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ALAN PATON CENTRE FOR LEADERSHIP DEVELOPMENT

CONSTITUTION OF THE NATIONAL EDUCATION UNION OF SOUTH AFRICA

1.0 Definition and Interpretation

- 1.1 There shall be a voluntary association known as the National Education Union of South Africa, abbreviated as NEUSA, which shall be constituted as laid down hereinafter.
- 1.2 "Standing Orders" shall refer to the Standing Orders of NEUSA.
- 1.3 "National Executive Committee" shall refer to the National Executive Committee of NEUSA.
- 1.4 "General Secretary", "President", "Vice-President" and "Honorary Treasurer" shall refer to the incumbents of those positions within the National Executive Committee of NEUSA.
- 1.5 "Annual Conference" shall refer to the Annual General Conference of NEUSA.
- 1.6 "Branch" shall refer to a Constituent Association of NEUSA.
- 1.7 "Honorary Editor" shall refer to the Honorary Editor of the official NEUSA publication.
- 1.8 In the event of dispute as to the interpretation of this Constitution or any other NEUSA constitutional document, or in areas where no constitutional provision exists, the NEUSA President shall make a formal ruling as to the interpretation or procedure which shall prevail. Any such ruling may be challenged in terms of Standing Orders.

2.0 Aims and Objects

- 2.1 The aim of NEUSA shall be to associate and unite those concerned in the service of education in South Africa, and to work for a system of education in South Africa which is equal, just and democratic, without regard to race, colour, creed or sex.
- 2.2 This NEUSA shall do by:
  - 2.2.1 recruiting to its membership all people who support its Aims and Objects;
  - 2.2.2 establishing itself as a union of Constituent Associations and similar organisations;
  - 2.2.3 negotiating on behalf of its members;
  - 2.2.4 providing an organisation in which all members can meet to plan educational change and development, and to discuss and conduct research into questions relating to education;
  - 2.2.5 articulating and acting upon the needs and aspirations of its members;

- 2.2.6 campaigning for a system of education which will be in accordance with the wishes of its members and the interests of the country as a whole;
- 2.2.7 keeping its membership informed, disseminating its policies, publishing the results of its research, and publicising its views on education and related matters;
- 2.2.8 co-operating, where appropriate, with other educational organisations;
- 2.2.9 securing the solidarity and extending the influence of its members;
- 2.2.10 doing all other things, not inconsistent with the foregoing, as are conducive to the attainment of the Aims and Objects of NEUSA.

3.0 Membership

3.1 Eligibility

Membership of NEUSA shall be open to any person or body which subscribes to the Aims and Objects of NEUSA (2.0), and shall fall into one of four categories of membership:

3.1.1 Full Member

A Full Member shall be a professional educationist employed in a formal or informal institution of learning, or a professional educationist who has been debarred from such employment.

3.1.2 Associate Member

An Associate Member shall be any other individual person.

3.1.3 Corporate Member

A Corporate Member shall be any body, whether professional, commercial, industrial, labour or otherwise, which wishes formally to associate itself with NEUSA. Such a Corporate Member shall be admitted by the Annual Conference.

3.1.4 Honorary Member

An Honorary Member shall be any individual person deemed by the National Executive Committee to be eligible as an Honorary Member of NEUSA.

3.2 Register of Membership

An up-to-date register of members shall be kept, which register shall specify:

- 3.2.1 the full name of each member;
- 3.2.2 the category of membership of the member;
- 3.2.3 the academic and professional qualifications (where appropriate) of the member;
- 3.2.4 the address of the member;

- 3.2.5 in the case of Full Members who are employed in an institution of learning in which the member is employed;
- 3.2.6 the amount and dates of membership fees paid.

3.3 Termination of Membership

The membership of any member of NEUSA shall cease upon resolution of the National Executive Committee to that effect, which resolution shall be on one or both of the following grounds only:

- 3.3.1 failure to pay the prescribed membership fees, despite two reminders;
- 3.3.2 statement or actions grossly inimical to the Aims and Objects of NEUSA.

3.4 Right of Appeal against Termination of Membership

Any member, whether individual or corporate, whose membership has been duly terminated in terms of 3.3 shall have the right personally or, in the case of a Corporate Member in the person of an authorised representative, to appeal against this termination of membership.

- 3.4.1 Appeal shall be lodged with the General Secretary within one month (thirty calendar days) of receipt by the member of notice that his membership has been duly terminated.
- 3.4.2 Within three weeks (twenty one calendar days) of receipt of appeal, the General Secretary shall convene the Appeal Tribunal appointed for that year by the Annual Conference for the appropriate branch, which Tribunal shall promptly rule on the appeal.
- 3.4.3 The appellant shall have the right to call and cross-examine witnesses and to be accompanied by a friend who may advise him.
- 3.4.4 The provisions of 4.2 notwithstanding, the decision of the Tribunal shall be final.

4.0 Annual Conference

- 4.1 An Annual General Conference of NEUSA shall be held each year and shall be known as the Annual Conference of NEUSA.
- 4.2 Final authority within NEUSA shall vest in the Annual Conference.
- 4.3 The Annual Conference shall be a delegate conference. Voting rights shall be exercised only by Branch delegates and members of the National Executive Committee other than co-opted Ordinary Members and Branch Chairpersons.
- 4.3 Delegates to the Annual Conference shall be democratically elected by each Branch. Each Branch shall have a minimum

of two delegates (one of whom shall be the Branch Chairperson), and one further delegate for each fifty Branch members.

- 4.5 All NEUSA members shall have speaking rights at the Annual Conference. Only delegates and voting members of the National Executive Committee shall be entitled to propose, second and vote on motions.
- 4.6 The President, the Honorary Treasurer, the Honorary Editor, the Chairperson of each Branch and the Chairperson of each standing committee of the National Executive Committee shall each table a report at the Annual Conference.

4.7 Appeal Tribunal

- 4.7.1 The Annual Conference shall annually appoint an Appeal Tribunal for each branch for the coming year, which tribunal shall be composed of the NEUSA General Secretary, an ordinary member of that branch of NEUSA (who is not a member of the National Executive), and a member of the legal profession of standing (who is not a member of NEUSA.)
- 4.7.2 The Annual Conference shall appoint one alternate person, who in the event of either the General Secretary or the full member referred to in Clause 4.7.1 being under investigation, shall deputise on the appropriate Appeal Tribunal.

5.0 National Executive Committee

5.1 Composition

The NEUSA National Executive Committee shall be composed of the following members:

- 5.1.1 the President;
- 5.1.2 the Vice President;
- 5.1.3 the General Secretary;
- 5.1.4 the Honorary Treasurer;
- 5.1.5 the Honorary Editor of the official NEUSA publications;
- 5.1.6 the Chairperson of each Branch of NEUSA;
- 5.1.7 up to four co-opted Ordinary Members, who shall not be entitled to voting rights.

5.2 Status

The National Executive Committee shall be the pre-eminent executive body of NEUSA.

5.3 Powers, Duties and Functions

- 5.3.1 The National Executive Committee shall do all

things required to implement the policies laid down by the Annual Conference and all other things as are conducive to the achievement of the Aims and Objects of NEUSA.

- 5.3.2 The President shall act as Chairperson of the National Executive Committee and of the Annual Conference.
- 5.3.3 The Vice-President shall act as his deputy.
- 5.3.4 The General Secretary shall transact the business of NEUSA.
- 5.3.5 The Honorary Treasurer shall administer the funds of NEUSA and shall supervise the administration by the Honorary Treasurers of the Branches of the funds of the Branches.
- 5.3.6 The National Executive Committee shall have the power to administer, in the interests of NEUSA and its members, any funds accruing to it.
- 5.3.7 The National Executive Committee is authorised to open and operate savings and bank accounts.
- 5.3.8 Where no Branch as yet exists, the National Executive Committee shall directly admit individuals to membership.
- 5.3.9 The National Executive Committee shall determine the geographical area from which each Branch shall draw its members.
- 5.3.10 The National Executive Committee shall have the right to amend and ratify Branch Constitutions.
- 5.3.11 The right to make policy statements to the media on behalf of NEUSA as a whole shall belong exclusively to the President and General Secretary of NEUSA.
- 5.3.12 The National Executive Committee shall have the power to set up and appoint persons to sub-committees.
- 5.3.13 The National Executive Committee shall have the power to engage and employ paid personnel.
- 5.3.14 The National Executive Committee shall have the power to convene and conduct meetings of NEUSA and of the public.
- 5.3.15 The National Executive Committee shall arrange for the Annual Conference to be held.
- 5.3.16 The National Executive Committee shall have the power to resign as a committee.

5.4 Election of Office-Bearers

- 5.4.1 All elections within NEUSA and its Branches shall be conducted in terms of the Electoral By-Laws of NEUSA.
- 5.4.2 The President and Vice-President shall be elected annually by the Annual Conference of NEUSA.
- 5.4.3 No President shall hold office for more than two consecutive years.
- 5.4.4 The General Secretary, Honorary Treasurer and Honorary Editor shall be appointed by the Annual Conference, and their appointment be subject to confirmation from year to year. Should there be more than one aspirant for the position or positions, an election shall be held at the Annual Conference.

5.5 Removal of Office-Bearers from Office

National Executive Committee office-bearers may be removed from office by a resolution passed by a two-thirds majority of members present and voting at an extraordinary meeting of the National Executive Committee called for that purpose. The grounds on which such removal is based shall be one or more of the following only:

- 5.5.1 gross dereliction of duty;
- 5.5.2 failure to carry out instructions of the National Executive Committee, provided that the National Executive Committee is acting within the scope of its constitutional authority;
- 5.5.3 non-attendance at three consecutive meetings of the National Executive Committee without satisfactory apology.

5.6 Quorum

Four members of the National Executive Committee shall constitute a quorum.

6.0 Constituent Associations

- 6.1 All Constitutions of Branches of NEUSA shall contain the clauses specified in Addendum A of this Constitution.
- 6.2 The Committee of a Branch shall exercise the rights, power, duties and functions laid down in its Constitution, provided that:
  - 6.2.1 no Branch or its Committee shall pass any resolution, frame any Constitutional provision, follow any policy or execute any action which the National Executive Committee by a two-thirds majority vote construes as contrary to the letter or spirit of the Aims and Objects of NEUSA as laid

- down in this Constitution. For this purpose, the Honorary Secretary of the Branch shall promptly forward a copy of all publications and of the minutes of all Branch and Branch Committee meetings to the General Secretary;
- 6.2.2 the Branch Committee shall enrol Full and Associate Members only, and shall do so only within the geographical area specified by the National Executive Committee;
  - 6.2.3 the Branch Committee shall forward to the General Secretary such details of members as he may require in order to maintain an up-to-date Register of Membership as contemplated in 3.2;
  - 6.2.4 the Branch Committee shall promptly bring to the attention of the National Executive Committee the case of any Branch member who, on one or both of the grounds laid down in 3.3.1 and 3.3.2, jeopardises his membership;
  - 5.2.5 any proposed amendment to the Branch Constitution shall be submitted to the National Executive Committee for ratification or amendment;
  - 6.2.6 the Branch Committee Chairperson, or a nominated Press Liaison Officer, may make statements to the media on behalf of the Branch and its affairs, and shall do so in consultation with the President or General Secretary;
  - 6.2.7 all elections within the Branch shall be conducted in terms of the NEUSA Electoral By-Laws;
  - 6.2.8 all meetings of the Branch, its Committee and Sub-Committees shall be conducted in terms of Standing Orders;
  - 6.2.9 the Branch shall conduct its financial affairs in terms of the NEUSA Financial By-Laws;
  - 6.2.10 the administration of the funds of the Branch by the Honorary Treasurer of the Branch shall be subject to the supervision of the Honorary Treasurer of the National Executive Committee, which supervision shall be conducted in terms of the NEUSA Financial By-Laws;
  - 6.2.11 the Branch shall collect membership fees from its members, the amount of which shall be determined from time to time by the Annual Conference;
  - 6.2.12 the Branch Committee shall impose on all monies it raises, including membership fees, the levy determined annually by the Annual Conference, and shall promptly forward the amount so

- determined to the Honorary Treasurer of the National Executive Committee;
- 6.2.13 upon its dissolution, whether by resolution of its members or by withdrawal of recognition by the National Executive Committee, all funds and assets of the Branch, after payment of all its creditors, shall revert to the National Executive Committee.
  - 6.2.14 upon the dissolution of NEUSA, all funds and assets of the Branch, after payment of all its creditors, shall be forwarded to the Honorary Treasurer of the National Executive Committee for donation to an educational charity.
- 6.3 In the event of withdrawal of recognition of a Branch by the National Executive, such withdrawal shall have to be ratified by the next Annual Conference, where the Branch concerned shall have the right to be represented by two representatives with rights to speak on the issue.
- 7.0 Meetings
- 7.1 All meetings of NEUSA and its Branches shall be properly conducted in terms of Standing Orders.
  - 7.2 National Executive Committee Meetings
    - 7.2.1 The National Executive Committee shall meet at least once a month (July and December excluded.)
    - 7.2.2 A Branch Chairperson, if unable to attend a meeting of the National Executive Committee, shall be entitled to vote by proxy on any motion before the meeting.
    - 7.2.3 The National Executive Committee shall discuss at its next meeting any resolution duly passed by a Branch Committee or a Branch meeting and sent for that purpose to the General Secretary, provided that two weeks' notice is given of the detailed nature of the resolution. Failing sufficient notice, the Branch resolution shall be discussed by the National Executive Committee at the meeting following the one for which insufficient notice was given. The outcome of the National Executive Committee's discussion shall be promptly conveyed to the Branch Committee.
  - 7.3 Special Meetings  
From time to time the National Executive Committee may permit or cause to be held Special Meetings of NEUSA to discuss matters of moment and urgency, or matters affecting certain sections of the membership only. The recommendations of such Special Meetings shall be advisory

only and not binding on the National Executive Committee.

7.4 Public Meetings

From time to time the National Executive Committee, in its own name or through the agency of a Branch, may call Public Meetings to inform and mobilise public opinion on issues of moment.

7.5 Special Delegate Conferences

Special Delegate Conferences shall be called by the National Executive Committee to take action on major constitutional issues, including:

- 7.5.1 the dissolution of NEUSA;
- 7.5.2 the election of a new National Executive Committee in the event of the resignation of the National Executive Committee as a whole.

8.0 Finance

- 8.1 All the financial affairs of NEUSA and its Branches shall be conducted in terms of the NEUSA Financial By-Laws.
- 8.2 With the exception of monies granted to and assets acquired by Branches, all NEUSA monies and assets shall be vested in the National Executive Committee and shall be held in trust by the National Executive Committee for NEUSA members and used in their interest.
- 8.3 Membership fees shall be determined from time to time by the Annual Conference and shall be collected by the Branches.
- 8.4 A levy shall be collected by the National Executive Committee on all monies raised by the Branches, including membership fees. The amount of the levy shall be determined annually by the Annual Conference.
- 8.5 The National Executive Committee may from time to time make grants to certain Branches.
- 8.6 The National Executive Committee shall bear the greater part of the cost of the Annual Conference and shall subvent delegates to the Annual Conference.
- 8.7 The Honorary Treasurer shall keep proper books of account and, together with the General Secretary and President, shall annually prepare a financial statement and balance sheet. These accounts, duly audited by a public accountant, shall be submitted annually to the Annual Conference for approval.
- 8.8 If a Branch should dissolve, whether by resolution of its own members or by withdrawal of recognition by the National Executive Committee, all funds and assets of the Branch, after payment of all creditors, shall revert to the National Executive Committee.

9.0 Amendment to this Constitution and Other Constitutional Document

- 9.1 Any amendment to this Constitution or to the Standing Orders shall be made only by a majority of two-thirds of enfranchised members present and voting at an Annual Conference of NEUSA.
- 9.2 Branch Constitutions or By-Laws of this Constitution shall be amended only by a two-thirds majority of National Executive Committee members present and voting at a National Executive Committee meeting.

10.0 Dissolution of NEUSA

- 10.1 A Special Delegate Conference to discuss the dissolution of NEUSA shall be called if requisitioned in writing by fifty members or more. NEUSA shall be dissolved by the resolution of a two-thirds majority of those present and voting on the motion, "That the National Education Union of South Africa do now dissolve". Should the motion not be carried, no similar motion may be put for a period of at least six months.
- 10.2 The funds and assets of NEUSA and its Branches shall, upon the dissolution of NEUSA and after payment of all its creditors, be donated to an educational charity.