

Constitution  
of  
**Eagar Aquatics**  
**Professional Swimming Academy**

# **CONSTITUTION OF EAGAR AQUATICS PROFESSIONAL SWIMMING ACADEMY**

## **1. DEFINITIONS**

The following definitions shall apply in this Constitution:

- 1.1 "The Club" shall mean Eagar Aquatics Professional Swimming Academy as per Paragraph 2 below
- 1.2 "The Committee" shall mean the management of the club
- 1.3 "Constitution" shall mean this Constitution, its provision, the schedules hereto, by-laws and due decisions and / or orders arising therefrom, as amended from time to time
- 1.4 "Code of Conduct" shall mean the Code of Conduct of LPA, with preliminary note, as attached hereto per Schedule 1
- 1.5 "LPA" shall refer to Limpopo Province Aquatics
- 1.6 "FINA" shall refer to the Federation International de Natation Amateur
- 1.7 "SSA" shall refer to Swimming South Africa
- 1.8 "Membership" shall mean membership of the club obtained on condition as set out in paragraph 5 below
- 1.9 "Membership fees" shall mean all club fees as agreed to by the member upon application for membership
- 1.10 "Procedures" shall mean procedures as set out by the committee
- 1.11 "Condition of membership" shall mean conditions of membership as set out by the committee
- 1.12 "Rules" shall mean the rules of the club as set out by the committee
- 1.13 "AGM" shall refer to Annual General Meeting of the club

## **2. NAME**

The name of the club is Eagar Aquatics Professional Swimming Academy of Polokwane

## **3. OBJECTIVES**

To promote training and capability in swimming according to the rules of FINA

## **4. AFFILIATION**

The club will be affiliated to SSA through LPA

## **5. MEMBERSHIP**

- i. Membership of the club is subjected to -
  - a. membership fees being paid in full by the member,
  - b. acceptance in writing by the member of the conditions of membership, rules and procedures of the club, and
  - c. agreement by the member to be bound by the Code of Conduct.
- ii. All applications of new and existing members are subjected to approval of the committee and compliance with the conditions as set out in Paragraph 5.i above.

- iii. Any person proposed by the committee, and approved by two thirds of the members present at the AGM, can be named as Patron, Honorary President and/ or Honorary member of the club for any period at the discretion of the Meeting.
- iv. Membership fees are decided on and revised by the committee from time to time and are payable as agreed upon by the member upon application for membership.
- v. Membership will be terminated instantaneously in the event that –
  - a. A member resigns in writing. Resignation is subjected to membership fees being paid in full.
  - b. A member neglects to pay his/ her membership fees and continues to refrain from paying such for 30 days after a written reminder from the committee.
  - c. The committee expels a member after finding valid reason to do so.

## **6. MANAGEMENT**

- i. The Committee is elected on a biyearly basis at the AGM and consists of minimum five members and maximum 10 members including the Chairperson and Vice Chairperson.
- ii. The nomination of candidates by members of the club must be done on the prescribed nomination form and submitted to the Chairperson no later than seven (7) days before the AGM.
- iii. The election of the committee members is decided by way of voting, either by ballot paper or by way of raised hands. A member is elected only by a ruling majority.
- iv. Management reserves the right to select a maximum of five additional members to serve on the committee. These selected members will have rights to vote at committee meetings.
- v. A quorum at all committee meetings shall consist of not less than 50% of management plus one member.
- vi. Vacancies that may occur during the year are filled by the committee.
- vii. Any member of the committee can be expelled from the committee in the event of the said member not attending three (3) consecutive meetings without apology.
- viii. An attendance register of all committee meetings must be kept by the Secretary.
- ix. The committee will control any affairs subjected to the provisions of the Constitution, and will be allowed to organise any fundraising.

## **7. GENERAL MEETING OF MEMBERS**

- i. The AGM of all members of the club is held within sixty (60) days after the financial year end with the purpose of electing a new committee as well as assessing the reports of the Chairperson and the financial statements of the club.
- ii. A special AGM of members might be called by the Secretary under orders of the committee, or at the written request of at least ten (10) members of the club wherein the purpose of such a meeting is stated.
- iii. Notice of the AGM will be given to club members via electronic mail, sms or telephonically at least seven (7) days before the set date of the AGM or Special AGM.
- iv. A quorum consists of ten (10) members at an AGM or Special AGM.
- v. The right to vote at an AGM or Special AGM is subjected to membership fees being paid in full and is restricted to members over the age of 18 years.

## **8. FINANCIAL BOOKS AND STATEMENTS**

- i. Appropriate books and accounts will be kept of any money received and/or paid.
- ii. Financial statements of any money received and/or paid will be disclosed at the AGM.
- iii. The financial year of the club extends from 1 April to 31 March of the following year.

## **9. BANK ACCOUNT**

- i. All monies received are to be paid directly into the banking account of the club.
- ii. Any payments made by the club, be it electronically or otherwise, must be authorized by the Treasurer and one other member of the committee as appointed by the committee.
- iii. Before money can be withdrawn from any deposit account held by the club it must be approved by at least 2 members of the elected committee for the current year.

## **10. SWIMMING MEETS**

All galas arranged by the club must be in accordance with the rules of SSA and LPA.

## **11. SWIMMING ATTIRE**

The official colours of the club will be as determined by the committee.

- 1. All swimmers that take part in a gala must wear the appropriate club clothing, including the club cap;*
- 2. All swimmers must take part in any formalities of said gala, such as parades, or medal presentation and must wear appropriate club clothing; Attendance will be at the discretion of the Coach.*

## **12. COMPLAINTS**

All complaints must be set in writing and directed to the secretary for the attention of the committee. The committee's decision relating to any such complaint will be final.

### **13. RULES**

For the disciplined management of the club the committee will determine the club rules and all members are bound to adhere to these rule. A copy of the code of conduct will be disseminated to each member of the club at the beginning of the season.<sup>1</sup>

### **14. INTERPRETATION**

The Committee will settle any differences concerning the interpretation of the club rule and/or this Constitution and decision of the committee will be final.

### **15. AMENDMENT OF THE CONSTITUTION**

This Constitution can be amended at an AGM or Special AGM by two third majority provided that suitable written notice has been given to all members at least three (3) weeks prior to the commencement of such AGM or Special AGM which will be considered ample time to explain the proposed amendment/s.

### **16. COACHING**

- i. The committee will appoint the Head Coach who will be in charge of all coaching at the club.
- ii. The Head Coach will determine the coaching fee and will control all finances relating to coaching fees.
- iii. The Head Coach will be authorised to appoint additional coaches at his/her discretion and will be responsible for managing the finances relating to such.
- iv. The Head Coach will be entitled to claim travelling and subsistence expenses, from the committee under the following conditions:
- v. For all competitions where there are less than 20 swimmers from the Club; and if in excess
- vi. of 20 the head coach can invite an assistant coach at the same cost per day as the head coach.
- vii. Where such a competition is held in excess of a 200km radius from Polokwane;
- viii. For a maximum amount of R500.00 per day for only one day longer than the swimming competition lasts;
- ix. A claim for this allowance must be submitted at least seven days before the competition.
- x. The per-day rate will be inclusive of all expenses of the Head Coach; Fuel is to be claimed after said competition, via fuel slips.
- xi. The daily allowance may be considered annually by the committee for adjustment.

### **17. DISBANDMENT**

- i. If two thirds of all members at a properly constituted AGM decide in favour of disbanding the club, the Eagar Aquatics Professional Swimming Academy of Polokwane will cease to exist.

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<sup>1</sup> Refer to Code of Conduct at the end of the document

- ii. After disbandment all assets of the club will be paid over to LPA by the Chairperson and Secretary, and if LPA does not exist anymore, the money will go to any educational institution of the Committee's discretion at such time.

**18. CONSTITUTION BINDING ON MEMBERS**

This Constitution is binding on all members of the club.

**THIS CONSTITUTION HAS BEEN ACCEPTED AT AN AGM OF THE CLUB  
HELD ON THE ..... OF..... 2015 AT POLOKWANE.**

\_\_\_\_\_  
**CHAIRPERSON**

\_\_\_\_\_  
**SECRETARY**

## Schedule 1

**PRELIMINARY NOTE:** This Code of Conduct is an annexure of the Constitution of the Limpopo Province Aquatics ("LPA"), by which provisions the individual members are bound. As a result of the administration and governance of swimming in the Limpopo Province, Eagar Aquatics Professional Swimming Academy and its individual members are members of LPA and as such bound to this Code of Conduct.

In light of this any reference to LPA in this Code of Conduct will also refer to Eagar Aquatics Professional Swimming Academy where it is reasonable to interpret the reference as such.

## **CODE OF CONDUCT**

### Introduction

It is accepted that most swimmers will enter into the spirit of the sport and their behaviour will be accordingly acceptable, as expected of any reasonable sportsperson.

The following code of conduct is to act as a guideline as well as a deterrent for those swimmers who believe that they may behave in a manner, which is contrary to the acceptable norm.

The guidelines set out below are therefore intended to maintain a strict code of conduct as well as to create a balance of sportsmanship, camaraderie and a healthy but fair spirit of competition.

These rules will be considered to be binding on any registered Limpopo club swimmer during any official swimming function (Club, School or Provincial) or training session within this province or at any other venue.

### General Rules

All rules and regulations as specified by FINA and SSA will be obeyed.

You must be familiar with the general rules governing the sport of swimming – visit Swimming South Africa website.

You will respect the authority of all gala officials and observe all instructions issued by them.

You may make comments to the press concerning your own personnel performances. You may not make any comments to the press, in which adverse comments concerning any other swimmer or official or express opinions which could damage the credibility of your club, province or SSA.

Any unsportsmanlike behaviour or cheating will not be tolerated.

No form of advertising is acceptable except that of the team and gala sponsorship advertising. All sanctioned advertising must adhere to the rules stipulated by SSA and FINA.

Acceptable behaviour has many facets, all of them important for the ambassadorship of your parents, club, team or province.

The use of official sportswear, leisure wear and competition gear, as specified by your club or Limpopo Aquatics, during galas as well as on the podium, is compulsory.

You will be neatly dressed at all times.

The use of abusive language or rowdy behaviour will not be tolerated.

Vandalism of private or public property is not only offensive, but will lead to prosecution. This also includes the illegal removal of items from private or public places for souvenirs.

You are expected to promote swimming as a sport and to encourage your peers at all levels of ability to maximum participation.

### Prohibited Substances

You will comply with the rules and regulations of FINA and the IOC governing the consumption of any substance, which can enhance your performance.

The consumption of any substance even if legal, which will create the perception of performance enhancing, is not encouraged and is not in the interest of sport.

All medications as prescribed by a medical practitioner must be declared by the swimmer on the official form before any gala. This form must be presented via your club to the Limpopo Gala Secretary or the gala referee in an emergency.

The intravenous administration of any substance in public will be considered offensive. The use of the medical facilities or first-aid room for this purpose is compulsory and should only be administered by suitably qualified medical personnel.

You will comply with the rules governing doping tests.

The consumption of alcohol or the indulgence in tobacco is considered to be contrary to the spirit of true sportsmanship and will not be condoned, even if you are of the legal age for the consumption of these substances.

### Provincial Representation

It is assumed that all registered swimmers are available for selection for provincial teams.

The selection for provincial teams will be primarily based on best times and recent performances during the current season and therefore all swimmers will be assumed to be training effectively.

You will be familiar with the swimming calendar for the season and hence be aware of the dates for provincial galas.

Any withdrawal from the team must be made in writing and if this is done for medical reasons, supported by medical documentation from a certified medical doctor within 24 hours of the consultation.

Withdrawal from a provincial team based on religious grounds will not be penalized. The non-availability of swimmers due to religious ground should be made 14 days prior to the selection of the team.

It is the responsibility of all swimmers to inform the selectors of any factors, such as illness, injury, lack of training, etc. which could affect their performance. This rule is effective prior to team selection and prior to participation in the gala.

The selectors could request a time trial for a swimmer if there is any doubt concerning fitness of the swimmer.

All withdrawals in writing must be made subject to the approval of the swimmer's coach and club Executive.

### Disciplinary Action

Violation of the rules and code of conduct may lead to disciplinary action.

In the event of disciplinary action you will appear before a disciplinary committee at a hearing in accordance with the club and/or the Limpopo constitution.

Code of Conduct for Technical Officials and Coaches

### Introduction

The code of conduct for technical officials and coaches is intended to ensure that no actions by these persons will bring the sport of swimming into disrepute. The following extract from the SSA manual for Swimming Technical Officials (SSA copyright):



“Swimming rules exist for no other purpose than to regulate fair play. They are designed not only to keep the swimming styles pure and correct, but also to ensure that all swimmers in a race are subject to the same restrictions and limitations”.

It is therefore the duty of coaches to make sure that their swimmers are aware of the various swimming rules and the code of conduct. The technical officials should apply these rules in a manner which will comply with the code of ethics.

It is important for officials and coaches to set a good example on and off the pool deck, at all times.

### Objectives

- To promote and improve swimming
- To develop interest and participation in swimming
- To encourage physical fitness and improve the quality of competitive swimming
- To provide competitive swimming opportunities for all persons and levels of ability

### Strategies

- To promote positive attitudes
- To expand opportunities for training and experience
- To maintain honesty and integrity
- To encourage openness
- To acknowledge the use of good judgement
- To display decisiveness
- To demonstrate a willingness to admit mistakes

### Code

All rules and regulations as specified by SSA and FINA or any body recognised by these two bodies will be obeyed.

The code of ethics as determined by the Officials Swimming Association, The Professional Coaches Association or any local rules specified by the Limpopo Technical Committee (appointed by Limpopo Executive) will be taken as operation.

Officials are to be neatly dressed, according to the dress code defined by the SA Swimming Officials Association.

At all times actions must always be in the interest of all participating swimmers. No action should in any way impede the performance of a swimmer. All officials and coaches must be familiar with the code of conduct for swimmers. Officials and coaches should not be party to any violation of the code of conduct for swimmers or any other rules.

Officials on the pool deck may not encourage a swimmer verbally while in the process of participating in any event. Any action, which will put any swimmer at an advantage or disadvantage, is not allowed.

The consumption of alcoholic beverages and smoking is not permitted on the pool deck.

The consumption of any substance, which could influence the judgement of an official on the pool deck, is not permitted.

The use of abusive language (including sledging) and rowdy behaviour is not allowed at any point within the pool area (including the deck).

All decisions with respect to the FINA rules and regulations on the pool deck are subject to the gala referee. All other decisions and appeals are subject to the gala committee.

An official may not leave the pool deck during the duration of the gala except during official breaks. If you need to leave the pool deck, the referee should be informed.

All officials and coaches should be registered officials, according to the rules and regulations specified by SSA. Any times and decisions recorded by unregistered officials will render all gala times unacceptable.

### Code of Conduct for Non-Officials

Any person not on the pool deck will be considered to be a non-official or spectator. It is assumed that most people who attend galas and any other function which is under the jurisdiction of any swimming club and/or Limpopo, will behave in a manner which will be a reflection on the spirit of the sport. However, there are rules and regulations which are binding on the swimmers and officials and therefore any person who is at any swimming function should be subject to similar rules. It is therefore necessary for the spectators within the boundary of the pool area to behave in a manner, which will create a healthy sporting environment within the spirit of fair competition for all the swimmers at a gala.

#### The following general guidelines are therefore applicable:

The rules and regulations for swimmers, officials and coaches, where applicable, are relevant to spectators. All spectators should be familiar with such rules and any other rules and regulations governing the specific swim meet of that day.

At no stage may a spectator interfere in any way with any official on the deck. No actions which will in any way compromise the efficiency of the official will be tolerated.

No actions (including verbal sledging) which will adversely affect the performance of any swimmer (this includes swimmers on or off the deck) will be tolerated.

#### Data Processor's office is out of bounds

All complaints and/or appeals should be addressed through the proper channels. In the case of an appeal at a gala, the appeal should be lodged with the gala/deck manager. All other appeals should be addressed via the club in writing and addressed to the relevant official.

Any disregard of these rules will be subject to the normal disciplinary action. The disciplinary hearing can be referred to the gala committee, club or Limpopo Executive in accordance with the Limpopo constitution, whichever is the applicable body.

#### Procedures for Complaints and Appeals

The swimmers, parents and officials are members of clubs. The clubs are affiliated to Limpopo and Limpopo is affiliated to SSA. These channels are to be followed for all complaints and/or appeals.

Appeals will be heard in accordance with the procedures specified in the Limpopo constitution.

All complaints and/or appeals should be addressed through the proper channels. In the case of an appeal at a gala, the appeal should be lodged by Team Manager/Coach (only) within fifteen minutes of the disputed decision. All gala appeals must be lodged with a deposit of R100.00.

The gala/deck manager will present the appeal to the gala committee for consideration.

The gala committee will consist of the referee, chief judge, chief timekeeper, data processor, the gala/deck manager (who is appointed by the Limpopo Executive) and a member of the Limpopo Executive who will act as chairperson.

All other complaints or appeals are to be made in writing and submitted to the affiliated club of the complainant.

All appeals will be held in accordance with the club constitution or Limpopo constitution.

If the complainant is dissatisfied with the club decision, he/she has a right to appeal to Limpopo, which must be channelled through the club Executive. The club must refer the appeal to the Limpopo Executive with a full record of the club hearing. The club may not refuse an appeal to Limpopo.

The Limpopo Executive will consider the appeal according to the constitution and if necessary appoint a disciplinary committee.