



COLLEGIANS' HARRIERS' CONSTITUTION

(AS AMENDED 09 OCTOBER 2023 AND ACCEPTED BY THE
GENERAL MEETING HELD 2 DECEMBER 2023)

1) NAME

- a) The name of the Club shall be "Collegians' Harriers", hereinafter referred to as "the Club".

2) PARENT BODY

- a) The Club shall be an independent sub-section of "Collegians' Club, Pietermaritzburg", hereinafter referred to as "Collegians' Club".
- b) Should the Club, at any time, become defunct, or dissolved under §16 hereunder, the assets of the Club shall be vested in Collegians' Club.

3) AFFILIATION TO GOVERNING ASSOCIATIONS

- a) **The Club shall be affiliated to, and subject to the jurisdiction of,**
 - i) KwaZulu Natal Athletics ("KZNA").
 - ii) Athletics South Africa ("ASA").
 - iii) Their successors in title.
 - iv) Any other governing association required by law.

4) CLUB COLOURS

1. TOP

- a) White
- b) With 50mm horizontal hoops of Red and Black, placed 50mm apart. In the order of red, white, black (top-to-bottom). The hoops shall be immediately below the arm holes.
- c) A 90mm Club badge shall be placed above the red hoop on the front left-hand side of the top.
- d) "COLLEGIANS' HARRIERS", printed in 20mm high black upper-case Frankfurter font, shall be placed one below the other above the red hoop on the right-hand side of the front and in the centre of the back.
- e) The top may be in the form of:
 - i) Vest.
 - ii) Short-sleeved or long-sleeved t-shirt.
 - iii) Crop-top.

2. PANTS

A) Black.

3. OTHER

- a) In addition to the foregoing, any articles of clothing worn while representing the Club must:
 - i) Conform to any standards set out by a governing body.
 - ii) Not contain any political statements.
 - iii) Not bring the Club into disrepute.

5) LEGAL PROCEEDINGS

- a) The Club is a distinct and separate legal entity with perpetual succession and with the power to acquire, to hold and to alienate assets, and with the capacity to acquire rights and obligations.
- b) The Club is a juristic person and can act and be acted against, sue, and be sued, in its own name.
- c) The assets and funds of the Club vest in the Club as a juristic person and no member of the Club shall be liable for the debts of the Club, nor be entitled to the assets or funds of the Club.

6) OBJECTIVE AND POWERS OF THE CLUB

1. OBJECTIVE

- a) The Objective of the Club shall be to develop, promote and maintain all forms of athletics.

2. POWERS

- a) **In pursuance of the objectives of the Club, the Club shall have all such powers as are necessary for the proper attainment of the objectives and shall, in particular, have the following express powers:**
 - i) To enter into such arrangements with appropriate authorities as the Club may deem conducive to its objectives, and to obtain from such authorities any rights, privileges, and concessions which the Club may deem advisable to obtain.
 - ii) To accumulate assets and funds for any purpose of the Club and to appropriate any of the Club's assets and funds for specific purposes, either conditional or unconditional.
 - iii) To invest the funds of the Club in any recognised banking or other financial institution.
 - iv) To borrow, raise, or secure the payment of, money in such manner as the Club may deem fit.
 - v) To take out policies of insurance.
 - vi) To open bank accounts in the name of the Club in any recognised banking or other financial institution.
 - vii) To institute, conduct, defend or abandon any legal proceedings by or against the Club or its officers, or otherwise concerning the affairs of the Club.
 - viii) To sell, lease, alienate or otherwise dispose of part or parts of the assets of the Club.
 - ix) To purchase, hire, take on, lease, exchange, or otherwise acquire any assets on behalf of the Club.
 - x) To do all such other things as are incidental or conducive to the attainment of the above objectives of the Club.
- b) Despite the aforementioned provisions, the income, funds and assets of the Club shall be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the Club: Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any officer or servant of the Club, or to any member thereof in return for any service actually rendered to the Club.

7) FINANCE

1. CLUB FINANCIAL YEAR

- a) The Club's financial year shall end on 30 September.

2. CASH AND INVESTMENTS

- a) All investments and withdrawals of Cash and Investments shall be on the authority of the Management Committee with any two members of the Management Committee as signatories thereto, one of whom must be the treasurer.

3. AUDITOR

a) The Auditor of the Club shall:

- i) Be appointed at the Annual General Meeting and hold office until the next Annual General Meeting.
- ii) Duly audit the Annual Financial Statements submitted by the Treasurer for each financial year.

8) MANAGEMENT

1. GENERAL PROVISIONS

- a) The Management of the Club shall be vested in a Management Committee.

2. ELECTION AND TERM OF OFFICE

- a) The Management Committee shall be elected at each Annual General Meeting ('AGM') and shall hold office until the next AGM.
- b) The terms of members of the Committee are not otherwise limited.
- c) The Management Committee shall not be held personally liable for any loss suffered by themselves in the execution of their duties, except such as may be incurred through their own negligence or default.
- d) There shall be no remuneration paid to members of Management Committee. Notwithstanding the foregoing, reimbursement of reasonable costs incurred in performing duties shall be permitted at the discretion of the President and/or Treasurer.
- e) The Management Committee need not be bound by decisions taken at Sub-Committee meetings.

3. OFFICE BEARERS

a) Management Committee

- i) President.
- ii) Vice President.
- iii) Secretary.
- iv) Treasurer.
- v) Club Captain.
- vi) Race Organiser.

b) Ex Officio Sub-Committee Members

- i) Social Media Administrator.
- ii) License and membership Administrator.
- iii) Championship Log Administrator.
- iv) Social Functions Administrator.
- v) Herman's Delight Administrator.
- vi) Designated Safeguarding Officer
- vii) Coaching and Development Administrator

c) Sub-Committee Members

- i) Any member co-opted by the Management Committee to serve on a sub-committee.

4. POWERS OF THE MANAGEMENT COMMITTEE

a) Between AGMs the Management Committee shall be empowered to:

- i) Fill any vacancy in a position listed in §8(3) above.
- ii) Form or dismiss any sub-committee, as well as co-opting/dismissing members thereto/therefrom.
- iii) Any Management Committee member may assume any *ex officio* portfolio for themselves.
- iv) To make (and amend) rules and take resolutions that are necessary and expedient in order to achieve the objects of the Club, including rules governing disciplinary proceedings.
- v) To form or appoint sub-committees for special purposes and to delegate powers to such sub-committees.
- vi) To appoint a Disciplinary Committee, which shall have the powers and duties as set forth in §13 herein later.
- vii) To appoint an Appeal Committee, which shall have the powers and duties as set forth in §14 herein later.

b) The Management Committee shall be empowered to set, and make amendments to, the Club Rules. Notice thereof shall be communicated to members by posting it on the Club Notice board and by sending it on a valid form of electronic communication (*inter alia* e-mail, SMS, or WhatsApp).

c) The Management Committee shall be empowered to deal with any matter not specifically provided for in this constitution.

9) DUTIES OF OFFICE BEARERS

1. MANAGEMENT COMMITTEE

a) The President shall:

- i) Act as Chairperson at all General and Management Committee Meetings.
- ii) Present prizes on behalf of the Club.
- iii) Represent the Club at social functions.
- iv) Represent the Club at meetings of the Executive Committee of Collegians' Club.
- v) Liaise with and represent the interests of the Club to Collegians' Club.
- vi) Attend meetings of the Governing Associations.
- vii) Liaise with and represent the interests of the Club to the Governing Associations.

b) The Vice President shall:

- i) In the absence of the President, act in place of the President.

c) The Secretary shall:

- i) Perform all the General Secretarial and Administrative duties of the Club.
- ii) Keep all the Minutes and correspondence of the Club.

d) The Treasurer shall:

- i) Record all financial transactions of the Club.
- ii) Submit a set of duly audited Financial Statements to the Annual General Meeting.
- iii) Oversee the monetary aspects of club membership and Licensing.

e) The Race Organiser shall:

- i) Oversee the Race Organising Sub-Committee, should it be constituted.

f) The Club Captain shall:

- i) Generally, promote the objective of the Club as defined in §6 and assist with the organizing of any Athletics or social events in their respective sections.

2. EX OFFICIO SUB-COMMITTEE MEMBERS

a) The Social Media Administrator shall:

- i) Promote the Club and its events on social media platforms.
- ii) Inform members of upcoming events, especially Championship log events.
- iii) Co-ordinate photography and Club related content and post this on all Collegians' Harriers' Social Media platforms.

b) The License and Membership administrator shall:

- i) Control the issuing of KZNA Licences to the Members of the Club
- ii) Carry out all registration of Athletes and liaise with KZNA.
- iii) Managing and updating the Club membership records.

c) The Championship Log Administrator shall:

- i) Be responsible for managing and updating the Club championship log records and provide regular updates to the Management Committee, who will provide the latest logs to the members at regular intervals.

d) The Social Functions Administrator shall:

- i) Organize all social functions of the Club.
- ii) Oversee the Social Functions Sub-committee, should it be constituted.

e) The Herman's Delight Administrator shall:

- i) Be responsible for the weekly running of the Club's official time trial, recording of the names, times and finishing positions of all runners.
- ii) Submissions of the results to the local press for publishing.
- iii) Administration of the Time Trial Incentive Scheme, as required.
- iv) Administration of the Duty Roster.

f) The Designated Safeguarding Officer shall:

- i) Perform all safeguarding functions, as they may be required by KZNA.

g) The Coaching and Development Administrator shall

- i) Attend to the establishment and on-going promotion of a junior's and Collegians' Harriers athletes' program.
- ii) Attend to all matters relating to development of all Collegians' Harriers athletes, including underprivileged athletes, as required.

3. SUB-COMMITTEES

a) Should the following Sub-Committees be constituted, they shall have the following functions:

- i) The Race Organising Sub-Committee shall:
 - (1) Organize all running events staged by the Club.
 - (2) Record all their own financial transactions.
- ii) The Social Functions Sub-committee shall:
 - (1) Organize all Social Functions staged by the Club.
 - (2) Record all their own financial transactions.
- iii) All other sub-committees shall attend to the matters delegated to them by the Management Committee.

10) MEMBERSHIP

1. MEMBERSHIP CATEGORIES

- a) Senior.
- b) Junior (under the age of 20 years on 31 December in the year of competition).
- c) Student (under the age of 25 and attending a recognised tertiary institution).
- d) 70+ (over the age of 70 years on 31 December in the year of competition).
- e) Honorary (Annual).
- f) Honorary (Life).
- g) Non-competitive (Members who wish to retain their membership of the Club, but who will not participate for the Club in any athletics events whatsoever. No KZNA license number will be issued).

2. APPLICATIONS FOR MEMBERSHIP

- a) Shall be proposed and seconded by any two non-junior members of the Club in good standing.
- b) Such application may be approved by any two Management Committee Members.
- c) Application to Collegians' Club shall be on the prescribed form.

3. HONORARY MEMBERSHIPS

- a) Nominations for Honorary (Annual) and Honorary (Life) Membership can be submitted by any non-junior member in good standing to the Management Committee for approval.
- b) This nomination shall be ratified at the next General Meeting, should it be approved.

4. FEES PAYABLE

- a) The annual Club Membership subscription fee, for all categories of Membership, shall be decided by ordinary resolution at the Annual General Meeting.
- b) All Subscription and License fees shall fall due on 30 November, as well as the Annual Membership Subscription fee of Collegians' Club. If, by 28 February, a Member's Subscription Fees have not been paid, their Membership shall lapse, at the discretion of the Management Committee.
- c) The subscription fee of Members may be reduced at the discretion of the Management Committee, for *inter alia*:
 - *Pro rata* adjustments.
 - Subsequent Members of *bona fide* families.
 - Members from less privileged backgrounds.
 - Honorary and Honorary Life Members.
- d) The Subscription Fees as set out above shall exclude the license fee payable to any Governing Association.

5. RESIGNATIONS

- a) Any Member wishing to resign from the Club shall:
 - i) notify the Secretary in writing.
 - ii) pay all monies due to the Club and return all property of the Club in their possession.

6. GOOD STANDING

- a) A member is considered to be in good standing if, and only if, all of the below are met:
 - i) Their membership (re-)application/renewal for the current year has been approved.
 - ii) They are currently up to date with Subscription Fees.
 - iii) They have no outstanding monies due to the Club more than 30 (thirty) calendar days overdue.
 - iv) They are not currently suspended from the Club.

7. MISCONDUCT

- a) Members must conduct themselves in a manner that does not bring the Club or sport of athletics into disrepute.
- b) A member who conducts themselves in a disreputable manner shall be considered to be in contravention of this Constitution and or the Club rules, and liable to a sanction.

8. LIABILITIES, DUTIES, RIGHTS AND PRIVILEGES OF MEMBERS

- a) A member, of voting age, who is in good standing shall be entitled to speak at a general meeting of the Club, shall be eligible to be elected as a member of the Management Committee of the Club, and shall be entitled to all the rights and privileges derived from membership of the Club.
- b) All members who have been accepted as members of the Club shall be bound by the Constitution and the Rules of the Club.
- c) Members shall be obliged to ensure prompt payment of all subscriptions, fees and amounts owing to the Club.
- d) Members shall always:
 - i) Adhere to the terms of the Constitution and rules of the Club.
 - ii) Act honestly towards the Club and its members.
 - iii) Act in the best interests of the Club.
 - iv) Further the objects of the Club.
 - v) Act in good faith towards the Club and its members.
 - vi) Refrain from bringing the name of the Club into disrepute through any conduct whatsoever.

11) MEETINGS

1. MEETINGS OF MEMBERS

A) GENERAL PROVISIONS

- a) The club shall hold at least one General Meeting per *annum*.
 - i) This shall be called the Annual General Meeting ('AGM').
 - ii) The Annual General Meeting shall be convened no later than 31 December.
- b) All other General Meetings shall be called Special General Meetings.
- c) Only those items appearing on the Agenda for the Meeting shall be discussed at the Meeting.

B) VOTING

- a) All ordinary resolutions put to a General Meeting shall be decided by a majority (50% + 1) votes.
- b) All special resolutions shall require a two-thirds majority.
- c) Voting on all resolutions shall be by a show of hands or, at the discretion of the Chairperson or when insisted upon by two Members present, by secret ballot.
- d) Every Member, 18 years and over, in good standing, shall be entitled to one vote at all General Meetings.
- e) The Chairperson shall, in the event of an equality of votes, have a second or casting vote at all General Meetings.

C) QUORUM

- a) A *quorum* for all General Meetings shall be 10% (ten percent) of the membership of the Club determined as at the financial year end.
- b) There shall be no allowance for proxies or alternates.
- c) Members present must be eligible to vote in terms of §11(B) above.
- d) Should a *quorum* not be present at a General Meeting, such Meeting shall be adjourned to the same day, time, and venue, 14 (fourteen) calendar days hence.
- e) Should there be more than 5 members eligible to vote present at such a reconvened meeting, the Members present shall constitute a *quorum* and may proceed to conduct the business of the meeting, and any resolutions passed at such meeting shall be valid.
- f) Where any actual, potential, or perceived Conflict of Interest may arise, the conflicted party(ies) shall recuse themselves from the meeting/resolution, as required. The remaining parties shall be considered to constitute a *quorum*.

D) PROPER NOTICE OF MEETINGS

- a) For proper notice to be given, the Secretary shall give:
 - i) 14 (Fourteen) calendar days written notice to convene any General Meeting.
- b) A General Meeting shall be convened by the Secretary on the written application of:
 - i) The President, or
 - ii) 2 (Two) Management Committee Members, or
 - iii) 7 (Seven) Members of the Club in good standing
- c) Such application shall include an Agenda for the Meeting to be convened.
- d) Notice shall be communicated to members by sending it on a valid form of electronic communication (*inter alia* e-mail, SMS, or WhatsApp).

2. MEETINGS OF THE MANAGEMENT COMMITTEE

A) GENERAL PROVISIONS

- a) The Management Committee shall hold regular meetings to:
 - i) Consider all matters required in terms of §§7,8, 13 and 14 of this Constitution.
 - ii) Consider the financial reports prepared by the Treasurer.
 - iii) Consider the reports from any Sub-Committees.
 - iv) Arrange for any investments and cash holdings.
 - v) Make any necessary repairs, maintenance, or purchases.
 - vi) Advance the objectives of the Club.
 - vii) Deal with any other matters required to ensure the good functioning of the Club.
 - b) In the event of a Management Committee Member absenting themselves from three consecutive ordinary Management Committee Meetings they shall, at the discretion of the remaining Members, cease to hold office.
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B) VOTING

- a) All ordinary resolutions shall be decided by a majority (50% + 1) votes.
 - b) All special resolutions shall require a two-thirds majority.
 - c) Voting on all resolutions shall be by a show of hands or, at the discretion of the Chairperson or when insisted upon by two Members present, by secret ballot.
 - d) The Ex officio Sub-committee members shall not have the power to vote.
 - e) The Chairperson shall, on the event of an equality of votes, have a second or casting vote at all Management Committee Meetings.
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C) QUORUM

- a) A *quorum* shall be any 3 (three) Members of the Management Committee. For the avoidance of doubt, the Ex Officio Sub-Committee Members, shall not form part of the *quorum* calculations, and are only invited guests.
 - i) Should a *quorum* not be present at a Management Committee Meeting, such Meeting shall be adjourned to the same day, time, and venue, 7 (seven) calendar days hence.
 - ii) Should there not be a *quorum* present at such a reconvened meeting, the Management Committee Members present shall constitute a *quorum* and may proceed to conduct the business of the meeting, and any resolutions passed at such meeting shall be valid.
 - b) Where any actual, potential, or perceived Conflict of Interest may arise, the conflicted party(ies) shall recuse themselves from the meeting/resolution, as required. The remaining parties shall be considered to constitute a *quorum*.
 - c) There shall be no allowance for proxies or alternates.
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D) PROPER NOTICE

- a) Management Committee Meetings, which require 7 (seven) calendar days' notice in writing, shall be convened by the Secretary as follows:
 - i) When instructed by the President, or
 - ii) When requested by any two Management Committee Members.
 - iii) Such notice shall include an Agenda for the Meeting to be convened.
Notice shall be communicated to Management Committee members by sending it on a valid form of electronic communication (*inter alia* e-mail, SMS, or WhatsApp).

12) EXCLUSION OF LIABILITY AND INDEMNITY

- a) Neither the Club, nor its members or members of the Management Committee, shall be responsible or may be held liable for any loss, damage or injury, including consequential losses, suffered by or caused to any person or property anywhere on or about the Club's premises, whether or not such loss, damage or injury is occasioned by any act or omission of the Club, its members or members of the Management Committee, or anyone else for whose actions they or any of them could be liable in law, nor by reason of vis major, casus fortuitus, rain or water, riots, strikes, theft or burglary with or without forcible entry, or by reason of any condition on or off the premises of the Club, any building structures, or any defective facilities of the Club, or caused by any sporting activity carried out on the Club's premises, or by any other cause of whatsoever nature and howsoever arising.

Each member of the Club shall, at all times, hold the Club and other members of the Club indemnified against and harmless from, and shall in no manner whatsoever seek to hold any of them liable for, any injury, loss or damage suffered by such member of the Club as a result of personal injury or patrimonial loss arising directly or indirectly from the participation of any person in any sport activity of the Club or on the Club's premises, whether or not such injury, loss or damage can be attributed directly or indirectly to negligence of whatsoever nature or degree on the part of the Club, any member of the Club and/or any of the Club's officials, employees and/or agents.

13) DISCIPLINARY COMMITTEE

- a) The Management Committee shall appoint a Disciplinary Committee that shall deal with any alleged breach of this Constitution or the Rules of the Club, by any member of the Club, or with any other matter of a disciplinary nature.
- b) **The Disciplinary Committee shall have the power to find a member guilty or not guilty of the charges.**
- c) If the Disciplinary Committee finds a member guilty, it shall have the power to impose any, or a combination, of the following sanctions:
- i) Verbal Warning
 - ii) Written Warning
 - iii) Final Written Warning
 - iv) To deprive such member of any or all rights, benefits, and advantages of his/her membership for such period as the Disciplinary Committee may find appropriate.
 - v) To declare any money already paid by the member to the Club forfeited.
 - vi) To expel such member for life or for such a shorter period as it may find appropriate.
 - vii) To conditionally suspend, for such a period as the Disciplinary Committee may deem fit, any such sanction, either wholly or in part.
 - viii) The Disciplinary Committee is not empowered to issue fines, whether monetary or otherwise.
- d) **The Disciplinary Committee may issue any sanction it deems appropriate, irrespective of whether a lesser or greater sanction has previously been imposed.**

14) APPEAL COMMITTEE

- a) The Management Committee shall appoint an Appeal Committee that shall deal with any appeals against decisions of the Disciplinary Committee or administrative decisions of the Management Committee that adversely affect any member.
- b) Only a member that was an accused person before the Disciplinary Committee or a member directly affected by the administrative decision of the Management Committee, shall have the right to lodge an appeal in writing to the Appeal Committee.
- c) The lodging of an appeal shall not have the effect of suspending the operation and implementation of the decision appealed against.
- d) A Management Committee member who was part of the Disciplinary Committee for a matter, shall not stand on such Appeal Committee.
- e) The procedure to be followed by the Appeal Committee shall be as set out in the Club Rules.

15) AMENDMENTS TO CONSTITUTION

- a) Proposed amendments to this Constitution may be submitted either by the Management Committee or by any two non-junior Members of the Club in good standing to the Secretary at least 30 (thirty) calendar days prior to a General Meeting.
- b) All amendments to this constitution shall be passed by a special resolution of Members.
- c) Any amendment to this constitution may only be made at a properly convened General Meeting.

16) DISSOLUTION OF CLUB

- a) The members of the Club may agree to dissolve the Club, by way a Special Resolution of a *quorate* General Meeting.
- b) Regard must be given to §2(b) above while following dissolution proceedings.