

**THE CONSTITUTION
OF**

**THE ACADEMIC STAFF ASSOCIATION OF
PUBLIC UNIVERSITIES AND COLLEGES OF
TANZANIA (ASAPUCT)**

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PREAMBLE

WHEREAS WE leaders of Public Universities and Colleges Academic Staff Associations, on behalf of other members of Public Universities and Colleges Academic Staff Associations, desire peace, solidarity, togetherness, fraternity, concord and justice amongst us and other members of the community;

KNOWING that those values are essential in building a strong academic society which is founded on individual and collective commitment, transparency, adherence to ethical standards, democratic participation in decision making and accountability;

BELIEVING that our academic and professional interests and those of the whole community can best be achieved through love, togetherness and common understanding amongst us and other members of the community;

DETERMINED to consolidate the unity and solidarity amongst ourselves and other members of the community;

REALIZING that the best way of sharing our common interests is through having common forum for discussion and free room to air our legitimate views;

ACKNOWLEDGING the need to have peace and harmony in academic working relations particularly where there is transparency, democratic participation of all stakeholders in important decisions and fair treatment of all classes of people within an academic community;

NOW, THEREFORE, WE leaders of Public Universities and Colleges Academic Staff Associations, on behalf of other members of Public Universities and Colleges Academic Staff Associations agree to form an association to be called Academic Staff Association of Public Universities and Colleges of Tanzania” and which shall be abbreviated as ‘ASAPUCT’ and therefore unanimously adopt this constitution in order to achieve the goals contained therein and those incidentals thereto.

CHAPTER ONE

PART I

NAME AND APPLICATION

1. Name and Headquarters

- a) The name of the Association is “Academic Staff Association of Public Universities and Colleges of Tanzania” and which shall be abbreviated as ‘ASAPUCT’.
- b) The Association shall have its headquarters at the Public University or College where the incumbent President of the Association is employed
- c) The Association may have office branches at any Public University or College whose Academic Staff Association has agreed to be a member of the Association.

2. Application and Commencement

- a) This Constitution shall be known as “The Constitution of the Academic Staff Association of Public Universities and Colleges of Tanzania”.
- b) This Constitution shall apply to all Academic Staff Associations which have agreed to be members of this Association
- c) No agreement to join this Association shall be valid unless the resolution to join this Association has been passed by members of the particular Academic Staff Association and its Executive Committee has agreed to provide full cooperation in realizing the objectives of this Association
- d) This Constitution shall come into operation upon being adopted and Signed by at least Five Chairpersons of the Academic Staff Associations from accredited Public Universities and Colleges and on such date when it is registered by appropriate authority.

3. Interpretation

In this Constitution, unless the context requires otherwise, the meaning of the following words

and expressions shall be as follows:

"Act" means the Universities Act, 2005.

"Academic Staff" means any employee of any Public University or College regardless his/her terms of the service but who is termed as academic staff in accordance with the Scheme of Service for Academic Staff of such particular University or College;

"Assembly of members" means the meeting of members of academic staff of the particular University or College;

"Authorized Auditor" means a person registered as such under the Act establishing the National Board of Accountants and auditors;

"Calendar year of the Association" means a twelve months period between 1st July to 30th June;

"Constitution" means the Constitution of the Academic Staff Association of Public Universities and Colleges of Tanzania;

"Person" includes juristic and natural person;

"Quorum" means a minimum number of members required for the commencement of a meeting in accordance with the provisions of this Constitution;

"Senior position in the management structure of the University or College" means any position which a person is appointed as a Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Principal/Dean/Director or Associate Principal/Dean/Director of the faculty/school/Directorate/Institute, or equivalent;

"This/the Association" means the Academic Staff Association of Public Universities and Colleges of Tanzania;

"The Management" means the University of College Management;

"Trade Union" means any registered Trade Union in accordance with any written law regardless of whether it has majority of members.

4. The official language

- a) The official languages of the Association shall be English and Kiswahili.
- b) The records of all meetings of the Association shall be kept in English except where the records is received in writing and in a language other than English, such record shall be kept in its original language.

- c) In event of conflict in interpretation between two or more languages, English language shall be a leading language.
- d) Where a need arises, in any of the Association's meetings or proceedings, the person presiding over such meeting or proceeding may allow any person to use any other language as may be necessary in facilitating communication among members provided that, where necessary, interpretation may be given in either English or Kiswahili.

5. Citation

This Constitution shall be cited as 'The Constitution of the Academic Staff Association of Public Universities and Colleges of Tanzania.

PART II

OBJECTIVES AND FUNCTIONS OF THE ASSOCIATION

6. Objectives

The Association shall have the following objectives;

- a) To provide a joint forum through which members of academic staff in Public Universities and Colleges may discuss, contribute in improvement and maintenance of the academic standards of the higher learning education;
- b) To provide a forum by which the Association may promote and foster discipline and ethical values amongst members of academic staff in Public Universities and Colleges;
- c) To provide a joint forum by which the members may discuss and recommend to any appropriate authority such important matters affecting common interests of the members of academic staff in Public Universities and Colleges;
- d) To provide a means by which members may interact and share experience on matters of mutual interest;
- e) To provide for a joint forum for promoting professional development of members of academic staff in Public Universities and Colleges through promoting consultancies, publications, research and out-reach services for the benefit of members and the Community at large;

- f) To promote educational and social activities for the benefit of members of academic staff in Public Universities and Colleges and the community as a whole;
- g) To engage in activities that promote and maintain tranquillity, transparency, democracy and co-operation between members and the Society at large
- h) To do any other things which are consistent with the common objectives of Academic Associations as prescribed in any written law of the country.

7. Functions

In pursuit of its objectives stated under Article 6 of this Constitution, the Association may carry out any or all of the following functions;

- a) To initiate, sponsor, co-ordinate and undertake all its activities that conforms with the objectives set under this Constitution for the benefit of the members of academic staff in Public Universities and Colleges;
- b) To organize joint meetings, debates, seminars, workshops, conferences, congresses, or any related occasion to enhance intellectual and social-economic awareness of the members of academic staff in Public Universities and Colleges and the society at large;
- c) To mobilize funds for effective execution of the objectives of the Association;
- d) To ask or request any assistance from any person, organization or authority on any matter for benefit of the Association;
- e) To invite any person to work or interact with the Association by way of panel, group discussions, workshops, seminars or any event which would enhance a healthy discussion of issues related to the objectives of the Association.
- f) To initiate any project or investment that may generate funds for the purpose of realizing various objectives of the Association
- g) To communicate to any relevant authority any matter of common interests to members of academic staff in Public Universities and Colleges and request assistance or intervention from such authority; and
- h) To do any other relevant function as may be deemed necessary for the execution of the objectives of the Association.

PART III

MEMBERSHIP, RIGHTS AND OBLIGATIONS OF MEMBERS

8. Membership of the Association

- a) The membership of the Association shall be open to all Academic Staff Associations in Public Universities and Colleges
- b) Membership shall be acquired upon fulfilment of the following procedures;
 - i. A written application from a respective Academic Staff Association expressing its intention to join this Association
 - ii. A supporting evidence that such application has been approved by the Executive Committee of the particular Academic Staff Association
 - iii. A written commitment signed by the Chairperson of the particular Academic Staff Association to abide to the objectives and provisions of this Constitution
 - iv. Application shall be lodged to the President of the Association
 - v. All applications shall be considered and approved by the Senate of the Association
- c) All Academic Staff Association which are represented at the time of adoption of this Constitution and which shall sign the adoption of this Constitution shall be deemed to be members of this Association

9. Rights of members of the Association

Subject to any other provisions of this Constitution, all members of the Association shall have the following right;

- a) To attend through relevant representation and participate in all meetings and other activities of this Association;
- b) To participate in all elections of the Association subject to other provisions of this Constitution;
- c) To discuss and participate in all resolutions of the Association
- d) To air out their opinions freely in the meetings of the Association

- e) To demand a reasonable explanation or clarification from any official of the Association in respect of any matter which the Association is discussing, reporting or deliberating
- f) To implement or execute the objectives of the Association or its resolutions without any fear or pressure from any person
- g) To express with relevant and genuine reasons their dissent or intention to refrain in any resolution passed by this Association

10. Obligations of members

Subject to any other provisions of this Constitution, all members of the Association shall have the following obligations;

- a) To pay membership fee as may be determined from time to time by the Council
- b) To attend all such meetings which may be called in accordance with the provisions of this Constitution
- c) To implement all the resolutions passed by the Association in any of its meetings subject to the provisions of this Constitution
- d) To fulfil the objectives of the Association collectively
- e) To perform diligently and skilfully all such duties entrusted to them by the Association and strive hard to maintain the reputation of the Association towards other members of the public
- f) To defend and protect the common interests of all members
- g) To respect the reputation, integrity and dignity of other persons including any relevant authority
- h) To abide to the required professional ethical standards and other laws of the country

11. Tenure and cessation of membership

- a) Upon acquisition of membership, Academic Staff Association may cease to be a member of this Association upon occurrence of any of the following;
 - i. Submission of a resolution made by members of the Academic Staff of the particular Association directing their Executive Committee to withdraw

from this Association. Provided that;

- 1) The meeting that passed such a resolution must be duly constituted in accordance with the Constitution of the particular Association
 - 2) The Minutes of such a meeting with names and signatures of the members attended must be appended to the submission
 - 3) The submission must be signed by both the Chairperson and the Secretary of the particular Association
 - 4) If the withdraw is made at the time such Academic Staff Association is having any unfulfilled obligations under this Constitution, then such obligations must be fully met before any such withdraw becomes effective.
- ii. A Resolution to remove a certain Academic Staff Association which must be passed by 2/3 of the members of the Council of this Association upon recommendations from the Senate of this Association. Provided that;
- 1) Such a resolution must relate to the failure of the particular Academic Staff Association to conduct itself in such a manner that is consistent with the objectives of this Constitution
 - 2) That such a resolution has been passed after the Senate has issued a warning at least twice to a particular Academic Staff Association on its inconsistent conducts
 - 3) That a particular Academic Staff Association was afforded an opportunity to be heard before any such resolution is passed against it.
- iii. A loss of Membership following the loss of accreditation of the Public University or College for which a particular Academic Staff belong
- iv. A loss of Membership following a resolution by members of the particular Academic Staff Association to dissolve their Association
- b) Conducts which may be construed as to be inconsistent with the objectives of this Association may include the following;
- i. Failure to pay membership subscription fee for a period of two years
 - ii. Failure to fulfil or implement resolutions passed by this Association which

conform with the objectives of this Constitution and which do not violate the laws of the Country

CHAPTER TWO

PART I

ORGANS OF THE ASSOCIATION

12. Organs of the Association

The Association shall have the following organs;

- a) The Council
- b) The Senate
- c) The Secretariat

13. Composition of the Council

- a) The Council shall be constituted by all members of the Association
- b) Each Academic Staff Association shall be entitled to three seats in the Council of this Association
- c) Such persons who will be appointed by a particular Association to represent it in the Council shall have all powers to exercise any of the rights vested to members of this Association
- d) For avoidance of doubt, for any decision that requires casting of votes, each Academic Staff Association shall have one vote that will be casted by one of the three representatives of that Association who is senior in terms of leadership post in the particular Academic Association.
- e) The Secretariat Committee may invite any person, who is not a member of the Council, to attend any of the meetings of the Council provided that such person shall not take part in any voting process or in passing any resolution in accordance with the provisions of this Constitution.

14. Composition of the Senate

- a) The Senate shall be constituted by all Chairpersons of the Academic Staff Associations which are members of this Association or their representatives;
- b) The Secretariat may invite any person to participate in any meeting of the Senate for purposes of sharing or discussing any matter of common interests to members of the Association provided that such person shall not have a right to vote in the said meeting.

15. The Secretariat

- a) The Secretariat of this Association shall be composed of the following;
 - i. The President
 - ii. The Vice-president
 - iii. The General Secretary
 - iv. The Deputy General Secretary
 - v. The Treasurer
- b) All members of Secretariat shall be elected by the Council amongst its members after every two years.

PART II

POWERS AND FUNCTIONS OF THE ORGANS OF THE ASSOCIATION

16. Powers and Functions of the Council

- a) The Council shall have the following powers and functions;
 - i. To pass special and ordinary resolutions of the Association
 - ii. To elect members of the Secretariat or fill their vacancies
 - iii. To deliberate, approve, alter, or reject any disciplinary measure taken in

accordance with the provisions of this Constitution or regulations made herein against any member of the Association upon recommendations made by the Senate

- iv. To determine and fix membership subscriptions in accordance with this Constitution or any rules made thereto
 - v. To deliberate and approve the annual budget of the Association
 - vi. To receive, discuss and approve the annual financial report of the Association
 - vii. To deliberate and approve proposed policies of the Association as may be recommended by the Senate
 - viii. To deliberate and approve the programme of activities of the Association for each year
 - ix. To discuss any matter of common interests to the members of the Association and pass any resolution or recommendations consistent to the objectives of the Association
 - x. To direct any member or any organ of the Association to give effect to any of the decisions, resolutions or recommendations passed by it including instructing the Secretariat to make follow up on behalf of the Association, any resolution, recommendation or decision passed by it to such appropriate authorities or persons as the case may be
 - xi. To do any other function which is consistent with the objectives of the Association and which does not violate the laws of the Country
- b) The Council, by a special resolution, may delegate any of its functions to any other organ of the Association
- c) The organ delegated power or functions by the Council shall be obliged to perform such power or function in accordance with the instructions or directives given by the Council

17. Powers and Functions of the Senate

The Senate shall have the following powers and functions;

- i. Shall be the Principal advisor of the Council
- ii. To formulate policies of the Association and recommend them to the Council for approval

- iii. To prepare the programme of activities for the Association and recommend it before the Council for approval
- iv. To discuss and pass resolutions on matters which require urgent response on behalf of the Council and the Association
- v. To discuss and recommend to the Council the annual budget of the Association
- vi. To implement such directives or instructions as may be made or passed by the Council
- vii. To discuss the agenda proposed by the Secretariat for the Council.
- viii. Approve the Association Almanac as may be proposed by the Secretariat
- ix. To act collectively and diligently in upholding the ethical values of the Association and ensure that the objectives of the Association are met.
- x. To perform any other function consistent with the objectives of this Constitution.

18. Powers and Functions of the Secretariat

The Secretariat shall have the following powers and functions;

- a) To oversee and execute all day to day administrative duties of the Association
- b) To organize or coordinate seminars, forum discussion, workshops, conferences, meetings or any related event under the auspices of the Association
- c) To discuss and recommend to the Senate any such matter which relate to common interests of the members of the Association
- d) To discuss and through the General Secretary, call for any meeting that is needed in accordance with this Constitution
- e) To maintain and keep in safe custody all the properties of the Association
- f) To prepare the Association Almanac for each Calendar year and recommend the same to the Senate for Approval
- g) To implement all such directives or instructions as may be made or passed by the Senate or the Council
- h) To discuss and recommend agenda for the Senate and the Council's meetings
- i) To represent the Association in any matter which the Association may have interest

or invited to take part

- j) To discuss and propose to the Senate and the Council anything that is appropriate for effective execution or realization of the objectives of this Association
- k) To perform any other function as may be directed by the Senate or the Council

PART III

MEETINGS

19. Types of meetings

There shall be the following types of meetings for the Council;

- a) The Annual General Meeting abbreviated as “the AGM” which shall take place once per each calendar year at such date, in June each year, as fixed by the Secretariat
- b) The Ordinary General Meeting abbreviated as “the OGM” which shall take place once per each half of the calendar year at such dates which shall be fixed by the Secretariat
- c) The Extraordinary General Meeting abbreviated as “the EGM” which shall take place at any such time where the need arises in accordance with the provisions of this Constitution
- d) In event any of the meetings of any organ of the Association is conducted at any such premises of any Public University or College, the Management of such University or College shall be informed by the Secretariat through the host Academic Staff Association.

20. The Quorum of the meetings

- a) The Quorum of all Meetings of the Senate and the Council shall be 1/3 of all members of the Association who are required to be represented in the particular meeting
- b) The Quorum shall be determined at the time of starting the meeting and not otherwise
- c) The Quorum shall be determined by looking on the number of Academic Staff Associations which are represented in the particular meeting and not the number of individuals who are physically present in the meeting
- d) The signatures of representatives of Academic Staff Association present in the meeting

shall be used to determine the number of members required to form the required Quorum for each Meeting

- e) For avoidance of doubt, any member of the Association who is physically absent from the meeting but who has issued a written apology by any means including electronic means expressing willingness to abide to any resolution passed in that meeting in their absence shall be deemed to be present in the meeting for the purpose of determining the issue of the quorum.
- f) A written apology shall be deemed to be valid if it comes from the Chairperson or the Secretary of the particular Academic Staff Association
- g) In case the Quorum is not met, even after inclusion of the apologies, the person presiding over the meeting may postpone the meeting till such date as may be fixed by the Secretariat.
- h) In case the members who are present decide to proceed with the meeting, no resolution shall be passed which shall be binding upon any member of the Association.
- i) The Quorum of the meetings of the Secretariat shall be at least three members

21. The conduct of the Council's meetings

- a) Except where expressly provided under this Constitution, any meeting of the Council shall be presided over by the President of the Association or, in his absence, the Vice-President
- b) In event of their absence in Senate or Council meeting, the General Secretary will inform the members of such absence and ask members to appoint a person amongst representatives of the Academic Staff Association, to be a temporary Chairperson of the particular meeting.
- c) The Meeting of the Senate or Council shall be called by the General Secretary by a notice circulated to all members at least 7 days prior to the date of the said meeting and the notice shall contain, inter alia, the following;
 - i. The type of the meeting
 - ii. The place and venue where the meeting is expected to be conducted
 - iii. The date and time
 - iv. Proposed agenda of the meeting
- d) Notwithstanding any other provision of this Constitution, the EGM shall be called at any

reasonable time and date depending on the circumstances prevailing and;

- i. If it is the meeting discussing any urgent matter consistent with the objectives of the Association, that meeting shall be called by the General Secretary
 - ii. If it is the meeting called by the members through a signed petition, such meeting shall be called by the General Secretary upon being satisfied that 1/3 of the members have signed the said petition calling for the EGM
- e) The conduct of the meeting shall take into consideration, inter alia, the following;
- i. The time allocated by the Secretariat for the discussion of each agenda
 - ii. The weight of each agenda and the interests expressed by members in each agenda
 - iii. The time allocated for the conduct of the whole meeting
 - iv. The time given by the owner of the premises in which the meeting is conducted

22. Resolutions of the Council and their effects

- a) There shall be the following types of resolutions;
 - i. Ordinary Resolution
 - ii. Special Resolution
- b) All resolutions duly passed by the Council shall be binding to all members and all organs of the Association unless overruled by the Council itself
- c) All resolutions shall be Ordinary Resolutions except where;
 - i. It is a resolution passing a vote of no confidence against any member of the Secretariat
 - ii. It is a resolution passed to amend certain provisions of this Constitution
 - iii. It is a resolution recommending some actions to be taken by any authority on any matter affecting the common interests of the members
 - iv. It is a resolution passed by the Council to sanction withdrawal of membership of any member of this Association
 - v. It is a resolution passed by the Council resolving any appropriate action to be taken by all members in relation to any such matter of common interests to all

members.

- vi. It is a resolution passed by the Council recognizing any positive role played by any person in the society.
 - vii. It is a resolution passed by the Council condemning any negative action which, in the opinion of the Council, is unfair, unlawful or unreasonable against any section of people in the society.
- d) Any resolution passed by any organ to which the Council has delegated some of its functions shall be deemed to have been passed by the Council itself.
 - e) A resolution passed by the Council shall apply to all members of this Association.
 - f) No resolution shall be passed by any organ of the Association which sanction members to use violence against any person or properties of any person or to violate any written law of the country.

23. Other meetings of the Association

- a) The Secretariat shall meet four times within each half of the calendar year of the Association.
- b) The Secretariat may convene any extra-ordinary meeting to discuss affairs of the Association.
- c) All meetings of the Secretariat shall be called by the General Secretary after consultation with the President or, in his absence, the Vice-President.

CHAPTER THREE

MANAGEMENT & ADMINISTRATION OF THE ASSOCIATION

24. Management of the business of the Association

All day to day affairs of the Association shall be managed by the Secretariat which shall at all time be implementing the directives of the Senate and the Council.

25. Powers and functions of Members of the Secretariat

- a) The President of the Association shall have the following powers and functions;

- i. The head of all organs of the Association
 - ii. To preside over all Meetings except where otherwise stated in this Constitution
 - iii. To be the Chief Spokesman of the Association
 - iv. To appoint, in consultation with the General Secretary, amongst members of the Secretariat or other organs of the Association representatives of this Association in such other organs where such representation is needed. Provided that the General Secretary shall inform the person appointed in writing and notify members of the Association and any relevant authority on such appointment.
 - v. To ensure that all the properties of the Association are kept in good order as may be entrusted to the Secretariat from time to time.
 - vi. To lead the Association in a manner that will uphold the true spirit of togetherness, unity and solidarity in order to achieve the best results of the Association's goals.
 - vii. To work efficiently, diligently and with reasonable transparency in leading the Association.
 - viii. To do any other thing as may be directed by the organs of the Association.
- b) The Vice-President of the Association shall have the following powers and functions;
- i. To advise the President on any matter for the benefit of the Association
 - ii. To assist the President in the execution of any function assigned to the President by this Constitution
 - iii. To assume the powers and functions of the President in the absence or vacancy of the post of the President
 - iv. To do any other function as may be directed by the organs of the Association
- c) The General Secretary of the Association shall have the following powers and functions;
- i. To act as a secretary in all meetings except where provided otherwise in this Constitution.
 - ii. In the absence of the President or the Vice- President, to assume all responsibilities vested to the President of the Association except where otherwise stated in this Constitution.
 - iii. To keep the records of all meetings done under the auspices of the Association or

those which the Association was represented by any member.

- iv. To call all the meetings of the Association subject to any other provision of this Constitution and after consultation with the President of the Association or when directed by the President of the Association to do so.
 - v. To register any concern from members and present them to appropriate organ of the Association for further action.
 - vi. To keep in safe custody all official documents of the Association, electronic materials or any other materials received or kept in the name of the Association.
 - vii. To do any other function as may be directed by the President or other organs of the Association.
- d) The Deputy General Secretary shall have the following powers and functions;
- i. To advise the General Secretary on any matter for the benefit of the Association
 - ii. To assist the General Secretary in the execution of any function assigned to him or her by this Constitution
 - iii. To assume the powers and functions of the General Secretary at any time when the post of the General Secretary becomes vacant or absent for any reason.
 - iv. To do any other function as may be directed by the President, General Secretary, or any organ of the Association
- e) The Treasurer shall have the following powers and functions;
- i. To be the custodian of all books of accounts of the Association
 - ii. To compile the proposed budget of the Association and present the budget before the Secretariat, Senate and the Council for deliberations and approval
 - iii. To advise all organs of the Association on any financial matter.
 - iv. To facilitate payment of duly approved expenditure of the Association upon consultation with the President or the General Secretary of the Association.
 - v. To keep all financial related documents in safe custody provided that where the Treasurer deems it necessary, the copies of those documents may be kept by the General Secretary.
 - vi. To keep the record of assets and liabilities of the Association
 - vii. To plan, formulate and advise the Association on any activity which can generate

funds to assist the operation of the Association.

- viii. To prepare the annual financial report of the Association and present the same to the Secretariat, Senate and the Council.

26. Tenure of the office bearers

- a) The office of any member of the Secretariat shall fall vacant upon occurrence of any of the following events;
 - i. Death of such member
 - ii. Expiration of two years term after having been elected or appointed in the said post
 - iii. Mental illness or any physical incapacity which makes such member unable to perform his/her official duties
 - iv. That member ceases to be a member of academic staff in any Public University or College for any reason
 - v. Resignation of that member from his/her office.
 - vi. Removal of that member from his/her office by a vote of confidence duly passed by the Council.
 - vii. Removal of all members of the Secretariat by a vote of no confidence duly passed by the Council.
 - viii. Absence from the working station for a reason of studies, long term research in foreign country or any other reason for a period of six consecutive months.
- b) Subject to the provisions of this Constitution, in the event the office of any member of the Secretariat the Council shall be responsible to fill such vacancy through election or it may direct any other organ of the Association to appoint a person who will fill such vacancy until when the next General Election is conducted.
- c) Where the Council passes a vote of no confidence against all members of the Secretariat, it shall appoint an Ad hoc Committee of not more than 4 members who shall manage all administrative functions of the Association and call for the General Election in not more than one month.
- d) In the event of the resignation of all members of the Secretariat or where their posts become vacant for a reason other than that in (c) above, the Chairperson of Academic Staff Association which hosted the last meeting of the Council shall call the Council

EGM within 14days to elect new members of the Secretariat whose tenure in the office shall start afresh from the day of their appointment.

- e) The General Secretary shall cause a notice to be communicated to all members of the Association and other appropriate authorities of any changes made in the leadership structure of the Association.

27. Vote of no confidence

- a) Where the Council, by a resolution supported by 2/3 of all members present in a meeting, is of the opinion that any member or members of the Secretariat has/have failed to fulfil his/their official obligations by the reason of conducts or omissions which are inconsistent with the objectives of this Constitution, may pass a vote of no confidence to remove such incumbent member or all members of the particular organ from the office.
- b) For avoidance of doubt, a vote of no confidence may be passed if any of the following has occurred;
 - i. An incumbent member has misappropriated or embezzled the funds of the Association
 - ii. An incumbent member has/is conducting himself/herself contrary to the objectives of this Constitution and contrary to resolutions passed by the Council
 - iii. An incumbent member is conducting himself/herself in a manner that is impeding the implementation or execution of any of the objectives of this Constitution or resolutions passed by the Council
 - iv. An incumbent member has committed any offence which in the opinions of the Council tarnishes the good name of the Association if the person is left to serve in the office
- c) Before any vote of no confidence is passed against any member/members of the Secretariat, the following procedures must be fully complied with;
 - i. There should be a petition signed by not less than 1/3 of members of the Association stating the nature of allegations and the member or members to whom the allegations are made against
 - ii. The petition, duly signed by the members, shall be submitted to the General Secretary of the Association who shall, upon receiving it and after having been satisfied that the condition in (i) above has been met, inform in writing, any member or members to whom the allegations are made against and ask him/them

to prepare a defence within 7days.

- iii. After the expiry of 7days in (ii) above, the President shall convene a meeting of the Secretariat to consider the nature of the allegations made and the defence, if any.
 - iv. The General Secretary shall then issue a 7days notice calling for a Senate meeting to consider the petition and recommend appropriately to the Council
 - v. The Senate and the Council, while considering a petition on vote of no confidence shall appoint a temporary Chairperson and Secretary of such a meeting
 - vi. The Chairperson appointed in (v) above shall allow questions and open discussion from members following any defence made above and ask the members whether to proceed on voting for or against vote of no confidence.
 - vii. The decision to vote or not shall be determined by simple majority in a manner that the Chairperson of the meeting shall deem it fit
 - viii. If the decision is to continue with a vote of no confidence, the Secretary of the meeting shall count the number of members represented (one vote for each Academic Staff Association represented) and announce that number to members and issue ballot papers where members will be required to write “YES” for removal and “NO” for retaining the office bearer or bearers in the office.
 - ix. The departure of any member before the voting process is complete shall not vitiate the quorum that was duly met at the start of the meeting and any decision reached in this meeting shall be deemed to have been reached by all members of the Council
 - x. Any member who decides not to cast his vote in this meeting shall be deemed to have supported any majority decision after the counting of votes
 - xi. The Chairperson of the meeting shall announce the results after the process of open counting of votes has been completed and declare the decision made by members through voting process.
 - xii. Notwithstanding any provision in this Constitution, an office bearer or bearers shall not be removed from the office if 2/3 or more of members present in a meeting did not support the resolution.
- d) Once a vote of no confidence has been passed against any member or members, such member or members shall forthwith cease to hold the office
- e) For avoidance of doubt, nothing under this Constitution shall be deemed to give power to

the Secretariat to disapprove any petition duly signed by members if such petition fulfils the necessary requirements stipulated in this Constitution.

- f) The Council shall in all cases, under this Article, weigh a need to have a stable, efficient and effective leadership against an urgent need to remove such leadership from the office.

28. Accountability of office bearers

Any person appointed or elected in any post in the Association shall be held accountable for his/her acts or omissions to the Council of the Association provided that each organ of the Association retains powers to make rules which will govern the conduct of affairs in each respective organ and take disciplinary actions against any of its members who has breached such rules.

29. Benefits of the office bearers

- a) A person appointed to serve in any of the office in the Association shall not be paid any salary
- b) The service in the Association shall be voluntary aiming at achieving the best to the objectives of the Association
- c) Members of the Secretariat may be paid allowances
- d) The Council may approve allowances to be paid to all office bearers
- e) In determining the allowances to be paid to office bearers, the Council shall consider the following;
 - i. The nature of the post to which a member is appointed or elected to serve
 - ii. The financial position of the Association and the need to have a sustainable association
 - iii. Other priorities set by the Association in its long or short term plans
 - iv. Any other factor which the Council may deem it relevant
- f) Any office bearer shall be reimbursed any costs he or she has incurred in good faith on behalf of the Association upon submission of relevant documents to the treasurer justifying such costs.
- g) In case such costs in (f) above have been incurred by the Treasurer, the President or the General Secretary shall approve the reimbursement of such costs.

- h) For avoidance of doubt, the Association shall meet the costs any activity done in the name of the Association provided that such activity has been approved by the appropriate organs of the Association.

30. Immunity of office bearers

No office bearer shall be held accountable by any organ of the Association for anything done honestly and in good faith for the purpose of executing any of his or her official duties assigned to him or her by virtue of this Constitution.

CHAPTER FOUR

FINANCIAL MATTERS

31. Sources of Funds for the Association

- a) The Association shall have the following sources of funds;
 - i. Membership fee paid annually and which amount to 5% of the total membership subscription fee collected by each Academic Staff Association from its members annually
 - ii. Subventions from any other authority
 - iii. Donations, charity contributions and related funds
 - iv. Any other incomes generated from the Association's activities
- b) The funds generated shall be kept in the name of the Association and in its Bank Account.

32. Management of Funds of the Association

- a) The Association shall open and keep a Bank Account, opened in the name of the Association and whose signatories shall be;
 - i. Category A: Either the Chairperson, or the Executive General Secretary
 - ii. Category B: Treasurer or Deputy Treasurer
- b) The Executive Committee shall have collective obligation to keep and manage

administratively all the funds collected in the name of the Association

- c) Statements of Bank withdrawals or deposits and all expenditures of the association shall be kept by the Treasurer
- d) The Association shall strive, whenever possible, to ensure that best financial practices are maintained and followed in managing the funds of the Association

33. Liability in case of any loss of funds

- a) In case financial loss is occasioned either intentionally, recklessly or negligently by any member of the Secretariat or any person, such member or person shall be required to make good of the loss occasioned.
- b) The Senate shall have power to inquire and recommend to the Council on measures to be taken against any alleged financial loss.
- c) The Council may request the authority, University or College from which the particular member or person is employed to enforce any sanction imposed by it to any member or person who occasioned such financial loss.
- d) Nothing shall be done against any member without affording an opportunity to be heard.
- e) The Council may, if necessary, institute legal proceedings to recover any financial loss occasioned by any member or person.

34. Expenditures of the Association

- a) The Secretariat may keep a certain sum of money as petty cash not exceeding five hundred thousand shillings.
- b) Any expenditure not exceeding one million shillings can be authorized in writing by either the Chairperson of the Association, General Secretary or the Treasurer
- c) Any expenditure exceeding one million shillings but which is less than three million shillings shall be authorized by the meeting of the Secretariat
- d) Any expenditure exceeding three million shillings shall be approved by the Council
- e) Payments of allowances for any office bearer shall be determined and approved by the Council as proposed by the Secretariat
- f) The Members of Secretariat shall collectively and jointly work together in ensuring that no expenditures are incurred unnecessarily and which may jeopardize the financial

position of the Association.

- g) The Council may, in event of dissatisfaction with any financial report presented before it by the Treasurer, hire an independent Auditor to verify the authenticity of the financial report and advise it accordingly.
- h) Notwithstanding any provision in this Constitution, the Secretariat may incur any expenditure provided that it is within the approved budget of the Association.

CHAPTER FIVE

CONDUCT OF ELECTIONS

35. Types of Elections

- a) There shall be two types of elections;
 - i. General election
 - ii. By election
- b) The General Election of the Association shall be conducted after every two years.
- c) By election shall be conducted upon occurrence of any vacancy in any of the posts of the Association in accordance with the provisions of this Constitution.

36. The Electoral Authority

- a) The Council, shall appoint among representatives of members of the Association, three persons who shall form the Electoral Authority
- b) The Council shall appoint among the three members in (a) above, the Chairperson and the Secretary of the Electoral Authority
- c) All records of the Electoral Authority shall be kept by its Secretary
- d) The Electoral Authority shall be responsible in the whole conduct of election and its decision on any complaint shall be final and conclusive.

37. Posts to be contested

- a) The following posts in the Association shall be contested in any General election subject to any other provisions of this Constitution;
 - i. The President of the Association
 - ii. The Vice- President
 - iii. The General Secretary of the Association
 - iv. The Deputy General Secretary of the Association
 - v. The Treasurer

- b) No person who shall qualify to be elected in any of the posts in (a) above if he/she does not hold any of the following posts or equivalent in his/her Academic Staff Association;
 - i. The Chairperson
 - ii. The Vice-Chairperson
 - iii. The Executive General Secretary
 - iv. Deputy Executive General Secretary
 - v. Treasurer
 - vi. Deputy Treasurer

- c) Nothing under this Constitution shall prevent the Council from assigning to any organ of the Association the powers vested on it for the purpose of filling the gap existing in any post or posts of leadership within the Association.

38. Qualifications of voters

- a) Only members of the Association who have paid their annual subscription fee shall have the right to vote in any election

- b) No representative from any Academic Staff Association who shall qualify to stand in any post of leadership in this Association if his/her Academic Staff Association has not paid annual subscription fee

- c) No member of the Association shall be disqualified from voting for the mere fact that it is not represented in a meeting

- d) For the purpose of (c) above, a member of the Association who is not physically represented in the meeting shall have the right to vote in any election through a right to vote by proxy.
- e) The Electoral Authority may receive expressions from members who wish to exercise their right to vote by proxy not later than one hour before the voting process begins.
- f) Any member who is not physically represented in an election meeting may notify the Electoral Authority the intention to participate in voting process by proxy and in so doing shall appoint among the members represented physically which one will vote in its behalf.
- g) The Association shall maintain a Register of all members of the Association and such Register may be used, in event of any dispute, to identify the categories of members for the purpose of election process

39. Qualifications of Candidates

- a) Any person who contests in any election for any post in the Association shall be required to possess the following minimum qualifications;
 - i. A holder of at least Masters degree or its equivalent from any recognized institution
 - ii. A member of Academic Staff who is employed in any Public University or College on terms which are permanent and pensionable
 - iii. Is not undertaking studies, research or any related matter that may render him to be absent from his/her working station for a period of not less than six months consecutively
 - iv. Not expecting to reach a voluntary retirement age in less than three years
 - v. Not holding any senior position in the management structure of any University or College
 - vi. Not having any criminal case pending before any court
 - vii. Not having any disciplinary case that may result to his/her dismissal, demotion or reduction in rank in case he/she is found guilty by his/her employer
 - viii. A person who conducts himself or herself in a manner that may uphold the true spirit of togetherness, solidarity, peace and the general objectives of the Association

- b) In addition to the qualifications stated in (a) above, the person contesting for the post of President or Vice-President of the Association shall be required to possess the following minimum qualifications;
 - i. A holder of at least Masters degree from any recognized institution with experience of not less than five years as a member of academic staff
 - ii. Has good record and experience in leadership at any post from any institution or organization
 - iii. He/she has experience in leading any Academic Staff Association at either the post of Chairperson, Vice-Chairperson or General Secretary
- c) A person who stands as a candidate in any of the Association's elections shall have the duty to declare any interests that may conflict with the role he or she is going to play in the Association's leadership.
- d) The Council shall take into consideration any conflicting interests declared in (c) above before deciding to appoint or elect any such person into any post of leadership in the Association.

40. Nomination of Candidates

- a) Members of the Association may nominate amongst their representatives nominees who may stand as candidates in any election post.
- b) Representatives of Academic Associations who attends the election meeting may propose from amongst themselves or from outside any person who qualify to stand as a candidate in any post of leadership in the Association
- c) The nomination process in any general election shall be done soon upon appointment of the Electoral Authority.
- d) The nominees may be given at least ten minutes to express themselves before the representatives of members of the Association.
- e) For avoidance of doubt, each Academic Staff Association shall have one vote in any election process.
- f) The Electoral Authority shall conduct election of one post after the other and announce the results of one post from bottom to the top before proceeding to the election of another post.
- g) Any person who has lost in one post may be proposed to stand in the election of the next

post if he/she qualifies

- h) The Council may waive any of the minimum qualifications stated for various posts in this Constitution where no such qualified person is available to contest for such post (s).

41. Campaigns

The Electoral Authority may make rules relating to the conduct of campaigns and the duration of campaigns where necessary.

42. Election and Results

- a) The Chairperson of the Electoral Committee or any person appointed by the Electoral Authority amongst members of the Electoral Authority shall have power to announce the electoral results before the Council.
- b) The results announced by the Electoral Authority shall be final and conclusive unless the Electoral Authority on its own motion or by a request from member or members of the Association revisit and correct its announcement of results upon re-counting of votes.

43. Budget for election

- a) The budget for the election shall be presented by the Secretariat as part of the Annual budget of the Association in such year where the General Election is expected to be conducted.
- b) In the absence of any prior approved budget for any election, the Council shall approve the expenditure that may be incurred during such election.
- c) The Electoral Authority may request assistance from any person or authority for the purpose of smooth running of the electoral process.
- d) The Electoral Authority shall account to the Council for all such expenditures incurred in accordance with the approved budget or in excess thereof.

CHAPTER SIX

MISCELLANEOUS MATTERS

44. Power to make Rules

- a) The Secretariat may prepare rules to regulate financial affairs or any other affairs of the Association provided that such rules shall have to be approved by the Council
- b) The rules made by the Association shall be made public and accessible to all members of the Association

45. Amendment of the Constitution

- a) The motion to amend this Constitution may be filed to the General Secretary by;
 - i. Any member of the Association after having secured a support of signatures from not less than 1/3 of all members; or
 - ii. Any organ of the Association other than the Council.
- b) Upon receipt of the motion in (a) above, the General Secretary shall, within 14days since the receipt of the motion, call for the meeting of the Secretariat to discuss the motion and forward with its recommendations to the next Senate meeting
- c) The Senate shall forward with recommendations to the Council the approval or disapproval of the motion.
- d) The amendments shall not be passed if not supported by 2/3 of members who are physically present at the time of voting in a duly constituted meeting.
- e) The new amendments shall not come into effect unless signed by not less than 2/3 of members of the Association.
- f) The General Secretary shall notify all members in writing the day when the new amendments came into force.
- g) The General Secretary, where necessary, may cause the notice for amendments of the Constitution to be brought to the attention of any other relevant authority.

This Constitution is hereby adopted this.....day
of.....year.....at.....by the

following representatives of Public Universities and Colleges Academic Staff Associations;

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