WABA Worldwide Aquatic Bodywork Association

STATUTES

Section 1: GENERALITIES

Art. 1. On October 6, 2015, the International Association called Worldwide Aquatic Bodywork Association (acronym: WABA) has been established, based in Rivera, Monteceneri (CH) and with activities all over the world

Art. 2 a) The association is non-political, non-religious and is governed in accordance with Articles 60 and following of the Swiss Civil Code (CCS).
b) The official language of the association is English. In case of legal needs in correspondence with the Swiss authorities, an official Swiss language may be used.

Art. 3. The members are responsible for the achievement of the social objectives and personally liable for the payment of, and limited to, one annual association fee.

The annual fee for instructor's basic membership is fixed in USD 40.00.

The annual fee for practitioners and assistants' basic membership is fixed at USD 10.00. The first membership due is free until the end of the same year or the next year if the new practitioner has registered on WABR (The International WABA Registry) after 31 of August.
The annual fee for provider membership is fixed at USD 01.00.
The annual fee for training institutes is fixed at USD 150.00. Institutes until 2 instructors pay only 50.00 USD. Institutes with 3-4 instructors pay only 100.00 USD.
The annual fee for a local Aquatic Bodywork Association is fixed in USD 100.
The annual fee for a simple member is fixed in USD 10.00
The annual fee for a mentor member is fixed at a minimum of USD 200.00
The annual fee for a supporter member is set at a minimum of USD 30.00
Honorary members are exempt from paying the annual fee
Internal rules (IR) will give some more details.
The fees may be collected from the Worldwide Aquatic Bodywork Register (WABR) and reversed to the WABA accounts.
In any case, the full amount of the membership fee is due for the current calendar year. A member who registers for the first time after the 31 of August of the current calendar year, will pay only once the membership fee for the current and for the following calendar year."
The Board of Directors -in the internal rules - may grant payment in installments of the fees and also confer a partial repayment for local purposes related to brand protection activity (except in Switzerland and Austria).

Art. 4. The association is a nonprofit organization, and any benefits are reinvested to improve the achievement of social goals.

SECTION 2. OBJECTIVES AND PURPOSES

Art. 5. The primary objectives and purposes of this association shall be:

(a) to educate the public in aquatic and other kinds of bodywork and make the benefits they bring to both giver and receiver as accessible to as many people as possible;
(b) to introduce to the public both simple forms, which anyone can learn, as well as advanced forms, which can be the basis for successful bodywork careers and/or used by professional aquatic therapists and aquatic practitioners;
(c) to operate schools and/or organize classes, workshops and trainings everywhere in the world (except in Switzerland, Austria, South Korea and Mexico);

(d) to develop flexible educational and instructor training programs which can be followed in different countries;
(e) to raise funds to build up or help to build up educational centers with pools and to develop all other objectives and purposes in line with these statutes;
(f) to help individuals set up aquatic bodywork practices;
(g) to publish and distribute journals, books, videotapes;
(h) to encourage the development of inexpensive pools suitable for individual use;
(i) to be a clearing house to refer the public to available pools, qualified practitioners and instructors;
(k) to create projects to bring the benefit to groups that would not otherwise be able to come into contact with Aquatic bodywork
(l) to help to develop scientific and empiric research into the benefits of aquatic bodywork and to publish results of the research.
(m) to help set up local and continental organizations that will also have the task of supporting the WABA objectives and purposes
(n) to support local and continental organizations in protecting and developing the private Watsu Trademark (TM) all around the world (except in Switzerland, Austria, Mexico and South Korea).
(o) to coordinate specific sub-committees such as ethics committee, scientific committee, TM committee and Educational Standard Advisory Committee (ESAC)
(p) to support the correct functioning of the WABR and to negotiate with the WABR owners a general policy about posting fees and common rules of the registry
(q) to organize events to make aquatic bodywork known

Section 3: **Members**

Art. 6

a) Eligible for membership of the association are all individuals, Training Institutes (TI) and local Aquatic Bodywork Associations, who formulate an explicit request by submitting a form (on-line or in other electronic method) and who accept the present statutes in accordance with the following criteria:
Instructor Members are all teachers recognized in accordance with the rules set by the International private Register WABR (worldwide aquatic bodywork registry) and WABA guidelines.
Practitioner and Provider members are all practitioners or providers recognized in accordance with the rules set by the International private Register WABR (worldwide aquatic bodywork registry) and WABA guidelines.
Members as Training Institutions are all institutions recognized in accordance with the rules set by the International private Register WABR (worldwide aquatic bodywork registry) and WABA guidelines.
Local Aquatic Bodywork Associations are all associations that included students and / or professional Aquatic Bodyworker and are not TI and have no educational purpose as main goal.
All WABR registered Instructors, Practitioners and Providers are automatically also members of WABA. When registering with WABR they have to also submit a WABA member form.
The simple member is one who shares the aims of the association and wants to personally help divulge and protect the objectives and purposes of the association
The mentor member is one who financially supports the association and helps to set specific actions for explicit projects or for the development of the association.
The supporter member is one who wants to help the association only with a financial contribution.

b) The Board of Directors may refuse admission of one member without the need for giving reasons. The decision of the Board may be appealed to the General Assembly (GA) in accordance to the procedures set by the internal rules.

c) Honorary members are elected from the assembly for their special merit to the association.

Section 4: ORGANIZATION

Art. 7 The association is comprised of:
a) The General Assembly (GA)
b) The Board of Directors
c) Accounting auditor
d) Special committees

A. GENERAL ASSEMBLY (GA)

Art. 8 a) The Assembly is the Ruling Body of the association. The Assembly includes the recognized members and those who have duly paid the entitled annual fees. The Assembly is tasked to make suggestions, requests and obtain approval of proposals, in the manner and time provided in this statute and carried out in detail by the Internal rules.
This meeting may be validly held anywhere in the world or in electronic form (Electronic General Assembly-EGA) as established by the Internal Rules, provided they are convened with at least 2 months' notice.

b) The right to vote cannot be delegated (except for instructors and only to WABA Training Institutes) -in addition to those who refer to art.10- is governed as follows:
1. The WABA Instructors members are entitled to two votes. They can delegate one or both of their votes to their Training Institutes (TI). Instructors that are members of more than one TI can delegate only 2 votes in total.

2.The practitioners, providers, mentors, honorary members are entitled to one vote

3. The TI is entitled to one basic vote and they are entitled to collect and use the votes of their instructors that are WABR registered and in good standing with the various payments to WABR.

4. The local Aquatic Bodywork Association are entitled to 2 votes.

c) GA or EGA is headed by Board and supervised by the WABA chair in office. In absence of the WABA board chair, by the vice-chair or another WABA board officer in office.

d) All voting on GA is done by hands show or on EGA by electronic method provided by the internal rules and by a simple majority of votes cast (abstentions do not count as votes cast), or in accordance with art. 66 paragraph 2 of the SCC when written procedure without GA or EGA is set up. If requested by a present member, the vote on items of personal relevance, can take place in secret form. The internal rules governing the details.

. e) Exclusion from voting
In social resolutions concerning a private interest or a legal dispute between the association on the one hand and a partner, spouse or relative, the member is excluded by law from voting. The same procedure applies to similar situations that present themselves in the voting procedures of the different bodies of the association.

Art. 9 The Board of Directors will convene annually before 31 August. The board will send notice at least two months before the General Assembly members meeting, at which will be decided by a simple majority on matters that the law has on its competence. Amendments to the Statutes require a majority of two thirds of the votes cast. Usually notice to the members will be done by mail(electronic). The Board may decide otherwise.
Proposals of members must be sent to the attention of the Board at least 30 days before the meeting.

Art. 10 All instructors, assistants, practitioners, providers, mentors and institute members current with the fee's payments, have the right to vote and stand in the institutional bodies of the association starting from 18 years of age. The other members can exercise a consultative vote according to the dictates set by the internal rules of procedure.

Art. 11 An Electronic General Meeting (EGM) or General Electronic Voting (GEV), may be called with an advice term of 2 weeks, upon a written request to the Board of at least 1/5 (one fifth) of the members or by the Board of Directors directly as needed.

Art. 12 The GA or the EGA or EGM or GEV have the right to act only on items appearing on the agenda. Any other object can be used only on an advisory basis.
The usual GA or EGA agenda -in according to Swiss Laws- is:

a) Report of last GA or EGM (EGA or GEV do not need a specific report. All members will receive the EGA and GEV results)
b) Report of the WABA Chair and/or Board
c) Reports of the active committees
d) Financial report with account details
e) Financial audit report
f) Vote on regular or supplemental elections
g) Vote on final changes on Statutes and IR
h) Final vote on members proposals

B. BOARD OF DIRECTORS

Art. 13 a) The association is governed by a Board of Directors consisting of a chairman (or two co-chairs) and at least two other members and exercise the duties prescribed by law. It's elected for a term of four years.

b) The composition of the Board of Directors must consider a continental regional representation according to the following criteria:

1) North America at least two members
2) Europe (including Asiatic Russia, Turkey and Israel) at least three members
3) Central and South America, at least one member
4) Asia, at least one member
5) Oceania, at least one member
6) Africa, at least one member

The above criterion of representation is compulsory applicable when one of the named continental regions has at least 10 WABR instructors and 20 WABR practitioners validly registered in the International Register WABR regardless of the kind of aquatic bodywork exercised.

In all other cases, it's always possible to have representatives from different regions of the world on the Board, if a valid candidature is organized and supported by continental members' votes.

c) The two European and two North American members are elected every four years' One European and One North American member will hold a staggered term every two years. Board members shall serve staggered terms in order to balance continuity and professional perspective. Each board member will serve a 4-year term. Every two years WABA will organize in October an election for the involved board members.

d) The Internal Rules delineate the details of the different candidatures and vote procedures.
e) The Board members are elected by the GA or EGA between those continental candidates. The Chairman (or two co-chairs) is elected by the GA or EGA from those delegates voted in each continental/ mainland. In the event of resignation or death of the current Chair, it can be voted by an EGM or EGV. All other Board charges/functions are self-assigned by the board members. At least one vice-chair, one secretary and one treasurer must be assigned. (NB. If there are two co-chairs, vice-chair task is facultative).
f) The owner of the Worldwide Aquatic Bodywork Registry (the Dull's family) has the right to delegate a member to participate to the WABA Board of directors' meetings with a consultant vote, and to have a seat on the Watsu TM Committee.

C. ACCOUNTING AUDITOR

Art. 14

a) The accounting auditor is composed of one member elected every two years and holds the statutory and legal tasks. The auditing of the accounts can be requested by any member. The internal rules are governing the details. The Board carefully observes and watches over so that there is maximum transparency from the financial point of view. Each member has the right to see the accounts of the association 30 days before the GA.
b) A member that has a personal relation to one Board member (relatives, business or other relations) or could have a private interest or a legal dispute between the association on the one hand and a partner, spouse or a relative in a straight line on the other side, cannot be elected on that function.

D. COMMITTEES

Art.15

WABA has at least the following advisory committees that are designated by the Board of directors except the Ethical committees that are designated by an application of the local continental training institutes:

a) An Ethical Committee for every continental Region as per Art. 13 b)
b) An ESAC (Educational Standard Advisory Committee) for supporting the WABR rules and educational standards worldwide.
c) A Research and scientific committee that has for task to improve scientific and empirical research about the benefits of AB
d) Watsu and others AB TM committee that has the task to coordinate the protection of the TM against abuse (except for WATSU, Aquatic Bodywork (AB) and Aquatische Körperarbeit (AK) in Switzerland, Austria, Mexico and South Korea).
e) Assistants and Instructors conferences may be organized on a continental basis, but every assistant or instructors coming from abroad should be entitled to participate. They may advice the Board about any kind of subject related to the AB's and the association. The Board is informing the instructors worldwide about the issues and result of those meetings.
f) …
g) The Board of directors or the Assembly can set up others specific committees. Each committee will be set up on the basis of the same principle indicated by art. 13 b).

h) The committee members set up the how they are organized and how they make decisions. The Board of directors has the right to give advice as to how to handle procedures, and to supervise procedures.

Art. 15.2 The Board, in compliance with the nature of art. 13b of current Statutes, has the right to choose or suggest designations or nominations outside the incoming candidatures. The Board is required to organize a vote, in compliance with the nature of art. 13b of current Statutes and endorsed by continental members vote of TI, Instructors, and Assistants, to designate a committees' members if more candidatures are available than positions. The result of such local or general vote is final.

Art 15.3 If there are insufficient committee member candidates, or for other reasons that prevent the Board from designating the committee members, particularly in critical WABA areas such as ESAC, the Board may organize a call for additional candidates. The procedure for additional call is described in the Internal Rules.

Section 5: **ETHICS & Sanctions**

Art. 16 a) The Board shall establish an ethical code of reference in the activities of various social actors.
The code of ethics may be slightly adapted to different sensitivities according to different cultural regions.
b) It also states in an internal rules' regulation (IR) the various details of operation of the various bodies and the various procedures related to the implementation of this Statute. The internal rules must be ratified by the GA by its next session, whenever it is modified.

Art. 17 A member who because of his conduct made himself unworthy of belonging to the association can be expelled from the GA. The Board may temporarily suspend him from all activity. In this case a right of appeal is admissible and if exercised has a suspensive effect.

Art. 18 Sanctions:

1. The WABA Board, who is competent according to art. 16 &17, may pronounce - individually or cumulatively and for the grounds (non-exclusive list) listed in art. 16&17 and related IR - the following sanctions (non-exclusive list) against a member:

a) A warning.

b) An observation period (max. 2 years, renewable once for the same circumstances).

c) A full or partial suspension from all WABA activities (max. 2 years, non-renewable for the same facts).

d) A financial penalty (between USD 25 and USD 1000.-);

e) Lifetime or limited time's exclusion.

2. The above-mentioned sanctions are taken by a majority of 2/3 of the Board elected members. A right of appeal is admissible and if exercised has a suspensive effect.

3. The WABA Board may refine and/or extend in the IR, the list of sanctions listed in paragraph 1.

Art. 19 Grounds:

1. The above-mentioned sanctions (art. 18) may be taken if:

a) a member repeatedly violates obligations arising from the statutes, regulations, codes of conduct (codes of ethics, commitments, etc), other legally binding decisions of WABA Board and Committees and WABR;

b) a member does not meet its financial obligations, after a simple written reminder.

c) a member harms and/or endangers - by its behaviour and/or any other way - WABA's image or interests.

d) abuse of rights or malicious litigation: The repeated filing of WABA proceedings may constitute an abuse of rights if done to manipulate or pressure jurisdictive outcomes or aimed only at coercing a settlement.

2. The WABA Board may clarify and/or extend in the Internal Rules IR the list of grounds for sanction listed in paragraph 1.

Art. 20 Competences / Jurisdictions and relevant procedure

1. Are competent to pronounce a sanction within the meaning of Art. 18:

a. the WABA Board;

b. The General Assembly (GA) or the Electronical General assembly EGA

c. One specific General Electronic Voting (GEV)

2. The internal rules (IR) of WABA regulate, in accordance with the provisions to these Statutes, the relevant procedure, the competent bodies and the respective legal remedies.

Section 6: **OTHERS**

Art. 21 a) The association shall only be liable with its own assets, and members only for the annual fees fixed by the GA (EGA) and in accordance with article 3 of the present statutes. The financial year coincides with the calendar year.
b) Maintaining accounts is the responsibility of the treasurer who reports directly to the GA (EGA). The signatories on behalf of the association are individual and are exercised for financial matters by the treasurer in daily based business activity. For setting any financial obligations (e.g. bank loans) or with expenses of greater value decision must be made by the majority of the Board. The treasurer reports the financial activity to the Board on monthly basis. The Board may allow other members of the committee to exercise a right of individual signature for every kind of social activity.

Art. 22 The resignation by the association are made by letter addressed to it with expires at 31.12. of the current year and with notice of at least one month before. They are valid only if the member is in good standing with the payment of the fees. Membership is also lost in the event of non-renewal of participation to the activities of the association, provided that the relative fees have been paid, and in accordance with the procedures established by the Board in its Internal Rules.

Art. 23 The defaulting member delayed for at least one year in dues, can be deleted automatically by the association, after an unsuccessful call of the fees. The Board establishes the procedure in the Internal Rules of procedure.

Art. 24 a) The dissolution of the Association or Statutes changes may be decided by an GA or EGA with a 2/3 majority of votes cast.
b) In case of dissolution the association's assets, after repaying any creditors, will be delivered to a liquidator and will serve to lay the foundations for a new organization with Continental or World aquatic bodywork as main purpose.

This statute has been approved from the GA or EGA on 6. October.2015 and edited by EGA on 9.December.2019, 13.May.2020, 25.July.2021 and 16 September 2022.

On behalf of the Board:

Mary Seamster, Chair 30.09.2022