodies by law or under this Constitution;
- 27.1.2 prepare for and convene the General Meeting of the Association;
- 27.1.3 appoint the chairperson, deputy chairperson and other Members of the standing and *ad hoc* committees;
- 27.1.4 recommend to the General meeting the chairperson, deputy chairperson and Members of the judicial bodies;
- 27.1.5 set up *ad hoc* committees, if necessary, at any time;
- 27.1.6 compile the regulations or codes or standing orders for judicial bodies, standing and *ad hoc* committees, including their responsibilities and procedures;
- 27.1.7 propose independent auditors to General Meeting;
- 27.1.8 appoint the coaches for the representative teams and other technical staff, including heads of delegation either directly or through a delegated committee or structure;
- 27.1.9 approve regulations or codes or standing orders stipulating how the Association shall be organised internally;
- 27.1.10 dismiss a person or body or suspend a Member of the Association;
- 27.1.11 delegate tasks arising out of its area of authority to other bodies of the Association or third parties;



- 27.1.12 give strategic direction to the policies of the Association;
- 27.1.13 prepare the financial statements;
- 27.1.14 **propose the budget to the General Assembly;**
- 27.1.15 hire and fire the Association's employees;
- 27.1.16 Accept and approve new Members;
- 27.1.17 Fill any vacancies of the NEC which may occur;
- 27.1.18 Control expenditure
- 27.1.19 Appoint any of its members or any other member of the Association to represent the association at meetings and events
- 27.1.20 Attend committee meetings and render their full service.
- 27.1.21 have control of the finances of the Association and shall have power to borrow monies on behalf of the association upon resolution and due notice to all Ordinary Members such sums as may be required for the furtherance of the objects of the Association.
- 27.1.22 The NEC shall have the authority to decide on matters not provided in the constitution.
- 27.1.23 To fix dates and sanction all national and international aquatic events to be held in Botswana.



## **ARTICLE 28 - DECISIONS OF THE NATIONAL EXECUTIVE COMMITTEE**

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- 28.1 The NEC shall not proceed with a meeting unless a simple majority of its Members are present. Once the NEC meets the quorum at the commencement of the meeting, all decisions taken by the meeting shall be valid and binding, provided that in the event of a quorum not being present sixty (60) minutes after a proposed time of commencement of a the meeting, the NEC meeting shall be adjourned for thirty (30) minutes, after which thirty 30 minutes whoever shall be present shall be deemed to constitute a quorum and an NEC meeting will proceed.
- 28.2 The NEC shall reach decisions by a simple majority of the Members present. In the event of a tied vote, the President shall have the casting vote. Voting by proxy or by letter is not permitted.
- 28.3 Any Member of the NEC must withdraw from the debate and from taking a decision if there is any risk of a conflict of interest.
- 28.4 The decisions taken shall be recorded in the minutes.
- 28.5 The decisions taken by the NEC shall come into effect immediately unless the NEC decides otherwise.

## **ARTICLE 29 - RESPONSIBILITIES OF THE NATIONAL EXECUTIVE COMMITTEE MEMBERS**

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### **THE PRESIDENT**

- 29.1 The President represents the Association legally.
- 29.2 He / She is primarily responsible for:
- 29.2.1 monitoring the implementation of the decisions passed by the General Meeting and the NEC through the Secretary General;
  - 29.2.2 ensuring the effective functioning of the bodies of the NEC in order that they achieve the objectives described in this Constitution;

29.2.3 overseeing the work of the Secretary General;

29.2.4 promoting good relations between the NEC and the Members, Africa Aquatics, **Africa Aquatics Zone IV**, World Aquatics, BNSC, BNOC and other organisations;

29.2.5 be responsible for international relations and networking; and

**29.2.6 ensuring that the Strategic Plan of the Association is implemented and carried out.**

29.3 The President shall preside over the General Meeting and the NEC.

29.4 The President shall have an ordinary vote on the NEC and, whenever votes are equal, shall have a casting vote.

29.5 If the President is absent or unavailable, the Vice President Administration shall act as President and shall enjoy the same powers as the President.

29.6 Any additional powers of the President shall be contained in the internal organisation regulations or codes of the Association;

29.7 The President shall perform other responsibilities assigned by the NEC and/or A General Meeting;

29.8 The President and the Secretary General represent the Association legally and are authorized to jointly with the Treasurer sign for and on behalf of the Association, including on the accounts of the Association.

## **THE VICE PRESIDENT**

29.9 **The Vice President Administration shall be responsible for:**

29.9.1 acting as President during the absence and/or incapacitation of the President;



29.9.2 organising and arranging leagues and other competitions;

29.9.3 carrying out such duties and functions as may be assigned to him by the NEC and/or the President.

**29.10 Vice President Technical shall be responsible for;**

29.10.1 the development of the Sport at the grass root level, youth, women and people with disabilities;

29.10.2 technical training and development of the Athletes, Technical Officials and the Coaches.

29.10.3 overseeing all technical related matters of the Association;

29.10.4 ensuring compliance and adherence to the Technical Regulations; and

**29.10.5 producing and presenting the Technical Report to the General Assembly.**

**TREASURER**

29.11 The Treasurer shall:

29.11.1 be responsible to receive all monies of the Association and keep financial records in such a way as to enable the committee to fulfil its obligations to the members with regards to the furnishing of financial statements at the Annual General Meetings.

29.11.2 ensure that the Association's books of accounts are audited at the end of each financial year.

29.11.3 present management accounts at every meeting of the NEC;

29.11.4 have a minimum of diploma or other equivalent in the area of accounts.

29.11.5 be registered with the Botswana Institute of Chartered Accountants (BICA);

- 29.11.6 present a budget for the following year to the General Meeting;
- 29.11.7 ensure that an inventory of all assets of the Association is kept and updated;
- 29.11.8 ensure that detailed records of the financial position of the Association including books of accounts, ledgers, vouchers, receipt books and all records relating to or connected with the finances of the Association, are kept;
- 29.11.9 present the audited financial statement to the Annual General Meeting;
- 29.11.10 deposit all monies of the association in an account in the name of the Association in a bank approved by the NEC.
- 29.11.11 keep a financial record of each Member.
- 29.11.12 Countersign all financial transactions with the President and/or Secretary General. The signature of the Treasurer shall be compulsory in all financial transactions of the Association.

## **SECRETARY GENERAL**

29.12 The Secretary General shall:

- 29.12.1 be responsible for and supervise the general administration of the Association;
- 29.12.2 carry out such duties and functions as may be assigned to him/her by the NEC and/or the President;
- 29.12.3 attend and record the minutes at each NEC and all General Meetings;
- 29.12.4 keep an up-to-date list of Members;
- 29.12.5 keep records of the Association as directed by the NEC;



- 29.12.6 send out notices of meetings and agendas to Members;
- 29.12.7 have full responsibility for the submission of any documents that may be required by the regulatory authorities;
- 29.12.8 countersigns financial transactions with the Treasurer.

### **VICE SECRETARY GENERAL**

29.13 The Vice Secretary General shall;

- 29.13.1 assist the Secretary General in the duties so assigned
- 29.13.2 act in the absence of the Secretary General;
- 29.13.3 keep a register of all Athletes and Members of the Association, their dates of birth and their financial standing with the Association.
- 29.13.4 Shall keep a register of all records achieved by Athletes.

### **ADDITIONAL MEMBERS**

- 29.14 Additional Members shall provide support to the NEC and carry out such functions as may be assigned to them by the NEC.
- 29.15 **Additional Member** shall be responsible for any roles and responsibilities assigned to them by the NEC or the **President**.
- 29.16 **Additional Member (Public Relations Officer)** shall be responsible for media and public relations.

### **ARTICLE 30 - ABSENCE FROM NEC and SUB-COMMITTEE MEETINGS AND CO-OPTION**

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- 30.1 Any NEC and Sub-committee members who have failed to attend four consecutive Committee meetings without prior leave of absence; shall forfeit his/her seat on the Committee.

30.2 The NEC shall be empowered to appoint other members to serve on the Committees in the event an office bearer ceased to be a member before the next elections.

### **ARTICLE 31 - STANDING COMMITTEES**

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31.1 The following standing committees of the Association shall assist the NEC in respect of each aquatic discipline:

- 31.1.1 The Selection Committee;
- 31.1.2 Coaches and Officials Committee;
- 31.1.3 Technical and Development Committee;
- 31.1.4 Sports Science and Medical Committee;
- 31.1.5 Sponsorship, Marketing and Communications Committee;
- 31.1.6 Athletes' Commission;
- 31.1.7 Women's Commission; and**
- 31.1.8 Events Coordinating Committee.

31.2 The chairperson of each standing committee shall be a Member of the NEC.

31.3 Members of each standing committee shall be appointed by the NEC.

31.4 The chairperson, deputy chairperson and the Members of the standing committees shall be designated until the next Elective General Meeting.

31.5 Each chairperson shall represent his/her committee and conduct business in compliance with the relevant regulations drawn up by the NEC.

31.6 Each chairperson shall fix the dates of meetings in consultation with the Secretary General, provided that each Standing Committee shall meet at least 4 times a year and shall submit minutes to the Secretary General for record.

31.7 Each committee may propose amendments to its terms of reference to the NEC.



## **ARTICLE 32 - DISCIPLINARY AND DISPUTE RESOLUTION STRUCTURES**

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32.1 The judicial bodies of the Association are:

32.1.1 the Disciplinary Committee;

32.1.2 the Appeals Board.

32.2 Responsibilities and functions of these bodies shall be stipulated in the Disciplinary Code of the Association, which shall comply with the Africa Aquatics and World Aquatics statutes and by-laws and regulations.

32.3 Members of the judicial bodies may not belong to any other structure of the Association at the same time.

## **ARTICLE 33 - DISCIPLINARY COMMITTEE ("the DC")**

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33.1 The DC shall consist of a chairperson, deputy chairperson and the number of Members deemed necessary by the NEC.

33.2 Members of the DC shall be appointed by the NEC.

33.3 The functions and procedures of the DC shall be governed by the Disciplinary Code, provided that such functions and procedures shall be consistent with the provisions of this Constitution.

33.4 The DC shall pass decisions only when at least three Members are present. In certain specified preliminary issues, the chairperson may rule alone in accordance with the Disciplinary Code of the Association.

33.5 The DC may pronounce the sanctions prescribed in this Constitution, the Disciplinary Code and the, bye-laws and regulations of Africa Aquatics and World Aquatics on Members, officials, Athletes, clubs and other persons and bodies affiliated to the Association.



#### **ARTICLE 34 - APPEALS BOARD (“the AB”)**

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- 34.1 The AB shall consist of 3 people who are independent from the Association, which shall include a chairperson, deputy chairperson and one (1) other member, provided that the chairperson shall have legal qualifications.
- 34.2 The quorum on all matters shall be three (3) Members and the decisions shall be simple majority.
- 34.3 The Appeals Board shall be appointed by the NEC every four (4) years, provided that their appointment shall not be at the same time and year as that of the NEC.
- 34.4 The AB shall be responsible for hearing appeals against decisions from the DC.
- 34.5 The other functions of the AB shall be provided for in the Disciplinary Code, provided that such functions shall be consistent with the provisions of this Constitution.

#### **ARTICLE 35 - DISCIPLINARY MEASURES**

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The disciplinary measures shall be set out in the Disciplinary Code.

#### **ARTICLE 36 - JURISDICTION**

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Subject to the **Act**, the bye-laws and regulations of Africa Aquatics, **Africa Aquatics Zone IV** and World Aquatics, the Association, its Members, Athletes and officials shall follow the dispute resolution processes in this constitution.

#### **ARTICLE 37 - COURT OF ARBITRATION FOR SPORT (“CAS”)**

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*The Association shall ensure that its Members, Athletes and Officials comply with all decisions of Africa Aquatics, World Aquatics or CAS.*

## **ARTICLE 38 - UNFORSEEN CONTINGENCIES AND FORCE MAJEURE**

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A NEC shall have the final decision on any matters not provided in this Constitution or in cases of force majeure.

## **ARTICLE 39 - PROPERTY, DISSOLUTION AND DISPOSAL OF ASSETS**

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### 39.1 Property

39.1.1 All property belonging to the Association or to which it is or may become entitled shall be registered in the name of the Association.

39.1.2 The NEC shall effect all transactions with regard to the property and assets of the Association.

39.1.3 The NEC shall have power to buy and sell, and to take and give transfer and delivery of property, and grant and take leases of property and charge rental for the use of association's assets.

### 39.2 Dissolution and Disposal of Assets

39.2.1 The NEC may, by resolution at an Special General Meeting called solely for this purpose, dissolve the Association.

39.2.2 A resolution to dissolve the Association shall be of no force and effect unless:

39.2.2.1 it is carried with the support of seventy five percent (75%) of the total number of votes which would have been capable of being cast if every Member in good standing at the date of the Special General Meeting concerned had been fully represented at that meeting; and

39.2.2.2 it specifies that its assets shall be transferred to a charitable institution as determined by the Members present at such meeting.

39.2.3 If a motion to dissolve the Association is passed, it shall become effective immediately and the assets of the association shall be distributed to a charitable



institution as determined by the Members present at such meeting. Such distribution shall be effected only after all liabilities are met. The BNSC, Africa Aquatics, **Africa Aquatics Zone IV** and World Aquatics shall be duly informed of the intent to dissolve Association.

#### **ARTICLE 40 - FINANCES**

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- 40.1 The NEC shall ensure that all funds shall be paid into a banking account with an established Commercial Bank.
- 40.2 The account shall be opened and operated in the name of the Botswana Swimming Sports Association.
- 40.3 All monies received on behalf of the Association shall be deposited into the banking account of the Association within seventy-two (72) hours of receipt thereof.
- 40.4 All payments of a limit established by the NEC from time to time shall first be authorised by the NEC before payment thereof is effected .
- 40.5 The financial business of the Association shall be done in such a way that auditing thereof by the appointed auditor will not be jeopardised or made impossible by the NEC.
- 40.6 All financial activity shall be carried out in accordance with the budget approved for the period as well as in line with the Finance Policy embodied in the Byelaws.**

#### **ARTICLE 41 - SETTLEMENTS OF DISPUTES**

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- 41.2 Disputes between members shall be referred to the NEC, who shall make a ruling.
- 41.3 The decision of the NEC shall be binding on all parties to the dispute unless a motion for appeal is made to the Appeals Board.
- 41.4 Notice of appeal shall be given in writing to the Secretary General of the Association within one (1) week of the decision of the NEC. The Secretary General shall, within 7 days, refer the appeal to the Appeals Board for a hearing, the decision of which shall be final.

#### **ARTICLE 42 - INTERPRETATION OF THE CONSTITUTION**

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In the event of any dispute arising with respect to the interpretation of this Constitution and its Rules, or where this Constitution and its Rules do not specifically provide for such issue to be dealt with, it shall be decided by the NEC in accordance with the Rules of the Association.

#### **ARTICLE 43 - AMENDMENTS TO THE CONSTITUTION**

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- 43.1 A General Meeting is responsible for amending the Constitution. Any proposal(s) for the amendment to the Constitution must be submitted in writing with a brief explanation to the Secretary General by a Member or by the NEC at least 21 days before the General Meeting.
- 43.2 A proposal for an amendment of the Constitution shall be adopted only if two-thirds (2/3) majority of the Members present and eligible to vote agree to it;
- 43.3 Written notice of any such proposed amendment, or addition, shall be circulated to members at least 14 days prior to the meeting taking place.
- 43.4** The amendments to be effected shall be binding upon approval by the Registrar of Societies **and World Aquatics.**

#### **ARTICLE 44 - COMPLAINTS AND SUGGESTIONS**

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Any and all complaints or suggestions by any member must be made in writing to the Secretary General who shall be obliged to have placed it on the agenda of the next NEC Meeting.

#### **ARTICLE 45 - LIABILITY OF MEMBERS**

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No Member shall be allowed to compete or take part in any Club gala or any other gala unless all fees due to the Association have been paid in full.

#### **ARTICLE 46 - ANTI-DOPING REGULATIONS**

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The BSSA shall;



- a) comply with the Anti-Doping rules set out by World Aquatics.
- b) comply with WADA Anti-Doping rules
- c) allow out-of-competition doping controls by World Aquatics.

#### **ARTICLE 47 - NOTICES**

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- 47.1 *Except in the case of notice of an Annual General Meeting or a Special General Meeting as specifically provided for in this Constitution, any other notice shall be deemed to have been duly given to every member if it is sent also to the Club's designated e-mail address or if it is published in the Advertiser and the Daily News and also directly to Members.*
- 47.2 The Secretary General shall however give notice to all NEC Members of any NEC Meeting individually, electronically or otherwise.

#### **ARTICLE 48 - ADOPTION**

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This Constitution was adopted at the Association General Meeting on the 26<sup>th</sup> day of November 2023 at Gaborone.

\_\_\_\_\_  
PRESIDENT

DATE:

\_\_\_\_\_  
THE SECRETARY GENERAL

DATE: