

SA SCHOOLS SQUASH CONSTITUTION

Duly adopted as such by the members thereof and ratified at a meeting of the members held at the offices of Squash South Africa, Wanderers Club, 21 North Street, Illova, Johannesburg in October 1997.

Amended at a meeting of members held at Epworth School, Gold Road, Pietermaritzburg on 1 September 2007, agreed at the National Convention held on 1 September 2007 and ratified at the meeting on 1 September 2007.

Amended at a meeting of members held on 25 August 2018, at the Venue Country Hotel Conference Hall, 140 Kalkheuwel Farm, Pelindaba Road, R512, Hartbeespoort, and ratified at the meeting on 25 August 2018 to come into effect on 25 August 2018.

SA SCHOOLS SQUASH CONSTITUTION

1 CONSTITUTION, NAME AND CORPORATE PERSONALITY

This is the Constitution which governs the affairs of what is called SA Schools Squash, which is in existence, lawfully constituted and presently in operation under that name. SA Schools Squash is a voluntary association and has a corporate entity separate from that of its members and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.

2 DEFINITIONS AND INTERPRETATIONS

For the purpose of this Constitution, the following words and expressions should have the following meanings unless the subject or context indicates otherwise.

“A.G.M.” means any Annual General Meeting of Members and “S.G.M.” means any Special General Meeting of Members.

The “Chairperson” means the Chairperson of SA Schools Squash.

The “Executive” means the Executive Committee of SA Schools Squash appointed and acting under the provisions of this Constitution.

“The Headquarters” means the Headquarters of SA Schools Squash.

“Honorary Life Members” means all those Honorary Life Members of SA Schools Squash at the date of approval of this Constitution and all those persons having rendered service to the game of squash at school level (who shall have been nominated as Honorary Life Members of SA Schools Squash by the Executive), which nomination shall have been approved by the Members in a General Meeting. (Honorary Life Members shall not have voting rights.)

“Members” means all those Regional and Provincial Schools Bodies of South Africa (and therefore, indirectly through them, all the High and Primary Schools of South Africa) and having the same or similar objectives to SA Schools Squash, who shall have made application and have been accepted as members of SA Schools Squash. (Members shall have voting rights at the A.G.M. or S.G.M.)

“Working day” means a normal business day e.g. Monday to Friday: “Month” means a calendar month: “Year” means a calendar year.

“Person” means a natural person unless otherwise indicated.

“The Secretary” means the Secretary of SA Schools Squash.

“The Treasurer” means the Treasurer of SA Schools Squash.

“The Vice-Chairperson” means the Vice-Chairperson of SA Schools Squash.

“The Chairperson” means the Chairperson of SA Schools Squash.

The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only.

3 HEADQUARTERS

The headquarters of SA Schools Squash shall be at such place as SA Schools may from time to time decide in a General Meeting.

4 **ASSOCIATION TO SQUASH SOUTH AFRICA**

SA Schools Squash shall be associated to Squash South Africa and shall adhere to and comply with all the stipulations and requirements such as are entailed in such Associate Membership.

5 **OBJECTS OF S A SCHOOLS SQUASH**

The objects of SA Schools Squash are:

- 5.1 To promote, advance, encourage and foster the game of Squash in all Primary and High Schools throughout South Africa.
- 5.2 To operate and function as the authority for the management, control, development and administration of the game of Squash and of all school going squash players within the area of jurisdiction of SA Schools Squash, male or female, without any discrimination whatsoever on the grounds of race, colour or religion.
- 5.3 To associate itself with all such lawfully constituted Associations and Organisations as shall be decided by the Executive or Squash South Africa and in particular the authority governing school sport in South Africa.
- 5.4 To collaborate with all other properly constituted Associations or Organisations whether within or without the area of jurisdiction of SA Schools Squash and irrespective whether or not such Associations or Organisations be connected with the game of Squash.
- 5.5 To promote and encourage the promotion and holding of squash competitions and championships by the Members of S A Schools Squash and to assist in the conduct thereof if needs be.
- 5.6 To assist Members in arranging settlement of differences or in obtaining the interpretations of the Rules of Squash.
- 5.7 To aid, assist and generally promote the interests of its Members.
- 5.8 To raise funds as it may deem fit, to administer such funds as herein provided, to make such payments from such funds as may be necessary, to carry out the objects of SA Schools Squash including grants and loans to Members, payment to Member teams and officials representing SA Schools Squash at authorized tournaments, functions and events and to make donations to approved causes or persons.
- 5.9 To acquire by purchase, lease or otherwise both movable and immovable property and to sell, dispose of or otherwise deal with any of the property of the Association.
- 5.10 To publish brochures, journals or publications and to conclude arrangements with other persons in order to publicise the activities of SA Schools Squash and its Members and to disseminate matters of interest to Members and to the learner members thereof.
- 5.11 To invest any funds not immediately required by SA Schools Squash in Mortgage Bonds or immovable property, in Government.
- 5.12 To institute, conduct and defend any legal proceedings by or against SA Schools Squash or its officers.
- 5.13 To formulate and prescribe rules of conduct and etiquette to be observed by all the Members of SA Schools Squash and to take such steps as may be necessary to ensure that these are observed.
- 5.14 To ensure that the highest code of discipline such as would be consistent to control the activities of school going children and the finest degree of sportsmanship shall be observed by all learners who might participate in the game of Squash, and to act against unfair and unsporting practices and corruption.

- 5.15 Generally to further safeguard the interests of SA Schools Squash and its Members and to take such steps as are deemed necessary or expedient for this purpose.

6 INCOME, PROPERTY AND MONIES.

The income, properties and monies of SA Schools Squash, from whatever source derived, shall be applied solely towards the promotion of the objects of SA Schools Squash as set forth in the Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to Members, provided, however, that nothing herein contained shall prevent the making of grants by SA Schools Squash to a Member for the purpose of carrying out its objects or furthering its interests or the payment of out-of-pocket expenses to any Member of the Executive or to the payment of remuneration to any person for any service actually rendered to SA Schools Squash.

7 LIABILITY OF MEMBERS

SA Schools Squash shall be a body corporate having an existence independent of its Members with perpetual succession and all its assets shall be registered or held in the name of SA Schools Squash. Individual Members shall not be liable to meet debts, engagements or liabilities of SA Schools Squash and the liabilities of Members shall be limited solely to the amounts due by them in respect of subscriptions or other monies payable in terms of the Constitution.

8 MEMBERSHIP

8.1 Qualifications for Membership

SA Schools Squash shall consist of Member Schools Provincial and Regional squash bodies and/or Committees which are entitled to seek membership by virtue of the area in which they are located, which for the purposes of this Constitution shall be precisely the same as those defined by the Constitution of SA Schools Squash such as to constitute the delimitation of its province and region.

- 8.2 Members which are herein affiliated and admitted as Members in terms hereof.

8.3 Application for New Membership

- 8.3.1 Application for new membership of SA Schools Squash shall be made in writing to the Secretary of SA Schools Squash.

- 8.3.2 An application for membership shall state the Provincial or Regional Area of the Member, the names and addresses of its office bearers together with a copy of the Constitution of its Schools Squash Regional or Provincial Association or parent body.

- 8.3.3 Each application for membership shall be submitted to the Executive, which shall, at its discretion and approval thereof, accept or reject same.

9 RELINQUISHMENT OF MEMBERSHIP

- 9.1 A Member shall cease to be a member of S A Schools Squash if:

- 9.1.1 It resigns from SA Schools Squash in writing, or

- 9.1.2 It ceases to be affiliated to SA Schools Squash for any reason whatsoever.

- 9.2 S A Schools Squash may terminate the membership of any Member which is three months in arrears with payment of its subscriptions or levies to SA Schools Squash, and which fails to make payment thereof within one month after receipt of written notice

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requiring it to do so.

- 9.3 If in the opinion of the Executive a member has conducted its affairs in an irregular and improper manner or has wilfully committed a breach of the provisions of this Constitution or has contravened any of the basic rules of Squash in the conduct of its affairs, the Executive may suspend such Member for such period as it may deem fit or may terminate such membership of SA Schools Squash provided always that :
 - 9.3.1 A Member which the Executive has decided to suspend or whose membership it has decided to terminate shall have the right, within ten days after receipt of written notification of such decision, to require the Executive to call a Special General Meeting to confirm or to reverse such decision.
 - 9.3.2 Such Member shall not be entitled to enjoy the privileges of SA Schools Squash until the period of suspension has terminated or the decision of the Executive has been reversed in terms of the preceding sub-paragraph.

10 **SUBSCRIPTION/LEVY**

- 10.1 Each Member shall pay an annual subscription or levy to SA Schools Squash calculated at a rate determined by SA Schools Squash from time to time.
- 10.2 Liability for payment of this amount shall accrue as from the date laid down by S A Schools Squash.
- 10.3 Each new Member shall pay its annual subscriptions or levy upon admission.
- 10.4 No Member ceasing its membership for whatever cause shall be entitled to a refund of any subscription or other monies paid or contributed by it to SA Schools Squash.

11 **HONORARY LIFE MEMBERS**

SA Schools Squash may, in a Special General Meeting, elect such Honorary Life Members as it may decide. Such Members shall not have a vote in the proceedings of SA Schools Squash by virtue of this office.

12 **MANAGEMENT**

SA Schools Squash shall be governed and its affairs and activities administered by an Executive Committee acting under the authority conveyed to it by this Constitution or by any mandate given to it by Members in a General Meeting.

13 **THE EXECUTIVE**

The Executive shall consist of 8 (Eight) members.

- 13.1 The duties and the function of the Executive are :
 - 13.1.1 To undertake and perform all such duties as shall be decided by the Members in a General Meeting.
 - 13.1.2 To undertake and perform all such other duties and functions as shall be necessary or desirable in the discretion of the Executive.
 - 13.1.3 To approve the separate Constitutions, By-laws, Rules and Regulations of each Member, and any amendments or alterations thereto.
 - 13.1.4 Generally, to undertake and perform all such duties and obligations in accordance with and in the achievement of the objects of SA Schools Squash.
- 13.2 The Executive shall have all such powers and authorities as shall be necessary or desirable in the discretion of the Executive (and such other powers and

authorities as shall be decided by members in a General Meeting), including without limitation the following:

- 13.2.1 To grant donations and subsidies and to make loans upon conditions, from funds of SA Schools Squash.
- 13.2.2 To make, amend, vary, repeal and enforce laws, by-laws, rules and regulations.
- 13.2.3 To impose and collect levies, subscriptions, dues and imposts.
- 13.2.4 To arrange, control, regulate and promote tournaments, championships and any other form of competitions.
- 13.2.5 To employ any person (natural, corporate or otherwise) upon such conditions as shall be decided, and to terminate the employment of any such person.
- 13.2.6 To act as arbitrators in any dispute and to determine such dispute.
- 13.2.7 To determine the areas of jurisdiction of Members.
- 13.2.8 To co-opt any person to the Executive for any reason (who shall have no voting rights).
- 13.2.9 To form sub-committees, consisting of any person/s for any purposes.
- 13.2.10 To appoint special advisors and consultants, for any purposes, and to terminate such appointment/s.
- 13.2.11 To delegate any powers and authorities to any Member/s of the Executive.
- 13.2.12 To open accounts with any recognized commercial banking or financial institution or building society, and to invest any funds of S A Schools Squash and to pay any such funds to any person/s (natural or otherwise) upon the signature of any 1(One) or 2 (Two) of the Executive Committee.
- 13.3 The Chairperson of any Meeting of the Executive shall be the Chairperson or in his/her absence the Vice-Chairperson, or in his/her absence such other member of the Executive present and entitled to vote; and which Chairperson shall have a second or casting vote, in the event of an equality of votes.
- 13.4 The outgoing executive shall meet immediately prior to the AGM, which meeting will be held at the place designated for the AGM each year. Any further executive meetings may be held at such times and such places as deemed necessary by the executive. Day-to-day business and correspondence shall be conducted via electronic mail as far as is possible and meetings will be called only when deemed necessary as indicated above.

Meetings shall be convened by the Secretary upon 10 (Ten) working days' notice to each Member and upon the instructions of the Chairperson or of any 2 (Two) Members of the Executive.

14 ELECTION OF THE CHAIRPERSON, VICE-CHAIRPERSON AND EXECUTIVE MEMBERS

- 14.1 Each Member shall be entitled to nominate 1 (One) person as Chairperson and 1 (One) person as Vice-Chairperson.
- 14.2 Written nominations together with the written acceptance by such nominee/s of appointment to the Executive shall be received by the Secretary not less than 10 (Ten) working days prior to the date of the next A.G.M.
 - 14.2.1 All nominations shall need to be endorsed in writing by the Regional/Provincial Executive Member of which the nominee is a member.
 - 14.2.2 Not with standing any of the above, no person whose child/children represent a Member-

Province and/or an SA Schools Squash team shall be eligible for nomination for the SA Schools Squash Executive.

- 14.3 If no nomination/s are received for the election of the Chairperson or the Vice-Chairperson, or both, the Chairperson or the Vice-Chairperson or both, shall continue in office, if available, until the next A.G.M. , failing which at the first meeting of the Executive after that A.G.M., the members of the new Executive shall elect the Chairperson or Vice-Chairperson.
- 14.4 The retiring Chairperson or the retiring Vice-Chairperson, or both, shall be eligible for re-election without nomination, providing the Secretary shall have received written notification before the dispatch of the Notice convening the A.G.M. of such person/s intention to continue in office, if re-elected.
- 14.5 Any person/s nominated in terms hereof as Chairperson or Vice-Chairperson who shall be elected at the ensuing A.G.M. shall automatically be eligible for election to any other post on the Executive without further nomination.
- 14.6 All the members of the Executive shall be elected separately by ballot.
- 14.7 All other nominations for the election to the Executive at the A.G.M. shall be submitted to the Secretary together with the names, addresses and region or province of such nominee/s as well as their written acceptance of such appointment not less than 10 (Ten) working days prior to the date of the next A.G.M., provided that late acceptance in respect of such nominations may be accepted up to 2 (Two) hours before the commencement of such A.G.M., and in addition to any requirements such late nomination shall have the written support of at least 4 (Four) Members.
- 14.8 The persons elected to the Executive shall hold office from the date of that A.G.M. unless such persons shall resign by written notification to the Secretary.
- 14.9 A quorum of Members of the Executive shall consist of not less than 3 (Three) such Members and in the event that a quorum shall not be present at the appointed time and place for any meeting of the Executive, or during the whole of that meeting until proceedings be concluded by the Chairperson of such meeting, such meeting shall stand adjourned until a date to be agreed upon by such meeting, for which those present shall form a quorum regardless of the number. At least 5 (Five) working days notice of such adjournment shall be given to Members.
- 14.10 Any member of the Executive not attending 3 (Three) consecutive meetings of the Executive of which meetings notice to attend shall have been submitted, shall be deemed to have resigned from the Executive.
- 14.11 Members of the Executive shall not be entitled to any remuneration, but shall be entitled to be refunded any disbursements incurred by any such member in fulfilling any duties or functions as shall be approved by the Executive.
- 14.12 Members of the Executive shall vote on all resolutions by a show of hands, unless a poll be demanded by any 2 (Two) such Members ; in which event such poll shall be conducted in such a manner as the Chairperson of that meeting shall decide.
- 14.13 Members of the Executive shall decide on all matters by a simple majority vote. (Each Member of the Executive shall have 1 (One) vote, and the Chairperson of any meeting of the Executive shall have a second or casting vote, in the event of an equality of votes.)
- 14.14 The Secretary appointed to the Executive shall:

- 14.14.1 Undertake all such duties and functions as the Executive shall decide.
- 14.14.2 Submit to all members of the Executive written notification of all meetings of the Executive (excluding emergency meetings), and the proposed Agenda, not less than 15 (Fifteen) working days prior to the date of the proposed meeting: copies of all Minutes and Resolutions of all meetings of the Executive, within 15 (Fifteen) working days after the date of the relevant meeting.

15 A.G.M.'s

- 15.1 An A.G. M. shall be held once every year at which A.G.M. representatives of all Members and Honorary Members shall be entitled to attend.
(Representatives of Members only shall be entitled to vote.)
- 15.2 The persons entitled to be present at, to take part in the proceedings thereof, and to vote at the A.G.M. shall be:
 - 15.2.1 The retiring Executive Members
 - 15.2.2 Two delegates nominated by each Member.
 - 15.2.3 Each member shall notify the Secretary in writing at least 24 (twenty-four) hours prior to the holding of the A.G.M. of the names and regions or provinces of its delegates. The omission to do this will disentitle the delegates of the Member concerned from voting at the meeting.
 - 15.2.4 No Member shall have more than 2 (Two) votes at an A.G.M., regardless of the number of delegates entitled to vote thereat.
 - 15.2.5 Only members whose representatives are personally present at the meeting shall have the right to vote.
- 15.3 Not less than 20 (Twenty) working days notice of any A.G.M. shall be given to all Members and Honorary Life Members.
- 15.4 Not less than 10 (Ten) working days prior to the date of the A.G.M. copies of the Agenda of that A.G.M. and the audited financial statements of accounts for the preceding financial year (financial year end shall be the 31st July) since the date of the last A.G.M. shall be submitted to all Members.
- 15.5 The text of any resolution to be considered at any A.G.M. shall be received by the Secretary not less than 15 (Fifteen) working days prior to the date of the next A.G.M. and submitted to all members not less than 10 (Ten) working days prior to such date.
- 15.6 The purpose of the A.G.M shall be:
 - 15.6.1 To read the Notices convening the Meeting.
 - 15.6.2 To read and confirm the Minutes of the previous A.G.M. and to consider any matters arising therefrom.
 - 15.6.3 To read the Minutes of any S.G.M. since the date of the previous A.G.M. and to consider any matters arising therefrom.
 - 15.6.4 To consider the Annual Report of the Chairperson, for the period since the date of the previous A.G.M.
 - 15.6.5 To adopt, with or without modification or to reject the audited financial statements of account for the period since the date of the previous A.G.M.
 - 15.6.6 To elect a Chairperson and a Vice-Chairperson and other Members of the Executive Committee.

- 15.6.7 To consider the recommendations of the governing body for all school sport in South Africa and SA Schools Squash.
- 15.6.8 To consider and adopt with or without modification or to reject any resolution referred to in Clause 15.5.
- 15.6.9 To discuss and consider any other matter/s, in the discretion of the Chairperson of that meeting.
- 16 **S.G.M's**
- 16.1 An S.G.M. of members shall be convened:
- 16.1.1 By resolution of the Executive.
- 16.1.2 Upon the requisition of not less than 4 (Four) members delivered to the Secretary.
- 16.2 Within 10 (Ten) working days after written receipt of the Resolution of Requisition, referred to in clause 16.1.1 /16.1.2 , the Secretary shall submit written notification to all Members, specifying the date and place of the next S.G.M. (which date shall not be less than 15 (Fifteen) working days and not more than 20 (Twenty) working days after the date and posting of the notification, and the purpose of the S.G.M., together with the text of any draft Resolutions to be considered.)
- 16.3 No business other than that stated in the notification, referred to in Clause 16.2. shall be transacted at the S.G.M..
- 17 **A.G.M.'s and S.G.M.'s**
- 17.1 The Annual General Meeting of S A Schools Squash shall be held at such time and place as the Executive may decide in August each year.
- 17.2 The Chairperson of any A.G.M. or S.G.M. shall be the Chairperson, or in his/her absence the Vice-Chairperson, or in his/her absence such other person as shall be appointed for that purpose by the representatives of the Members present at that meeting and entitled to vote.
- 17.3 The Chairperson of any such Meeting shall have 1 (One) vote in that capacity, and a second or casting vote in the event of an equality of votes, in addition to any vote that he/she might have in his/her capacity as representative of any Member.
- 17.4 The representatives of not less than 4 (Four) members present and entitled to vote shall form a quorum.
- 17.5 If a quorum shall not be present at the place of that meeting within 30 (Thirty) minutes after the time for commencement of that meeting, or during the whole of that Meeting until proceedings be concluded by the Chairperson, that Meeting shall stand adjourned until a date 5 (Five) working days after the date of that Meeting, and at the same time and place as that Meeting, and at such adjourned Meeting the representative/s of members present and entitled to vote shall constitute a quorum and may transact the business of that Meeting.
- 17.6 Voting shall be a show of hands or a poll may be demanded by representatives of not less than 2 (Two) members personally present and entitled to vote, and in such event, a secret ballot shall be conducted in such a manner as the Chairperson of the Meeting shall decide.
- 18 The President, the Vice-president, the Chairperson, the Vice-Chairperson and all members of the Executive, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of SA Schools Squash in terms of this Constitution and

under delegated powers from Members in a General Meeting or from the Executive, shall be and they are hereafter indemnified and held harmless against any claim or demand by any third party as a result of an act or omission in the performance of their duties for and on behalf of SA Schools Squash, from whatever cause arising, provided such person/s acted in good faith.

19 ALTERATION OR VARIATION OF THIS CONSTITUTION

This Constitution may be altered or varied, at any time, by Members in a General Meeting, upon a majority vote of not less than two-thirds of the total votes of Members, whose representatives are present and entitled to vote, at that time, provided not less than 20 (Twenty) working days written notification of such meeting together with a copy of a proposed Resolution, shall have been submitted to all members.

20 NOTIFICATIONS

For the purposes of this Constitution, all notifications by SA Schools Squash to any person or any Member or Honorary Members shall be effective from the date of dissemination by any official of S A Schools Squash, but all notifications to SA Schools Squash by any person (natural, corporate or otherwise) or any such member shall only be effective from the date of receipt thereof by the Secretary.(In no respects shall any postal authority be, or be deemed to be, the agent of SA Schools Squash).

21 COLOURS

SA Schools colours shall be awarded by SA Schools Squash to those learners chosen from its ranks, at the time by a Selection Committee nominated or approved by the Executive.

22 LIMITATION OF LIABILITY OF MEMBERS

The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to SA Schools Squash by way of subscription or otherwise however.

23 INTERFERENCE OF THIS CONSTITUTION

The decision of the Executive as to the intention, meaning and effect of all or any of the provisions of this Constitution, and of any By-laws, Rules and Regulations under this Constitution shall be final and binding.

24 RULES OF SQUASH

24.1 SA Schools Squash endeavours to uphold and enforce the Rules of Squash as formulated by the World Squash Federation (WSF), and specifically, with reference to sporting behavior.

25 SA SCHOOLS SQUASH CODE OF CONDUCT

25.1 SA Schools Squash shall adopt and maintain a Code of Conduct applicable to players.

- 25.2 SA Schools Squash may adopt and maintain a Code of Conduct applicable to parents, spectators and coaches.
- 25.3 SA Schools Squash shall uphold and enforce any Codes of Conduct required at any given time.
- 25.4 Any Code of Conduct may be reviewed and /or replaced if so decided at any AGM, GM or SGM.
- 26. ANTI-DOPING**
SA Schools Squash and all its members agree to comply and be bound by and to procure that their members comply with the code presently in force and adopted by the government of South Africa and the IOC arising out of the WADA declaration adopted in Copenhagen in March 2002(as amended) or any subsequent declaration or declarations adopted by WADA from time to time.
- 27. GOOD GOVERNANCE**
SA Schools Squash shall take cognizance of any good governance guidelines issued by the SRSA and SASCOC, as well as any regulations issued by Squash SA and will endeavor to implement these principles as far as possible and in so far as they may be relevant.
- 28. DISCIPLINE**
- 28.1 All members of the SA Schools Squash Association shall adopt and maintain a Disciplinary Code acceptable to SA Schools Squash which disciplinary code must comply with any relevant provisions of legislation including the SA Schools Act.
- 28.2 APPEAL BOARD AND DISPUTES**
The SA Schools Squash Executive shall appoint an Appeal Board comprising three members of whom at least one must have seven years of legal experience. SA Schools Squash shall delegate such powers to the Appeal Bboard to include, but not be limited to the following:
- (i) Assist the SA Schools Squash Association with legal advice;
 - (ii) Chair disciplinary hearings when requested and adjudicate upon legal and disciplinary matters and disputes in terms of the Rules and Procedures for resolution prevailing at such time the dispute is referred;
 - (iii) Shall have the power to determine applicable sanctions, including the issuing of verbal warnings, written warning and/or suspensions;
 - (iv) To adjudicate any appeals referred to SA Schools Squash by a member;
 - (v) The power to direct any party to pay any costs and expenses incurred in relation to the dispute resolution, mediation and /or arbitration.

- 28.3 Every member of the appeal board shall have one vote each at their meetings and hearings. Any dispute between the following parties listed here below shall be referred to the appeal board for resolution through mediation or expedited arbitration
- (i) Between a member of the Executive and the Executive
 - (ii) Between the Executive and a member of the Association
 - (iii) Between two or more members of the Association
 - (iv) Any dispute between players, officials or parents or any other party and a Member shall be dealt with in terms of the dispute resolution process outlined in the Member's constitution and By Laws
- 28.4 Any dispute between Squash SA and any other national federation shall be referred to the South African Sport Confederation and Olympic Committee for resolution through mediation or expedited arbitration.
- 28.5 Any dispute between Squash SA and SASCOC shall be referred to the Director General of Sport and Recreation South Africa, for resolution through mediation or expedited arbitration.
- 28.6 In the event of arbitration as outlined above, the resolution shall be final and binding on the dispute parties.
- 28.7 All matters/disputes being referred to the Appeal Board for adjudication, mediation and/or arbitration, shall be documented in accordance with the Disciplinary Code, and the Rules and Procedures (including timelines) applicable with regard to the Disciplinary Processes and contained in the Disciplinary Codes presently in force.
29. **NON RACIALISM**
SA Schools Squash recognizes and adopts the non-racialism policy as set out in Schedule 1.

SCHEDULE ONE

NON - RACIALISM

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, region, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which, though not worded in racial terms, none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of clause 2.
4. The principle of non-racialism also demands that all clubs, regions, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons; e.g. when hosting a league match or a tournament or championship and such non-members are legitimately at the premises of the club or other body in connection therewith.
5. The fundamental rights of freedom of association and freedom of disassociation are recognised. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national, regional or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5, and the principle of non-racialism referred to in 1, and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:

- 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para 2 above).
- 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though de facto its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances will an infringement of 4, above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so called "ethnic" clubs are perceived to be problematic and require deeper analysis.
- 9.1 Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
- 9.2 What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona fide purpose of catering for the cultural needs or aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.
- 9.3 If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership.

Prima facie this would be an infringement of paragraph 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of 2, above (Cf also 7.1 above). It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the proposed new unified national body or any provincial body.

- 9.4 By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

