



KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET)

CONSTITUTION AND RULES

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ARTICLE 1.0: PREAMBLE

The trade union constituted by this constitution shall be called the **KENYA UNION OF POST PRIMARY EDUCATION TEACHERS (KUPPET)**, with the headquarters in Nairobi.

WHEREAS the Kenya Union of Post Primary Education Teachers has been founded upon principles of social justice and professionalism and is dedicated to the achievement of greater unity among her members for the purpose of improving their standards of living, bringing justice and dignity at the workplace and securing social equity for all;

WHEREAS the union has formulated and adopted the following rules to regulate relationship between members and between members and employers and to organise collective bargaining for the purposes of meeting her objectives;

AND WHEREAS to these ends the KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS shall be an honourable institution in which membership shall be a source of pride.

ARTICLE 1.0.1: INTERPRETATION

In this Constitution, unless the context otherwise requires-

- (a) "Delegate" means registered officials and members of KUPPET entitled to attend the Annual and Special Delegates Conferences.
- (b) "Member" means a teacher/lecturer/trainer who is a fully paid up member of KUPPET.
- (c) "Trade Union" means Kenya Union of Post Primary Education Teachers or the meaning assigned to it under Labour Relations Act, 2007.
- (d) "County" is a geographical location within which KUPPET branch is confined.

ARTICLE 2.0: NAME

The organisation shall be called; Kenya Union of Post-Primary Education Teachers (KUPPET), hereinafter referred to as the UNION. The registered office of the union shall be Lower Hill Duplex Apartment, Lower Hill Road, Suite 51/P. O. Box 30412- 00100, NAIROBI or as may be determined from time to time by the Union.

ARTICLE 3.0: MOTTO

Service, Justice and **Solidarity**.

ARTICLE 4.0: THE AIMS/OBJECTIVES

- (a) To advocate for the establishment of sound, ethical and professional policies that guarantee job security and fair solution to the members' grievances.
- (b) To make every endeavor to organise all the teachers in the post primary institutions and to ensure absolute unity of the members for effective and efficient representation.
- (c) To promote, improve and develop ethical principles to inculcate responsibility among the teachers to guarantee their health, professional, social and economic well-being.
- (d) To develop the capacity of members through seminars, symposiums and workshops locally and internationally.
- (e) To organise lawful processions or demonstrations to promote the members' freedom of expression and collective rights.
- (f) To participate in all matters aimed at providing quality education and formulation of sound policies towards common system of education.
- (g) To make every endeavour to promote effective representation locally, nationally and internationally in collaboration with such other related organisations and/or agencies to protect the teachers' interest and education generally.
- (h) To negotiate with the government of Kenya/its agencies, any public or private institutions offering education or related services better terms and conditions of employment and thereby formulate clear representation and negotiation procedures including promotion and its packages.
- (i) To join or to be joined in any research by the government of Kenya (its agency / department / Ministry) any public or private organisation/ institution on matters related to teaching as a profession.
- (j) (i) To co-operate in or take part in research together with other societies, bodies, associations, unions or organisations within or outside the country having similar aims and objectives.
(ii) To engage in/take part in education related projects with other societies/ bodies/organisations within and outside the country.
- (k) To promote and protect the rights of teachers serving in education industry.
- (l) To articulate the members' interests in the formulation of education ordinances, policies and propagate the same to the members for smooth administration and dispensation of education.
- (m) To offer assistance and encourage teachers to form saving and credit societies, Burial and Benevolent Funds, academic institutions, land buying companies and/or any amenities.
- (n) To acquire any deeds, loans or "by purchase or lease" any movable or immovable objects.
- (o) To seek and obtain legal advice/protection on matters affecting the union and member(s) whether directly or indirectly arising out of relations between the union /members and the employer(s) to improve the members' social and

economic status.

- (p) To establish KUPPET branch offices based on County demarcations.
- (q) To establish at National level sub-committees such as: -
Finance and Administration Committee, Constitution and By-laws Committee, Industrial Relations and Research Committee / any other committees decided upon by the Delegates Conference.
- (r) To affiliate to workers organisations locally/internationally for a united front to champion the rights of Teachers and promote education for all.
- (s) To sensitise members on HIV/AIDS/Drugs/Substance abuse at the work place.
- (t) To advocate against child labour/abuse/trafficking.
- (u) To provide a conducive environment for arbitration of disputes at workplace and to liaise with other organisations/agencies to enhance cohesion and conciliation at the workplace.
- (v) To create/advocate for gender equity and mainstreaming at the workplace.
- (w) **To buttress gender equity and equal opportunities without any form of discrimination on basis of, inter alia, sex, race, tribe, age or religion.**

ARTICLE 5.0: MISSION

To unite all teachers in post primary institutions in Kenya by advocating for the establishment of sound ethical and professional policies that guarantee job security and fair solutions to members' grievances through lawful union activities, affiliation, negotiation and research.

ARTICLE 6.0: VISION

To be a strong National progressive post primary teachers' union in Kenya where justice, service and integrity are upheld to enhance cohesion and conciliation.

ARTICLE 7.0: MEMBERSHIP

- (a) (i) Teachers/ Trainers in secondary and tertiary institutions of good conduct and reputation, certified, licensed or authorised to teach, shall have the right of admission to any of the branches of the Union upon payment of the entrance fee as provided in the rules of the union.
- (ii) A member may retain his membership in the Union even after retirement or resignation from the service of TSC or any relevant Teachers employer provided that he or she is fully subscribed.
- (b) If in the opinion of any Branch the applicant's professional conduct makes it undesirable that his/her name should not be on the Roll of Members, the matter shall be referred to the National Governing Council for enquiry by the

Professional and Standards Committee of the union.

- (c) (i) Upon admission, the teacher's full name shall be written in the Union's register showing the member's name in the Teachers' Register kept by the Teachers Service Commission and where possible the name of school/institution to which the member is assigned at the time of admission.
- (ii) The member shall be provided with membership card bearing his/her name in full, address and such further particulars that may be necessary to afford easy identification of the member.
- (d) No person shall be admitted to the union or to any of its Branches, unless he/she previously agrees to abide by the rules of the union contained in this constitution.
- (e) (i) Entry membership fee of KShs.50 (fifty shillings only) to the Union shall be paid once and monthly subscription fee for all members shall be at a rate of 1.8% (one point eight per cent) of a member's basic pay.
- (ii) Monthly subscription shall in as far as possible be collected through the check-off system.
- (iii) If at any time the National Governing Council is of the opinion that the allocation of the subscription should be revised they shall seek authority from National Delegates Conference.
- (iv) KUPPET shall operate on a closed shop system.
- (f) Any member of a Branch of the union who is transferred from one County branch to another, shall on payment of all dues, be entitled to a "DEEM IT" which shall make him/her eligible for enrolment in the branch.
- (g) Every member shall be at liberty to withdraw his/her membership from the union by clearly addressing his/her resignation to the employer and a copy to the Branch Executive Secretary in which case the party withdrawing will cease to be entitled to enjoy any benefits or privileges of the union or any of its Branches. Under no circumstances shall any subscriptions or other donations paid to the union by a withdrawing member be refunded.
- (h) Honorary/Associate Membership may be conferred on any person who in the opinion of the Delegates Conference has rendered outstanding service to the cause of the Union/Education or other persons not eligible for ordinary membership. Such honorary membership shall not carry any right to vote on any matter.
- (i) No Honorary Member shall be eligible to hold any office in the union.
- (j) Any teacher having been declared ineligible by the National Governing Council (NGC) shall remain ineligible until such a time as the Delegates Conference may decide to admit his/her membership.
- (k) Associate/honorary members shall not be obliged to pay any fees or subscription.
- (l) Members of the Union shall be at liberty to join other Educational Organisations, so long as the rules and regulations of such organisations are not contrary to the rules and regulations of Kenya Union of Post-Primary Education Teachers (KUPPET).

ARTICLE 8.0: ORGANISATION STRUCTURE

8.0 There is established the organs of the UNION namely:

1. Annual Delegates' Conference (ADC), 2. National Advisory Council (NAC), 3. National Governing Council (NGC), 4. National Executive Board (NEB), 5. Regional Council (RC), 6. Branch General Assembly (BGA), 7. Branch Governing Council (BGC), 8. Branch Executive Committee (BEC), 9. Trustees 10. School/Institutions Representative (SR/IR).

8.1.0 The Annual Delegates' Conference (ADC)

- (a) There shall be convened annually in the month of November/December, at such date and place as may be fixed by National Governing Council (NGC) an annual delegates' conference of the UNION.
- (b) The notice to the Annual Delegates' Conference shall be issued by the Secretary General as directed by the National Governing Council.
- (c) The notice regarding the Annual Delegates' Conference; while being issued, shall be within four weeks before the conference.
- (d) The National Governing Council (NGC) may convene a Special Delegates' Conference whenever necessary provided that not less than two weeks' notice is given. Such conference shall have similar powers and functions as the Annual Delegates' Conference.
- (e) Unless expressly provided for, the Delegates' Conferences for the purposes of elections shall be on the 5th year not later than the second week of December following KUPPET National elections.

8.2.0 Delegates to the Conference

- (a) The delegates attending the conference shall be: Members of the National Executive Board, the members of the National Governing Council, Trustees and Delegates from the 47 county Branches.
- (b) (i) Each county Branch shall send **fourteen (14) delegates being representative of between 1-300 members to** the Annual Delegates' Conference, all of whom must be bona-fide registered officials of the Branch.
 - (ii) **Delegates duly appointed at the Branch General Assembly being one delegate for every one hundred (100) over and above the 300 bona fide members registered in the membership register at such Branch shall attend the Annual Delegates Conference.**
 - (iii) **The National Executive Board may call for a Special Delegates Conference for critical decision-making in which at least three delegates from each Branch shall be invited to attend.**
- (c) Any replacement of the Delegates must be approved by the Branch Governing

Council. A list of replacement must be sent to the Secretary General fourteen days to the conference.

- (d) The Secretary General shall avail the replacement lists thereof to the National Executive Board a week to the conference. The quorum to the conference shall be a third (1/3) of delegates to attend.
- (e) Only members of the National Executive Board and Branch Executive Committees qualify to contest at the national elections.

8.3.0 The Functions of the Delegates' Conference

- (a) The Delegates' Conference shall be the supreme authority of the UNION and its decisions shall be final and binding on all members.
- (b) The Delegates' Conference shall adopt financial statements/reports.
- (c) The Delegates' Conference shall approve the budget proposal presented by NGC for the following year.
- (d) The Delegates' Conference shall determine the broad basic policies and programs of the Union for the future.
- (e) The Delegates' Conference shall delegate powers to the National Executive Board for the purposes of setting up specialised departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union and disciplinary issues.
- (f) The Delegates' Conference shall deal with educational matters affecting the union and the Republic of Kenya.
- (g)
 - (i) The Delegates' Conference shall consider all matters related to membership and discipline.
 - (ii) The Delegates' Conference shall ratify decisions of the National Governing Council.
 - (iii) The Delegates' Conference shall delegate to the National Governing Council powers to discipline a member/branch that breaches the KUPPET regulations.
- (h) Shall consider amendments of the Union Constitution.

8.4.0 National Advisory Council

- (a) There shall be established a National Advisory Council (NAC) which shall comprise elected national officials; the National Chairperson, the National Vice Chairperson, The Secretary General, The Deputy Secretary General, National Treasurer, Assistant National Treasurer, National Secretary Gender, National Secretary Tertiary, National Secretary Secondary, National Organising Secretary, Branch Chairpersons, Branch secretaries and Branch Treasurers from all the counties.
- (b) The council shall be chaired by the Union's National chairperson.
- (c) The secretary to the National advisory council shall be the Secretary General.
- (d) Shall meet once a year.

- (e) Shall meet as and when the National Executive Board so determines.
- (f) Exercise their role collectively and not individually.

8.4.1. Functions of National Advisory council

The National Advisory Council shall:

- (a) Render advice to the National Governing Council on selected union matters.
- (b) Advise on the Unions mission, vision, and purpose and core values.
- (c) Advise on the strategic direction and significant policies of the Union.
- (d) Ensure that the strategy of the Union is aligned to the purpose of the organisation and the legitimate interests and expectations of the members and her stakeholders.
- (e) Advise on the Organisational structure.

8.5.0 National Governing Council (NGC)

- (a) The NGC shall comprise of the Elected National Officials namely the National Chairperson, the National Vice Chairperson, the Secretary General, the Deputy Secretary General, National Treasurer, Assistant National Treasurer, National Secretary Gender, National Secretary Tertiary, National Secretary Secondary, National Organising Secretary, **1ST Assistant National Gender Secretary, 2ND Assistant National Gender Secretary, 3RD Assistant National Gender Secretary and Assistant National Secretary Junior Secondary, together with** Branch Secretaries from the counties and sixteen (16) nominee women representatives.
- (b) The quorum shall be a third (1/3) of members expected to attend.

8.5.1 The Functions of the National Governing Council (NGC)

- (a)
 - (i) Shall meet twice a year.
 - (ii) Shall meet as and when the National Executive Board so determines.
 - (iii) Shall meet within 14 days if 1/3 of the National Governing Council signs a requisition for a meeting.
- (b) Shall ensure that the business of the Union is properly transacted between the Annual Delegates' Conferences.
- (c) Shall ensure that the decisions and policies of the Delegates' Conference are fully executed.
- (d) Shall enforce decisions of the union as determined/passed by Delegates' Conference.
- (e) Shall ensure adherence to the Constitution, rules and regulations, standing orders, by-laws of the union and take such steps as may be deemed necessary for such purposes.
- (f) Shall discipline a Member/Branch of the Union.
- (g) Shall solicit funds through loans, advances, overdrafts and mortgage for Union projects.
- (h) Shall recommend removal of any official(s) from its meetings for a period

not exceeding one year for gross misconduct/having acted contrary to the union constitution after two consecutive warnings.

- (i) Shall develop by-laws at National and branch levels.
- (j) Shall exclude from the Union any branch which in their opinion has failed to comply with the rules of the union.
- (k) Shall recommend removal from office any officers for gross misconduct/ flouting of the constitution/rules provided that 2/3 of members endorse.
- (l) Shall direct the Deputy Secretary General to issue notice of meetings of the National Governing Council, National Advisory Council and the National Delegates Conference if the Secretary General/any other officer acting on his/ her instruction fails to issue notice or is incapacitated in any way provided two thirds requisition of members endorse.
- (m) The National Governing Council (NGC) shall determine the allowances for the Trustees.
- (n) Shall prepare by-laws to run gratuity and benevolent funds.
- (o) Shall nominate twelve (12) women representatives to the National Governing Council considering regional balance.
- (p) Set and oversee the overall strategy and approve significant policies of the Union.
- (q) Monitor the Union's performance.

8.6.0 The National Executive Board (NEB)

- (a) There shall be established the National Executive Board (NEB) comprising **fourteen** elected national officials **who shall reflect regional and gender balance, and include the representation of persons abled differently and Junior Secondary School. The National Officials include:** The National Chairperson, the National Vice Chairperson, the Secretary General, the Deputy Secretary General, the National Treasurer, Assistant National Treasurer, National Secretary Gender, National Secretary Tertiary, National Secretary Secondary, National Organising **Secretary, 1ST Assistant National Gender Secretary, 2ND Assistant National Gender Secretary, 3RD Assistant National Gender Secretary and Assistant National Secretary Junior Secondary.**
- (b) The members of National Executive Board shall work on full time basis provided that any member who gets engaged as a state officer shall serve the union on part-time basis.
- (c) Notwithstanding the provision above, National Executive Board may prescribe such other terms for members of the board who are serving as state officers.
- (d) This organ shall be based at the secretariat and shall have mandate to transact the business of the union at the headquarters.
- (e) The National Executive Board and the other national office employees shall form the secretariat staff.

8.7.0 Functions of the National Executive Board

- (a) The National Executive Board (NEB) shall be responsible for the day-to-day affairs of the union.
- (b) Shall exercise delegated authority on behalf of the Delegate's Conference, the National Advisory Council and National Governing Council.
- (c) Shall conduct meetings at least once each month or as may be necessary.
- (d) Shall exercise authority/mandate to negotiate/enter into Collective Bargaining Agreement (CBA) with the Government/Employer/any other authority on behalf of the members.
- (e) Shall implement the policies of the Union as outlined in the aims and objectives of the union under the direction of Delegates' Conference.
- (f) Shall make decisions binding the Union in circumstances of emergencies/when National Governing Council has not met/when necessary.
- (g) Shall recruit and determine terms of service for secretariat staff.
- (h) Shall interpret rules and regulations between meetings of the Delegates' Conferences.
- (i) Shall determine terms of reference for various union committees and honoraria for the committee members, shall maintain the union finances and submit a report and a statement of accounts to the Annual Delegates' Conference of the Union.
- (j) Shall set up specialised departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union and disciplinary issues.
- (k) Shall maintain the union projects at National levels.
- (l) Shall initiate and discipline a member or branch of the Union.
- (m) Shall enforce the decision of the Union as passed at the Delegates conference.
- (n) Shall maintain Union Finances and submit reports and statements of accounts to the Annual Delegates Conference.
- (o) Shall approve the establishment of new KUPPET branches.
- (p) Shall establish gratuity and benevolent funds at National and Branch levels to cater for officers working full time and secretariat staff.
- (q) Shall ensure 5% of Union income is deposited to manage gratuity scheme for full time officers of the Union.
- (r) Shall ensure that code of conduct and ethic is developed and enforce strict compliance to the same.
- (s) Develop, adopt and periodically review a board charter.
- (t) Develop and recommend for adoption pertinent policies and regulations for effective management of the Union's affairs.
- (u) Develop and recommend for approval the annual Budget, annual business plan, proposed branches on the Union and any other annual or quarterly reports.

8.7.1. Regional Councils

- (a) There is established 8 Regional Councils consisting of elected officials from respective branches within the region. Regional Councils shall meet at least twice a year to consider union and educational matters within the region.
- (b) The Regional Council shall in every five years elect its Chairman, Vice Chairman, Secretary, Assistant Secretary, Treasurer, Vice Treasurer and Women Representative, who shall form the Regional Council Steering Committee.
- (c) The Regional Councils shall be financed by branch levies and grants as determined by respective Regional Council and approved by the National Executive Board.
- (d) Every Regional Council shall be registered like any other branch of the union and shall keep proper books of account.
- (e) There is established 8 Regions in Kenya namely:
 - [i] Coast Region consisting of Mombasa, Kwale, Kilifi, Lamu, Taita Taveta and Tana River Counties.
 - (ii) North Eastern Region consisting of Garissa, Mandera and Wajir Counties.
 - (iii) Eastern Region consisting of Machakos, Makueni, Kitui, Tharaka Nithi, Meru, Isiolo, Embu and Marsabit Counties.
 - (iv) Central region consisting of Nyeri, Nyandarua, Murang'a, Kirinyaga and Kiambu Counties.
 - [v] Rift Valley Region consisting of Nakuru, Trans Nzoia, Elgeyo Marakwet, West Pokot, Turkana, Baringo, Nandi, Laikipia, Narok, Kajiado, Kericho, Samburu, Uasin Gishu and Bomet Counties.
 - [vi] Western Region consisting of Kakamega, Bungoma, Vihiga and Busia Counties.
 - (vii) Nyanza Region consisting of Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira Counties.
 - (viii) Nairobi Region consisting of Nairobi County.

8.8.0 The Branch General Assembly (BGA)

- (a) There shall be branches of the union as shall be established by the National Executive Board on county framework structure of governance.
- (b) Secretary General shall apply to the Registrar of Trade Unions for the Branch Registration Certificate upon approval by the National Executive Board.
- (c) The Branch General Assembly shall be convened at least once annually.
- (d) Shall be convened by:
 - (i) The Executive Secretary of the Branch in consultation with the Branch Chairperson.
 - (ii) A requisition of Six (6) members of the Branch Governing Council in case the Executive Secretary or Assistant Branch Executive Secretary fails to convene the meeting.
- (e) The quorum for the Branch General Assembly meetings shall be one third

(1/3) of the membership.

8.8.1 Functions of the Branch General Assembly

The Branch General Assembly shall perform the following functions:

- (a) The Branch shall elect members of both the Branch Governing Council (BCG) and the Branch Executive Committee (BEC).
- (b) Shall approve financial statements/records at the Branch Annual General Assembly (BGA).
- (c) The Branch General Assembly shall have the power to elect branch officials every five years/replace officials through by-elections where/when necessary.
- (d) The Branch shall run their own financial affairs under the direction of the National Executive Board.

8.9.0 The Branch Governing Council (BGC)

The Branch Governing Council shall consist of:

- (a) The Chairperson, Vice Chairperson, Executive Secretary, Assistant Executive Secretary, Treasurer, Assistant Treasurer, Branch Secretary Gender, Branch Secretary Tertiary, Branch Secretary Secondary, and Branch Organising Secretary. A branch shall co-opt committee members to represent various constituencies. A third must comprise the gender balance.
- (b) The Branch Governing Council shall meet at least once a school term. The quorum for the meeting is one third (1/3).

8.10.0 The Functions of the Branch Governing Council

- (a) Shall employ branch staff including elected secretary of the branch and any other staff that may be deemed necessary.
- (b) Shall coordinate Union activities in the Branch.
- (c) Shall initiate the process of discipline of any member and forward the same to the Secretary General any decision they arrive at their meeting within seven (7) days.
- (d) Shall maintain union projects at the branch level.
- (e) Shall solicit; arrange/seek funding for the branch through loans upon approval by the National Executive Board.
- (f) Shall ensure that they appoint branch auditor to look at the Union accounts at the branch.
- (g) Shall deposit at least 5% of their branch monthly Union dues as gratuity for full time branch staff.
- (h) Shall ensure that no member/official publishes views/enter into any deals/moves to court on any matter that commits the union in any way without authorisation from the Secretary General.

- (i) Shall direct the Assistant Executive Secretary to issue a notice of a meeting in the event the Branch Executive Secretary fails to do so.

8.11.0 Branch Executive Committee (BEC)

- (a) The Branch Executive Committee shall consist of the Chairperson, Vice Chairperson, The Executive Secretary, the Assistant Secretary, the Branch Treasurer, the Branch Assistant Treasurer, Branch Secretary Gender, Branch Secretary Tertiary, Branch Organising Secretary and Branch Secretary Secondary.
- (b) The Branch Executive Committee shall meet at least once every month.

8.12.0 The Functions of the Branch Executive Committee

- (a) To carry on vigorous mobilisation and campaign and organisational work among teachers in order to help realise the aims and objectives of the Union.
- (b) To pay relentless attention to the sentiments and remarks of the members of the teaching profession in Kenya and to report the same to the office of the Secretary General.
- (c) To recruit new members and to supervise the collection of all union fees within their jurisdiction.
- (d) To keep union records for membership up-to-date and to report any irregularities to the Secretary General.
- (e) To help organise the teachers within the area where the branch operates and to do everything possible to coordinate their efforts, activities and work.
- (f) To undertake all such activities as may further the aims and objectives of the Union to help execute the policy and programs of the Union and carry out instructions received from Union secretariat at the Head Office.
- (g) To plan and maintain Union projects in the branch for the teachers on behalf of the National Governing Council.
- (h) Shall coordinate activities of the Union as spelt out in this constitution and National Governing Council during strikes and lock-outs.
- (i) Nominates three (3) women representatives in their first meeting after election.

8.13.0 Trustees

- (a) There shall be Nine (9) Trustees, eight of whom shall be elected at the Delegates' Conference every five years reflecting regional balance. The ninth slot shall be occupied by the founder Secretary General of the union, until the occupant is rendered ineligible.
- (b) The election of Trustees shall be organised in such a manner that four of the eight elective Trustees shall at all times be officials of opposite gender.
- (c) The Trustees shall hold office for at least five years and shall jointly be vested with the custody of the union's property and bank accounts.
- (d) The Trustees shall oversee handing over and taking over from the preceding to

- succeeding officers within seven (7) days upon the registration of new officers.
- (e) The Trustees shall hold meetings at least once every school term and shall be facilitated by the Executive Board.
 - (f) A Trustee may be removed from office at the Annual Delegates Conference/ or may voluntarily resign in writing addressed to the Secretary General.
 - (g) The Trustees shall have the authority to scrutinise the books of accounts of a branch/national office and recommend to the National Governing Council and /or Annual Delegates' Conference (ADC/SDC) the cause of action to be taken.
 - (h) The Trustees shall keep inventory of union property at the Branches and National Office.

ARTICLE 9.0: NOTICE FOR MEETINGS

All union meetings shall be convened through the issuance of a notice by the secretary general for Annual Delegates Conferences/Special Conferences, National Governing Council meetings, National Executive Board Meetings and Union committee meetings. The Executive Secretary shall issue notices of meetings related to county branch structures, However, any branch organ may requisition and summon such a meeting by a resolution assented to by at least 6 members of that Branch organ in case the Executive secretary fails to call a meeting.

ARTICLE 10.0: OFFICERS OF THE UNION

NATIONAL OFFICE

National Chairperson, National Vice Chairperson, Secretary General, Deputy Secretary General, National Secretary Gender, National Treasurer, Assistant National Treasurer, National Secretary Tertiary, National Secretary secondary, National Organising Secretary, **1ST Assistant National Gender Secretary, 2ND Assistant National Gender Secretary, 3RD Assistant Gender Secretary and Assistant National Secretary Junior Secondary.**

BRANCH OFFICES

Branch Chairperson, Branch Vice Chairperson, Branch Executive Secretary, Branch Assistant Executive Secretary, Branch Treasurer, Branch Assistant Treasurer, Branch Secretary Gender, Branch Secretary Tertiary, Branch Secretary Secondary and Branch Organising Secretary, **1ST Assistant Gender Secretary, 2ND Assistant Gender Secretary, 3RD Assistant Gender Secretary, and Assistant Secretary Junior Secondary.**

ARTICLE 11.0: DUTIES AND FUNCTIONS OF THE OFFICES

NATIONAL OFFICES

11.1.0 The National Chairperson

- (a) Shall preside at all conferences/meetings/forums at which he is present except branch meetings
- (b) Shall lead all Union delegations.
- (c) Shall enforce strict observance of the constitution and rules of the Union and performs such duties as by usage and custom pertaining to his/her office.
- (d) Shall cast a deciding vote in case of a tie of vote on top of his/hers.

11.2.0 The National Vice Chairperson

- (a) Shall in the absence of the National Chairperson preside over all conferences meetings and forums except branch meetings.
- (b) Shall in the absence of the National chairperson lead Union delegations.
- (c) Shall perform any other duties he/she may be delegated by the national chairperson and while performing such duties, shall enjoy the same privileges as the National Chairperson.

11.3.0 The Secretary General

- (a) Shall be the Chief Executive Officer and spokesperson of the Union and shall be responsible for execution and communication of National Executive Board's, National Governing Council's, National Advisory Council's and Delegates' conferences strategies, decisions and policies.
- (b) Shall in consultation with the National Chairperson issue notices of all meetings/conferences in accordance with the provisions of the constitution.
- (c) Shall in consultation with the National Chairperson prepare agenda for meetings/conferences.
- (d) Shall record minutes of all conferences, meetings of National Governing Council and National Executive Board.
- (e) Shall communicate to the relevant organs of the Union every disciplinary issue from the branches and National Office.
- (f) Shall work in and ensure compliance with the Union constitution and Labour Relations Act.
- (g) Shall ensure membership register of the Union is prepared.
- (h) Shall assign specific duties to the Deputy Secretary General.
- (i) Shall maintain liaison with county branches and Union committee within the union structure.
- (j) Shall be the custodian of the seal of the Union.
- (k) Shall authorise all expenditure of union funds, establish proper internal

budgetary controls and ensure annual returns are promptly filled with relevant authorities.

- (l) Provide leadership to senior management and staff of the union.
- (m) Ensure that the union has effective management plan including succession plan for the Union staff.
- (n) Develop and recommend to National Executive Board the annual business plan for the union.
- (o) Facilitate effective communication between the Union and the stakeholders, be responsible for stakeholders' management and the enhancement of the Union's corporate image.

11.4.0 Deputy Secretary General

- (a) Shall assist the Secretary General and Act in his/her absence.
- (b) Shall perform any other constitutional duties assigned to him/her by the secretary general.
- (c) Shall enjoy the privileges of the office of the Secretary General while acting in that capacity.

11.5.0 The National Treasurer

- (a) Shall be accountable for Union funds and shall keep and maintain all necessary books of accounts.
- (b) Shall ensure that no payment is made from union funds under his/her control unless a payment voucher has been prepared and authorised in accordance with the provisions of the labour relations (accounts) regulations.
- (c) Shall on behalf of National Executive Board prepare and submit to National Governing Council and the Annual Delegates' Conference/Special Delegates' Conference a report on the financial position of the Union together with a statement of income, and expenditure at the end of every financial year.
- (d) Shall pay to all branches the total monthly dues entitled to each branch at a rate of 65% (sixty five percent), subject to provisions of article 17(e) of this constitution.
- (e) The treasurer shall deposit 5% of the Union's monthly income to an account specifically created to facilitate gratuity.
- (f) Shall deduct money from branches to pay salaries for branch employees and full-time secretaries.

11.6.0 Assistant National Treasurer

- (a) Shall assist the National Treasurer and Act in his/her absence.
- (b) Shall enjoy the privileges of the office of the National Treasurer while acting in that capacity.

11.7.0 National Secretary Gender

- (a) Shall be responsible for coordinating Gender issues among members.
- (b) Shall assist the Secretary General in addressing Gender issues with the TSC/ other agencies.

11.8.0 National Secretary Tertiary

- (a) Shall be involved in coordinating Tertiary institutions issues at the secretariat.
- (b) Shall represent the Union in committees of Tertiary institutions including disciplinary issues.

11.9.0 National Secretary Secondary

- (a) Shall be involved in coordinating secondary school issues at the secretariat.
- (b) Shall represent the Union in committees of secondary schools including disciplinary issues.

11.10.0 National Organising Secretary

- (a) Shall be responsible for organising the Union's meetings, workshops, conferences and other events/activities, off-stage (beforehand) and on-stage (during), as directed by the National Executive Board and/or National Governing Council, in liaison with the National Chairperson, the Secretary General and the National Treasurer.
- (b) Shall perform any other duties of the Union as may be assigned/delegated by the National Executive Board, National Governing Council /and/or the Secretary General.

11.10.0.A 1ST Assistant National Secretary Gender

- (a) Assist the National Secretary Gender in his/her absence.
- (b) Develop a record of gender issues for consideration by the NEB.
- (c) Any other duties that may be assigned by the NEB.

11.10.0.B. 2ND Assistant National Secretary Gender

- (a) Assist the National Secretary Gender in handling issues of teachers abled differently.
- (b) Act as a link between teachers abled differently and the NEB.
- (c) Work in liaison with other stakeholders in support of teachers

abled differently.

(b) Any other duties as may be assigned by the NEB.

11.10.0.C 3RD Assistant National Secretary Gender

(a) Coordinate youth programmes on behalf of the NEB.

(b) Assist the Secretary General in developing youth programmes within the union.

(c) Develop a record of issues affecting young teachers for consideration by the NEB.

(d) Any other duties as may be assigned by the NEB.

11.10.0.D Assistant National Secretary Junior Secondary

(a) Assist the National Secretary Secondary in his/her absence.

(b) Assist the Secretary General in the management of issues affecting Junior Secondary School teachers.

(c) Develop a record of issues affecting Junior Secondary School teachers for consideration by the NEB.

(d) Any other duties as may be assigned by the NEB.

BRANCH OFFICES

11.11.0 Branch Chairperson

(a) Shall preside at all branch governing council and branch executive committee meetings at which he/she is present.

(b) Shall enforce observance of the constitution and rules of the union and perform such other duties as by usage and customs pertains to his/her office.

(c) Shall cast a deciding vote in case of a tie in a meeting.

11.12.0 Branch Vice Chairperson

(a) Shall act in absence of Chairperson and perform such duties as may be delegated by the chairman for branch governing council.

(b) While performing such duties in the absence of the chairperson shall have the same privileges as the chairperson.

11.13.0 Branch Executive Secretary

(a) Shall be the executive officer/spokesperson of the branch.

(b) Shall issue notices of all meetings of the branch.

- (c) Shall record minutes of all branch meetings.
- (d) Shall be eligible to vote.
- (e) Shall ensure maintenance of branch membership register/all other records.
- (f) Shall in consultation with the branch chairperson prepare agenda for meetings.
- (g) Shall submit reports and statements of accounts to the branch general meeting and a copy to the secretary general.
- (h) Shall submit annual returns to the registrar of trade unions as required by law.

11.14.0 Branch Assistant Executive Secretary

Shall assist branch Executive Secretary and shall act for him in absence.

11.15.0 Branch Treasurer

- (a) Shall maintain clear records of branch funds/books of accounts.
- (b) Shall be responsible for the funds of the branch.
- (c) Shall ensure that no payment is made from branch funds under his/her control unless a payment voucher has been prepared and authorised in accordance with the provisions of the trade Unions (accounts provision/regulations).

11.16.0 Assistant Branch Treasurer

- (a) Shall assist the branch Treasurer and act in his/her absence.
- (b) Shall enjoy the privileges of the office of the Branch Treasurer while acting in that capacity.

11.17.0 Branch Secretary Gender

- (a) Shall be responsible for coordinating gender issues among members within the branch.
- (b) Shall assist the executive secretary in addressing gender issues with the Teachers Service Commission /other agencies.

11.18.0 Branch Secretary Tertiary

- (a) Shall be involved in coordinating tertiary institutional issues and ensure their effective attention by the branch officers.
- (b) Shall represent the branch secretary in committees where tertiary institutions are concerned.

11.19.0 Branch Secretary Secondary

Shall be involved in coordinating secondary school issues in the Branch.

11.20.0 Branch Organising Secretary

Shall be responsible for dissemination of information regarding union activities, prepare venues of meetings, broadcasts and arrange for press conferences.

11.21.0 1ST Assistant Branch Secretary Gender

- (a) Assist the Branch Secretary Gender in his/her absence.
- (b) Develop a record of gender issues for consideration by the BEC.
- (c) Any other duties as may be assigned by the BEC.

11.22.0 2ND Assistant Branch Secretary Gender

- (a) Assist the Branch Secretary Gender in handling issues of teachers abled differently.
- (b) Act as a link between teachers abled differently and the BEC.
- (c) Any other duties as may be assigned by the BEC.

11.23.0 3RD Assistant Branch Secretary Gender

- (a) Coordinate youth programmes on behalf of the BEC.
- (b) Assist the Executive Secretary in developing youth programmes.
- (c) Any other duties as may be assigned by the BEC.

11.24.0 Assistant Branch Secretary Junior Secondary

- (a) Assist the Branch Executive Secretary Secondary in his/her absence.
- (b) Assist the Branch Executive Secretary in the management of issues affecting Junior Secondary School teachers.
- (c) Develop a record of issues affecting Junior Secondary School teachers for consideration by the BEC.
- (d) Any other duties as may be assigned by the BEC.

ARTICLE 12.0: TERM OF OFFICE BEARERS

- (a) All office-bearers shall be elected to serve for a term of five (5) years, but eligible for re-election.
- (b) The retirement age of the union officials shall be Sixty-Five (65) years.

ARTICLE 13.0: UNION ELECTIONS

(a) NATIONAL AND BRANCH ELECTIONS

- (i) Except as otherwise expressly provided for, all officers shall be elected every five years by secret ballot at a special delegates' conference (for National officials) and at Branch General Assembly (for branches of the union).
- (ii) A member contesting for a national officer must be a delegate as defined in Article 8.2 (b) above.
- (iii) Any branch official contesting for any national position shall resign from his/her branch position not later than 31 days before the national union elections.
- (iv) Notwithstanding a (ii) above any branch official who resigns by dint of paragraph (a) (iii) above shall be eligible to contest and to vote during the aforementioned National elections.
- (v) Unless expressly provided for National Union elections shall be held at the end of the 5th year, not later than 2nd week of December.
- (vi) Only such members of the union not in arrears for more than 13 weeks with their subscriptions shall be eligible to vote in elections of the union.
- (vii) Principals/Deputy principal's/Head teachers/Deputy head teachers of institutions shall be eligible for elections as officials of the union provided those elected as executive secretaries resign their positions in the institutions.
- (viii) Every officer of the union shall vacate his/her office on the expiry of five years but shall be eligible for re-election, provided that Members of NEB remain in office until the inauguration of the New NEB members for continuity of the Union's operations.
- (ix)
 - (a) Persons contesting National Elections must submit their intention to vie for positions to the National Governing Council through the Secretary General four weeks prior to the date of elections attaching bank pay-in slips of deposit of nomination fee to the union bank account to the application.
 - (b) Upon receipt of the names of contestants the secretary general shall publish the names of contestants and conspicuously display the names on the union notice boards.
- (x) Elections shall be supervised by accredited government officers from the Ministry of Labour and Human Resources Development/ in accordance with the Labour Relations Act in force.
- (xi) Branch elections shall precede national elections and shall be presided over by government labour officials in their respective counties.
- (xii) The national executive board shall coordinate/ensure branch elections adhere to the constitution.
- (xiii) The National Executive Board shall prepare a timetable to be followed in the conduct of county branch elections.
- (xiv) The Secretary General shall issue notices of national and county branch elections guided by the timetable prepared by the national executive board in consultation with National Governing Council.

- (xv) Elected officers shall serve for five years.

(b) BY-ELECTIONS

- (i) In the event of resignation/removal/ceasing to hold office/death of any union official the position shall be filled in the following manner awaiting branch assembly/delegates conference.
- (ii) The assistant to act until the next branch assembly/delegates conference is convened. In case a vacancy arises in the assistants' positions, the vacancy to be filled during the Delegates' Conference/Branch General Assembly.

(c) REASONS FOR BY-ELECTION

- (i) Transfer from the Branch.
- (ii) Deployment to other ministries/promotion by employer.
- (iii) Death.
- (iv) Resignation.
- (v) Being abroad for more than 6 months.
- (vi) On conviction of criminal offence.
- (vii) Removal from office by court and there is no pending appeal.
- (viii) Expulsion by the National Governing Council.

ARTICLE 14.0 NOMINATION FEES

The nomination fees for various union positions shall be as follow:

- (a) Secretary General – Kshs 500,000
- (b) National Chairman – Kshs 500,000
- (c) National Treasurer – Kshs. 500,000
- (d) Deputy Secretary General – Kshs 300,000
- (e) National Vice Chairman – Kshs 300,000
- (f) National Organising secretary – Kshs 300,000
- (g) National Gender Secretary – Kshs 300,000
- (h) National Secretary Secondary – Kshs 300,000
- (i) National Secretary Tertiary – Kshs 300,000
- (j) Assistant National Treasurer – Kshs 300,000
- (k) 1ST Assistant National Secretary Gender – Kshs 300,000
- (l) 2ND Assistant National Secretary Gender – Kshs 300,000
- (m) 3RD Assistant National Secretary Gender – Kshs 300,000
- (n) Assistant National Secretary Junior Secondary – Kshs 300,000

- (o) Executive Secretary – Kshs 200,000
- (p) Branch Chairman – Kshs 100,000
- (q) Branch Treasurer – Kshs 100,000
- (r) Vice chairman – Kshs 50,000
- (s) Assistant Secretary – Kshs 50,000
- (t) Vice Treasurer – Kshs 50,000
- (u) Organising secretary – Kshs 50,000
- (v) Gender secretary – Kshs 50,000
- (w) Secretary Secondary – Kshs 50,000
- (x) Secretary Tertiary – Kshs 50,000
- (y) 1ST Assistant Secretary Gender – Kshs 50,000
- (z) 2ND Assistant Secretary Gender – Kshs 50,000
- (aa) 3RD Assistant Secretary Gender – Kshs 50,000
- (bb) Assistant Secretary Junior Secondary – Kshs 50,000

ARTICLE 15.0: COMMITTEES

- (a) There shall be established committees at the secretariat.
- (b) The mandate and scope of operations of such committees so formed shall be determined by the National Governing Council.
- (c) The National Governing Council shall develop by-laws to operate such committees.
- (d) Membership to any of the committees shall be five including the Chairperson except the finance committee which shall be seven.
- (e) The Secretary General and the Chairperson shall be members of such committees and shall have voting rights.

15.1.0 Finance committee

- (a) The finance committee shall be composed of not more than seven members appointed by the National Governing Council.
- (b) The finance committee shall meet as such at the time the Secretary General in consultation with the National Chairperson may determine.
- (c) The Chairperson shall be appointed by the members in their first meeting. The National Treasurer shall be Secretary of the finance committee.
- (d) The committee shall assist the National Treasurer to draw annual budgets for the union.

15.2.0 Professional and Standards Committee

- (a) The committee shall comprise not more than five members appointed by the National Governing Council.
- (b) The committee shall deal with such matters of standards and professional issues.

15.3.0 The Constitutional and By-laws committee

- (a) The National Governing Council shall establish a Constitutional and By-laws Committee to:
 - i) Review all proposals to amend the constitution and by-laws and advise the National Governing Council accordingly.
 - ii) Provide advice on constitutional matters referred to it by the Delegates' Conference.
 - iii) To constantly check and review articles in the Union Constitution to be in conformity with policies and regulations affecting labour practices.
- (b) The Constitutional and By-laws Committee shall be composed of not more than five members appointed by the National Governing Council. The Chairperson shall be appointed by the members at their first sitting.

ARTICLE 16.0: GRATUITY

- (a) The National and Branch Governing Council shall formulate by-laws to regulate gratuity schemes for registered union officials.
- (b) The National Governing Council shall make such gratuity payable to Union officials upon the end of service for such officers on terms spelt out in the by-laws.
- (c) All registered officials of the unions shall qualify for a gratuity at the end of their five year term of office calculated as per by laws.
- (d) 5% of the Union monthly income shall be deposited to an account specially created to facilitate gratuity.

ARTICLE 17.0: UNION FUNDS

- (a) The Treasurer shall cause a bank account to be opened and maintained in the name of the union and shall ensure that all monies belonging to union received by him/her is paid to the said bank account within seven days of receipt of such monies.
- (b)
 - (i) Expenditures shall be governed by financial regulations of the union within the framework of the annual budget, drafted by the finance committee upon the proposals submitted by the Treasurer and the Secretary General/Executive Secretary/Branch Treasurer.
 - (ii) The budget shall be submitted to the National Governing Council/the Branch Governing Council by the finance committee/Branch Treasurer.
 - (iii) The accounts of Kenya Union of Post Primary Education Teachers shall be closed on December 31st of each year and shall be audited by qualified accountants registered according to national standards by 31st March of the following year.
 - (iv) The financial and auditor's reports shall be presented to the last meeting

of the National Governing Council of each year.

- (v) The auditors' reports shall be presented to the annual Delegates' Conference/Special Delegates' Conference.
- (c) Union's funds may be spent only as provided for by the Labour Relations Act in force.
- (d) Signatories to the national union accounts shall be; National treasurer, the Secretary General, the National Chairperson and/or a Trustee for National Office accounts and the Branch Chairperson, Treasurer, and Executive Secretary for county branches.
- (e) (i) The National Treasurer shall pay to all branches the total monthly dues entitled to each branch at a rate of 65% (sixty-five percent);
 - ii. Nonetheless the Monthly remittance to the Union Branches referred to in (i) above may be varied under the following circumstances;
 - (a) Variation in payment of affiliation fees to National or international Trade Union that KUPPET is affiliated.
 - (b) Any variation on the personal emolument cost for the NEB staff and Branches staffs including the Branch Executive Secretary handed over to the National executive Board.
 - (c) Shortfall on the monthly collections.
 - (d) Unforeseen expenditure to cover for emergencies subject to approval by National Governing council.
- (f) The National Treasurer shall be permitted to retain in cash a sum not exceeding Kshs. 10,000.00 (Ten thousand Kenya shillings) (for sundry expenses) or as shall be determined from time to time by the National Governing Council.
- (g) The National Treasurer shall deduct money from branch dues to pay salaries of the branch employees and full time executive secretaries.

ARTICLE 18.0: AUDITORS

- (i) The Delegates' Conference shall appoint a qualified Accountant(s) to audit the accounts of the Union as soon as possible after the end of each financial year and shall submit general report on the financial position of the Union by 31st of March the following year.
- (ii) A copy of the audited report shall be available/displayed conspicuously at the registered Union offices.

ARTICLE 19.0: INSPECTION OF AUDITED ACCOUNTS

- (a) Paid up members shall have the right to request the National and the Branch Treasurers to inspect the certified books accounts.
- (b) Audited accounts of the Union shall be available on the website for members.

ARTICLE 20.0: MEETINGS

20.1.0 THE CHAIR

- (a) (i) In all meetings the Chairperson shall declare that a quorum has been attained before such a meeting looks into the agenda for the day.
(ii) The Chairperson shall call the meeting to order with a word of prayer from a member.
- (b) In all meetings the following procedure shall be followed:
- (c) Agenda shall be proposed and moved/adopted or amended before it is debated.
- (d) A resolution shall be passed only if it has been arrived at by consensus/division.
- (e) Members shall only address the agenda of the day being debated.
- (f) A member who wishes to debate an agenda shall catch the eye of the chair by a show of hands.
- (g) The agenda shall be addressed through the Chairperson.
- (h) Any member who shall show disrespect to the Chairperson/out of order shall be reprimanded by the Chairperson. Continued defiance shall be punishable by suspension/exclusion from the meeting by the chairperson.
- (i) Notwithstanding the absence of quorum, a properly convened meeting of the union shall be authorised to conduct the following business:
 - (i) The confirmation of minutes.
 - (ii) The passing of Accounts for payment.
 - (iii) Any other business which in the opinion of the meeting is of such importance and urgency as to require immediate consideration/action except conducting elections/removing officials from office.

20.2.0 MINUTES

The Secretary General/Branch Executive Secretaries shall cause minutes to be made of all business transacted at meetings of the Union. Minutes which have been confirmed and signed by the Chairperson of the meeting in which they were made shall form conclusive evidence of the business transacted thereat.

20.3.0 RESOLUTIONS

- (a) Every resolution shall be moved and seconded before being put to vote.
- (b) A resolution shall be deemed as having been carried if passed by a single majority.
- (c) A declaration by the National Chairperson/Branch Chairperson that a resolution is carried and entry to the effect in the minutes of the proceedings shall be sufficient evidence of the declaration.
- (d) Only Organs of the Union or any other Committee(s) and not individuals/officers shall send resolutions for determination at the Annual Delegates Conference

/Special Delegates Conference.

- (e) No members shall disclose/attempt to disclose information to unauthorised person matter(s)/issues being considered/being dealt with by the Union organs without proper authority.

ARTICLE 21.0: DISCIPLINE

21.1.0 Disciplinary Committee

- (a) There shall be established a Standing disciplinary committee of the National Executive Board comprising five members appointed by National Executive Board.
- (b) The National Vice Chairperson shall be the chairperson and the Deputy Secretary General shall be the Secretary of this committee.
- (c) The quorum of this committee meeting shall be a simple majority of the total membership.
- (d) This committee shall have exclusive jurisdiction of all cases of breach of the provisions of this constitution and rules therewith, or any other gross misconduct by a member, Official or a Branch of the Union.

21.2.0 Offences and Sanctions

- (a) The National Executive Board shall have powers to initiate disciplinary proceedings against union officials who commit offences which include but not limited to the following:
 - (i) Misuse of union funds and/or property.
 - (ii) Loss of union funds through negligence.
 - (iii) Bribery.
 - (iv) Soliciting for favour to deliver services.
 - (v) Sexual harassment.
 - (vi) A member charged and/or convicted of any economic crime by municipal or international courts or tribunals.
 - (vii) National Executive Board may take disciplinary action against officials of the union whose criminal proceedings are pending before Court of Law or who has been convicted by court of law for an offense which National Executive Board is handling.
 - (viii) Other acts or omissions which in the opinion of the NEB grossly offend public policy and interests of the union.
- (b) The Disciplinary Committee of the National Executive Board shall recommend any of the following sanctions;
 - (i) Caution.
 - (ii) Warning.
 - (iii) Surcharge and/or Fine.
 - (iv) Suspension.
 - (v) Expulsion.

- (vi) Deregistration of a Branch.
- (vii) Judicial Prosecution.
- (c) The Committee shall have the discretion of what punishment/ or remedy to recommend for a member or official offender, provided that a member can only be suspended or expelled from the union by National Governing Council's 2/3 Resolution upon recommendation by the Disciplinary committee.
- (d) Notwithstanding 21.2.0 (c) above, Suspension or expulsion shall be the recommended punishment for any member who Breaches any of the terms of the constitution or acts in a manner which is detrimental to the rest of the union.

21.3.0 The Disciplinary Process

The disciplinary process shall be as follows:

- (i) A member, Branch or the National Executive Board upon noticing breach/ or misconduct of a member or Branch may lodge an official complaint in writing, indicating the particulars of the alleged breach or misconduct, with the Secretary General who shall launch investigation on the same and table findings on whether to dismiss the complaint or to convene a disciplinary hearing on the complaint at a National Executive Board meeting within 14 days from the date of the receipt of complaint. Which decision shall be communicated to the complainant and the alleged offending member/ official or Branch in writing within (7) seven days from the date when the investigation finding(s) was tabled at the National Executive Board meeting.
- (ii) A Branch of the Union may initiate disciplinary proceeding (s) on a member and recommend such action to the National Executive Board.
- (iii) On a recommendation to discipline a Member, Official or a Branch, the Secretary General shall summon the Disciplinary Committee of National Executive Board within 14 days from the date of the recommendation, prescribing the place, Date and time of the disciplinary hearing.
- (iv) The Secretary General shall summon the offending Member and/or Official, provided that in case of an offending Branch, the said Branch's executive secretary shall appear on behalf of the Branch to answer to the allegations.
- (v) An offending Member or Official shall during the hearing of his matter have the right to adduce any evidence in support of his/her case and also to call witnesses provided that such evidence is availed to the Secretary General at least (2) two working days to the hearing date.
- (vi) On the hearing Date, the Disciplinary committee may co-opt an Advocate and /or a Human Resources Practitioner whose roles will be limited to advising on matters of disciplinary procedures and processes.
- (vii) This hearing being an administrative function, the Committee shall not be bound by the strict Rules of Evidence as would be in court therefore the provisions of Evidence Act Cap 80 Laws of Kenya are excluded from these Committee proceedings.
- (viii) The decision of the National Executive Board's Disciplinary Committee shall be forwarded to the full board of National Executive Board Within (7) Seven

days from the hearing date for approval and ratification.

- (ix) Provided that the decision is communicated to the offending member, officer or Branch not later than 14 days from the date of hearing before the Disciplinary Committee of National Executive Board., and the resolution/decisions shall take effect from the date of the letter communicating the same, which shall be signed by the Secretary General.
- (x) No Member/Official shall be suspended or removed from office unless he/she has been given an opportunity of being heard by relevant organ of the Union. Such member/official shall have the right of appeal in writing within 14 days of any action. The appeal lies with the National Governing Council and shall be addressed to the Secretary General indicating the grounds of appeal and reasons therein.
- (xi) The Secretary General shall cause the National Governing Council to hear and determine the appeal.
- (xii) The Decision of the Disciplinary Committee of National Executive Board and National Governing Council shall be via a popular vote and a simple majority of the members present shall be binding on the Union leadership.
- (xiii) Any decision taken by the National Governing Council (NGC) to suspend or expel a member or official shall be final.
- (xiv) Full-time officials serving suspension shall be entitled to half salaries.
- (xv) Upon expulsion of a member or official all monies due except subscription in arrears to the union by such members shall become payable. If payment is not made within fourteen days, the union may take such steps as it considers necessary to secure settlement.
- (xvi) A member or official shall cease to be entitled to any of the benefits of membership including the right to vote and hold office during any period which he is under suspension in terms of this Constitution.

ARTICLE 22.0: INDUSTRIAL ACTION/DISPUTE

- a) In an event of any Professional/Industrial Dispute arising between members and their employers, the members concerned shall make it known to their branch executive committee.
- (b) In no case shall a cessation of work be threatened or take place without the sanctioning by National Governing council.
- (c) In an event of a strike/sit in/being called with instruction of the National Governing Council, no one shall call off the strike unless duly authorised by the National Governing council.
- (d) A member who desires to have steps to be taken with regard to increase or improvements in conditions of employments shall pass such desires to the Branch Executive Secretary who shall report the claim to the secretary general for consideration by the National Governing Council.
- (e) No official/branch/member shall move to Court on any matter committing the

- Branch/Union on any cause unless authorised by the secretary general.
- (f) No matter or thing done by an official of the Union or any officer, staff or agent of the union shall, if the matter is done in good faith for executing mandates, functions or duties of the Union, render the official, staff or agent personally liable to any claim, action or demand whatsoever.

ARTICLE 23.0: BY-LAWS AND RULES OF PROCEDURE

By-laws and rules of procedure shall be appended to this Constitution in order to regulate such matters as conduct of Conferences, Meeting of the National Governing Council and the National Executive Board and any other matters referred to it by the Delegates' Conference and the Constitution.

ARTICLE 24.0: INTERPRETATION

In the event of question or doubt as to the interpretation of the provisions of the Constitution or By-laws, the registered Constitution shall be supreme. The interpretation of the Constitution and By-laws is within the purview of the National Executive Board and the Constitution and By-laws Committee.

ARTICLE 25.0: AMENDMENTS AND ALTERATIONS OF SECTIONS OF THIS CONSTITUTION

- (a) Alteration of any section/subsection(s) of this Constitution shall only be made by a resolution noted and passed at the Annual Delegates' Conference or Special Delegate Conference.
- (b) All proposals for amendments shall be submitted to the Secretary General not less than 30 days before the date of such Delegates' Conference.
- (c) No alteration of these rules shall take effect until the date of registration thereof by the Registrar of Trade Unions unless some later date is specified in the rules.
- (d) Notices of motion to amend the Constitution must be submitted in writing to the Secretary General not less than six (6) months before the Annual Delegates' Conference. The notices shall be circulated to all branches at least three (3) months prior to the Delegates' conference together with the comments which the National Executive Board may wish to communicate to the members.
- (e) A proposed amendment to the Constitution shall be declared adopted if supported by not less than two thirds of the total votes cast.

ARTICLE 26.0: DISSOLUTION OF THE UNION

- a. The Delegates Conference shall be the only body authorised to decide upon the dissolution of the Kenya Union of Post Primary Education Teachers, provided that a proposal to that effect has been placed before the Annual Delegates' Conference (ADC)/Special Delegates' Conference (SDC) agenda, and provided that at least six (6) months' notice has been given to a specific motion to this effect.
- b. A resolution calling for the dissolution of the Kenya Union of Post Primary Education Teachers shall be implemented, provided that it has secured at least two thirds majority of the votes cast. It shall be binding upon the delegates to make specific provisions for the discharge of any financial obligations of Kenya Union of Post Primary Education Teachers, including obligations to its employees and for the disposal of its assets.
- c. Upon winding up of the union, the remaining assets after the payments of debts and liabilities, shall be transferred to a body with judicial powers in accordance with the Constitution of Kenya.

ARTICLE 27.0: AUTHORITY

The undersigned, being at the time National Officials of the Union in the capacities as indicated and having authority on all matters of the Union herein, do authenticate and proclaim this document as the Union Constitution.

This.....day of.....2024

Moses Nthurima
ACTING SECRETARY GENERAL

This.....day of.....2024

Omboko Milemba
NATIONAL CHAIRPERSON

ACRONYMS

| | |
|---------------|--|
| ADC | Annual Delegates' Conference |
| BGA | Branch General Assembly |
| BEC | Branch Executive Committee |
| BGC | Branch Governing Council |
| DC | Delegates Conference |
| IR | Institution Representative |
| KUPPET | Kenya Union of Post Primary Education Teachers |
| NAC | National Advisory Council |
| NEB | National Executive Board |
| NGC | National Governing Council |
| RC | Regional Council |
| SDC | Special Delegates Conference |
| SR | School Representative |