

THE CONSTITUTION



Rules and Regulations of

THE UNIVERSITIES' ACADEMIC STAFF UNION (UASU)

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Quichia
REGISTRAR / TRADE
UNIONS

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PREAMBLE

WHEREAS The Universities' Academic Staff Union (UASU), has been founded upon principles of social justice, labour democracy and democratic action and is dedicated to the achievement of greater unity among its members for the purpose of improving their terms and conditions of service, standards of living, social responsibility and empowerment, bringing fairness and dignity to the workplace and ensuring academic freedom and social equity in the universities.

WHEREAS the union will act as a bargaining instrument for its members, unite and assemble a progressive coalition to overcome unfair wages, hours, conditions and unfair labour policies and practices wherever these exist, and create a collective force within the labour movement that will speak on the public policies and issues that affect the lives of the teaching staff;

WHEREAS the union has formulated and adopted the following rules and regulations, and recognizes a need for organizing and collectively bargaining for the purpose of attaining its objectives;

To these ends the Universities' Academic Staff Union which was founded in 1993 and whose constitution was registered on 2nd May, 2003, adopts, enacts and gives this constitution to itself.

MOTTO : EDUCATION LIBERATES

ARTICLE 1: INTERPRETATION

In this constitution the "Universities" shall include the University of Nairobi and its constituent colleges, Kenyatta University and its constituent colleges, Egerton University and its constituent colleges, Moi University and its constituent colleges, Maseno University and its constituent colleges, Jomo Kenyatta University of Agriculture and Technology and its constituent colleges, Western University College of Science and Technology and such other public universities in the Republic of Kenya.

ARTICLE 2: NAME AND REGISTERED OFFICE

The Trade Union constituted by these Rules and Regulations shall be known as the "UNIVERSITIES' ACADEMIC STAFF UNION (UASU)" hereafter referred to as the Union.

The registered office of the Union shall be at the Union Headquarters situated in UNIAFRIC HOUSE, LOITA STREET, 3RD FLOOR, ROOM 301, Nairobi, which shall be the place of meeting for conducting the business of the Union. The postal address of the union shall be P.O Box 30198 – 00100 Nairobi, Kenya.

ARTICLE 3: AIMS AND OBJECTIVES

The aims and objectives of the Union shall be:-

- (a) To buttress gender equity and equal opportunities without any form of discrimination on the basis of among others; sex, race, tribe, religion or ideology.
- (b) To bring together and unite the academic staff of all grades and qualifications of Kenya's universities as described by 4 (a).
- (c) To secure complete organization within the Union of all academic staff employed in the Universities as specified in the Rule 4 (a).

- (d) To regulate and improve relations between members specified in Rule 4 (a) and
- (i) The universities' Councils;
 - (ii) The students of the Kenya's public Universities.
 - (iii) Other relevant stakeholders.
- (e) To provide the instrument of co-operation among the academic staff; academic labour unionization and the aggregation and articulation of their collective views, interests, opinions and decisions upon matters affecting university education in particular and national education in general.
- (f) To participate in all matters aimed at improving *quality education* in Kenya.
- (g) To secure strategic and effective representation of the academic staff on the Government, public and private organizations where such representation may be relevant and imperative.
- (h) To secure and maintain *harmonized* membership, employment and service for all members.
- (i) To make everyday endeavour to obtain just and proper rates of wages, working hours and other conditions of employment.
- (j) To negotiate and promote settlement of Trade Disputes between the union members and employers by conciliation, arbitration or otherwise, and generally to safeguard the interests of members.
- (k) To establish and maintain funds by means of entrance fees, voluntary contributions, subscriptions, levies and by borrowing on such security and such terms as may from time to time be *co-ordinated* by the National Executive Committee.
- (l) To participate wherever possible in the consideration and formulation of universities' policies and in the management of the affairs of the Universities.
- (m) To seek effective representation in the universities' councils, senates and other management committees for the common good of the universities' employees.
- (n) To uphold professional and ethical conduct of the members in order to guarantee and protect the universities' integrity.
- (o) To promote educational excellence and academic standards e.g. by endeavoring to provide and seek appropriate and adequate training, teaching and research facilities.
- (p) To secure facilities, funding and support for training members in their trades for the overall development and performance of the universities.
- (q) To co-operate with other organizations on matters of common interest with a view to pursuing common or uniform action when necessary or desirable.
- (r) To affiliate with other bodies such as Education International (EI), International Labour Organization (ILO), among others if necessary and with approval of members.
- (s) To seek and obtain legal advice and any other assistance on matters affecting the Union, or for promoting the rights of a member or members on matters arising out of the relations with the employers, provided that the National Executive Committee shall have the sole rights to decide whether or not such legal advice or assistance is in the best interests of the Union or the members concerned.
- (t) To influence the recruitment, review and promotion of University staff in general and academic staff in particular on objective and competitive criteria.

- (u) To collect and circulate among members of the union such information concerning all matters affecting the Union and to print, publish and issues such papers, periodicals, books, circulars and other literature as may seem conducive to any of these objectives.
- (v) To provide to members any or all of the following benefits:-
 - (i) *Relief in sickness, accident, distress, unemployment, victimization or trade disputes and any assistance to a member's immediate dependants as agreed by the National Executive Committee.*
 - (ii) *Cushion funeral expenses by establishing a Benevolent Fund for a member or his/her immediate dependants subject to a maximum amount as decided by the National Executive Committee.*
- (w) To acquire either by purchase, lease or otherwise, any movable or immovable property or other assets, and to sell, let, mortgages, or charge or otherwise deal with or dispose of, movable or immovable property belonging to the union, as may be approved in a National Delegates Conference.
- (x) To protect the intellectual property rights of its members.
- (y) To establish scholarships for the young members.
- (z) To establish a disaster fund.

ARTICLE 4: MEMBERSHIP

There shall be three categories of members: Ordinary, Honorary and Special/Associate members.

(i) Ordinary Membership

- (a) Membership of the Union shall be open to all academic and research staff of the universities appointed on Academic Terms of Service.
- (b) Every eligible person shall be required to pay entrance fee of shillings five hundred (Kshs. 500/=) on application for membership.
- (c) The Union subscription fee shall be collected from every member of the Union at the rate of two percent (2%) of the basic wage of every member per month as decided by the National Delegates Conference.
- (d) The membership and subscriptions fees shall be determined from time to time by the National Delegates Conference (NDC).
- (e) The subscription fee shall, in as far as possible be collected through the check-off system.
- (f) Upon admission to membership the member shall be bound by this constitution and the by-laws.
- (g) Under no circumstances shall any entrance fee, subscription or other donations paid to the Union be refunded.
- (h) A member of the Union, subject to the provisions of this constitution, shall enjoy all rights and privileges of membership so long as they remain members in good standing.
- (i) A member shall give three months prior written notice of their intention to resign from the Union to the National Secretary General and shall settle any outstanding debts, affiliation fees, or subscription with the union before such resignation is effective.
- (j) The National Executive Committee shall have the authority to censure, suspend, fine or expel any member who is found guilty of:

- (i) Violating any provision(s) of this constitution.
 - (ii) Misappropriating, embezzling or improperly or illegally using Union funds.
 - (iii) Acting to be detriment of the Union or its membership; or
 - (iv) Willfully violating a legally negotiated and approved Collective Bargaining Agreement.
- (k) In all cases of suspension and expulsion, members shall be given not less than two weeks' notice of any complaint brought against them and shall have the right to be heard by the National Delegates Council.
- (l) *The National Executive Committee shall have authority to reinstate members or lift suspensions which the National Delegates Council determines were unjustified.*

(ii) HONORARY MEMBERSHIP

- a) Honorary membership may be conferred on any person, who in the opinion of the National Delegates Conference has rendered outstanding service to the cause of the Union, such honorary membership shall not carry any right to vote on any matter or shall an honorary member be eligible to hold any office in the Union.
- b) Any member may propose in writing to the National Executive Committee the name of not more than one person for consideration for Honorary Membership of the union provided that an honorary member shall not be eligible to propose any name for such consideration.
- c) Honorary membership may be conferred only with majority approval of the National Delegates Conference.

(iii) SPECIAL/ASSOCIATE MEMBERSHIP

- (a) *Membership may be conferred to a person who has rendered outstanding service to humanity and is not covered under article (5).*
- (b) *This membership shall be approved by National Delegates Conference.*
- (c) *Part – time lecturers.*

ARTICLE 5: BILL OF RIGHTS FOR UNION MEMBERS

- (a) *A union member shall have the right to be notified of their rights by the Union and to be educated about how to enforce these rights.*
- (b) *A Union member shall have the right to free speech and assembly.*
- (c) *A Union member shall have the right to secret ballot vote on all Union decisions.*
- (d) *A Union member shall have the right to seek legal redress without reprisal, if internal judicial procedures do not produce a satisfactory result within four months.*
- (e) *A Union member shall be protected from improper Union discipline and shall have the right to due process in internal Union disciplinary hearings, including:*
 - (i) *The right to specific, written charges;*
 - (ii) *The right to confront and cross-examine accusers;*
 - (iii) *Adequate time to prepare a defense; and*

- (iv) *The right to a full and fair hearing and a decision based on the evidence.*
- (f) *All Union members shall have the right to receive a copy of the Collective Bargaining Agreement and to inspect copies of all contracts that the Union administers.*

ARTICLE 6: NATIONAL DELEGATES COUNCIL

- (a) *The National Delegates Council shall be composed of the National Chairperson, Vice Chairperson, National Secretary General, Deputy Secretary General, National Treasurer, Assistant Treasurer, National Organizing Secretary, National Trustees, Chapter officials, Committee members, Trustees and Delegates from chapters.*
- (b) *The National Delegates Council shall be the supreme authority of the Union and shall hold National Delegates Conference every year at such time and place as decided by the National Executive Committee.*
- (c) *The Secretary General shall convene National Delegates Conference by giving a 21 (twenty one) day notice in writing to each chapter secretary.*
- (d) *Every chapter of the union shall have the right to send one delegate for every 100 (one hundred) members or part thereof of duly registered in the membership register at such chapter provided that nothing herein contained shall authorize a chapter to send more than 7 (seven) such delegates to the National Delegates Conference. The registered members of the chapter concerned shall elect such delegates for that purpose.*
- (e) *The National Delegates Conference may conduct any business, including laying down the policy of the Union and giving directions regarding the organization of the union. The National Delegates Conference shall elect the National office bearers of the union.*
- (f) *Matters of discussion at the National Delegates Conference shall be sent to the Secretary General at least 14 (fourteen) days before the date of the National Delegates Conference.*
- (g) *The Secretary General shall prepare and issue chapters with the agenda of the National Delegates Conference at least 7 (seven) days before the Conference.*
- (h) *The quorum of the National Delegates Conference shall be two thirds (2/3) of the members entitled to attend and vote thereat.*

ARTICLE 7: SPECIAL DELEGATES CONFERENCE

- (a) *A special Delegates conference shall be convened by the Secretary General on the directions of the National Executive Committee, or at the written request of not less than one tenth of the fully paid up members of the union, each of which shall be required to sign such requisition, provided that the secretary shall not be required to act on the requisition of members unless and until the sum of Kshs. 1,000,000 (one million) shall have been paid to the Treasurer of the Union for the purpose of defraying the expenses of convening the meeting, and such sum shall be paid by the Treasurer into the general funds of the Union and shall not under any circumstances be subject to refund.*
- (b) *A Special Delegates Conference shall have all the powers of a National Delegates Conference and it shall be convened by the Secretary General by giving a 14 day notice to all chapter secretaries. Such notice may be determined by the Secretary General taking into account the urgency of the issue at hand and as determined by the National Executive Committee.*

- (c) Every chapter secretary of the Union shall inform the National Secretary General in writing within seven days before the date of the special delegate's conference of the number of delegates the chapter is entitled to send to the special delegate's conference, together with the names of duly elected delegates.
- (d) The quorum for a special delegates conference shall be two thirds of the members entitled to attend the vote thereat.
- (e) If for any reasons the Secretary General upon a requisition from the members fails to convene a Special Delegates Conference, the members requisitioning such a conference shall have the right to nominate a person to convene the conference.
- (f) If within one hour from the time appointed for the National Delegates Conference or Special Delegates Conference a quorum be not realized, the conference if convened upon a requisition of members shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, if at an adjourned conference a quorum be no realized within half an hour from the time appointed the conference, the members present shall form a quorum. Notwithstanding the provisions of the rule no adjourned conference shall have the power to carry out amendments or alterations to the constitution or rules, nor to elect national officers or National Executive Committee members unless the required quorum be realized.

ARTICLE 8: NATIONAL EXECUTIVE COMMITTEE

- (a) The National Executive Committee (NEC) shall be the governing body of the Union. It shall be responsible for the direction of the office bearers to whom the daily management of the union shall be committed.
- (b) In the event of any questions arising as to the interpretation of any of these Rules, the questions shall be referred to the National Executive Committee whose decision shall be final and binding.
- (c) The National Executive Committee shall be composed of Chairperson, Vice-chairperson, Secretary General, Deputy Secretary General, Treasurer, Assistant Treasurer and the Organizing Secretary and other officials co-opted from time to time to ensure representation of interest groups.
- (d) The number of National Executive Committee members shall however not exceed 15.
- (e) The National Executive Committee shall meet at least twice in every six months provided that it shall meet if, and when the chairperson so demand; or if and when one third of the members of the National Executive Committee shall request the Chairperson in writing to summon the Executive Committee. If for any reasons the chairperson, upon a requisition from the members of the National Executive Committee fails to convene the Executive Committee, members requisitioning such a meeting shall have the right to nominate a person to convene it.
- (f) Any members of the National Executive Committee may be removed from membership by a two thirds majority of all the members entitled to attend and vote at the National Delegates Conference or Special Delegates Conference thereat, or shall stand suspended from the committee if he/she absents himself/herself from three consecutive meetings without an apology, the chairperson shall invoke the provision of article 25.
- (g) Any vacancy occurring in the membership of the National Executive Committee may at the discretion of the National Delegates Conference through an election thereat be filled by the members of the Union present.
- (h) For the purpose of promoting the objective of the Union the National Executive Committee shall have power to utilize the fund and property of the union and to this end the trustees shall, at the direction of the National Executive Committee, execute all documents and deeds that may be necessary for the furtherance of the Union's objectives.

- (i) All decisions of the National Executive Committee shall be binding on the union and on each of its officials and members provided and if in any such decisions directly affects the rights or privileges of any member or any group of members, such members or group of members may within thirty days of the date of decision to appeal to a special or national delegates conference. Further all such decisions may be subject to review by the National Delegates Conference or a Special Delegates Conference, and all such decisions shall be recorded by the Secretary General.
- (j) The quorum for the National Executive Committee shall be half of the members entitled to attend and vote thereat.

ARTICLE 9: OFFICERS OF THE UNION

- (a) Except as otherwise herein expressly provided all office bearers shall be elected every five (5) years by secret ballot, subject to chapter Annual General Meeting and the National Delegates Conference.
- (b) Only such members of the Union not in arrears with their subscriptions shall be eligible for election as officers of the union.
- (c) *All prospective candidates to the National office must be delegates as defined in 6(c).*
- (d) Every elected officer of the Union shall vacate office at the expiry of five (5) years, but shall be eligible for re-election, for a final 5 year term subject to the provisions of (c) above.
- (e) Any officer of the union may be removed from office by a two thirds majority decision of all members entitled to attend and vote at the National Delegates Conference. The vacancy shall be filled as explained in article 8 (g) and 9 (h).
- (f) Any officer of the Union may be suspended from office by a two thirds majority decision of all members entitled to attend and vote at the National Executive Committee. In the event of such a suspension, the National Executive Committee shall have the power to appoint one of its members to act in such a post pending its decision whether or not such an officer be removed altogether.
- (g) (i) No officer shall be removed from office unless he/she has been given the opportunity to state his/her case personally or in writing at a meeting of the National Executive Committee of which he/she has received not less than two weeks notice in writing. Such a notice shall include details of the allegations with which the member is charged.
(ii) Any officer so suspended or removed shall have the right to appeal against such suspension or removal to the next National Delegates Conference following such action by the National Executive Committee. Notice of an appeal shall be forwarded or handed to the Secretary General in writing within thirty days of the date of which the decision of the National Executive Committee was communicated to the office concerned. Provided that such a officer if found guilty can be replaced through an election during the same Delegates Conference.
(iii) In the event of more than three officers of the union dieing, resigning, being dismissed or otherwise ceasing to be officers during the five year term of office, a Special Delegate's Conference in accordance with the provision of Rule No. 8 (8) shall be convened to elect officers to fill the vacancies.

ARTICLE 10: DESIGNATION AND DUTIES OF OFFICERS OF THE UNION

(a) The National Chairperson Shall:-

- (i) Preside at all conferences and meeting at which he/she is present and enforce observance of the constitution and rules of the union and perform such duties as by usage and custom pertains to his/her office.
- (ii) Be responsible for the administration of the Union.
- (iii) Act as one of the responsible financial officers of the union and co-sign financial instruments.
- (iv) Cast a deciding vote in case of a tie at any meeting

(b) The Vice – chairperson shall

- (i) Preside over conferences and meetings in the absence of the chairperson and whilst so performing such duties, shall have the same privileges as the Chairperson.
- (ii) Perform other duties as delegated by the National Chairperson or assigned by membership, National Executive Committee, National Governing Council, or National Delegates Conference.
- (iii) If for any reason the Chairperson or Vice Chairperson fails to preside over any properly convened and constituted conferences and meetings, the members attending such conferences and meetings shall have the right to appoint an *ad hoc* chairperson.

(c) The Secretary General shall:

- i. Be the Chief Executive Officer and spokesperson of the Union.
- ii. Act as the custodian of the seal and constitution of the Union.
- iii. Issue and prepare the agenda of all conferences and meetings and attend all conferences, special conferences and all meetings of the National Executive Committee and record the minutes of the union.
- iv. Maintain the non-financial files and records of the Union.
- v. Maintain accurate membership records.
- vi. Receive, report and respond to correspondences for/on behalf of the Union.
- vii. Represent the union before the employers, various bodies and organizations, the public Community, organizations, legislative, executive and the media.
- viii. Supervise all Union employees.
- ix. Prepare Annual reports to National Delegates Conference and the entire membership.
- x. Be responsible for ensuring due compliance by the Union with the provisions of the Trade Unions Act and all regulations met thereunder.
- xi. Be the chief accounting officer of the Union and act as one of the responsible financial officers and co-sign the financial instruments.

xii. Shall assist the National Chairperson in the administration of the Union.

xiii. Shall issue notice of the industrial action as approved by the National Delegates Conference.

(d) The Deputy Secretary General shall:-

- i) Deputize the Secretary General and act for him/her in the event of absence and shall have the privileges of the Secretary General when exercising this role.

(e) The National Organizing Secretary shall:

- i) Work under the Secretary General and shall oversee matters pertaining to mobilization of members and organization of workshops, conferences, education days, national service and general publicity of the union.

(f) The National Treasurer shall:

- i) Be responsible for Union funds and shall keep and maintain all the necessary books of accounts.
- ii) Act as the Chief Finance Officer of the Union and be authorized to co-sign financial instruments and make regular and usual disbursement of funds.
- iii) Ensure that no payment is made from the union funds under his/her control unless the payment voucher has been prepared and authorized in accordance with the provisions of the Trade Union (Accounts) Regulations.
- iv) Receive, record and deposit all dues and other income in the name of the union.
- v) Maintain all financial records of the union.
- vi) Implement the policy recommendation as may be directed by National Executive Committee from time to time.
- vii) Prepare and submit to the National Delegates Conference a report on the financial position of the Union, together with a statement of Income and Expenditure during a period of twelve months ending on 31st December and preceding the National Delegates Conference and a balance sheet as at 31st December.
- viii) Arrange for an annual independent audit of the finances of the union and make such audit available to the National Executive Committee (NEC).
- ix) Perform other duties as delegated by the National Executive Committee and National Delegates Conference.

(g) National Assistant Treasurer shall:

- i) Assist the National Treasurer and act in his/her absence.

ARTICLE 11: TRUSTEES

- (a) The National Delegates Conference shall elect three trustees, from among delegates in whom shall be jointly vested all the property of the Union.
- (b) The trustees shall oversee all the funds and other assets of the Union.
- (c) A trustee shall hold office for a maximum of five (5) years or until such time as he/she resigns by notice in writing to the National Executive Committee or is removed by vote at a National Delegates

Conference or Special Delegates Conference. In the event of the resignation of a trustee, the National Executive Committee shall nominate one of its members to fill temporarily the vacancy until such time as the National Delegates Conference or Special Delegates Conference elects a trustee to fill the office of the nominated trustee.

- (d) The trustees shall meet with the National Executive Committee at least once every three months.
- (e) The trustees shall prepare and submit their report to the National Delegates Conference.

ARTICLE 12: EMPLOYEES

- (a) The National Executive Committee may engage such employees as it may from time to time consider necessary and shall determine their remuneration and terms of service.

ARTICLE 13: UNION FINANCES

- (a) The National Treasurer shall cause a bank account to be opened and maintained in the name of the union and shall ensure that all monies received by him/her are paid into the said bank account within seven days of receipt of such monies, provided that the National Treasurer shall be permitted to retain in cash a sum of not exceeding five thousand (5,000) for petty cash where accounting receipts must be kept.
- (b) All cheques shall be signed by the National Treasurer and two other signatories drawn from among the National Chairperson, Secretary General, and a Trustee.
- (c) The funds of the Union may be expended only on the following objects:-
 - i) The payment of salaries, allowances and expenses of officers of the union.
 - ii) The payment of expenses for the administration of the union, including audit of the account of the funds of the union.
 - iii) The prosecution or defense of any legal proceedings to which the union or any member thereof is a party, when such prosecution or defense is undertaken for the purpose of securing or protecting the rights of the Trade Union as such to any rights arising out of the relations of any member with the chapter's University Council.
 - iv) The conduct of trade dispute on behalf of the union or member thereof.
 - v) The compensation of members for loss arising out of trade disputes as may be determined by members.
 - vi) Such allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment as the National Executive Committee may from time to time prescribe.
 - vii) The payment of subscription and fees to any federation or Trade Unions to which the Trade Union may be affiliated.
 - viii) The payment of any fine or penalty imposed upon the union under the provision of the Trade Unions Act; provided that the funds of the union shall not be applied either directly or indirectly in payment of the whole or any part of fine or penalty imposed upon any member or other person by sentence or order of a court of justice.
- (d) The financial year of the union shall end on the 31st day of December every year. The Secretary General upon request shall supply copies of the annual statement of accounts to members.

ARTICLE 14: ELECTIONS

- (a) All Union decisions shall be determined by secret ballot. The taking of all decisions in respect of officers and chapter representatives, the amendment of the Constitution, Rules and Regulations, Strikes, Amalgamation, dissolution and other matters affecting members of the union generally shall be by secret ballot.
- (b) No member of the Union shall be eligible to vote on any matter if his/her monthly subscription is more than 90 days in arrears.
- (c) All candidates nominated for election to the National Executive Committee shall be fully paid up members of the Union and shall be nominated by ten members exclusive of members who are themselves candidates for elections, and such nominations shall be signed by the candidates seeking elections, indicating his/her acceptance of nomination.
- (d) All candidates nominated for election of the Executive Committee shall be fully paid up members of the union and shall be nominated by ten fully paid up members exclusive of members who are themselves candidates for elections, and such nominations shall be signed by the candidates seeking elections, indicating his/her acceptance of nomination.
- (e) *All candidates seeking elections to National Executive Committee positions must be delegates from their respective chapters and be eligible to attend and vote at the National Delegates Conference.*
- (f) Candidates who are aggrieved shall have rights to appeal within 48 hours to the electoral commission.
- (g) The returning officer shall be an independent person/body identified by the National Executive Committee.
- (h) The UASU electoral committee shall be composed of all returning officers from chapters.
- (i) To be eligible, a candidate(s) should have been a member(s) of the Union for at least 12 (twelve) consecutive months preceding the date of election.

ARTICLE 15: INDUSTRIAL ACTION

- (a) The National Executive Committee shall by a resolution have the authority to call upon all members or any group of members to withdraw their labour in case of a trade dispute arising, provided that such resolutions voted upon by secret ballot of a meeting of the National Executive Committee called for the purpose and provided further that such resolution has received the support and approval of two thirds of the members of the National Delegates Council at a Delegates Conference.
- (b) Such industrial action can only be called off by resolution of the National Executive Committee and approval by two thirds (2/3) of National Delegates Council at a National Special Delegates Conference and communicated by the Secretary General.

ARTICLE 16: NEGOTIATION TEAM

- (a) *The members of the Negotiating Team shall be appointed by the National Executive Committee on the recommendation of the chapters.*
- (b) *Prior to the commencement of the Collective Bargaining Agreement, the National Executive Committee shall permit the membership to proposed a substitute other than a National Executive Committee*

representative on the committee as its representative on the Negotiating Team. Such proposals shall be subject to majority vote by the membership.

(c) Where the Negotiating Team has reached a proposed collective agreement on behalf of the Union with an employer, such agreement is subject to ratification by the membership.

(d) The membership of the National Delegates Conference shall vote by secret ballot to ratify or to reject the proposed Collective Bargaining Agreement.

ARTICLE 17: INSPECTION OF BOOKS OF ACCOUNTS

(a) All accounts books and other official records of the union maintained at the unions' registered office shall be open for inspection at the Unions' registered office during ordinary hours of business by any member of the union provided any such member has given at least forty eight hours written notice to the Secretary General.

ARTICLE 18: AUDITORS

(a) The National Delegates Conference shall appoint a qualified auditor to audit the accounts of the Union as soon as possible after the end of each financial year. Such auditor shall submit a general report on the financial position of the union to the National Delegates Conference.

(b) A copy of the Auditor's report shall be conspicuously displayed at the registered office of the Union.

ARTICLE 19: CHAPTER ORGANIZATION

(a) The National Executive Committee shall decide a place where the chapter of the Union may be established provided that no chapter shall be established if the number of members is less than twenty.

(b) Should membership of any chapter fall below twenty members for a period of two months, such a chapter may be disbanded and its members transferred by the National Executive Committee to another chapter. Provided that the same is reported to the National Delegates Conference.

(c) The National Executive Committee may suspend or disband any chapter, which fails to comply with the constitution and rules of the union or decisions of the National Delegates Conference, Special Delegates Conference or National Executive Committee and may transfer the members of any chapter so suspended or disbanded to another chapter and the same shall be reported to National Delegates Conference.

(d) A Chapter General Meeting of members shall be held every year at such time and place as may be decided by the Chapters' Executive Committee. The chapter secretary shall notify all members the date, time and place of the chapter general meeting at least 14 days before the said meeting. The quorum for a chapter general meeting shall be one third of the chapter members.

(e) A Chapter Special General Meeting of members may be called by a majority decision of the chapter committee or on the written request of not less than one third of the fully paid up members of the chapter. Such a chapter Special General Meeting shall have all the powers of the chapter AGM and shall be governed by the same rules as to composition, quorum, and voting as a chapter AGM. The chapter secretary shall give notice to all members, of the date time and place of the special general meeting at least a week before the said meeting.

(f) The Chapter Executive Committee shall be responsible for each chapter subject to the control of the National Executive Committee. Such chapter committee shall be composed of chapter Chairperson, Chapter Vice-chairperson, Chapter Secretary General, Chapter Assistant Secretary General, Chapter Treasurer, Chapter Assistant Treasurer, Chapter Organizing Secretary and other Co-opted officials to ensure representation of special interest groups.

- i) The chapter committee shall meet at least once every three months and the chapter secretary shall inform all members of the chapter committee at least seven days before such meeting.
 - ii) The quorum for the chapter committee shall be half the eligible committee members.
- (g) All chapter officers shall be elected every five years subject to article 14 by secret ballot at the chapter general meeting and shall remain in office for five years, provided that any chapter officer may be removed from office by two thirds of chapter members voting by a secret ballot at a Special Chapter General Meeting. The vacancy so created shall be filled by elections as stipulated in article 22 at such Special or Annual General Meeting, the voting thereon being carried out by secret ballot. Such elected officials shall hold office for the remaining term.
- (h) Any chapter officer may be suspended from office by a two – thirds majority decision of all members of the chapter committee. The chapter Executive Committee shall have powers to appoint one of its members to act in post pending the decisions of the special general meeting of members whether or not such an officer should be removed from office altogether.

ARTICLE 20: DESIGNATION AND DUTIES OF CHAPTER OFFICERS

(a) The Chapter Chairperson shall:-

- (i) Preside at all General or Special General meetings and meetings of the Chapter Executive Committee at which he is present.
- (ii) Enforce observance of the constitution and rules of the Union and perform such other duties as by usage and custom pertaining to the office.
- (iii) In the case of an equality vote at any meeting, the Chairperson shall have an additional vote, a deciding vote.
- (iv) Act as one of the responsible financial officers of the Union and co-sign financial instruments.
- (v) Be responsible for the administration of the Union.
- (vi) Delegate the Responsibilities of the office except where otherwise specified by the constitution.

(b) The Chapter Vice Chairperson shall:

- (i) Preside at all General or Special General meetings in the absence of the chapter chairperson and whilst performing such duties he/she shall have the same privileges.
- (ii) If for any reason the chapter chairperson and the vice chairperson fail to preside over a properly convened chapter meeting, the members attending such a meeting shall have the right to elect an *ad- hoc* chairperson.

(c) The Chapter Secretary shall:

- (i) Be the spokesperson of the chapter.
- (ii) Issue notices of all meetings and shall attend such meetings and record minutes, receive, report and responded to correspondence on behalf of the chapter.
- (iii) Supervise all chapter employees.

- (iii) Supervise all chapter employees.
- (iv) Keep and ensure that a register of members is maintained with the names, addresses, occupations, date of joining, date of resignation, suspension or expulsion and particulars of all payments made by such members.
- (v) Be responsible for ensuring due compliance by the chapter with the provision of the Trade Union Act and the regulations made thereunder.
- (vi) Make an annual report to the Union membership.
- (vii) Act as one of the responsible financial officers of the union and co-sign financial instruments.
- (viii) Delegate the responsibilities of the office except where otherwise specified by the constitution.
- (ix) Perform all such acts and duties as the chapter Executive Committee may from time to time direct
- (x) Represent the chapter before bodies of the employers, executive, legislative, the public community organizations and the media as the spokesperson of the chapter

(d) The Chapter Assistant Secretary shall:

Assist the Chapter Secretary and act for him/her in his/her absence.

(e) The Chapter Treasurer shall:

- (i) Maintain clear records of all the funds of the chapter.
- (ii) Be responsible for the funds of the chapter and shall maintain all necessary books of accounts and records.
- (iii) Ensure that no payment is made from chapter funds under his/her control unless the payment voucher has been prepared and authorized in accordance with the provisions of the Trade Union (accounts) Regulations and maintain all necessary books of accounts and records
- (iv) Ensure that the funds are remitted to the Union's National Treasurer every month in accordance with the provisions of Rule No. 16 (a) of the constitution.

(f) The Chapter Assistant Treasurer shall:

Assist the Chapter Treasurer and act for him/her in his/her absence.

(g) Chapter Organizing Secretary Shall:

- (i) Work under the Chapter Secretary and shall oversee matters pertaining to mobilization of members and organization of conferences and general publicity of the Union.

(h) Chapter Trustees

- (i) Chapter Trustees shall be elected at Chapter General Elections
- (ii) Shall oversee all the funds and other assets of the chapter.
- (iii) A trustee shall hold office for a maximum of five (5) years or until such a time as he/she resigns by notice in writing to the National Executive Committee or is removed by vote at a chapter general meeting or a chapter special meeting. In the event of resignation of a trustee, the Chapter Executive Committee shall nominate one of its members to fill temporarily the vacancy until such a time as the chapter general meeting or special chapter meeting elects a trustee to fill the office of the nominated trustee.

- (iv) The trustee may meet with the chapter executive committee once every three months
- (v) The chapter trustees shall prepare and submit their report to the National Trustees.

ARTICLE 21: THE STANDING COMMITTEES

The union may have eight standing committees whose findings and recommendations shall be submitted to national executive committee for action. The committees are as follows;

- a. *Finance and General Purposes Committee.*
- b. *Education, Research and Training Committee.*
- c. *Organization and Publicity Committee.*
- d. *Constitution and Legal Affairs Committee.*
- e. *Terms and Conditions of Service Committee.*
- f. *Gender, Ethics, and Governance Committee.*
- g. *External Relations and Cooperation Committee.*
- h. *Social Welfare Committee.*

ARTICLE 22: DISCIPLINARY ACTION

- (a) A member may be suspended or expelled from the Union as may be determined by the National Delegates Conference if:-
 - (i) He/she fails within fourteen days on demand in writing by the Secretary General to pay subscriptions which are more than 90 (ninety) days in arrears or;
 - (ii) He/she infringes on any of the terms of this constitution or acts in a manner, which is detrimental to the interest of the union.

Provided that any member suspended or expelled shall have the right of appeal against such suspension/expulsion to the first National Delegates Conference following such action by the National Executive Committee. Notice of appeal shall be forwarded or handed to the Secretary General in writing within fourteen days of the date on which the decision of the National Executive Committee was communicated to the member concerned.

- (b) No member shall be expelled unless he/she has been given an opportunity to state his case personally or in writing at a meeting of the National Executive Committee of which he/she has received not less than seven days notice in writing. Such notice shall include details of the allegations with which the member is charged.
- (c) A member who has appeared before the National Executive Committee in accordance with sub-section (b) of this rule shall, if he/she is dissatisfied with the decision of the National Executive Committee, lodge an appeal at the National Delegates Conference or Special Delegates Conference when the matter shall be considered.
- (d) A member attending a meeting of the National Executive Committee or National Delegates' Conference or Special Delegates Conference in the terms of sub sections (a) and (b) of this rule shall be entitled to call witnesses in support of his/her case.

- (f) Any decision taken by the National Executive Committee to suspend or expel a member shall, when an appeal has been lodged in the manner provided, be subject to ratification or otherwise of the National Delegates Conference or Special Delegates Conference.
- (g) Upon expulsion of a member, all monies due to the union by the members shall become payable. If payments is not made within fourteen days the National Executive Committee may take such steps as it considers necessary to secure a settlement.
- (h) A member shall cease to be entitled to any of the benefits of membership, including the right to vote and to hold office if:-
 - (i) The subscriptions or other charges due by him/her to the union are more than 90 days in arrears; or
 - (ii) During any period while he/she is under suspension or expulsion in accordance with this constitution.

ARTICLE 23: AMENDMENTS AND ALTERATION OF THE CONSTITUTION
'Rules and Regulations;

- (a) Alterations of/to the constitution or Rules and Regulations shall only be made by resolution voted upon by secret ballot and passed by two thirds of the members at a National or Special Delegates Conference. All proposals for amendment shall be submitted to the Secretary General not later than two weeks before the date of such National or Special Delegates Conference or the date of calling the Special Delegates Conference.

The National Chairman may appoint a committee to review the Constitution, Rules and Regulations by a resolution of a National Delegates Conference or Special Delegates Conference provided that such a committee submits the amendments to the National Executive Committee for adoption and onward submission to the National or Special Delegates Conference for approval and ratifications.

ARTICLE 24: DISSOLUTION OR AMALGAMATION OF THE UNION

- (a) Any dissolution or amalgamation of the Union shall be decided by the Union membership.
- (b) The Union may be dissolved or amalgamated if at the National Delegates Conference or Special Delegates Conference called for such purpose, two-thirds of the members present and voting by secret ballot resolved that Union be dissolved.
- (c) Upon dissolution of the Union and after all the debts and liabilities legally owed by the union have been satisfied, any surplus assets of the Union shall be divided amongst the members *pro rata* to the amounts paid by members by way of subscription.

ARTICLE 25: AVAILABILITY OF THE CONSTITUTION

A copy of this constitution shall be provided to all members of the National Executive Committee and each chapter of the Union and shall be readily available to members of this Union upon request.

CERTIFIED AS A TRUE COPY OF
THE ORIGINAL
Duchene
17/9/2014