



## **CONSTITUTION**

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## **DEFINITIONS**

For the present Constitution and of the related legal instruments, the terms herein used have the following meaning, unless otherwise stipulated in the text:

### **“Academy”**

Any independent sport academy affiliated to the NVF through a regional association.

### **“Board of Administration”**

The Board of Administration of the NVF, the body responsible for the administration and management of the NVF. It is composed of the Council and the Executive Committee

### **“Club”**

Any independent volleyball club, or the volleyball sub-section of a general sports club, institution or organisation affiliated to a regional association.

### **“Commission”**

A permanent working group of specialists appointed by the Board of Administration with the responsibility of fulfilling certain duties as defined by the General Regulations.

### **“Committee”**

A permanent working group of specialists appointed by the Board of Administration with the responsibility of fulfilling certain duties as defined by the General Regulations.

### **“Congress”**

The assembly of all affiliated associations, in good order with the NVF, duly and statutorily convened by the competent authority. The Congress constitutes the supreme governing institution of the NVF.

### **“Constitution”**

The Constitution of the Namibian Volleyball Federation.

### **“Council”**

The Council of the NVF, the governing body responsible for the management of the NVF. It is composed of the all Regional Association Chairpersons.

### **“Department”**

A permanent working group of specialists appointed by the Board of Administration with the responsibility of fulfilling operational duties as defined by the General Regulations and decisive competence within their area of authority and subject to the guidelines and decisions of the Board of Administration and Executive Committee.

**“Executive”**

The powers vested by this Constitution and the Congress in both the Executive Committee, when in session, and the President, outside the sessions of the Executive Committee.

**“Executive Committee”**

The Executive Committee of the NVF, the Governing institution responsible for the execution of the decisions of the NVF Board of Administration and Congress. It is composed of **six (6) members of which only three (3) (President, 1<sup>st</sup> Vice-President and 2<sup>nd</sup> Vice-President) are elected.**

**“Federation”**

The Namibian Volleyball Federation also referred to as NVF.

**“FIVB”**

The International Volleyball Federation, an international non-governmental non-profit organization, composed of its affiliated National Federations which have freely and voluntarily joined it to administer and govern worldwide the sport of Volleyball and all its disciplines (including notably Beach Volleyball and Park Volleyball) for male and female players.

**“General Regulations”**

The document setting out certain rules and regulations governing the NVF, its governing and supporting institutions and the members thereof.

**“Governing institution”**

An institution of the NVF with specific responsibilities and decisive competence in the conduct of the affairs of the NVF.

**“Member”**

Any club/**team, academy** or individual (including players) affiliated to a regional association.

**“National Federation (NF)”**

The national body legally recognised in their country or territory as the sole national body authorized to administer and govern all forms of Volleyball, structured and organised according to the spirit and provision of the FIVB Constitution.

**“NVF”**

The Namibian Volleyball Federation also referred to as Federation.

**“NVF Management”**

Members of the Board of Administration, Directors of Departments and Head of Committees.

### **“NVF Technical Committee”**

The NVF Technical Committee is the advisory committee of both the Council and the Executive on technical matters, it comprised of Directors of Departments and Heads of other Committees

### **“NVF Staff members”**

Any member appointed by the Board of Administration as a volunteer or any person so appointed and remunerated for their services within any office, Department and Committee.

### **“Secretary-General”**

An Ex-Officio of the Executive Committees who is a not voting member at Executive Committee meetings (resolutions), neither at any AGM/Congress. He/she is the principal members that have the authority to run (make decisions) of the day to day activity of the federation and appointed on contract based on his/her expertise.

### **“Technical Director”**

A person appointed on contract based on his/her expertise to guide the federation on the technical aspect of its affairs. He/she is an Executive Committee member with voting power at Executive Committee Meetings and any AGM/Congress.

### **“Treasurer”**

An Accounting Officer of the Federation appointed on contract based on his/her expertise in financial management. He/she is an Executive Committee member with voting power at Executive Committee Meetings and any AGM/Congress.

### **“Sports Regulations”**

The document setting out rules and regulations governing the sport of Volleyball in Namibia.

### **“Supporting institution”**

An institution of the NVF with an advising, counselling, controlling or guiding role in the affairs of the NVF.

### **“Volleyball”**

A sport played between two or more players of two teams, throwing to each other, over a net, a ball which should not touch the ground. The term “Volleyball” is meant to include all forms of the sport (notably Beach Volleyball and Park Volleyball), played in all parts of the world at all levels of competition by male and female players, whether played indoor or outdoor, or on a hard, soft or sandy surface.

### **“Regional Associations”**

A supporting institution, affiliated to the NVF, which governs the sport of Volleyball in a specific **geographical area** in Namibia



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## **I. GENERAL PROVISIONS/FOUNDING PROVISIONS**

### **ARTICLE 1**

#### **1. NAME, OFFICES, LEGAL STATUS**

- 1.1 The Namibian Volleyball Federation (NVF) has been established under the guidelines laid down by the Fédération Internationale de Volleyball (FIVB) and Namibian Sports Commission (NSC) Act.
- 1.2 The Namibian Volleyball Federation (NVF) is the national body legally recognised in Namibia as the sole national body authorized to administer and govern all forms of Volleyball, structured and organised according to the spirit and provision of the FIVB Constitution.
- 1.3 **The NVF is a non-governmental and non-profit organisation of unlimited duration which exercises its jurisdiction on the territory of Namibia.**
- 1.4 The NVF Office is situated in Windhoek at Katutura Youth Complex stadium behind the pavilion on the first floor.
- 1.5 In the event of a dispute arising as to the meaning or interpretation of any clause, sub-clause, word or words in this constitution, the decision of the Board of Administration shall be binding as to that meaning or interpretation, provided that such decision does not conflict with the constitution, regulations, Code of Conducts, rules for debate or policy of the NVF or the Namibia Sports Commission or the FIVB or any other body to which the NVF is affiliated.
- 1.6 Under its legal powers, the NVF declares that the FIVB constitution, Code of conduct, rules, regulations and decisions are considered as part of its constitution and they are to be compulsorily respected by the NVF, by all its members and by third parties involved in volleyball matters except as otherwise authorised by the FIVB.
- 1.7 The NVF shall be a juristic person independent of its members capable in law of suing and being sued in its name and shall have the power of purchasing or in any other manner acquiring, holding, hiring, letting, selling, exchanging or otherwise alienating any movable or immovable property; of granting any person a real right in, or servitude on its property and of investing, lending or borrowing money.
- 1.8 The NVF may receive money or property by way of grant, donation, sponsorship, bequest or in trust and may control, use or administer it

subject to conditions, if any, of such grant, donation, sponsorship, bequest or trust which are consistent with the aims of the NVF.

## **ARTICLE 2**

### **2. OBJECTIVES**

2.1 The NVF shall encourage the development and growth of the sport of Volleyball in all of its forms nation-wide and promote the establishment of Regional Associations. The NVF shall promote, coordinate, communicate, regulate, organise, supervise, control, manage and govern the sport of Volleyball at all levels throughout Namibia. In particular, and without restricting the extent of the general principles stated above, the NVF shall:

- (a) Establish and modify the NVF Sport Regulations and General Regulations which must be applied, without exception, on all occasions, particularly at national competitions.
- (b) Administer and govern Volleyball in all its forms, including the control of all its competitions and disciplines.
- (c) Control and govern the appointment of national referees;
- (d) Regulate the eligibility and transfer of players between clubs;
- (e) Promote the welfare of the regional associations as well as the mutual respect and cooperation among themselves and assist the regional associations in the development of their technical expertise;
- (f) Take specific measures to maintain the authority, autonomy and exclusive competence of the regional offices to administer and govern Volleyball activities in their respective territories;
- (g) Take all appropriate measures, directly and indirectly, related to the practice of Volleyball and in the best interest of the sport of Volleyball;
- (h) Strive and ensure that there shall be no discrimination in volleyball, its affairs or activities, on grounds of race, religion, gender or political conviction; and
- (i) Developing Volleyball as a major Namibian media and entertainment sport.

### 2.2 Ways and means of achieving objectives

The NVF may achieve its aim and objectives by, inter alia:

- i. Affiliation to the FIVB and any other appropriate sporting bodies.

- ii. Providing suitable equipment and other facilities necessary for the holding and organisation of volleyball competitions.
- iii. Acquiring such property, moveable and immovable, as may be required to achieve the aims and objectives of the NVF.
- iv. Entering into such negotiations and concluding such contracts as may be lawfully undertaken to promote the aims and objectives of the NVF.
- v. Raising funds for any purpose deemed necessary.
- vi. Prescribing regulations for the better administration of the affairs of the NVF.
- vii. Prescribing playing rules of the FIVB as may be deemed necessary.
- viii. Enquiring into and pronouncing upon alleged irregularities in the affairs of its members or misconduct on part of players or officials.
- ix. Hearing appeals against the decisions of affiliated associations and pronouncing upon them.
- x. Organising annual competitions and other such competitions as may from time to time be agreed to.
- xi. Arranging for the selection of volleyball teams to represent Namibia.
- xii. Arranging for visits by volleyball teams to and from Namibia.
- xiii. Keeping records of all competition results.

### **ARTICLE 3**

#### **3. NEUTRALITY AND NON-DISCRIMINATION**

- 3.1 The NVF is neutral in matters of politics and religion.
- 3.2 Discrimination of any kind against a country, private person or group of people on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status or any other reason is strictly prohibited and punishable by suspension or expulsion by NVF through the Namibia Sports Commission

## **ARTICLE 4**

### **4. PROMOTING FRIENDLY RELATION**

- 4.1 NVF shall promote friendly relations between its Members, Members Officials and Players and in society for humanitarian objectives.
- 4.2 Every person and organisation involved in the game of volleyball is obliged to observe the relevant Statutes, regulations and the principles of fairness as well as the principles of loyalty, integrity and sportsmanship.
- 4.3 NVF shall provide the necessary institutional means to resolve any Volleyball related disputes that may arise between Members, Members Officials, Coaches and Volleyball athletes.

## **ARTICLE 5**

### **5. CONDUCT OF BODIES AND OFFICIALS**

- 5.1 The bodies and Officials of NVF must observe the Statutes, regulations, directives, decisions and the Code of Ethics of FIVB, IOC and of NVF [if applicable] in their activities.

## **ARTICLE 6**

### **6. OFFICIAL LANGUAGE**

- 6.1 The official language of NVF shall be English. Official documents and texts shall be written in the English language.
- 6.2 The official language at the AGM and all other gatherings shall be English.

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## **II. MEMBERSHIP (ADMISSION, SUSPENSION AND EXPULSION)**

### **ARTICLE 7**

#### **7. SUBMISSION, SUSPENSION AND EXPULSION**

- 7.1 The NVF Board of Administration shall decide whether to admit, suspend or expel a Member.
- 7.2 Admission may be granted if the applicant fulfils the requirements of NVF.
- 7.3 Membership is terminated by resignation or expulsion. Loss of membership does not relieve the Member from its financial obligations towards NVF or other Members of NVF, but leads to cancellation of all rights concerning NVF.

### **ARTICLE 8**

#### **8. ADMISSION**

##### **8.1 The Members of NVF are:**

- a) Clubs and individual teams;
- b) Sport Academies;
- c) Regional Associations;
- d) Association representing Higher Education Institutions;
- e) Associations representing Schools;
- f) Associations representing Social or Corporates.

##### **8.2 Respect due to NVF and FIVB Regulations and decisions**

- 8.2.1 All Members of NVF shall respect and implement the NVF Constitution, Code of Conduct and Regulations as well as the FIVB Constitution, Code of Conduct and **Sports** Regulations.

##### **8.3 Affiliation**

- 8.3.1 The affiliation of Members to the NVF is granted at own request and by decision of the Executive to be ratified by Congress. The application must be accompanied by the following mandatory items:
- a) a copy of its legal valid Statutes;

- b) a declaration that it shall always comply with the Statutes and decisions of NVF, CAVB and FIVB and ensure that these are also respected by its Members, Clubs, Officials and Players and supporters;

8.3.2 Application for Membership by a Regional Association, together with a copy of its current Constitution and Rules, as well as a list of minimum five (5) clubs each with at least ten (10) active players, who are contemplated to be registered per club, shall be submitted to the Executive. The Executive can approve, reject, conditionally approve, or defer such applications.

8.3.3 Each Regional Association shall pay an annual fee whose amount and conditions are established by the Board of Administration and ratified by the NVF Congress.

## **ARTICLE 9**

### **9. REQUEST AND PROCEDURE FOR APPLICATION**

- 9.1 The Congress shall define the conditions and procedures governing the application for affiliation. If a Member ceases to fulfil any of the conditions for affiliation, such Member shall, even if provisionally affiliated, lose all of the rights until the conditions of affiliation are met.
- 9.2 The Board of Administration may accept an affiliation on a provisional basis pending ratification by the Congress.

## **ARTICLE 10**

### **10. MEMBERS' RIGHTS**

- 10.1 The new Member shall acquire membership rights and duties as soon as it has been admitted. Its delegates are eligible to vote and be elected henceforth as prescribed.
- 10.2 Members shall have the right to participate in all NVF activities unless specific limitations are in place.

## **ARTICLE 11**

### **11. MEMBERS' OBLIGATIONS**

- 11.1** Members should promote the NVF brand to the best of their abilities without fear or favour.

## **ARTICLE 12**

### **12. SUSPENSION**

- 12.1** *refer to Article 7 of this constitution*
- 12.2** A suspended Member has no right under the Constitution and may not participate in any NVF activities without the approval of the Board of Administration.

## **ARTICLE 13**

### **13. EXPULSION**

- 13.1** Refer to Article 7 of this constitution

## **ARTICLE 14**

### **14. RESIGNATION**

- 14.1** Member (s) who wish to tender his/her resignation shall do so at own free will in writing to the NVF **Executive** and shall give a month notice before the last day of service.
- 14.2** Any member owing the NVF shall be obliged to fully settle what he/she owes before the resignation is accepted.
- 14.3** Any member in possession of NVF properties shall return such properties before registration is accepted.

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### **III. HONORARY PRESIDENT AND HONORARY MEMBER**

#### **ARTICLE 15**

##### **15. HONORARY PRESIDENT AND HONORARY MEMBER**

- 15.1 On the recommendation of the Board of Administration, the Congress may grant honorary titles, corresponding to positions previously held, to persons who have rendered outstanding services to the NVF.
- 15.2 A Patron for NVF shall be appointed at the Congress. When deemed necessary, a Patron may be changed.
- 15.3 The honorary President/Member or life member may take part in the Board of Administration meetings for not more than 10 years. They may join the deliberations but are not entitled to vote.

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### **IV. ORGANISATION (STRUCTURES)**

#### **ARTICLE 16**

##### **16. BODIES OF NVF**

###### **16.1 NVF Structure**

- 16.1.1 The General Congress
- 16.1.2 The Board of Administration
- 16.1.3 **The Council**
- 16.1.4 The Executive Committee
- 16.1.5 Regional Committees
- 16.1.6 Departments, Task Forces and Committees
- 16.1.7 NVF staff members

###### **16.2 NVF members and composition**

- 16.2.1 The NVF members are:



- (a) The NVF governing institutions (Congress, **Council**, Executive Committee, Board of Administration and Departments)
- (b) The NVF supporting institutions (Committees, Task Forces, Regional Associations)
- (c) Persons elected or appointed to a position in any NVF governing institution other than the Congress;
- (d) Persons elected or nominated to a position in any NVF supporting institution;
- (e) NVF officials and referees; and
- (f) Regional leagues, clubs, teams, **sports academies** and their leaders, team managers, players, coaches and referees.
- (g) Regional offices

### **16.3 Age limit of NVF Officials**

16.3.1 An age limit of 75 years shall apply to all officials of the NVF elected or nominated to any position of responsibility at national or regional level. Such age limit shall become effective on 31 December of the civil year during which they reach the age limit or at the latest at the end of their term of office during the following National Congress.

## **A. CONGRESS**

### **ARTICLE 17**

#### **17. THE CONGRESS**

##### **17.1 Definition and Composition of the Congress**

17.1.1 The Congress is the supreme authority of the NVF. It shall meet at least annually within three (3) months after the financial year-end.

##### **17.2 Delegates and votes**

17.2.1 The Congress may be attended by:

(a) All affiliated associations which have fulfilled their obligations and financial commitments. Each affiliated association may be represented by one delegate (preferably the Chairperson, or his/her authorised alternate), duly accredited for that purpose, who must be members of the affiliated association.

(b) The members of the Board of Administration;

(c) Any other member of the society but with no voting right (observer).

- 17.2.2 An affiliated association may be represented by another affiliated association's accredited delegate. Such an accredited delegate cannot represent more than one other affiliated association.
- 17.2.3 Members of the NVF, who are not accredited representatives of affiliated associations, may attend the Congress meeting in a non-voting capacity and they may join in discussions within their competence on the conditions that they declare to which association they belong.
- 17.2.4 Only those associations in good standing shall be entitled to attend with the right to vote and counted to determine if the quorum is reached. The delegate of an association under suspension, for any reason whatsoever, may attend the Congress as observers, but shall not be counted for the quorum.
- 17.2.5 The Congress may open if at least one-third (1/3) of associations with the right to vote, as established by Article 17.2.3, are present or represented, except as otherwise stipulated.
- 17.2.6 Should a quorum not be present within an hour of the time fixed for the general congress, such congress shall be continued, and members then present shall form a quorum and proceed with the business of the congress
- 17.2.7 Should a quorum not be present within half an hour of the time fixed for an extraordinary congress, such congress shall stand adjourned and the items listed for discussion shall be included in the agenda of the next general congress.
- 17.2.8 Affiliated associations, as well as members of the Board of Administration, shall have one vote each at any Congress of the NVF, except for paragraph 19.2.4.

### **17.3 Area of Authority**

- 17.3.1 The Congress has the sole and exclusive competence to:
- a) Amend the Constitution;
  - b) Amend the Code of Conduct and Regulations (Sport and General);
  - c) Adopt the NVF budget and define its implementation and the financial controls;
  - d) Define the procedures for affiliation and expulsion of regional associations
  - e) Decide upon the affiliation and expulsion of a Club/**Team and or Academy;**

f) Elect the Executive Committee members;

17.3.2 The Congress has the competence to oversee the adoption of the Regulations derived from this Constitution, the execution of its decisions of the other institutions of the NVF and, in general, all activities of the NVF.

17.3.3 The decisions of the Congress are binding on all NVF institutions, including the regional associations and their members, except when such decisions are not made to conformity with the terms of this Constitution, in which case, such decisions may be appealed.

#### **17.4 Composition and quorum of the Congress**

17.4.1 The Congress shall be composed of the following members:

- 1) NVF President
- 2) 1<sup>st</sup> Vice-President
- 3) 2<sup>nd</sup> Vice-President
- 4) Treasurer
- 5) Technical Director
- 6) Secretary-General (Non-voting member)
- 7) Regional Associations Chairpersons

17.4.2 All candidates must satisfy the following conditions:

- (a) New candidatures must be members of the NVF and comply with all of the personal requirements established by the NVF General Regulations and this Constitution.
- (b) Affiliated associations must control and ensure that their candidates comply with each of the pre-requisites established in this Constitution and the General Regulations.

17.4.3 Any of the following persons are disqualified from being a candidate;

- (a) A minor or any other person under legal disability;
- (b) A un-rehabilitated insolvent;
- (c) Any person removed from an office of trust on account of misconduct;
- (d) Any person who has been convicted, whether in Namibia or elsewhere, of any criminal offence.
- (e) Candidates should never have initiated judiciary proceedings or given instructions to initiate judicial proceedings against the NVF or any of its institutions.
- (f) Candidates should never have been condemned by any judiciary court for severe penal crime or expelled from any sport institution.

- 17.4.4 From among the candidatures submitted by the affiliated associations, the elective Congress, at its assembly held the year of the Summer Olympic Games, shall elect **the top three (3)** members to the Executive Committee for a four-year (4) term, as per Article 19.
- 17.4.5 Executive Committee members shall serve for four (4) years.
- 17.4.6 The President shall only serve for two consecutive terms (a maximum of 8 years) **if re-elected after his/her first term of office** after which he/she must step down and is not allowed to be nominated for the next elections.
- 17.4.7 During their four-year (4) term, Executive Committee members may only be removed from office, by a majority vote in favour thereof by the **Council**, for justifiable reasons. Any other removals can only be affected by a Congress.

## **17.5 Procedures at Annual General Congress**

- 17.5.1 The NVF President shall preside at all General Congresses of the NVF and in his/her absence, the 1<sup>st</sup> Vice-President shall preside. Should the President and the 1<sup>st</sup> Vice-President be absent, **the 2<sup>nd</sup> Vice-President shall preside. Should the 2<sup>nd</sup> Vice-President also be absent**, a Chairperson shall be chosen by the members present from among their number.

## **17.6 Annual General Congress Agenda**

- 17.6.1 The President shall prepare the agenda for each Congress. In all cases, this agenda shall include among others, the following items:
- a) NVF President's address;
  - b) Verification by the Secretary-General of:
    1. Affiliated associations present, and their standing with the NVF;
    2. Apologies;
    3. Validity of representatives and/or alternates.
  - c) Approval of the minutes of the preceding Congress;
  - d) Discussion of any matters arising from these minutes;
  - e) Consideration of affiliations of **associations and academies** or resignation of individual members, Executive Committee Members as well as members of the **Council**;
  - f) Presentation and approval of the NVF President's report;
  - g) Presentation and approval of the financial report, financial statements and auditors report;
  - h) Presentation and approval of activity reports for the period under review;
  - i) Adoption of the budget;
  - j) Appointment of auditors;

- k) Consideration of any amendments to the constitution that may become necessary;
- l) Amendment, modification or amplifying regulations or the code of conduct;
- m) Consideration of any motions;
- n) Discussion and consideration of any other competent business;
- o) Election of the **Executive Committee** members and the **Council Chairperson**, as required.
- p) Determination of the date of the next Congress;
- q) Closing of the Congress.

17.6.2 At a Congress, only those items on the agenda may be discussed. In case of emergency and on the recommendation of the **Council** or the Executive Committee, items not on the agenda may be debated, provided that the Congress agrees to their additions to the agenda by a two-thirds (2/3) majority of the votes validly to cast.

17.6.3 The order of the business at a General Congress may be amended by a majority vote in favour thereof at the congress.

## **17.7 Minutes**

17.7.1 The Secretary-General shall be responsible for recording the minutes at all the General Congress meetings.

17.7.2 The minutes shall be checked by Scrutinizers, circulated to members and finally approved at the next General Congress meeting.

## **ARTICLE 18**

### **18. AMENDMENTS AND EFFECTIVE DATES OF DECISIONS**

#### **18.1 Effective Dates of Decisions**

18.1.1 This Constitution and any amendments entered into force on the date of its approval by the Congress **unless the Board of Administration fixes another date for a decision to take effect.**

#### **18.2 Abrogation of Previous Texts**

18.2.1 This Constitution supersedes all previous Constitutions and amendments thereto, which are hereby abrogated.

#### **18.3 Modifications**

21.1.1 This Constitution shall be modified only by the Congress. Proposal for amendments must be presented by the Board of Administration, or by 60%

of affiliated Regional associations which must submit them to the Secretary-General at least twenty-one (21) days before the Congress for distribution to the affiliated Regional associations. To be adopted, an amendment requires a two-thirds (2/3) majority of the votes validly cast.

## **ARTICLE 19**

### **19 NOMINATIONS PROCEDURES AND ELECTION PROVISIONS**

#### **19.1 Nominations Procedures**

- 19.1.1 Nominations of candidates shall be done by the affiliated clubs/academies and ratified by the Association Congress/AGM or Board of Administration meeting constituted for that purpose.
- 19.1.2 Associations/Clubs/teams/Academies may approach capable individuals and nominate them for candidature provided that such candidates agree to be nominated, meet the set requirements and willing to serve.
- 19.1.3 Individuals may approach associations/clubs/teams/academies to nominate them for the positions (campaign), once a club is satisfied, such person shall then be nominated for candidature.
- 19.1.4 Nominations shall be forwarded to the Association Secretary-General before the due date given at the association level.
- 19.1.5 An Association AGM or Congress or Board of Administration meeting shall be held prior to the NVF Elective Congress to look at all nominated candidates and ratify one candidate for each position where possible.
- 19.1.6 After nominations are ratified, associations shall submit the nominated candidates to the NVF Secretary-General 21 days before the Congress.
- 19.1.7 It is not compulsory that each association must submit candidates, with the blessing of the Board of Administration, associations may consult each other for a preferred candidate. This is also similar at the club levels.
- 19.1.8 It is mandatory that each active association nominates candidates of their choice, where no nomination is received from the affiliated clubs/team/academies, such should be communicated in writing to the NVF Executive 21 days before the Congress.
- 19.1.9 Any Association Chairperson who neglects to carry out his/her duties properly resulting in non-submission of candidates after affiliated

clubs/team/academies have submitted their nominations, shall be held liable and be fined with N\$ 500 payable 15 days before the Congress.

19.1.10 Should the Chairperson fails to comply with 19.1.9, the NVF President shall recommend to the Board of Administration to relieve such Chairperson from his/her duty with immediate effect and be replaced in line with the Association's Constitution. Where the association's Constitution is not clear in this regard, Article 24.1.2 and 24.1.3 of the NVF Constitution shall apply.

## **19.2 Exceptional Nomination**

19.2.1 In an event of 19.1.9, the NVF Executive shall convene a task team consisting of the club Chairpersons and give them 3 days to forward their nominations directly to the NVF Secretary-General.

## **19.3 Election Provisions**

19.3.1 Except as otherwise provided in this Constitution, the Code of Conduct or the Regulations, the decisions of the Congress shall be taken by a simple majority of those eligible to vote by a show of hands. However, an amendment to the Constitution shall require the approval by a two-thirds (2/3) majority of the votes validly cast.

19.3.2 The election of **Executive Committee** members shall be decided by a secret ballot. **If the number of candidates corresponds to the positions to be filled, the election can be made by acclamation.**

19.3.3 The Chairperson shall have a casting vote.

19.3.4 **Only Regional Association Chairpersons or their representative shall have the right to vote during the election of the Executive Committee, each Association shall have one vote.**

19.3.5 **Members of the Executive Committee and NVF Directors shall have no vote in the election of a new Executive at any Congress of the NVF.**

19.3.6 **In an event of a tie, there shall be a re-run of the election for the specific position where a tie evolved.**

10.3.7 Except as otherwise provided in this Constitution or in a specific decision of the Congress to fix an earlier or later date for entry into force, the decisions of the Congress shall enter into force with immediate effect.

19.3.8 The **Executive Committee members** shall be elected by the Congress at its assembly held in the year of the Summer Olympics. Vacancies of the **Council** can be filled **anytime that the Regional Association changes its Chairperson.**

19.3.9 Candidatures for the Executive Committee shall be submitted to the NVF's Secretary-General by the affiliated associations, no later than twenty-one (21) days before the Congress.

19.3.10 Only members of the NVF Management are eligible to become the President. The outgoing President is re-eligible to the Presidency **except in case of 17.4.6. Any other positions may be filled by NVF members or by technical people appointed based on their skills.**

19.3.11 New candidates must comply with all prerequisites established in the NVF Constitution and NVF General Regulations and require the approval of the Board of Administration. The Board of Administration is also responsible to ensure that such prerequisites are met by the candidates concerned, before submission to the Congress. The Board of Administration may not withhold approval on unreasonable grounds.

#### **19.4 Special Provisions**

19.4.1 Congress shall determine the place of its next assembly. The place must be reconfirmed in a written notice to the affiliated associations stating also the date set by the Board of Administration at least thirty (30) days in advance of such next assembly.

19.4.2 All motions and proposals for consideration at the General Congress shall be submitted to reach the Secretary-General not later than 14 (fourteen) days before the date set for the congress.

19.4.3 At least fourteen (14) days before the date set for the Congress, the Secretary-General shall furnish each association with a copy of the agenda and all supporting documents for the meeting (i.e. minutes, financial statements, reports, etc.).

19.4.4 The use of electronic communication (fax or e-mail) **or any preferred social media platform** shall be considered as written notice as per 19.4.1 and 20.1.

#### **19.5 Postponement of the Elections**

19.5.1 **Should any unforeseen circumstances arise making it impossible for the elections to take place, the Board of Administration may decide to extend the term of office for the Executive Committee to such date that may be deemed fit to hold the elections.**



## **ARTICLE 20**

### **22 EXTRAORDINARY CONGRESS**

20.1 An extraordinary Congress is held under a decision of the Board of Administration or at the request of at least thirty per cent (30%) of its affiliated associations. When requested to call such congress by thirty per cent (30%) of its association, the Board of Administration shall convene the congress within thirty (30) days. The agenda shall be restricted to that specific topic. **Associations** shall be given fourteen (14) days written notice of the time, date and venue thereof, and the business to be transacted at an Extraordinary Congress.

## **ARTICLE 21**

### **21 HANDING OVER PROCESS**

21.1 Good governance of NVF and its affiliates (Regional Associations) requires a hand over from outgoing officials to the newly elected or appointed officials of all relevant documents, materials and information.

21.2 The handing over process shall cover the following thematic areas of all activities undertaken during the term of office;

#### **21.2.1 Policy Matters**

Policy matter cover the following:

- a) The headquarters agreement between the NVF and the Ministry of Sport, Youth and National Service;
- b) The contract with the External Auditors;
- c) The documented contracts, if any, with suppliers of sports materials and service providers;
- d) The employee/staff contracts;
- e) The existing Sponsorship and Marketing Rights contracts;
- f) The capital assets including IT peripherals and Accessories, camera and other equipment;
- g) Outstanding issues that need to be followed to ensure business continuity.

#### **21.2.2 Administrative Matters**

Administrative matters cover the following:

- a) The administrative documents in hard and soft copies both editable and uneditable versions;
- b) Organisational structure documentation including organisational chart;
- c) The administrative Software with their corresponding purchase and maintenance contracts;
- d) The recording of all Board of Administrative meetings and Congresses held;
- e) The documentation exchanged with FIVB, CAVB, Zone 6, NSC, NNOC and National Federations;
- f) The documentation exchanged with other parties;
- g) The complete working files for NVF Congress including documents presented directly in the meetings;
- h) All other relevant documentation not specified above.

### **21.2.3 Financial Matters**

The Treasurer is required to hand over:

- a) The monthly or yearly Bank Statement;
- b) The monthly or Annual Bank;
- c) The bank accounts internet banking codes and passwords;
- d) The Assets Book Register;
- e) The accounting books in hard and soft copies including the general and subsidiary ledgers;
- f) The supporting documentation for revenues and expenses covering all financial transactions;
- g) The purchase records;
- h) The detailed outstanding accounts receivable and current liabilities;
- i) The Detailed budget as presented in the Congress;
- j) All other relevant financial documentation or information.

### **21.2.4 Sports Matters**

Sports matters cover the following:

- a) The technical reports;
- b) The inventory and stocks of indoor and beach volleyball materials, equipment and accessories thereof;
- c) The training courses materials;
- d) All other related or relevant documentation or equipment.

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## **B. COUNCIL**

### **ARTICLE 22**

#### **22 THE COUNCIL**

##### **22.1 Composition and Selection**

22.1.1 The Council shall be composed of all Regional Association Chairpersons.

22.1.2 The Chairperson of the Council shall be elected at the Congress held in the year of the Summer Olympics to run office for two years, another Chairperson shall be elected to run office until the next elective Congress.

22.1.3 The Chairperson of the Council may be re-elected provided that he/she meets the requirements of being a council member.

22.1.4 Council members who resign or who cannot continue or complete their term shall be replaced by the Regional Association Council. Such replacement shall serve for the remainder of the period. In an event where the latter is not possible, a further replacement shall be conducted and serve for the remainder of the period.

22.1.5 In the case of a regional Chairperson ceasing to hold that position, their membership on the Council shall also cease.

22.1.6 The Council shall meet at least once a year or when convened by the Chairperson or at the request of at least 40% of its members for introspection and review of NVF activities.

22.1.7 At the invitation of the Council, the NVF Executive may form part of the Council meeting with no voting powers.

22.1.8 The agenda for such meeting and all other relevant documents must be furnished to reach members of the Council seven (7) days before the meeting.

22.1.9 A Council member who misses two consecutive meetings without an acceptable written apology shall be considered to have resigned.

22.1.10A quorum at a Council meeting shall be 40% of members and the Chairperson shall have a casting vote.

22.1.11Subparagraph 17.6.1 is *mutatis mutandis* applicable to the meetings of the Council.

## **22.1 Powers of the Council**

- 22.1.1 The Council is responsible for the supervision of the NVF Executive and management of the NVF activities within the framework of the Constitution, regulations and code of conduct of the NVF. It shall deal with urgent and exceptional matters in the spirit of this Constitution and the general interest of the NVF.
- 22.1.2 The Council may dissolve the Executive Committee for justifiable reasons (vote of no confidence) and appoint the interim Committee for the remainder of the term.

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## **C. EXECUTIVE COMMITTEE**

### **ARTICLE 23**

#### **23 THE EXECUTIVE COMMITTEE**

##### **23.1 Composition and Selection**

- 23.1.1 The Executive Committee shall be composed of a maximum of Six (6) members, being the President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice-President, Technical Director, Treasurer and Secretary-General.
- 23.1.2 Only the President, 1<sup>st</sup> Vice-President and 2<sup>nd</sup> Vice-President shall be elected, while the Technical Director, Treasurer and Secretary-General shall be appointed by the Board of Administration following the recommendation of the President.
- 23.1.3 When possible, immediately after the election, the Board of Administration shall meet to confirm the Technical Director, Treasurer and Secretary-General.
- 23.1.4 During the four-year (4) term, Executive Committee members may only be removed from office, by decision of the Board of Administration, for justifiable reasons.
- 23.1.5 Members of the Executive Committee who resign or who cannot continue or complete their term shall be replaced by the Board of Administration. Such replacement shall serve for the remainder of the period.

- 23.1.6 The Executive Committee shall meet at least once a month on a date determined at the previous committee meeting.
- 23.1.7 The President may convene the Executive Committee for additional meetings if he/she deems it necessary.
- 23.1.8 The President shall have a casting vote.
- 23.1.9 An Executive Committee member who misses two consecutive meetings without an acceptable apology shall be considered a justifiable reason for the Board of Administration to remove the member from office in terms of section 23.1.4.
- 23.1.10 During their four (4) year term, Executive Committee members can only be removed from office as per 23.1.4 by a majority vote in favour thereof by the Board of Administration. Any other removals can only be affected by a Congress.

## **23.2 Powers of the Executive Committee**

- 23.2.1 The Executive Committee shall be responsible for executing the decisions of the Congress and the Board of Administration. The members of the Executive Committee shall assume individually this responsibility, according to their specific duties.
- 23.2.2 The Executive Committee, in conjunction with the Secretary-General, shall be responsible for the day-to-day administration of the NVF.
- 23.2.3 The Executive Committee shall constantly evaluate the local and international Volleyball scene, determine the requirements for improving local Volleyball, and make proposals to the Board of Administration in this regard.
- 23.2.4 It shall advise the Board of Administration in its decision making.
- 23.2.5 It shall negotiate with foreign Volleyball authorities on behalf of the NVF and upon instruction by the Board of Administration.
- 23.2.6 It shall instruct the various Departments, Committees and Taskforces and oversee the execution of their functions.
- 23.2.7 It shall propose to the Board of Administration the appointment or dismissal of the members of the various Departments, Committees and Taskforces.
- 23.2.8 Executive Committee shall not at all costs involve themselves in the running of the day to day activities of the federation. Their responsibilities are

strategic matters and should not entail the running of the secretariat of the federation.

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## **D. BOARD OF ADMINISTRATION**

### **ARTICLE 24**

#### **24 THE BOARD OF ADMINISTRATION**

##### **24.1 Composition**

**24.1.1** The Board of Administration shall be composed of the Council and the Executive Committee.

**24.1.2** The Board of Administration shall meet at least once a year a day before the AGM or when convened by the NVF President or the Council Chairperson or at the request of at least 40% of its members for introspection and review of the NVF activities.

**24.1.3** The NVF President shall chair the Board of Administration meeting.

##### **24.2 Powers of the Board of Administration**

**24.2.1** The Board of Administration may be charged with clarifying the interpretation of the constitution, regulations or code of conduct, but shall not have the power to amend them.

**24.2.2** The Board of Administration is competent to create Departments, Committees and Task Forces and to appoint officials, or discharge them from such bodies. The Board of Administration shall establish the powers, responsibilities and functions of each Department, Committee and Task Force.

**24.2.3** The Board of Administration has the competent power to appoint the Secretary-General and the Competition Director.

**24.2.4** The Board of Administration may appoint lawyers to defend the interest of the NVF and its institutions before any court or tribunal.

**24.2.5** The Board of Administration is competent to adopt all Regulations derived from this Constitution.

- 24.2.6 The decisions of the Board of Administration, derived from the powers vested in it by this Constitution, are binding on all NVF members affected by such decisions.
- 24.2.7 Board of Administration may grant annual awards.
- 24.2.8 The Board of Administration rules on the suspension/**expulsion** of individual members and clubs/teams/**academies that neglects their duties by disregarding orders/requests or act in any form that disadvantages, tarnish, bring the name of volleyball to disrepute while acting in volleyball or individual capacity**
- 24.2.9 The Board of Administration hears appeals under NVF General Regulations.
- 24.2.10 The Board of Administration is empowered to apply the following sanctions:
- (a) Simple admonition;
  - (b) Severe admonition;
  - (c) Warning;
  - (d) Fine;
  - (e) Disqualification from competitions;
  - (f) Loss of match or reversal of results;
  - (g) Modification of competition results;
  - (h) Discharge from official position
  - (i) Suspension;
  - (j) Expulsion.
- 24.2.11 The Board of Administration takes all measures necessary to promote and improve the standard of Volleyball at all levels within its jurisdiction and beyond.
- 24.2.12 The Board of Administration may establish a Technical Committee and appoint Technical Experts to serve as an advisory body to the NVF.**
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## **E. PRESIDENT**

### **ARTICLE 25**

#### **25 THE PRESIDENT**

##### **25.1 Fulfilment of the charge**

- 25.1.1 The functions and responsibilities of the President shall be carried out by the President, elected by the Congress.

- 25.1.2 Should the President be temporarily unable to carry out his official functions, he shall be replaced by the 1<sup>st</sup> Vice-President, failing which he/she shall be replaced by any other Executive Committee member, appointed by a majority vote of the Board of Administration.
- 25.1.3 Should the President be definitively unable, for any reason whatsoever to hold office, he/she shall be replaced, for the remainder of his/her term, following the order of succession established in Article 25.1.2, subject to ratification by the Congress at its next assembly.

## **25.2 Competence and responsibilities**

- 25.2.1 Jointly with the Executive Committee, the President shall be responsible for executing the decisions of the Congress and the Board of Administration.
- 25.2.2 When the Executive Committee and/or the Board of Administration are not in session, the President shall have the competence to take all actions and/or decisions, including disciplinary sanctions in the general interest of the NVF. These decisions must be motivated and notified to the Board of Administration within one (1) month and ratified at its next meeting.
- 25.2.3 The President shall have full legal powers to represent the NVF. The President shall chair the session of the Congress, the meetings of the Board of Administration and the Executive Committee and has the prerogative of chairing all other meetings of the NVF institutions.
- 25.2.4 In his/her capacity as Chairperson of all NVF meetings with **exception of the Council meeting**, the President shall have a casting vote during NVF meetings.
- 25.2.5 The President shall be responsible for the on-going administration and management of the NVF. He or she shall be the only person authorized to sign all contracts and other documents legally binding on the NVF. The President may delegate a power of attorney on behalf of the NVF.
- 25.2.6 Subject to prior approval of the Board of Administration and within the parameters established nationally and internationally for non-profit organizations, the President may undertake negotiations on behalf of the NVF with a view to ownership by the NVF.
- 25.2.7 The President shall propose the members of the Departments and Committees for appointment by the Board of Administration, choose from among, but not limited to, the candidatures presented by the affiliated associations, and including external experts when considered necessary.



25.2.8 In the performance of his executive duties, the President shall assign specific responsibilities to each member of the Executive Committee, as defined in the General Regulations.

25.2.9 The Presidents shall refrain him/herself from taking part in any secretariat responsibility or even associating him/herself with anything to do with an affiliate of the federation.

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## **F. DEPARTMENTS**

### **ARTICLE 26**

#### **26 THE DEPARTMENTS**

##### **26.1 Creation of Departments**

26.1.1 The Board of Administration may create Departments with direct responsibilities for specific activities of the NVF.

##### **26.2 Structure and subordination**

26.2.1 Such Departments may be structured independently from other institutions of the NVF, but shall always be subordinated to the Board of Administration and Executive Committee.

26.2.2 Departments shall each be composed of a Director and an appropriate number of members to effectively execute the responsibilities of the Department.

26.2.3 Directors and members of sub-committees shall be appointed by the Board of Administration on the proposal of the President.

26.2.4 Members shall hold office for four (4) years, coinciding with the Board of Administration's term of office, but may be replaced, or the Department may be abolished within that period, by the Board of Administration on the proposal of the President.

26.2.5 The President shall be an ex-officio member of all Departments.

26.2.6 Departments shall meet as frequently as deemed necessary by the Directors to effectively execute their tasks.

26.2.7 Agendas and minutes of meetings shall be compiled and approved by the respective Departments. The minutes shall be submitted to the Secretary-General.

### **26.3 Establishment of the Departments' regulations**

26.3.1 The Board of Administration shall establish the limits of powers, responsibilities and functions of each Department through regulations.

### **36.4 Powers and functions of the Departments**

26.4.1 Departments are only empowered to make recommendations to the Board of Administration and should ideally propose different options to facilitate the decision-making process, except where specific powers are delegated to them by the Board of Administration.

26.4.2 The Board of Administration establishes the scope of each Department and charges them with the functions as defined by the Board of Administration.

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## **G. EMERGENCY AND STANDING COMMITTEES**

### **ARTICLE 27**

#### **27 THE COMMITTEES**

##### **27.1 Creations and Composition**

27.1.1 The Board of Administration may establish Committees to facilitate the implementation of the objectives of the NVF and, if required, the Board of Administration may also establish ad hoc Task Forces.

27.1.2 The Committees shall be composed of a minimum of three (3) members and one (1) Head. For their appointment, the President proposes to the Board of Administration the Committee members, including external experts when considered necessary.

##### **27.2 Role**

27.2.1 The primary role of the Committee is to make proposals to the Board of Administration or the Executive Committee on matters of a highly technical or specialised nature.

##### **27.3 Establishment of Committees' regulations**

27.4.1 The Board of Administration shall establish the limits of powers, responsibilities, and functions of each Committee through regulations.

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## H. REGIONAL ASSOCIATIONS

### ARTICLE 28

#### 28 THE REGIONAL ASSOCIATIONS

##### 28.1 Composition of Regional Associations

28.1.1 The NVF Board of Administration shall submit the grouping of affiliated clubs into Regional Associations based on the geographical proximity for approval by the Congress.

28.1.2 Regional associations shall be comprised of a Committee of at least the following members:

- a) Chairperson
- b) 1<sup>st</sup> Vice-Chairperson
- c) 2<sup>nd</sup> Vice-Chairperson
- d) Technical Director
- e) Treasurer
- f) Secretary-General

28.1.3 The Statutes, Regulations and decisions of the Regional Association shall follow the general principles and provisions of the NVF Constitution and be approved by the NVF Board of Administration.

28.1.3 A group of Clubs, with approval of the NVF Board of Administration, may create a Regional Association. A Regional Association shall at all times consist of a minimum of 5 affiliated clubs.

##### 28.2 Powers of Regional Associations

28.2.1 After the Congress, the **Council** and the Executive Committee, the Regional Associations are the most representative institutions of the NVF in their respective geographical areas.

28.2.2 The Regional Associations shall have broad autonomy within the NVF, provided that they respect the NVF Constitution, Code of Conduct, Regulations and decisions.

28.2.3 The competence of the NVF institutions should apply *mutatis mutandis* to the equivalent institutions of the Regional Associations. The decisions of the Regional Associations should not conflict with those of the NVF.

28.2.4 The Regional Associations shall be responsible, in their geographical area, for:

- (a) Ensuring the respect of the NVF Constitution, Code of Conduct, Regulations, Official Rules and decisions;
- (b) Providing technical support and expertise to their affiliated clubs/**team and academies** by all available means for the implementation of regional and NVF programs;
- (c) Organizing regional competitions and other tournaments or activities relating to Volleyball;
- (d) Approving the regional competition calendars and regulations;
- (e) Spreading the practice of local and zonal Volleyball competitions;
- (f) Encouraging the creation of Volleyball Clubs/**teams and academies**.

### **28.3 Special Provisions**

28.3.1 The NVF Board of Administration may revise all or part of a decision taken by the Regional associations' Offices if, in its judgment, such decision is contrary to the Constitution, Code of Conduct, Regulations, Official Rules, NVF decisions and general interest of Volleyball.

28.3.2 The Regional Associations are empowered to apply sanctions in connection with competitions under their authority and as provided in the NVF Code of Conduct.

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## **I. COMPETITIONS**

### **ARTICLE 29**

#### **29 LOCAL AND INTERNATIONAL COMPETITIONS**

##### **29.1 Competitions and Rights in Competitions and Events**

29.1.1 Provision of competition and rights in competitions and events are spelt out in the NVF Sports Regulations.

##### **29.2 International Matches and Competitions**

29.2.1 Provision of International Matches and Competitions are spelt out in the NVF Sports Regulations.

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## **J. FINANCE**

### **ARTICLE 30**

#### **30 FINANCIAL PROVISIONS**

##### **30.1 Financial Year**

30.1.1 The financial year of the NVF shall be from 1 April of one year to the 31 March of the next year.

##### **30.2 Financial Resources**

30.2.1 The NVF financial resources shall consist of:

- (a) Grants from governing bodies;
- (b) annual fees of the affiliated Regional associations;
- (c) fines
- (d) Donations
- (e) Sponsorships
- (f) Fundraising activities
- (g) any other sources of funding approved by the Board of Administration.

##### **30.3 Budget**

###### **30.3.1 Approval**

30.3.1.1 On the proposal of the Board of Administration, the Congress shall adopt the annual budget.

###### **30.3.2 Modifications**

30.3.2.1 The Board of Administration may adopt the budget to newly arising needs; it shall justify the same to the Congress.

##### **30.4 Annual Accounts**

###### **30.4.1 Approval of annual financial statements**

30.4.1.1 The Board of Administration has the exclusive competence to approve the annual financial statements and shall be discharged by the President and Treasurer.

30.4.1.2 The Executive Committee shall submit the annual accounts to the Congress for its approval and final discharge of the Board of Administration.

### **30.5 Membership Fees**

30.5.1 Each Regional Association shall pay an annual affiliation fee determined at the General Congress.

30.5.2 Affiliation fees shall be payable in advance before or on 28 February of each calendar year and are not refundable.

### **30.6 Auditors**

#### **30.6.1 External Auditors**

30.6.1.1 The NVF Accounts shall be audited annually by an independent and professional firm of external auditors, appointed by the Board of Administration and ratified in the Congress.

### **30.7 Financial Regulations**

#### **30.7.1 Operational requirements and control mechanism**

30.7.1.1 All the financial requirements for the operations of the NVF including, but not limited to, the resources, authorizations, expenditures and control mechanisms defined in the Financial Regulations, adopted by the Board of Administration.

#### **30.7.2 Access to documents**

30.7.2.1 The Treasurer, the External Auditor and the President have access to all accounting documents for their respective duties.

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## **K. FINAL PROVISIONS**

### **ARTICLE 31**

#### **31. FINAL PROVISIONS**

##### **31.1 Dissolution**

31.1.1 The NVF can only be dissolved at an Extraordinary Congress, at which eighty per cent (80%) of the affiliated associations are present or represented, by a three-quarters (3/4) majority of the votes validly cast in a secret ballot.

31.1.2 Existing properties and monies owned by the NVF and after having discharged all liabilities at the time of the dissolution must be distributed to

other sports bodies with similar aims, as shall be determined by the members of the NVF before dissolution is put into effect.

**THIS AMENDED CONSTITUTION WAS ADOPTED ON 28 NOVEMBER 2020 AT OPUWO DURING THE NVF CONGRESS.**

**SIGNED FOR AND ON BEHALF OF THE NAMIBIAN VOLLEYBALL FEDERATION:**

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary-General