

# KENYA TRIATHLON FEDERATION

## CONSTITUTION 2019



This Constitution supersedes any previous constitutions and shall be subject to such amendments as may be made from time to time.

### TABLE OF CONTENTS

1. PREAMBLE
2. CLAUSE 1 - SUPREMACY OF CONSTITUTION
3. CLAUSE 2 - NAME
4. CLAUSE 3 – OBJECTIVES
5. CLAUSE 4 – MEMBERSHIP
6. CLAUSE 5 – TERMINATION OF MEMBERSHIP
7. CLAUSE 6 – OFFICE BEARERS
8. CLAUSE 7 – RESPONSIBILITIES
9. CLAUSE 8 – ACCOUNTS
10. CLAUSE 9 – MEETINGS
11. CLAUSE 10 – ELECTIONS
12. CLAUSE 11 – AMENDMENTS
13. CLAUSE 12 – RULES
14. CLAUSE 13 – DISCIPLINE
15. CLAUSE 14 - CALENDAR
16. CLAUSE 15 – TOURNAMENTS
17. CLAUSE 16 –HONORARIA
18. CLAUSE 17 – ARBITRATION
19. CLAUSE 18 - DISSOLUTION
20. CLAUSE 19 –INDEMNITY

#### **1. NAME**

The name of the organization shall be KENYA TRIATHLON

## **FEDERATION 2. AIMS AND OBJECTIVES**

2.1. The aims and objectives of the Organization which are non-political shall include but not limited to:

- 2.1.1. Encouraging interest and participation in Triathlon within Kenya in accordance with the established rules of the game, as amended from time to time by the Africa Triathlon Union and International Triathlon Union and adopted by the Kenya Triathlon Federation Executive Committee
- 2.1.2. Organizing, protecting, defining and adjudicating Triathlon events in Kenya and international events where Kenya is a participant and or is mandated
- 2.1.3. Maintaining general control of the game of Triathlon, and providing gratuitously or otherwise, facilities or other materials, for improving, or assisting to improve the standards of the game in Kenya
- 2.1.4. Selecting, as may be necessary, teams to represent Kenya in International tournaments
- 2.1.5. Promoting, control and finance at its discretion visits to other countries in the furtherance of Triathlon and to promote, control tours in Kenya of visiting teams;
- 2.1.6. Promoting, controlling and managing tournaments as may be authorized by the Executive Committee.
- 2.1.7. Ensuring that a satisfactory standard of discipline is maintained by County Branches, Affiliated Organizations, Players and Members.
- 2.1.8. Ensuring that there is no form of discrimination amongst members of the Organization.
- 2.1.9. Affiliating with other Triathlon organizations both locally and internationally.
- 2.1.10. Sourcing for Corporate sponsorships locally and internationally.
- 2.1.11. Linking Triathlon to the Ministry of Sports and other similar Organizations.
- 2.1.12. Doing everything positive towards the improvement of Triathlon in the country

## **3. MEMBERSHIP**

Membership of the Organization shall be open to any person but shall be subject to approval by the executive Committee and is commenced once the appropriate subscription has been received and acknowledged. The membership shall consist of General Membership, Life membership and Corporate Membership.

### **3.1. GENERAL MEMBERSHIP**

#### **3.1.1. Student Members**

Student membership is open to persons under the age of 25, who are pursuing studies in recognized schools or colleges. They shall pay an annual membership fee as set by the committee. However, where the institution has paid affiliation to Kenya Triathlon Federation students will be exempted from paying.

#### **3.1.2. Full Members**

- 3.1.2.1.** All athletes shall be eligible for membership as full members upon payment of annual membership fees
- 3.1.2.2.** An athlete may become a full member of the Organization on confirmation of payment of the annual membership fee by the Treasurer.
- 3.1.2.3.** Membership fee is remitted directly to the Treasurer.
- 3.1.2.4.** Full members can attend and vote at general meetings, access accounts on request and represent the country in international Triathlonevents.
- 3.1.2.5.** All athletes are expected to become members upon registration through their club.

### **3.2. LIFE MEMBERSHIP**

Members of the Organization who have been in the game for some time with distinction and in relation to the game of triathlon and public life, upon payment of requisite fee may apply to the Executive committee and be considered for the Life Membership.

- 3.2.1.** If in the opinion of the Executive Committee, the member has rendered exceptional service to the Organization, and in recognition of such is recommended for election as a life member of the Organization, the General meeting may grant the person

honorary life membership Status. This shall be subject to approval and payment of requisite amount and ratification at the General meeting.

3.2.2. A life member shall be exempt from payment of the annual subscriptions to KTF or its successors, but shall otherwise be entitled to all the privileges and obligations of an ordinary member.

### 3.3. CORPORATE MEMBERS

These will refer to institutions or companies with an interest in the game or whose members have an interest in the sport of triathlon. These institutions shall be required to pay an annual affiliation fee to KTF as may be determined from time to time by the Annual general Meeting.

### 3.4. COUNTY ASSOCIATIONS (BRANCHES)

There shall be country branches spread across the 47 counties. These shall be affiliated to the National body.

## 4. TERMINATION OF MEMBERSHIP

- 4.1. Any registered affiliated Triathlon Organization/Branch may, by notice in writing to the Secretary General, resign its membership of the Organization.
- 4.2. Any member of the Organization, whether a member of a registered Triathlon Organization or not, may by notice in writing to the Secretary General, or to the Committee, as the case may be, resign his/her membership of the Organization.
- 4.3. Membership fees paid for the year in which termination takes place are not refundable.

## 5.1 SUSPENSION

- The executive committee, either upon the recommendation of an appointed disciplinary committee, or, taking consideration of member's actions, may suspend any member for a specified length of time.
- A suspended member of the Organization shall at the expiry of his/her suspension period be invited to re-join the

Organization. Any member having previously been suspended from the Organization for any reason shall, if facing further suspension, be suspended for life and may not be reinstated.

- Arbitration by the sports dispute tribunal is allowed provided that internal machinery has been exhausted.

## **5. OFFICE BEARERS**

The structure of the Organization shall have the following officers whose mandate shall be 4 years elected through secret ballot by registered members. Only paid Members shall be elected to the Office.

Branches shall organize themselves and elect the chairman, secretary, treasurer whose names shall be forwarded to the Organization's Secretary General with proof of payment of annual membership fees. The serving officers may be subject to re-election after the lapse of their term during the annual general meeting and shall form the executive committee as follows:

The officers of the Organization will be;

1. The Chairman;
2. Vice Chairman,
3. The Treasurer;
4. The Secretary General
5. Assistant Secretary General
6. Organizing Secretary
7. ICT Director
8. Communications and Marketing Secretary

### **5.1. MANDATE**

The control of the Organization will be vested in a Committee consisting of; The Chairman, 7 Officers and 3 committee members, who will be elected every four years at the Annual General Meeting, subject only to resignation or removal by resolution of a General Meeting. Regional balance shall be taken into consideration.

The officers of the Committee will assume office immediately after the Annual General Meeting at which they are elected. An honorarium shall be given to the executive committee at the end of their term.

Regional teams/committees shall be empowered to perform in the same manner and style as Kenya Triathlon Federation at their area of jurisdiction for the growth of the game while updating head office and county sports officials of their activities.

## **6. RESPONSIBILITIES**

### **6.1. Chairman**

The Chairman is responsible for providing leadership to the organization that is not limited to presiding over meetings of the assembled group and conducting the business of the Organization in an orderly fashion.

The chairman will also be able to represent the organization at local, regional and national levels and will represent the long term vision of the Organization.

The chairman will also be involved in facilitating linkages with other bodies that are relevant to Kenya Triathlon Federation

### **6.2. Vice chairman**

The Vice Chairman deputizes the Chairman and to have a more active office, the vice chairman will also be asked to head some functional unit as may be deemed fit by the Organization and its chairman.

### **6.3. Committee Members**

A minimum of 3 permanent Committee members may be co-opted by the executive committee if need arises. Their appointment shall be relayed to members and shall provide support to the committee by providing ideas, form part of the committee and undertaking of delegated duties at the behest of group that are beneficial to Kenya Triathlon Federation. The committee however nominates non-voting members to represent regions or special interests.

#### 6.4 SECRETARY GENERAL

This position handles all correspondence regarding the Organization (be it on its status or otherwise).

The General Secretary will also be responsible for calling the meetings of the Organization and committee (in consultation with the chairman or as directed by a quorum of the committee), preparing the minutes of such meetings in a book provided for the purpose, conducting and maintaining a record of all correspondences on behalf of the Organization and Executive Committee, and the general superintendence of all matters which he may be directed to do by the Executive Committee or Chairman. He shall ensure the office is represented in person or by the Assistant or an executive member with express authority to capture the minutes.

He(s) shall be the custodian of the constitution and issues passed that are contrary to the Organization's constitution will be raised at the earliest opportunity by the Secretary General and be corrected without lowering the standards.

The Secretary General shall issue notice calling the AGM, that will include an Agenda for the meeting and a report shall contain, at a minimum, written statements from executive officials and each official representing appointed committees.

The Secretary General shall be the custodian of the Organization's constitution and shall ensure adherence by all members and affiliates.

## 6.5 The Organizing secretary

This role will provide leadership in the following ways

- Conducting all correspondence connected with the fixtures of the Organization
- Convening and supervising championships and other such fixtures
- Maintaining a ratings system
- Preparing an annual report of Triathlon players activities in coordination with the Secretary General
- Timely organization of the logistics of all tournaments and activities
- To ensure even distribution of tournaments to regions represented by at least 2 fully paid up and active members or registered branches.

## 6.6 The ICT Director

Shall be responsible for the conception, installation and maintenance of systems to guarantee the smooth running of all tournaments and documentation of materials Management of Kenya Triathlon Federation website and internet platforms

## 6.7 Communications and Marketing

Secretary This role is responsible for:

- Creating awareness about the Organization
- Representing the Organization at local publicity events
- Providing leadership in the collection of funds in coordination with the other Organization leadership
- Communication to external public
- Publication of magazines
- Coordination of sponsorship and fund raising activities throughout the country

## 6.8 Board of Patrons

- The Committee and the wider Organization may invite distinguished persons to the board of Patrons of the Organization who shall act primarily as public figureheads for the Organization.



- The persons will however not exercise any executive authority in terms of the governance or management of Kenya Triathlon Federation and also has no legal responsibilities in relation to the Organization.
- The Patrons should provide knowledge, experience, networks, advice, leadership and guidance to the Organization. Be available and willing to support Kenya Triathlon Federation as required, including personally attending meetings (both internal Organization meetings and with external parties) where it is deemed appropriate by the committee.
- Provide assistance and support to the Organization as requested by the committee e.g. with funding applications and general public relations, generate media coverage, and attend Triathlon events.

## 6.9 TREASURER

- The treasurer is to receive and deposit all funds to the credit of the Organization's banking account.
- To keep a record of the Organization's receipts and expenditures
- To submit to each AGM a statement of the current financial affairs and position of the Organization.
- To maintain a register detailing the contributions and membership fees collected.
- Prepare an annual budget in conjunction with other office bearers and come up with strategies to ensure that the budget is met □ Ensure adherence to financial procedures
- Render statements showing the financial position of the Organization as and when required by Executive Committee, and in any event at least once every three months.

## 6.10 AUDITOR

The committee shall collectively audit the final accounts before adoption and presentation to members. Members at the AGM may however demand the appointment of an external auditor if they are not satisfied with the accounts presented

## 6.11 HONORARY LIFE MEMBERS

Honorary Life Members of the Organization will in addition to their right to attend the General Meetings of the Executive

Committee and vote, but also have the privilege of being admitted on HALF charge to all games organized by the Organization.

## **6.11 TRUSTEES**

All Organization property shall be vested in the executive for the time being who shall, by virtue of their office, be trustees thereof for the Organization. The property should be documented and recorded by the Secretary.

## **6.12 REGIONAL BRANCHES**

Will be made up of KTF members within the region who need not pay any further fees to KTF  
They may however recruit corporate members directly

The regions will open Kenya Triathlon Federation authorized bank accounts after elections of appointment of a minimum of four officials [Chairman, Treasurer, Secretary General and Organizing secretary]

The chairman shall be an ex official member of the KTF national committee officials  
elected at regional level must be consistent with national office holders

## **7. ACCOUNTS**

A general account will be maintained by the Treasurer of all receipts and payments and payments made to or by the Organization. The accounting year of the Organization shall be 1<sup>st</sup> January to 31<sup>st</sup> December.

The books of account shall be audited before presentation at the Annual general meeting and audit recommendations shall be discussed and voted for before implementation. Members may request for the statement by giving a 14 days written notice to the treasurer through chairman and copied to the Secretary for records.

### **7.1 FINANCES**

The Organization's financial year shall end on 31 December of each year.

All amounts due to or collected on behalf of the Organization shall be paid to the Treasurer who shall receipt and deposit them in such bank as may be decided upon by the Committee.

The funds of the Organization shall be applied to the payment of expenses the acquisition of property and such other lawful purposes as may be decided upon by a General Meeting or by members voting by ballot for the attainment of the objectives specified in Clause 2 of this Constitution.

No single expenditure in excess of Kes 50, 000 (other than the remuneration of employees of the Organization), shall be met from the funds of the Organization unless such expenditure is approved by a resolution of the committee backed by at least 50% of all committee members

## 7.2 INCOME GENERATION

Kenya Triathlon Federation will be responsible for maximizing revenue generation so as to facilitate smooth operations of the Organization.

The Organization will include planned methods of fundraising in its strategic plan and ensure that all such activities are lawful, moral and ethical.

Partnerships for these purposes will need to have been authorized by the Kenya Triathlon Federation committee.

Triathlon members or officials who use their initiative and succeed in bringing in sponsorship money may claim back 25% of the same as a commission. This however does not apply to organization of local tournaments.

## 7.3 CONTROL OF EXPENDITURE

- i. The funds of the Organization and all monies received shall be administered in the name of the Organization's bank account(s). There shall be five (5) authorized signatories where the treasurer's signature is mandatory in all transactions with a minimum of 3 signatories.
- ii. No amount shall be withdrawn except on a resolution of the Committee (minimum 50% concurrence).
- iii. A record of all financial transactions of the month shall be compiled by the treasurer and circulated to all committee members not later than the 5<sup>th</sup> day of the next month
- iv. The funds of the Organization shall not be used to defray personal expenses incurred by office-bearers, unless specifically authorized by the Committee.
- v. Membership fees and other contributions made by the member concerned, to the Organization's funds, shall not be refunded on cessation of membership.
- vi. All Payments , shall require the approval of the Committee and shall be made by cheque and signed by three appointed signatories except if the amount in question is of a minor nature or expediency requires a cash payment when, with the approval of the Committee, payment may be made from Petty Cash.
- vii. No monies may be expended nor any debt incurred by any member of the executive Committee or by any other person for or on behalf of the Organization without prior consent of the Executive Committee or any

committee duly authorized by Committee in that behalf while exercising due diligence with utmost good faith.

viii. The Chairman, Secretary General, the Treasurer or, in their absence, the assistant secretary may however, in order that the day to day running of the Organization may be carried out, authorize expenditure not exceeding Kshs10,000/=at any one time without prior reference to Executive Committee or duly authorized committee, provided that any such expenditure shall be reported to the next Committee meeting for discussion and authorization and be reflected in the treasurer's monthly report. ix. All paid up members have a right to access all the financial transactions of the Organization after giving seven days' notice to the treasurer

x. Committee members wishing to raise an issue may raise the issue in writing to all committee members. Any 4 committee members can summon an emergency meeting of the committee if deemed necessary by giving the chairman a 7 day notice to discuss particular issue(s) and resolve the matter by resolution

xi. Tournament expenditure must be pre-authorized by the committee

## **8. MEETINGS**

### **TYPES OF MEETINGS**

- i. EXECUTIVE COMMITTEE
- ii. ANNUAL GENERAL MEETING
- iii. SPECIAL MEETING

**8.0** Motions: Any member desiring to bring special business before the AGM or SGM , shall give notice of such special business to the Secretary general in writing not later than one week prior to the AGM. Such special matter shall be incorporated in the Agenda of the AGM. For urgent cases, a special general meeting may be sought.

**8.1** Dates: A General Meeting of members of the Organization shall be held on a date to be fixed by the Committee not later than the mid of November. Special General Meetings shall

be called whenever desired by a majority of the Committee or upon a requisition signed by not less than fifty percent (50%) of paid up members of the Organization in good standing. Such a special General Meeting shall be called within one month from the date of the decision of the majority of the Committee or from the date of receipt of the requisition by the Secretary.

**8.2** Notices of General Meetings showing the business to be transacted thereat shall be given to members in writing by the Secretary not less than 30 (thirty) days before the dates of such meetings provided that in the case of Special General Meetings, such shorter written notice, being not less than 14 (fourteen) days, as may be decided by the Committee, may be given. The financial report must be attached to the AGM notice

Financial report must be adopted by a resolution of the committee before the AGM

**8.3** AGM: The Annual General Meeting of the Organization shall be held in the first week of December in each year or as soon as possible thereafter, but not later than 30<sup>th</sup> December in each year.

**8.4** Agenda: The agenda of the AGM shall be disposed of in the following order:

- a. The reading of the notice of the meeting;
- b. The recording of attendance and apologies;
- c. The adoption of the minutes of the previous AGM;
- d. The Chairpersons report
- e. Submission, discussion and adoption of the financial statements of the past financial year; f. Amendments to the Constitution;
- g. Matters proposed by members;
- h. Election of incoming committee;

**8.5** All motions at a General Meeting shall be produced in writing and shall be delivered to the Secretary General for inclusion in the Agenda at least 14 (fourteen) days before the date of the General Meeting.

- No other matters will be discussed at a General Meeting except those subjects appearing on the Agenda.
- No motion shall be considered unless seconded.
- All matters forming the subject of motions shall, unless otherwise provided herein, be voted upon by a show of hands and shall, unless otherwise provided, be decided by the votes of a majority of those present except in the case of elections where secret ballot will be used.

**8.6** Speaking: No member shall be allowed to speak for longer than 5 (five minutes) on any matter unless a majority of those present agree.

**8.7** Procedure: All matters of procedure on which this Constitution is silent shall be decided on motion by a majority vote of the members present at a General Meeting.

**8.8** Duration of Meetings: The Committee shall ordinarily meet at least once every 3 months on a date to be fixed by the Committee. Special meetings of the Committee shall be called by the Chairperson whenever deemed advisable or upon a requisition signed by not less than a third of the members of the Committee, in which event the meeting shall be called within 14 (fourteen days) of receipt of the requisition by the Chairperson.

**8.9** Notifications: Members of the Committee shall be notified of the time and place of meetings of the Committee by the Secretary General. Every meeting will be served with an Agenda.

**8.10** The quorum for an Annual or any General Meeting shall be 20 (twenty) paid up members or a third of all paid up members whichever is higher, and for Meetings of the Committee, two-thirds of the members of the Committee. If within 30 (thirty) minutes of the time fixed for any meeting, a quorum is not present, the meeting shall stand adjourned for 14 (fourteen days) at the same time and place. At such adjourned meeting of which written notice shall be given, the members present shall form a quorum.

**8.11** Minutes: At every General Meeting, the minutes of the last preceding General Meeting shall be read by the Secretary and signed by the presiding officer after confirmation. Minutes of Meetings of the Committee shall be similarly dealt with by the body.

**8.12** The proceedings of any meeting shall not be invalidated by reason of non-receipt by any member of the notice of the meeting.

**8.13** Minutes of all Committee Meeting will be available on request.

**8.14** SPECIAL MEETINGS

- At the request of the Executive Committee.
- On the request by a member to discuss any serious issue.
- Upon receipt of a written request signed on behalf of not less than 60% of the branches
- Upon receipt of a written request signed by at least 51% of the members of Executive Committee;
- At the direction of the chairman of the Organization, such special general meetings may be called only to discuss matters of an urgent nature, and the honorary general secretary shall give all members adequate notice of any such meeting, including in the notice of any such

place of the meeting and the reason for it being called. Such notice should normally be of at least 14 days.

#### **8.15 ABSENTEES**

Any elected member of Committee who remains absent from 3 meetings of the Committee without written authority or leave of absence from the chairman or for adequate cause or does not present a report of his office for the annual General meeting shall be named. Two naming and three consecutive absences will automatically force one to surrender his membership of the Committee, and will occasion a vacancy and may be replaced as provided for in the Constitution. The disciplinary committee will consider the penalty ranging from being barred from holding any office in future, suspension or expulsion.

#### **8.16 VACANCIES**

Where a vacancy or vacancies occur on the Committee during the year such vacancy or vacancies may be filled by the committee at its discretion. In the event of a casual vacancy for Chairman, the Vice-Chair shall assume the office of Chairman for the remainder of that

Chairman's term of office, with the post of Vice-Chair remaining vacant until the next AGM

#### **8.17 CO-OPTING MEMBERS**

The Committee may, at its discretion, co-opt any persons to the Committee, or to any Committee. Such members will have the right of attendance at all such meetings as Committee requires, but will have no voting power.

#### **8.18 RESOLUTIONS**

All resolutions and decisions by the Committee backed by 50% of the members will be binding upon all members, as well as upon all affiliated Organizations and Branches until they are rescinded or varied.

#### **8.19 SUB COMMITTEES**

The committee, at its first meeting after the Annual General meeting will appoint the following committees, which committees will be responsible to the Executive Committee for the efficient discharge of the duties entrusted to them.

- A Coaching committee
- A Disciplinary Committee
- A Marketing Committee
- Any other committee considered necessary for carrying out any specific function.

The Chairman and the Honorary General Secretary shall be ex – official members of all such committees. As and when it is felt that the attendance of the Honorary Treasurer will assist any such committee in its deliberations, he will also be required to attend for such purpose.

## **8.20 QUORUMS**

### **SPECIAL GM**

A minimum of 1/3 of registered members AGM

A minimum of 1/3 of registered members

### **Committee meetings and deliberations**

- Routine committee deliberations can be undertaken on online plat forms provided the chairman calls the attention of all members and any resolutions are supported by the requisite number of persons. Such deliberations must be duly recorded as defacto minutes by the Secretary general
- A minimum of 3 physical meetings must be held in any one year
- Notice of at least 7 days will be given for such meetings
- Quorum for meetings will be any 4 members plus the chairman, however formal resolutions must be supported by at least □ 50% plus 1 of all committee members
- Resolutions of the committee shall not be valid until they've been printed and duly signed by the chairman and secretary general



- At least 50 % of members can call a crisis meeting of the committee chaired by the chairman, vice chairman or the most senior committee member present after giving notice of at least 48 hours with a clear indication as to what the crisis is.
- Any committee member who so wishes may resign by giving one week's notice to the chairman copied to all committee members
- The committee may suspend or expel any member vide a majority vote to that effect, such a member may however be given a chance to defend himself/herself against any allegations before such a vote is made.

## **9. ELECTIONS**

9.1.1 The Management and control of the Organization shall be vested in a Committee consisting of Eight (8) fully paid up members of the Organization. The executive Committee will be elected at the AGM to fill the 8 positions.

9.1.2 Members wishing to stand for election at an Annual General Meeting for any position on the Committee shall be required to submit a completed nomination form to the Secretary no later than Seven (7) days prior to the date of the Annual General Meeting.

9.1.3 All elected members of the Committee shall serve for a period of Four years and subject to a bi- annual audit.

### **9.2 ELECTION PROCEDURES**

- a) The committee will formally stand down and proceed to Elections after clearing the agenda of the AGM
- b) Only paid up members are eligible to contest. Any member may stand for election to the executive committee by contacting the secretary in writing, indicating their desire to stand and the post, at least one week prior to the AGM. Their names will require a proposer and seconder all of who Must be fully paid up member. The name will be circulated in the website for all to note as nominations from the floor will only be acceptable if no member was proposed in the in the web.
- c) Any member wishing to stand for election to the committee is entitled to make a short address to the AGM either in person, or, in the event of absence, in a written statement

to be read by the convenor of the AGM, unless a majority vote deems that this member may have a conflict of interest.

d) Any member of Kenya Triathlon Federation may request a postal ballot form

e) The paid up Members are entitled to vote at meetings.

### **9.3 RECALL CLAUSE**

At a properly convened special meeting and with adequate quorum as provided above, members may vote to recall any official after discussing his/her conduct provided that the member is given time to absolve him/herself and a vote will be taken. A request to discuss the conduct of a member should be launched with the secretary General to allow the application of convening the meeting and proper communication to members. After voting, the outcome shall be applied.

## **10. SUPREMACY CONSTITUTION**

The Executive Committee may make such Bye-Laws and rules as it may consider necessary for the conduct of its business and for the control and good management of triathlon generally in Kenya which shall be voted at the AGM.

No addition to and alteration, amendment, or revision of the constitution and rules of the Organization shall be made except by a twothirds majority of votes resolved from those present and entitled to vote at an annual general meeting or at a special general meeting called for the purpose, the notice of which meeting shall contain particulars of the addition, alteration, deletion, amendment or revision to be proposed. The Organization shall be affiliated to the Kenya Sports Executive Committee to whom issues above the Organization's mandate and relevant to their jurisdiction on arbitration shall be referred.

## **11.AMENDMENTS**

Any of the provisions of this Constitution may be repealed, amended or added to in any manner by majority resolution of a General Meeting or AGM of members, provided that at least 14 (fourteen) day's- notice of any proposed alteration shall have been given to members.

No Provision of the Constitution shall be altered, except by a resolution passed by a two-thirds 2/3 majority vote at an AGM or Special General Meeting of members present and entitled to vote. Any proposed amendment shall be submitted in writing to the Organization Secretary, who shall incorporate such proposals in the Agenda of the next AGM, or Special General meeting. Change of name shall require a one month notice and shall be passed at the Annual General meeting of the Organization by majority vote of Members present. A minimum of 70% paid up members who have been members for the last 3 months must be present to form quorum.

## 12. RULES

Every member shall be deemed to consent to and be bound by the rules and by-laws of Kenya Triathlon Federation. Every member shall be bound by the Constitution, rules and bye-laws of the Organization. Any rules made under the Constitution shall apply until amended or repealed. It will be the responsibility of members to familiarize themselves with these rules. Non circulation of rules and amendments thereto to individual members will not absolve members from compliance with rules as applicable from time to time. The Constitution or any part thereof maybe amended, added to or repealed by a resolution passed at an Annual General or Special General Meeting, provided that any resolution passed for any such purpose must be carried by a majority casting of those present and entitled to vote in a properly convened meeting.

By becoming a member of the Organization, a member gives permission for their name and other relevant Triathlon information to be displayed on the Organization authorized website.

When deemed necessary, a disciplinary Committee will be elected from the Committee to deal with any misconduct that is disruptive of the organization's objectives and their decisions will be regarded as reasonable and final.

Rules and regulations of play will be guided by latest ATU/ITU rules as interpreted by the technical director. Appeals may be made to a panel of at least 3 arbiters who shall have played an active role in Triathlon for at least 3 years; persons of good conduct and free of obvious biases

## 13. (i)DISCIPLINE

A member may be reprimanded and cautioned, suspended, fined or expelled as may be determined by a Disciplinary Committee if he/she infringes any of the terms of this Constitution,

or the rules of the Organization, or acts in a manner which is detrimental to the interests of the Organization or its members.

- a) A Disciplinary Committee shall be constituted with three Committee Members.
- b) Upon expulsion of a member, all monies due to the Organization by such member shall become payable. If payment thereof is not made within 14 (fourteen) days from written notification of this expulsion, the Committee may take such steps as it deems necessary to secure a settlement.
- c) Such a member shall cease to be entitled to any of the benefits of Membership including the right to vote and shall be deemed to be out of good standing
- d) Provided that a decision to expel a member shall first be ratified by the Committee before being implemented and, provided that there shall be a right to appeal against expulsion to the first ensuing General Meeting. Notice of any such appeal shall be presented to the Secretary General in writing within 14 (fourteen) days of the date on which the decision was communicated to the person concerned.
- e) No disciplinary action may be taken against a member until he/she has been afforded the opportunity to state his case personally at a meeting of the Disciplinary Committee. The member shall be given at least a three day notice in writing by the Secretary of the date of the hearing and the subject of the infringement which is to be investigated.
- f) A member who has appeared before the Disciplinary Committee shall, if dissatisfied with the decision of the Disciplinary Committee and has lodged an appeal in the manner herein provided, have the right to reinstate his case in writing to a General Meeting, which will consider the matter.
- g) A member shall be entitled to call witnesses in support of his/her case when appearing before a meeting of the Disciplinary Committee.
- h) Any decision of the Disciplinary Committee ratified by the Committee to expel a member, in terms of this Clause shall, when an appeal has been lodged, be subject to further confirmation by the General Meeting at which the case will be presented. Pending confirmation of the General Meeting, such member shall remain under suspension.

### 13(ii) Conduct of the Athletes

- (a) Once an athlete has formally started to compete, he/s must play except in cases of force majeure, such as illness or incapacity. A valid reason for withdrawing has to be given.
- (b) All the participants should be dressed in a suitable manner.
- (c) An athlete who does not wish to continue and leaves without resigning or notifying the arbiter/tournament director is discourteous. He/she may be penalized, at the discretion of the KTF, for poor sportsmanship.

(d) All complaints concerning the behavior of athletes or captains must be made to the Tournament director. An athlete is not permitted to complain directly to his opponent.

#### 14. CALENDAR

The calendar of events shall be drawn for two years.

The financial year of the Organization shall commence on the first day of January in each year and end on the thirty-first day of December the following year.

#### 15.1. NATIONAL TOURNAMENTS:

Kenya Triathlon Federation shall hold a minimum of five tournaments in a calendar year. Such tournaments would be held throughout the country and be directly under the control of KTF.

Other regions can hold tournaments as they deem fit provided they register such tournaments with KTF and ensure transparency in financial activities. The treasurer will audit all financial transactions of regions and report to the committee and AGM

Only athletes who are members of the Organization are eligible for selection to international tournaments. Official tournaments may be organized and run by KTF, or by individual members of the Organization and will be required to meet the set standards. For any official tournament run under the auspices of the Kenya Triathlon Federation, 30% of any monetary profit from the tournament shall be given to the KTF. The organiser(s) may specify use for the donated profit and account for the funds with honesty to maintain the integrity required for Organization members. Tournament funds and sponsorships will be apportioned between the branch and Organization at the rate of 70% and 30% respectively.

#### 15.2 INTERNATIONAL TOURNAMENTS

Kenya Triathlon Federation will endeavor to financially assist athletes who qualify for international tournaments. Where an athlete is fully sponsored, he will remit 20% of any individual prize money. Any prize money or reimbursement paid for the county must be banked in the KTF account immediately where sponsorship is partial, the remittance to KTF will be prorated.

### 15.3. SELECTION:

Selection of Team Kenya for Regional and International tournaments will be as per criteria set to represent the country in international events.

### 16. HONORARIA

Officials of the Organization having served successfully for 4 years shall be given a token of appreciation not less than 3,000.00 shillings and as approved by the general meeting.

### 17. DISPUTE RESOLUTION

#### a) Court of Arbitration for Sport:

i) If there is a dispute that is not resolved through good faith negotiations in accordance with this section within seven days after notice of the dispute is given by one party to the other, and if the dispute is not a dispute referred to in this section, then the parties shall refer the dispute to the Court of Arbitration for Sport to hear and adjudicate on the dispute pursuant to the Code of Sports-Related Arbitration, as amended from time to time. The finding of the Court of Arbitration for Sport shall be final and binding upon all parties, to the exclusion of recourse to other tribunals. The applicable law shall be the laws of Kenya, as provided for under the Code of Sports-Related arbitration.

### 18. DISSOLUTION

- a) The society shall not be dissolved except by a resolution passed at a general meeting of members by a vote of  $\frac{2}{3}$  of the members present. The quorum at the meeting shall be shown in rule. If quorum is obtained, the proposal to dissolve the society shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the society at least 14 days before the date of the meeting. The quorum, for this second meeting shall be the number of members present.
- b) Provided, however, that no dissolution shall be affected without prior permission in writing of the registrar, obtained upon application to him made in writing and signed by three of the office bearers.
- c) When the dissolution of the society has been approved by the Registrar, no further action shall be taken by the committee or any office bearer of the society other than to get in and liquidate for cash all the assets of the society, in such other manner as may be resolved by the meeting at which the resolution by the meeting at which the resolution for dissolution is passed.

### 19. INDEMNITY:

Members of the Committee of the Organization shall not be liable for anything done or omitted to be done in the exercise of their duty/or supposed duty, unless it was due to

their own willful neglect or default and they shall be indemnified by the Organization for any liability they may incur to any other person as a result of such exercise unless that liability arose from such willful neglect or default aforesaid.