

ATHLETICS NAMIBIA

(Founded 13 January 1990)

CONSTITUTION

(Accepted 19 January 1991)
(Amended 09 May 1998)
(Amended 25 November 2000)
(Amended 20 November 2004)
(Amended 13 November 2010)
(Amended 17 November 2012)
(Amended 29 November 2014)

ATHLETICS NAMIBIA

CONSTITUTION

SECTION 1

NAME

The name of the Body is:-

ATHLETICS NAMIBIA

SECTION 2

DEFINITIONS

Athletics	Track & field athletics, road running, walking mountain running and cross country running.
Active Athletes	Any athlete that is actively competitive in the activities of Athletics Namibia at all age group levels
Business day	Any day from Monday to Saturday excluding Public Holidays.
By-Laws	By-Laws of ATHLETICS NAMIBIA drawn up in terms of Section 14.10 hereof.
Congress	The Congress is defined in Section 8 hereof.
Constitution	The Constitution of ATHLETICS NAMIBIA .
Council	The Council is defined in Section 12 hereof.
Financial Year	The Financial Year of ATHLETICS NAMIBIA extends from 1 October to 30 September of each year.
Founding Members	The Founding members of ATHLETICS NAMIBIA as listed in Section 3 hereof.
Head Quarters	The Head Quarters of ATHLETICS NAMIBIA are situate in Windhoek.
I.A.A.F.	International Association of Athletic Federations.
Member	A Region or Association affiliated to ATHLETICS NAMIBIA in terms of Section 6 hereof
Region	Region means the Political Regions of Namibia as defined in Law.
Rules	The athletic rules of the I. A. A. F

NOTE:-

Where appropriate the masculine gender shall include the feminine, and the singular shall include the plural.

SECTION 3

FOUNDING MEMBERS

ATHLETICS NAMIBIA was founded by the following Members:-

POLICE ATHLETIC CLUB

RÖSSING ATHLETIC CLUB

WELWITSCHIA 77 ATHLETIC CLUB

SECTION 4

4.1 INTERNATIONAL RELATIONSHIPS

ATHLETICS NAMIBIA is affiliated to the IAAF (and through the IAAF to the Confederation of African Athletics). Athletics Namibia recognises, accepts, applies, observes and abides by the current Constitution, Rules and Regulations of the IAAF and the Confederation of African Athletics, as well as any future amendments. This applies especially to the Anti-Doping rules, the handling of disputes, and relations with Athletes Representatives.

Any citizen of Namibia elected to the IAAF Council is *de jure* a member of the Council and/or Executive Body of Athletics Namibia with full voting rights.

4.2 ATHLETICS NAMIBIA has jurisdiction within the borders of Namibia.

4.3 ATHLETICS NAMIBIA is a juristic person, exists independently, may own property in its own name and may conduct juristic acts and legal proceedings in its own name.

SECTION 5

AIMS AND OBJECTS

The aims and objects of ATHLETICS NAMIBIA are:-

- 5.1 To promote the interests of athletics and of athletes and to uphold the rules in respect of the status and competence of athletes to participate under the rules.
- 5.2 To promote, regulate and arrange regional development on the organizational and administrative level of ATHLETICS NAMIBIA.
- 5.3 To strive to ensure that no racial, religious, political or other kind of discrimination be allowed in athletics in Namibia, and to take all practical measures to stop such discrimination.
- 5.4 To strive to secure that there shall be no hindrance to the participation of any country or individual in athletic competitions held under the auspices of ATHLETICS NAMIBIA on racial, religious or political grounds.
- 5.5 To compile and enforce the Rules and Regulations governing competitions of all ages in athletics in Namibia.
- 5.6 To ensure that all contests between Members, including Area and Group Championships, shall be held under the laws and rules of the I.A.A.F.
- 5.7 To affiliate with the I.A.A.F. and/or any other appropriate body.
- 5.8 To provide suitable sites, equipment and other facilities required for the organisation and holding of athletic competitions.

- 5.9 To acquire or alienate necessary fixed and movable assets in a legal manner.
- 5.10 To collect funds for any purposes deemed fit.
- 5.11 To lay down uniform rules and regulations for the control and protection of athletics in Namibia
- 5.12 To investigate any irregularities which may have occurred and which have been submitted to **ATHLETICS NAMIBIA** or have come to its attention and to decide thereon.
- 5.13 To give a hearing to appeals on decisions on Members and to decide thereon.
- 5.14 To declare null and void any athletic competitions in Namibia which are not held in accordance with the rules of **ATHLETICS NAMIBIA**.
- 5.15 To arrange, organise, hold or control athletic competitions up to the level of yearly championships as well as international competitions in Namibia.
- 5.16 To decide on the nature, granting and protection of official colours.
- 5.17 To elect athletes to represent Namibia at international level and organise visits by athletes from foreign countries.
- 5.18 To provide for the training, examination, grading and appointment of qualified officials and trainers.

SECTION 6

MEMBERSHIP

- 6.1 Any Region within the area of jurisdiction of **ATHLETICS NAMIBIA**, which subscribes to the aims and objects of **ATHLETICS NAMIBIA**.

Regions having at least three (3) registered clubs, each with at least ten (10) active licensed athletes, shall be eligible for Membership, provided such Region subjects itself to the Rules and Regulations of **ATHLETICS NAMIBIA**.
- 6.2 Application for Membership by a Region, together with a copy of its current Constitution and Rules, as well as a list of clubs each with at least ten (10) active athletes, who are contemplated to be registered per club, shall be submitted to the Council. The Council can approve, reject, conditionally approve, or defer such applications.
 - 6.2.1 Any new Member to whom Membership has been granted by Council after 31 March 2001 shall be on probation for a period of at least twelve months after the granting of Membership during which period the newly accepted Member must prove, to the satisfaction of **ATHLETICS NAMIBIA**, through active participation in the activities of **ATHLETICS NAMIBIA**, that such membership is justified.
 - 6.2.2 During the period of probation, a newly elected Member shall have no voting powers.
 - 6.2.3 The acceptance of any new Member must be ratified by the Congress.
- 6.3 No Application for Membership shall be considered by the Council unless it is accompanied by the prescribed membership fees.
- 6.4 Membership fees are determined annually by the Congress for the next financial year and must be paid annually in advance not later than the 31 March.

- 6.5 Membership shall be suspended for any period during which a Member is without a constitutionally elected Management Committee, acts unconstitutionally or is in arrears with its membership fees or is in contravention of paragraph 6.2 above.
- 6.6 A suspended Member has no right under the Constitution and may not participate in any competitions of **ATHLETICS NAMIBIA** without the approval of the Council.
- 6.7 Suspension of a Member shall cease as soon as the Member satisfies the Council that the default meant in Section 6.6 has been rectified.
- 6.8 **ASSOCIATE MEMBERSHIP** may be granted by Council upon application by bodies having similar Aims and Objectives as **ATHLETICS NAMIBIA**. **ASSOCIATE MEMBERS** shall not have voting rights but will have the right to be heard at **CONGRESS**. All other rules and regulations are to apply.

SECTION 7

ORGANISATION AND STRUCTURE

The main body of **ATHLETICS NAMIBIA** consists of:-

- 7.1 The Congress;
- 7.2 The Council;
- 7.3 The Executive.

SECTION 8

THE CONGRESS

- 8.1 The Congress is the highest authority of **ATHLETICS NAMIBIA** and shall be held at least once a year during October or November.
- 8.2 The President may, and he must if at least three (3) Members request him in writing to do so, convene a Special Congress. Such Special Congress shall be convened within thirty (30) days after receipt of such request.
- 8.3 The Congress of **ATHLETICS NAMIBIA** shall consist of the Council, Honorary Life Members and no more than two (2) delegates of each Member.
- 8.4 Notice of Congresses:
- 8.4.1 Notice of the date and venue of ordinary Congress shall be given in writing to each Member, Honorary Life member and Council member forty five (45) days before the date of such Congress.
- 8.4.2 Notice of any proposal or motion, which must serve at the Congress, must reach the Secretary of **ATHLETICS NAMIBIA** not later than thirty (30) days before the date of the Congress.
- 8.4.3 The Secretary shall forward the agenda of the Congress to each Member, Honorary Life Member and Council member not later than fourteen (14) days before the Congress.
- 8.4.4 Notice of a Special Congress, which shall be convened by the President, shall be given to each Member, Honorary Life Member and Council member in writing not later than fourteen (14) days before the date of the Special Congress. Such notice shall include the agenda of the Special Congress.

SECTION 9

REPRESENTATION AT CONGRESSES

- 9.1 Only paid up Members and Council members may take part in the proceedings of the Congress. Honorary Life Members and Associate Members have no voting rights but will have the right to be heard at Congress.
- 9.2 Members shall only be represented by delegates.
- 9.3 Members must certify the names of their delegates in writing to the Secretary prior to the commencement of the Congress meeting.
- 9.4 A Member may have no more than two delegates present at the Congress, only one of whom may record votes from that Member.
- 9.5 A delegate shall be a subscribed member of the Member, which he represents.
- 9.6 A delegate may only represent one Member.
- 9.7 A Council member may not represent his own Member at the Congress as a delegate.

SECTION 10

PROCEDURES AT CONGRESSES

- 10.1 The President of **ATHLETICS NAMIBIA** shall act as Chairperson at Congresses and during his absence, the Senior Vice President.
- 10.2 Immediately after the number of Members present has been confirmed, the voting strength shall be announced, and the appointment of scrutineers nominated by Council from the delegates at the Congress shall be approved.
- 10.3 The agenda of the Congress shall be dealt with in the following order:-
 - (i) Welcome;
 - (ii) Reading of the Notice of the Congress;
 - (iii) Reading and approval of the minutes of the previous Congress and any Special Congress which may have been held in the meantime;
 - (iv) Discussion of matters arising from the minutes;
 - (v) Presentation, discussion and acceptance of the annual report of the President;
 - (vi) Presentation, discussion and acceptance of audited Income and Expenditure Statements and Balance Sheet of the previous financial year.
 - (vii) Consideration of honoraria;
 - (viii) Determination of membership fees for the next financial year;
 - (ix) Appointment of auditors for the next financial year;
 - (x) Discussion of any proposed amendments to the Constitution or any proposals or motions of which notice was duly given;
 - (xi) Election of the Council in terms of Section 12 hereof;

- (xii) Appointment of Honorary Life Member and a Patron in terms of Section 22 hereof.
- 10.4 The agenda of a Special Congress shall be dealt with in the following order:-
- (i) Welcome;
 - (ii) Reading of the Notice of the Congress;
 - (iii) Discussion of any matters which have been proposed and of which notice was duly given.
- 10.5 No proposal or amendment on the agenda may be withdrawn without the consent of the Congress. In the event of the absence of the proposer of a proposal or amendment any other delegate shall have the right to open the discussion on the proposal or amendment and for the purpose hereof shall have all rights and privileges of the original proposer.

SECTION 11

VOTING PROCEDURE AT CONGRESSES

- 11.1 Voting takes place by the raising of hands, but by means of secret ballot if
- 11.1.1 two (2) delegates so, request before voting takes place
 - 11.1.2 the President so decides
 - 11.1.3 the President, Vice Presidents, Council members and Chairpersons of Committees are elected.
- 11.2 In the case of an equal vote, the President shall, apart from his own vote, also have a casting vote.
- 11.3 Each Council member shall have one vote, which he may not assign to any other delegate or Council member, provided that no Council member shall have the right to vote when members for the Council are elected.
- 11.4 Each Club within a region “not in good standing” will have one vote, while regions “in good standing” will have three votes at Annual and Special Congresses..
- 11.5 A quorum consists of one half plus one of all possible votes of paid up Members and Council members.
- 11.5.1 If within half an hour after the beginning of a Congress no quorum is present, except in the case of a Special Congress, which was convened at the request of Members, the Congress shall be adjourned to the same day of the following month, which shall be a business day. Delegates and Council members at such meeting shall form a quorum.
 - 11.5.2 In the case of a Special Congress, which was convened at the request of Members, the Special Congress lapses if no quorum is present.

SECTION 12

THE COUNCIL

12.1 The Council consists of-

- (i) President
- (ii) Four (4) Vice Presidents
- (iii) Chairpersons of Committees

The **Officials** Committee, the **Coaching** Committee, the **Technical** Committee, the **Cross** Country Committee, the **Road** Running Committee, the **Junior** Committee, the **Veterans** Committee, the **Financial** Committee, the **Track & Field** and **Organizing** Committee, the **Selection** Committee, the **Development** Committee, the **Women's** Committee, the **Disciplinary** Committee, the **Medical & Doping** Committee and any other Committee appointed by the Congress as necessary.

- (iv) Secretary General

12.2 The Council shall be elected by the Congress every four years.

No Council member may be elected to hold more than one position on Council nor may any Council member serve as an elected executive or council member of any other sport code in Namibia.

12.3 Nominations for the offices of Council members shall be submitted by Members in writing to the secretary not later than thirty (30) days before the date of the Congress. Retiring Council members shall automatically be re-eligible. Associate Members shall not be eligible for nomination to the Council.

12.4 Each person nominated for any office on the Council must accept his nomination in writing before the Congress takes place at which the election shall be held. Retiring Council members are exempted from this regulation.

12.5 The election shall be held in the following order:-

- (i) President
- (ii) Four (4) Vice presidents

All ballot papers to be valid must register votes for four (4) candidates, no more and no less.

- (iii) Chairpersons of Committees in terms of Section 12.1 (iii) hereof.

- (iv) Secretary General

12.6 If at the time of an election there are fewer candidates than there are vacancies, the President may invite Members at the Congress to submit further nominations.

- 12.7 Any unsuccessful candidate for any position may, if also so nominated, be included in a subsequent ballot for any other position.
- 12.8 At its first meeting, the Council shall nominate one of the Vice presidents as Senior Vice president for the purpose of presiding over the Council in the absence of the President.
- 12.9 In the event of a vacancy arising in the office of the President, the Senior Vice President shall act in that capacity until the Council shall appoint one of the Vice Presidents as President to act for the remaining term of office.
- 12.10 In the event of a vacancy arising in the office of a Vice President, a new Vice president shall be elected at the following Council meeting from serving members.
- 12.11 The Council shall regularly meet under the Chairpersonship of the President, or in his absence, the Senior Vice President. When both the president and the Senior Vice President are absent at such meeting, another Vice president shall act as Chairperson.
- 12.12 The President may convene a Council meeting when he deems necessary.
- 12.13 The Secretary shall give at least seven (7) days written notice of Council meetings to all Council members. An agenda for the meeting to be held and the minutes of the previous meeting must accompany such notice.
- 12.14 Each Council member has one vote and the President, apart from his own vote, also has a casting vote.
- 12.15 One half plus one of the Council members form a quorum and if no quorum is present within half an hour of the beginning of the meeting, the meeting shall be adjourned to a date determined by the President or Vice president, at which meeting the members present shall form a quorum.
- 12.16 Vacancies in the Council – except for the offices of President and Vice Presidents – shall be elected at the next Congress.

SECTION 13

COMMITTEES

- 13.1 Committee members shall be elected biennially by the Executive upon recommendation of the Chairperson of the various Committees which recommendation shall be submitted in writing to the Secretary within fourteen (14) days after the election of the Chairman.
- 13.2 The President or a Vice president appointed by the President shall be an ex-officio member of all Committees.
- 13.3 There shall be at least the following Committees:-
 - 13.3.1 ***Officials Committee*** – The Officials Committee to whom all questions concerning the training and examination of Athletics Officials shall be referred shall consist of a Chairperson and at least two (2) individuals.
 - 13.3.2 ***Coaching Committee*** – The Coaching Committee to whom all questions concerning the training and examination of Athletic Coaches as well as the arranging of coaching clinics and courses shall be referred, shall consist of a Chairperson and at least two (2) individuals.
 - 13.3.3 ***Technical Committee*** – The Technical Committee to whom all by-laws of **ATHLETICS NAMIBIA** shall be referred, shall consist of a Chairperson and at least four (4) individuals representing the four codes of athletics (Track & Field, Road Running, Cross Country and Mountain Running).

- 13.3.4 **Cross Country Committee** – The Cross Country Committee, to whom all questions regarding cross country shall be referred, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.5 **Road Running Committee** – The Road Running Committee to whom all questions regarding road running shall be referred, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.6 **Junior Committee** – The Junior Committee, to whom all questions concerning junior athletics shall be referred, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.7 **Veterans' Committee** – The Veterans' Committee, to whom all questions concerning Veterans' athletics shall be referred, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.8 **Track & Field and Organizing Committee** – The Track & Field and Organizing Committee, to whom all questions concerning the organisation and presentation of athletic competitions and apparatus of **ATHLETICS NAMIBIA** shall be referred, shall consist of a Chairperson and at least four (4) individuals.
- 13.3.9 **Selection Committee** – The Selection Committee, in whom the records and statistics of **ATHLETICS NAMIBIA** are vested, and to whom all questions concerning the selection of teams to represent **ATHLETICS NAMIBIA** at international meetings and the granting of Official colours shall be referred, shall consist of a Chairperson and at least four (4) individuals one of whom must be the chairman of the relative committee (cross country, track & field, road running, veterans, juniors, etc.).
- 13.3.9 **Development Committee** - The Development Committee, to whom all questions concerning the development of athletics shall be referred, shall consist of a Chairperson and at least four (4) individuals representing the four areas as designated by **ATHLETICS NAMIBIA**.
- 13.3.10 **Financial Committee** - The Financial Committee, to whom all questions concerning the finances of **ATHLETICS NAMIBIA** shall be referred, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.11 **Women's Committee** – The Women's Committee, to whom all questions concerning the development of Women in Athletics, both as active athletes and as officials and administrators, shall consist of a Chairperson and at least two (2) individuals.
- 13.3.12 **Medical & Doping Committee** – The Medical & Doping Committee, to whom all questions concerning the Medical & Doping shall be referred, shall consist of a chairperson and at least two (2) individuals.
- 13.3.13 **Disciplinary Committee** - The Disciplinary Committee, to whom all questions concerning the disciplinary code shall be referred, shall consist of a chairperson and at least two (2) individuals.
- 13.4 Subject to the approval of the Executive any vacancy on a Committee shall be filled by the Chairperson thereof by way of co-option for the remaining term of office.
- 13.4 All Committees shall meet on a regular basis and written minutes of such meetings shall be submitted to the Council for approval.

SECTION 14

RIGHTS AND DUTIES OF THE COUNCIL

Apart from the rights and duties granted to the Council elsewhere in the Constitution, the following duties and powers are also vested in the Council:-

- 14.1 to investigate and discuss any violation or breach of regulations of the Constitution and to deal with such violations or breaches in its discretion;
- 14.2 to do everything desirable for the management of **ATHLETICS NAMIBIA** and its affairs in accordance with the aims and objects and subject to the regulations of the Constitution and mandates of **ATHLETICS NAMIBIA**;
- 14.3 to borrow money with the necessary guarantees for such purpose as **ATHLETICS NAMIBIA** may decide;
- 14.4 to acquire, alienate or preserve fixed or movable property in the name of **ATHLETICS NAMIBIA**;
- 14.5 to invest and/or advance moneys on fixed property against security of a first mortgage;
- 14.6 to borrow and obtain money against security of **ATHLETICS NAMIBIA's** fixed property or otherwise;
- 14.7 to open current and/or savings accounts in the name of **ATHLETICS NAMIBIA** and draw, receive and endorse cheques, bills and promissory notes in respect of **ATHLETICS NAMIBIA's** financial affairs;
- 14.8 to nominate and appoint delegates to attend meetings of the I. A. A. F. or any other body to which **ATHLETICS NAMIBIA** has been affiliated in accordance with the rules of the I. A. A. F. or such other body;
- 14.9 to fill vacancies on the Council, except those of the President and Vice-presidents, by means of co-option;
- 14.10 to make, alter and revoke such By-Laws as may be necessary for the proper management of **ATHLETICS NAMIBIA's** affairs, provided that proper notice shall be given in the agenda of any proposed amendment or revocation of a By-Law;
- 14.11 to instigate or defend any legal proceedings in the name of **ATHLETICS NAMIBIA**;
- 14.12 to appoint Sub-Committees for the performance of certain duties, including the appointment of ad-hoc Committees in respect of specific instructions and to receive and deal with the reports of such Committees;
- 14.13 to receive and decide on appeals against decisions on Members or athletes and/or office bearers;
- 14.14 to either temporarily or permanently suspend or otherwise deal with a Member or its members or any office bearer, coach or official who infringes the Constitution or Bye-Law or who according to the Council is guilty of conduct which is in conflict with the general spirit of **ATHLETICS NAMIBIA** and to make recommendations and/or terms for the repeal of such suspension;
- 14.15 to make recommendations in respect of the nomination of Honorary Life Members to the Congress in terms of Section 22 hereof;
- 14.16 to receive and approve applications for affiliation by Members subject to Section 6 hereof;

- 14.17 to affiliate to any institution or body which may promote the interests of **ATHLETICS NAMIBIA** and the aims and objects of which are not in conflict with the aims and objects of **ATHLETICS NAMIBIA**;
- 14.18 to employ and dismiss employees, to decide on the salaries of such employees and to pay these salaries;
- 14.19 to employ a Secretary and/or Treasurer against remuneration on the basis as stipulated in Section 16 hereof;
- 14.20 to notify Members of the imposition of any penalties by either Congress or Council;
- 14.21 to maintain a register of National records;
- 14.22 to promote a Development Programme for athletics in all its facets in Namibia;
- 14.23 to decide on dates and venues for competitions directly organised by **ATHLETICS NAMIBIA**;
- 14.24 to approve the nomination of athletes by the Selection Committee for national representation;
- 14.25 to assign signing powers to such persons as deemed fit to sign all cheques and other documents of a financial nature in the name of **ATHLETICS NAMIBIA**;
- 14.26 to do everything which may be in the interests of **ATHLETICS NAMIBIA** and to delegate any power, right or function,

SECTION 15

THE EXECUTIVE

- 15.1 The Executive consists of:-
 - (i) the President;
 - (ii) four (4) Vice presidents who will represent the Central, Southern, Northern and Western Areas as designated by **ATHLETICS NAMIBIA** from time to time;
 - (iii) the Secretary General;
 - (iv) Not more than three (3) additional members who shall be appointed at the first Council meeting following the Congress from Council members.
- 15.2 One half plus one of the members of the Executive form a quorum.
- 15.3 Minutes are held of each Executive meeting and are tabled at the next Council meeting.
- 15.4 The Executive shall have the following rights and powers:-
 - 15.4.1 to attend to urgent matters arising between Council meetings;
 - 15.4.2 to attend to matters which are directly delegated to the executive by Council;
 - 15.4.3 to take decisions on behalf of Council on matters referred to the Executive by the various Committees with regard to the practical administration of athletics.
- 15.5 All duties performed by the executive between Council meetings except for matters specifically delegated to the Executive, shall have to be approved by Council at the following Council meeting.

SECTION 16

SECRETARY AND TREASURER

- 16.1 The Secretary and Treasurer shall be appointed by Council.
- 16.2 The duties of the Secretary and Treasurer shall be assigned by Council but shall entail at least the following:-

The Secretary:-

- 16.2.1 is directly responsible to the president;
- 16.2.2 is responsible for all correspondence of **ATHLETICS NAMIBIA**;
- 16.2.3 shall keep proper written minutes of all Congress, Council and Executive meetings;
- 16.2.4 must give proper notice of all meetings as stipulated in this Constitution and in the Bye-Laws;
- 16.2.5 is responsible for the safekeeping of all books, documents and records of **ATHLETICS NAMIBIA**;

The Treasurer:-

- 16.2.6 is responsible to the Financial Committee;
- 16.2.7 shall receive, handle and bank all moneys of **ATHLETICS NAMIBIA** either into a cheque or savings account as may be decided by the Council and must make such payments as the Council authorises or decides;
- 16.2.8 shall keep proper books of all income and expenditure and must annually at least twenty one (21) days before the Congress submit audited statements to the Financial Committee which statements shall be presented to Congress;
- 16.2.9 is responsible for compiling any other financial statements or documents in the name of **ATHLETICS NAMIBIA**, which may be required.

SECTION 17

REGISTRATION OF COLOURS OF AFFILIATED MEMBERS

- 17.1 Each affiliated Member as well as its members must apply for registration of its colours with **ATHLETICS NAMIBIA**.
- 17.2 No colours, which may cause confusion with the colours already registered by another Member, shall be registered.

SECTION 18

RECORDS

- 18.1 All national records must be recorded on the official record form of **ATHLETICS NAMIBIA**, and must be submitted to the Secretary within fourteen (14) days after the date of the competition at which the record was set, together with a certified copy of the complete results of the event and a printed copy of the programme of the competition.
- 18.2 National records shall be approved by the Council upon recommendation of the Selection Committee.

- 18.3 Only those national records which appear in the official register of records of **ATHLETICS NAMIBIA** shall be recognized as national records of Namibia

SECTION 19

COLOURS OF ATHLETICS NAMIBIA

- 19.1 The colours of **ATHLETICS NAMIBIA** shall be blue and red.

SECTION 20

AWARDING OF COLOURS

- 24.1 The colours of **ATHLETICS NAMIBIA** shall be awarded to athletes and officials who have been chosen to represent **ATHLETICS NAMIBIA** at competitions.

SECTION 21

LIABILITY OF THE UNION

- 21.1 The **UNION** shall not be liable for any injuries whatsoever incurred by any participant, spectator, official or any other person during any activities of **ATHLETICS NAMIBIA**.

SECTION 22

HONORARY LIFE MEMBERS AND PATRON

- 22.1 Honorary Life members may be elected at a Congress after they have been recommended by the Council and provided that such candidates receive at least seventy five percent (75%) of the representative vote.
- 22.2 Honorary Life Members are entitled to the badge of **ATHLETICS NAMIBIA**, which shall be encircled by a laurel crown with the addition of the words "**HONOROS CAUSA**" underneath.
- 22.3 A Patron for **ATHLETICS NAMIBIA** *shall* be appointed yearly at the Congress.

SECTION 23

AMENDMENTS TO THE CONSTITUTION

- 23.1 The Constitution can only be amended at a Congress or a Special Congress specially convened for this purpose.
- 23.2 Notice of any proposed amendment shall be given in accordance with the prescribed procedure as stipulated in Section 8 hereof.
- 23.3 The notice must explicitly indicate which Section of the Constitution must be amended and must also explicitly indicate what must be omitted or added.
- 23.4 **The Constitution can only be amended by two thirds majority of the votes present.**
- 23.5 Any amendment of the Constitution becomes immediately effective unless otherwise determined.

SECTION 24

DISSOLUTION

- 24.2 **ATHLETICS NAMIBIA** can only be dissolved if at a Special Congress specially convened for such purpose, a two thirds majority of the voting power of Members should so decide, provided that no Council member shall have a vote in this regard.

- 24.3 In the event of the dissolution of **ATHLETICS NAMIBIA** all assets of **ATHLETICS NAMIBIA** remaining after all debts and liabilities of **ATHLETICS NAMIBIA** have been settled shall be transferred to and become the property of a governing body which controls athletics in this country and which complies to the requirements of the I. A. A. F.

SECTION 25

REGIONAL CONSTITUTIONS

Present members of **ATHLETICS NAMIBIA** shall be actively involved in the establishment of Regional Associations, including the drafting of the Regional Constitutions. A consensus vote is required to adopt any Constitution.

This Section shall lapse after the election of Council members in terms of this amended Constitution

BY-LAWS TO THE CONSTITUTION OF ATHLETICS NAMIBIA

(In terms of Section 14.10 of the Constitution of Athletics Namibia)

BY-LAW 1

DOPING CONTROL

- 1.1 Athletics Namibia shall conduct, in accordance with the rules, regulations and procedures of the International Amateur Athletic Federation (IAAF), out-of-competition doping control during each calendar year, a report of which shall be submitted annually to the IAAF and the Namibia National Olympic Committee (NNOC) and the Namibia Sport Commission (NSC)..

- 1.2 Athletics Namibia shall permit the IAAF and the NNOC and NSC to conduct arbitrary doping control at all Namibian Championships or any similar meeting.

- 1.3 Athletics Namibia shall permit the IAAF and the NNOC and NSC to conduct out-of-competition doping control (including Challenge testing) on Athletics Namibia's athletes.

- 1.4 In the event of an athlete found to be tested positive, the Federation shall act in accordance with the Rules of the IAAF regarding Disciplinary Procedures, Sanctions and Recognition (IAAF Rules 59, 60 and 61).

BY-LAW 2

ASSISTANCE TO COACHES

- 2.1 Athletics Namibia shall, from time to time, assist promising coaches to further extend their knowledge and expertise by way of financial and technical assistance to attend courses on coaching within the borders of Namibia, in Africa or abroad.
- 2.2 Coaches shall be nominated by their respective Regions as well as Athletics Namibia for further development. The final selection of coaches vests with Athletics Namibia.
- 2.3 Any coach selected for further development shall, before departure, enter into an agreement, in writing, committing him/herself to voluntary part-time coaching athletics for a period of five (5) years after return.



BY-LAW 3

ATHLETICS NAMIBIA

CODE OF DISCIPLINE

1. Authority of Athletics Namibia

The Constitution of Athletics Namibia provides in Clause 14 (1) and 14 (2) that the Federation shall:

- “Investigate and discuss any violation or breach of regulations of the Constitution and to deal with such violations or breaches in its discretion;
- “to do everything desirable for the management of **ATHLETICS NAMIBIA** and its affairs in accordance with the aims and objects and subject to the regulations of the Constitution and mandates of **ATHLETICS NAMIBIA**;
- “receive and decide on appeals against decisions on Members or athletes and/or office bearers,
- “either temporarily or permanently suspend or otherwise deal with a Member or its members or any office bearer, coach or official who infringes the Constitution or Bye-Law or who according to the Council is guilty of conduct which is in conflict with the general spirit of **ATHLETICS NAMIBIA** and to make recommendations and/or terms for the repeal of such suspension.

2. Role of Athletics Namibia

(a) Doping

By virtue of its By-Law 1, **ATHLETICS NAMIBIA** is responsible for anti-doping policy and its enforcement. It follows that any offence, or alleged offence, which involves doping shall be referred immediately to **ATHLETICS NAMIBIA** and will not fall within the jurisdiction of the Regions or that of any of its constituent members.

(b) Other Disputes

If it so decides, the Executive Board of **ATHLETICS NAMIBIA** is entitled to act as the final Arbiter in relation to any dispute that may be referred to it by Regions of **ATHLETICS NAMIBIA**

(c) Clubs

The Constitution of **ATHLETICS NAMIBIA** recognizes only those clubs and organizations that are Affiliated or Associate Members of a Regional Association. **ATHLETICS NAMIBIA** has the right to withdraw or cancel an Affiliated or Associate Membership by a majority vote of its Executive Board if, after investigation, the Executive Board is of the opinion that this is in the interests of **ATHLETICS NAMIBIA** (Clause 6.5).

3. Procedure

(a) Responsibility of the Officers of **ATHLETICS NAMIBIA**

The Officers of **ATHLETICS NAMIBIA** shall have responsibility for the management of disciplinary Investigations and Hearings in accordance with the procedures set down in this Code. This responsibility shall extend to making every reasonable effort, both individually and collectively, to select Investigators and Disciplinary Panel members who at times may be expected to operate this Code in a fair and impartial manner solely on the basis of the evidence submitted. In the interests of dealing with these matters with the minimum of delay, and with a view to minimizing the cost for all concerned, **ATHLETICS NAMIBIA** may, in its absolute discretion, delegate an Investigation or Hearing to the appropriate Region. This course of action will be particularly suitable if the case is of a domestic nature within a Region.

(b) Action on the receipt of a Complaint - Investigation

If a complaint is made to **ATHLETICS NAMIBIA** about an alleged irregularity, or a matter of concern, or a decision taken which appears to be contrary to the Constitution or interests of **ATHLETICS NAMIBIA**, its constituent Members, Clubs and Associates, or athletics in Namibia generally, including negative press reports, the President/Chairman of the Association, hereby appoints the Secretary General to investigate whether, in the first instance, there is a case to answer. In the interests of impartiality, the Secretary General shall not have had any involvement whatsoever in the matter that has given rise to the complaint.

The Secretary General of **ATHLETICS NAMIBIA**, or his nominee, shall write by recorded delivery post to the person or body that is the subject of the complaint, indicating the allegations. The Secretary General shall take such steps as he/she thinks appropriate to ensure that the body or individual concerned is informed of the evidence against it or him and has the opportunity to respond to the allegations and evidence before any report of the investigation is completed. Any response must (unless the Investigator decided otherwise) be in writing. The Secretary General shall have authority to make informal enquiries and, if necessary, to receive written evidence in order to make a recommendation to the Executive Board. In making these enquiries he/she shall advise all persons whom they involve that any evidence that is relevant may be submitted later to a Disciplinary Hearing.

(c) Investigation Report

The Secretary General shall submit his/her report and recommendation to the Executive Board within 30 days of the complaint having been received by **ATHLETICS NAMIBIA**. This report should simply state

- (I) whether there is a case to answer, and, if so,
- (II) whether the Hearing should be held by Athletics Namibia or delegated to a Region.

If there is no case to answer, the Secretary General shall ensure that this decision shall be notified in writing to those persons who have initiated the complaint, all those who have been contacted for evidence and the Region and any other body concerned.

If a Hearing by a Region has been recommended, the Executive shall notify the Region accordingly so that a Hearing can be held as soon as possible and in accordance with the approved and published procedure of the appropriate body. All details and papers relating to the case shall be

forwarded for action with a requirement that a written report of the Hearing together with a copy of the notification of the result to the parties involved shall be submitted to **ATHLETICS NAMIBIA** within ten working days of the decision being reached. The Executive of the Region (or its equivalent) shall be responsible for confirming any disciplinary action.

(d) Hearing by **ATHLETICS NAMIBIA** - the Disciplinary Panel

If a Hearing by **ATHLETICS NAMIBIA** has been recommended by the Secretary General, the Executive shall appoint a Disciplinary Panel of three members. These members shall be drawn from the Officers of the Federation, members of the Executive and members of the Council save that the Investigator shall not be eligible for this panel. The Panel must include in its number at least one Officer together with at least one but not more than two members of Council who are not also members of the Executive. One of the three persons selected shall be nominated as Chairman by the Executive.

In addition, if the Executive is of the opinion that the nature of the case would justify the availability of specialist expertise, then it may appoint up to two people as co-opted members of the Panel. These individuals may or may not be involved in the sport of athletics but will be accepted as well-versed in the issue being considered. The co-opted individuals shall not be entitled to a vote during any part of the proceedings.

In the interests of fairness and impartiality none of the members of the Panel, including a co-opted member, if any, shall have been directly involved in the matter being heard.

(e) Procedure of the Disciplinary Panel

In all cases the Panel shall ensure that the body or individuals who are the subject of the allegations are given full details of the matter in dispute in writing and by recorded delivery post. It shall also arrange to:

- (i) require that this letter be acknowledged in writing by recorded delivery post by the body or individuals concerned within ten working days;
- (ii) provide a list of the members of the Panel;
- (iii) require that the letter of acknowledgement, which must be sent by recorded delivery post, states if the body or individuals has any objection, for good cause, to any of the Panel members;
- (iv) seek clarification of any matter that has previously been raised;
- (v) seek the names of individuals and representatives of Clubs or Associations who will attend;
- (vi) advise that the body or individuals concerned may be accompanied by a colleague or some other person who must be named.

Similarly, any witnesses or representatives of Clubs or Associations who will be attending to support the case against the body or individuals will be provided with full details of the matter in dispute, and asked if they have any matters which they require clarifying, and whether there are any other witnesses whom they intend to call whose names must be notified at this stage. Members of the Panel will be sent copies of the above correspondence and, together with all the other parties to the dispute, advised that fifteen days notice of the date, time and place of the Hearing will be given as soon as all the papers and other details are available for the Panel.

A Panel is authorized to require the attendance of any person or persons who may be able to provide expert evidence or assistance to the Panel in reaching its decision. These persons shall be deemed to be in attendance and shall not have membership of the Panel.

The President/Chairman of **ATHLETICS NAMIBIA** shall nominate a member of the Council to be in attendance in order to act as Secretary at the Hearing but he or she shall not be a member of the Panel.

(f) The Hearing

At a Hearing, persons appearing before the Panel must be informed at the outset that:

- (i) the proceedings are the result of an Investigation undertaken by Athletics Namibia;
- (ii) the reasons for the Hearing, namely the allegations or matters in dispute;
- (iii) the findings may lead to disciplinary measures if appropriate in the view of the Panel.

The arrangements for and conduct of the Hearing shall be decided by the Panel. If for any reason matters of this nature need to be dealt with as a matter of urgency, the President/Chairman may settle them without referring to the other members of the Panel. Unless the Panel otherwise directs at the Hearing normally proceedings shall involve the presentation of the matters in dispute by the complaining party or of allegations of misconduct by the person or body who has raised them, together with supporting evidence, both written and oral. Witnesses in support of this evidence may be called. The Panel members and the body or individuals concerned shall have the opportunity to put questions at this point.

The other side shall then present its case, supported in similar fashion, and be subjected to questioning in the same way. Both sides shall then be invited to summarize their case in turn. Note: This procedure may be varied by the Chairman of the Panel in his absolute discretion if, after discussion with the other parties he is of the opinion that such change would assist the Hearing process in a fair and impartial way. The Panel shall then retire to consider its verdict. The decision of the Panel shall be issued in writing by recorded delivery post to the parties concerned and also to the Region involved not more than ten working days from the date of the Hearing. The decision shall be accompanied by details of any disciplinary action that has been agreed by the Panel. This may consist of:

- (i) a reprimand to the offender(s), with or without a written warning as to future conduct;
- (ii) a severe reprimand with a final and written warning as to future conduct;
- (iii) suspension or disqualification of an offending Region, Club or individual or organization from Athletic competition, coaching or administration for a specified period;
- (iv) suspension or expulsion of an individual, Club or organization from Athletics Namibia for a specified period.

Any suspension, disqualification or expulsion shall normally run with immediate effect from the date of notification.

Any other parties affected by the decision of the Panel shall be notified of the decision in addition to those listed above.

(g) Appeal

The letter notifying the decision of the Panel shall also set out the right to Appeal. Any individual, Club or organization wishing to lodge an Appeal must do so within **fourteen working days** of receiving the written decision. The letter appealing against the decision must be sent by recorded delivery post to the offices of **ATHLETICS NAMIBIA** and must state the grounds on which the verdict of the Panel is challenged which will normally be restricted to one or more of the following reasons:

- (i) excessive nature of a penalty;
- (ii) unfair conduct of the proceedings that have broken the rules of natural justice;

(iii) new evidence that might affect the decision that has been taken.

ATHLETICS NAMIBIA shall acknowledge a letter of Appeal within ten working days of its receipt and shall establish an Appeal Panel within a further ten working days. The Appeal Panel shall not include among its members any persons who have been involved directly either in the events giving rise to the Hearing or in the Hearing itself, but shall consist of three members selected by the Executive from a List of Adjudicators, one of whom will be nominated by the Executive as the Chairman of the Appeal Panel. In addition, the Executive may also appoint co-opted members as described in 3(d) above who will have no vote. The List of Adjudicators will consist of four individuals selected by the Executive from each of the Regions who will nominate candidates. This List will be reviewed not less than annually at the first meeting of the Executive after the Annual General Meeting and on other occasions if the need arises. A person appointed to the List of Adjudicators may at any time resign or be removed for good cause by the Executive. No person who is a member of the Executive or the Council shall be an Adjudicator save that a person appointed to the Executive or elected to the Council when already an Adjudicator shall not automatically be required to resign as an Adjudicator (but may do so if he so wishes) if the Hearing or an Appeal for which he has previously been appointed an Adjudicator has commenced but shall continue with the Hearing of this particular case until it has been completed and a decision reached by the Appeal Panel.

The Executive shall select the members of the Appeal Panel from the List of Adjudicators having regard to fairness and impartiality. For example, an Appeal relating to a specific Region or Regions would not be referred to an Appeal Panel including Adjudicators selected from that Region or those Regions. The Appellant shall be notified of the membership of the Appeal Panel and required to acknowledge that he or she has no objection to any of the members, as described in Clause 3 (e) above. The Appellant shall be notified of the date, time and place of the Appeal Hearing with not less than fifteen working days notice after all papers have been received and the names of any witnesses and copies of any written evidence exchanged by both sides. He or she may be accompanied by a colleague.

At the Appeal Hearing the Appellant shall state his or her case supported by such Witness(es) that he or she may call and the written evidence which he or she wishes to present. The Appellant may then be questioned by the Panel who may also hear Witness(es) and receive written evidence that supports the original finding. The Appeal Panel shall retire to consider its verdict which may either quash the original decision, or abate the penalty, or order that the case be re-heard, or confirm the original findings.

The decision of the Appeal Panel shall be issued in writing by recorded delivery post to the parties concerned and also to the Territory involved not more than ten working days after the Appeal has been heard. The letter shall also state any change in the disciplinary action agreed at the original Hearing but such change may only reduce, and not increase, the original penalty. There shall be no right of Appeal from the decision of an Appeal Hearing of **ATHLETICS NAMIBIA** in cases first heard in the Regions but where a case has initially been the subject of a Hearing of **ATHLETICS NAMIBIA** and then an Appeal to **ATHLETICS NAMIBIA** there shall be a right of Appeal to the Namibia Sports Commission. In the event that the Executive Board of the Namibia Sports Commission declines to act as Arbiter the decision of **ATHLETICS NAMIBIA** shall stand.

(g) Records of Hearings and Appeals

The decisions of all Athletics Namibia Disciplinary Panels and Appeal Panels shall be recorded and retained in confidential records of the Federation for a period of time specified by the Panel that shall **not be less than ten years**. Supporting documentation shall also be retained in the same fashion.

(j) Co-operation of Defendants

The procedures described in this code assume that the defendant will co-operate in the interest of resolving the issue in question. In the absence of such co-operation, or if it is withdrawn at any stage, **ATHLETICS NAMIBIA** reserves the right to proceed with a Hearing or an Appeal based on such evidence and information as it is able to obtain.

4. The Regions

The Regions will, from time to time, receive directly complaints and allegations which merit investigation, together with cases referred to them by **ATHLETICS NAMIBIA**. Current practice in disciplinary matters in other fields sets considerable store on procedures being transparent, impartial and well publicized. It is important that each of the Regions has in place an official disciplinary procedure that is complementary to that of **ATHLETICS NAMIBIA** and that reliance is not placed on ad hoc measures. The Regions should adopt similar procedures to those of the Association featuring inter-locking arrangements for receiving cases from **ATHLETICS NAMIBIA** where that body finds it appropriate, and powers to refer cases of major significance to Athletics Namibia. Suitable appeal structures will also be necessary.

5. Confidentiality

All those involved in whatever role in the disciplinary procedures of **ATHLETICS NAMIBIA** shall treat the matters under consideration as confidential at all times. All papers shall be marked 'Confidential' accordingly.

Nothing in the requirement shall, however, prevent **ATHLETICS NAMIBIA** from disclosing the outcome of a disciplinary hearing to the other national and regional associations within Namibia to the Namibia Sports Commission and, where applicable, to the IAAF.

6. General

This Code is applicable to cases of alleged misconduct whether by individuals, Clubs, an Association or any other body within the jurisdiction of **ATHLETICS NAMIBIA**. It is not, however, applicable to paid employees whilst carrying out their duties for the Federation under the terms of their employment: in these cases the Terms and Conditions of their employment will apply. It is important in all cases that the procedures outlined are adhered to so as to minimize the possibility of the result of a Hearing or Appeal being challenged successfully on procedural grounds.