



NATIONAL EDUCATION UNION

CONSTITUTION AND RULES

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ARTICLE 1.0: PREAMBLE

The trade union constituted by this constitution shall be called the NATIONAL EDUCATION UNION (NEU), with the headquarters in Nairobi.

The National Education Union is 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 enhancing delivery of quality public education;

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

The NATIONAL EDUCATION UNION shall be an honorable institution in which membership shall be a source of pride.

ARTICLE 2.0: NAME

The union shall be named; National Education Union (NEU), herein after referred to as the UNION. The registered office of the union shall be or as may be determined from time to time by the Union.

ARTICLE 3.0: MOTTO

Service, Justice and Unity.

ARTICLE 4.0: CORE VALUES

- a) Integrity: We are committed to honesty, accountability and transparency in all our undertakings
- b) Equity: We are committed to gender equity, social justice and unity of teachers of all grades and qualifications.
- c) Courage and Bravery: We shall tirelessly and bravely fight for the rights of our members
- d) Teamwork: We embrace teamwork and are committed to participatory decision making.
- e) Professional Interest: We shall endeavor to promote robust development of the teaching profession.
- f) Continuous Improvement: We are committed to the continuous improvement of the terms and conditions for all teachers.

ARTICLE 5.0: THE AIMS/OBJECTIVES

- a) To unite teachers of all grades in all public and private institutions.
- b) To replace moribund unions and truly represent all teachers under the employment of Teachers Service Commission (TSC) under unified terms and conditions of service.
- c) To engage in vibrant advocacy for the delivery of Quality Public Education.
- d) To fearlessly fight for better and unified terms and conditions of service for all teachers in Kenya.
- e) To engage in Quality Research on education
- f) To make every endeavor to organize all the teachers in both public and private institutions and to ensure absolute unity of the members for effective and efficient representation.
- g) To promote, improve and develop ethical principles to inculcate responsibility among the teachers to guarantee their health, professional, social and economic well-being.
- h) To develop the capacity of members through seminars, symposiums and workshops locally and internationally.
- i) To organize lawful processions or demonstrations to promote the members' freedom of expression and collective rights.
- j) To participate in all matters aimed at providing quality education and formulation of sound policies towards common system of education.
- k) To make every endeavor to promote effective representation locally, nationally and internationally in collaboration with such other related organizations and/or agencies to protect the teachers' interest and education generally.
- l) 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.
- m) To co-operate in or take part in research together with other societies, bodies, associations, unions or organizations within or outside the country having similar aims and objectives and to engage in/take part in education related projects with other societies/bodies/organizations within and outside the country.
- n) To promote and protect the rights of teachers serving in education industry.

- o) To articulate the members' interests in the formulation of education policies and propagate the same to the members for smooth administration and dispensation of education.
- p) To acquire any deeds, loans or "by purchase or lease" any movable or immovable objects.
- q) 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 their social and economic status.
- r) To establish NEU branch offices based on County demarcations.
- s) 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.
- t) To affiliate to workers organizations locally/internationally for a united front to champion the rights of Teachers and promote education for all.
- u) To sensitize members on HIV/AIDS/Drugs/Substance abuse at the work place.
- v) To advocate against child Labour/abuse/trafficking.
- w) To provide a conducive environment for arbitration of disputes at workplace and to liaise with other organizations/agencies to enhance cohesion and conciliation at the workplace.
- x) To create/advocate for gender equity and mainstreaming at the workplace.

ARTICLE 6.0: MISSION

To unite all teachers in both public and private institutions by strongly advocating for the establishment of sound, unified and better terms and conditions of service in order to ensure delivery of quality public education.

To advocate for professional policies that guarantee job security and fair solutions to members' grievances through lawful union activities, affiliation, negotiation and research.

ARTICLE 7.0: VISION

To be a strong National progressive union, with an international in Kenya where justice, service and integrity are upheld to enhance quality education and better terms and conditions of service for all teachers in public and private institutions.

ARTICLE 8.0: MEMBERSHIP

- a) Teachers/Trainers in Early Childhood Development Education (ECDE), primary, secondary and tertiary institutions(both private and public) of good conduct and reputation,

certified, licensed or authorized to teach, shall have the right of admission to any of the branches of the Union upon payment of the union fee as provided in the rules of the union.

- b) Teachers/trainers shall apply for membership vide an online platform to be developed by the union and shall be added into a Roll of members maintained in the online platform.
- c) 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.
- d) 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 standards committee of the union.
- e) A 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.
- f) A 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.
- g) 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.
- h) A teacher/trainer shall be admitted into the union membership upon payment of the initial union dues which shall be at a rate of 1% of a member's basic salary.
- i) Monthly subscription shall be at a rate of 1% of a member's salary and in as far as possible, shall be collected through the check-off system. 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.
- j) 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.
- k) 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.

- l) 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.

-No Honorary Member shall be eligible to hold any office in the union.

- m) 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.
- n) Associate/honorary members shall not be obliged to pay any fees or subscription.
- o) Members of the Union shall be at liberty to join other Educational Organizations, so long as the rules and regulations of such organizations are not contrary to the rules and regulations of National Education Union (NEU).

ARTICLE 9.0: ORGANIZATIONAL STRUCTURE

There is established the organs of the UNION namely; 1. Annual Delegates' Conference (DC), 2. National Advisory Council (NAC) 3. National Governing Council (NGC), 4. The National Executive Board (NEB), 5. Branch General Assembly (BGA), 6. Branch Governing Council (BGC), 7. Branch Executive Committee (BEC), 8. Trustees 9. School/Institutions Representative (SR/IR).

9.1.0 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 NEU National elections.

9.2.0 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) Each county branch shall send ten (10) delegates for the Annual Delegates' Conferences all of whom must be bona-fide registered officials of the branches/three delegates for Special Conference.
- 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 (14) days to the conference.
- d) The Secretary General shall avail the replacement lists thereof to the Executive Board a week to the conference.
- e) The quorum to the conference shall be a third (1/3) of delegates to attend.

9.3.0 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 specialized 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) The Delegates' Conference shall consider all matters related to membership and discipline.
- h) The Delegates' Conference shall ratify decisions of the National Governing Council.

- i) The Delegates' Conference shall delegate to the National Governing Council powers to discipline a member/branch that breaches the NEU regulations.
- j) The Delegates' Conference shall consider amendments of the Union constitution.

9.4.0 National Advisory council

- a) There shall be established a National advisory council (NAC) which shall comprise elected national officials i.e.; 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 Organizing 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.

9.4.1. 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 organization and the legitimate interests and expectations of the members and her stakeholders.
- e) Advise on the Organizational structure.

9.5.0 National Governing Council (NGC)

- a) The NGC shall comprise; 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 Organizing Secretary, Branch Secretaries from the counties and twelve nominee women representatives.
- b) The quorum shall be a third (1/3) of members expected to attend.

9.5.1 The Functions of the National Governing Council (NGC)

- a) Shall meet twice a year and/or when the National Executive Board so determines.
- 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, bylaws 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, 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 Unions performance.

9.6.0 The National Executive Board (NEB)

- a) There shall be established the National Executive Board (NEB) comprising ten elected national officials and shall 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 and National Organizing Secretary.
- b) The members of National Executive Board shall work on full 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.

9.7.0 The Functions of the National Executive Board (NEB)

- 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) The Executive Board 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.

- i) Shall set up specialized departments and other advisory bodies at the Secretariat to carry out the aims and objectives of the Union and disciplinary issues.
- j) Shall maintain the union projects at National levels.
- k) Shall initiate and discipline a member or branch of the Union.
- l) Shall enforce the decision of the Union as passed at the Delegates conference.
- m) Shall maintain Union Finances and submit reports and statements of accounts to the Annual Delegates Conference.
- n) Shall approve the establishment of new **NEU** branches.
- o) Shall establish gratuity and benevolent funds at National and Branch levels to cater for officers working full time and secretariat staff.
- p) Shall ensure 5% of Union income is deposited to manage gratuity scheme for full time officers of the Union.
- q) Shall ensure that code of conduct and ethic is developed and enforce strict compliance to the same.
- r) Develop, adopt and periodically review a board charter.
- s) Develop and recommend for adoption pertinent policies and regulations for effective management of the Union's affairs.
- t) Develop and recommend for approval the annual Budget, annual business plan, proposed branches on the Union and any other annual or quarterly reports.

9.8.0 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;
 - The Executive Secretary of the Branch in consultation with the Branch Chairperson.
 - 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.

9.8.1 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.

9.9.0 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, and Branch Organizing 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).

9.10.0 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 authorization from the Secretary General.
- i) The Branch Governing Council shall direct the Assistant Executive Secretary to issue a notice of a meeting in the event the Branch Executive Secretary fails to do so.

9.11.0 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 and Branch Organizing Secretary.
- b) The Branch Executive Committee shall meet at least once every month.

9.12.0 The Functions of the Branch Executive Committee

- a) To carry on vigorous mobilization and campaign and organizational work among teachers in order to help realize 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 organize the teachers within the area where the branch operates and to do everything possible to co-ordinate 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) Nominate three (3) women representatives in their first meeting after election.

9.13.0 Trustees

- a) There shall be 4 Trustees; three shall be elected at the Delegates' Conference after five years. The fourth slot shall be for the founder Secretary General, until the occupant is rendered ineligible.
- b) The Trustees shall hold office for at least five years and shall jointly be vested with the custody of the property of the Union.
- c) The Trustees shall hold office for at least five years and shall jointly be vested with the union 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) The trustee may be removed from office at the Annual Delegates Conference/ or may voluntarily resign in writing addressed to the Secretary General.
- g) The trustee shall have the authority to scrutinize 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) Shall keep inventory for Union property at the Branches and National Office.

ARTICLE 10.0: 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 11.0: OFFICERS OF THE UNION NATIONAL OFFICE

The National Office shall comprise the following; National Chairperson, National Vice Chairperson, Secretary General, Deputy Secretary General, National Secretary Gender, National Treasurer, Assistant National Treasurer and National Organizing Secretary.

11.10 BRANCH OFFICES

Branch Chairperson, Branch Vice Chairperson, Branch Executive Secretary, Branch Assistant Executive Secretary, Branch Treasurer, Branch Assistant Treasurer, Branch Secretary Gender and Branch Organizing Secretary.

ARTICLE 12.0: DUTIES AND FUNCTIONS OF THE OFFICES NATIONAL OFFICES

12.1.0 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 perform 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.

12.2.0 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.

12.3.0 The Secretary General

- a) Shall be directly elected by members of the union across the country.
- b) 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.
- c) Shall in consultation with the National Chairperson issue notices of all meetings/conferences in accordance with the provisions of the constitution.
- d) Shall in consultation with the National Chairperson prepare agenda for meetings/conferences.
- e) Shall record minutes of all conferences, meetings of National Governing Council and National Executive Board.
- f) Shall communicate to the relevant organs of the Union every disciplinary issue from the branches and National Office.
- g) Shall work in and ensure compliance with the Union constitution and Labour Relations Act.

- h) Shall ensure membership register of the Union is prepared.
- i) Shall assign specific duties to the Deputy Secretary General.
- j) Shall maintain liaison with county branches and Union committee within the union structure.
- k) Shall be the custodian of the seal of the Union.
- l) Shall authorize all expenditure of union funds, establish proper internal budgetary controls and ensure annual returns are promptly filled with relevant authorities.
- m) Provide leadership to senior management and staff of the union.
- n) Ensure that the union has effective management plan including succession plan for the Union staff.
- o) Develop and recommend to National Executive Board the annual business plan for the union.
- p) Facilitate effective communication between the Union and the stakeholders, be responsible for stakeholders' management and the enhancement of the Union's corporate image.

12.4.0 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.

12.5.0 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 authorized 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).
- 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.

12.6.0 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.

12.7.0 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.

12.8.0 National Organizing Secretary.

- a) Shall be responsible for organizing 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.

12.9.0 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.

12.10.0 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.

12.11.0 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.

12.12.0 Branch Assistant Executive Secretary

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

12.13.0 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 authorized in accordance with the provisions of the trade Unions (accounts provision/ regulations).

12.14.0 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.

12.15.0 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.

12.16.0 Branch Organizing Secretary

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

ARTICLE 13.0: TERM OF OFFICE BEARERS

- a) All office bearers shall be elected to serve for a term of 5years, but eligible for Re-election.
- b) The mandatory retirement age of the union officials shall be Sixty years (60) years.

ARTICLE 14.0: UNION ELECTIONS

14.1.0 NATIONAL AND BRANCH ELECTIONS

- a) (i) Except as otherwise expressly provided for, all union officials (both national and branch officials) shall be elected through universal suffrage by members across the country.

(ii) A member contesting for a national office must be a delegate as defined in Article 8.2 (b) above.

(iii) Any branch official contesting for any national position shall not be required to resign except once elected as a national official.

- b) Unless expressly provided for, Union elections shall be held at the end of the 5th year, not later than 2nd week of December.
- c) Only such members of the union not in arrears for more than 3 months with their subscriptions shall be eligible for elections officials of the Union.
- d) 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.
- e) Every official 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.
- f) Persons contesting National Elections must submit their intention to vie for positions to the National Governing Council through the Secretary General 2 months prior to the date of elections attaching bank paying slips of deposit of nomination fee to the union bank account to the application.
- g) 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.
- h) Elections shall be supervised by accredited government officers from the Ministry of Labour, Independent Electoral and Boundaries Commission (IEBC) or any other credible body as may be decided by the National Governing Council.
- i) Branch elections shall precede national elections and shall be presided over by government labour officials in their respective counties. The national executive board shall coordinate/ensure branch elections adhere to the constitution.
- j) The National Executive Board shall prepare a timetable to be followed in the conduct of county branch elections.
- k) 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.

14.2.0 BY-ELECTIONS

- a) 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.
- b) 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

14.3.0 REASONS FOR BY-ELECTION

- a) Transfer from branch.
- b) Deployment to other ministries/promotion by employer.
- c) Death.
- d) Resignation.
- e) Being abroad for more than 6 months.
- f) On conviction of criminal offence.
- g) Removal from office by court and there is no pending appeal. (viii) Expulsion by the national governing council.

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 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 a 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:
 - Review all proposals to amend the constitution and by-laws and advise the National Governing Council accordingly.
 - Provide advice on constitutional matters referred to it by the Delegates' Conference.
 - 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 in their first meeting.

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 union 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) Expenditure 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.
- c) The budget shall be submitted to the National Governing Council/the Branch Governing Council by the finance committee/Branch Treasurer.

- d) The accounts of National Education Union 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.
- e) The financial and auditor's reports shall be presented to the last meeting of the National Governing Council of each year.
- f) The auditors' reports shall be presented to the annual Delegates' Conference/Special Delegates' Conference.
- g) Union's funds may be spent only as provided for by the Labour Relations Act in force.
- h) 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.
- 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);
- j) Nonetheless the Monthly remittance to the Union Branches referred to in (i) above may be varied under the following circumstances;
 - Variation in payment of affiliation fees to National or 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.
 - Shortfall on the monthly collections.
 - Unforeseen expenditure to cover for emergencies subject to approval by National Governing council.
- k) The National Treasurer shall be permitted to retain in cash a sum not exceeding Kshs 15,000 (Fifteen Thousand Kenya shillings) (for sundry expenses) or as shall be determined from time to time by the National Governing Council.
- l) 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

- a) 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 a general report on the financial position of the Union by 31st of March the following year.

- b) 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) In all meetings the Chairperson shall declare that a quorum has been attained before such a meeting looks into the agenda for the day.
- b) The Chairperson shall call the meeting to order with a word of prayer from a member. In all meetings the following procedure shall be followed:
 - Agenda shall be proposed and moved/adopted or amended before it is debated.
 - A resolution shall be passed out if it has been arrived at by consensus/division.
 - Members shall only address the agenda of the day being debated.
 - A member who wishes to debate an agenda shall catch the eye of the chair by a show of hands.
 - The agenda shall be addressed through the Chairperson.
 - 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.
- c) Notwithstanding the absence of quorum, a properly convened meeting of the union shall be authorized to conduct the following business:
 - The confirmation of minutes.
 - The passing of Accounts for payment.
 - 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 unauthorized 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:
 - Misuse of union funds and/or property.
 - Loss of union funds through negligence.
 - Bribery.
 - Soliciting for favour to deliver services.

-Sexual harassment.

-A member charged and/or convicted of any economic crime by municipal or international courts or tribunals.

- b) 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.
- c) Other acts or omissions which in the opinion of the NEB grossly offend public policy and interests of the union.
- d) The Disciplinary Committee of the National Executive Board shall recommend any of the following sanctions;
 - Caution.
 - Warning.
 - Surcharge and/or Fine.
 - Suspension.
 - Expulsion.
 - Deregistration of a Branch.
 - Judicial Prosecution.
- e) 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.
- f) 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;

- a) 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. The decision of the Board 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.

- b) A Branch of the Union may initiate disciplinary proceeding (s) on a member and recommend such action as it deems to the National Executive Board.
- c) 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.
- d) The Secretary General shall sum on 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.
- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) (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/ decision shall take effect from the date of the letter communicating the same, which shall be signed by the Secretary General.

- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) 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 dully authorized 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 authorized by the secretary general.
- f) No matter anything 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 Constitution and By-laws Committee.

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 authorized to decide upon the dissolution of the National Education Union, 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 National Education Union 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 the union, including obligations to its employees and for the disposal of its assets.
- c) Upon winding up of the union the remaining and 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.

- | | |
|----|-----------|
| 1. | Signature |
| 2. | Signature |
| 3. | Signature |