



**ATHLETICS  
KENYA**

**AMENDED CONSTITUTION  
and Rules of  
ATHLETICS KENYA**





# **THE SPORTS ACT, 2013**

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## **AMENDED CONSTITUTION**

**and**

**Rules**

**of**

**ATHLETICS KENYA**

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**Registered this 27th day of April 2016**

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## **PREAMBLE**

In pursuit of excellence in the sport of athletics in Kenya, We, the members of the Federation affirm:

- i. OUR COMMITMENT** to the principles enshrined in the Constitution of Kenya and the Sports Act;
- ii. OUR MISSION** to develop the sport of athletics from the grassroots level to the international level;
- iii. OUR RESPECT** for common fundamental values, including gender equality, non discrimination, tolerance, respect for Human Rights, respect for nature and shared responsibility;
- iv. OUR ACKNOWLEDGMENT** of the importance of diversity and regional balance in the administration and participation in the sport of Athletics;

**And;**

- v. OUR DETERMINATION** to promote sportsmanship, clean and fair competition and good Sports governance.

## **ATHLETICS KENYA CONSTITUTION AND RULES**

### **1. NAME, REGISTERED OFFICE AND STATUS**

The name of the Federation is ATHLETICS KENYA (hereinafter referred to as "the Federation").

The Headquarters of the Federation shall be situated in Nairobi.

The Federation is a Sports Organization registered under the Sport Act ,2013 .

The Federation is and shall be the only governing body in Kenya for the sport of Athletics and is and shall be recognized as such.

The Federation is affiliated to NOCK, CAA and the IAAF and it recognizes, accepts, applies observes and abides by the current IAAF Constitution, IAAF articles and IAAF regulations and the IAAF area Federation, as well as any future amendments. This applies especially to the IAAF anti-doping articles, the handling of disputes and relations with Athlete's representatives.

The flag of the Federation is as set out in Appendix 1

The emblem of the Federation is as set out in Appendix 1

This Constitution and the Regulations herein is made in pursuit of the common object namely the mutual and collective benefit of the Federation and its members and the sport of Athletics.

### **2. OBJECTS**

#### **2.1 The objects of the Federation are:**

- a) To promote, develop, enhance and protect the sport of Athletics and its ethical values as an educational and Social subject and life affirming and enhancing activity;
- b) To encourage participation in Athletics at all levels throughout the Republic of Kenya regardless of age, gender or race;
- c) To strive to ensure that no gender, racial, religious, regional, political or other kind of unfair discrimination exists, continues to exist or is allowed to develop in Athletics in Kenya in any form, and that all may participate in Athletics regardless of their gender, race, religious or political views or any other factor;

- d) To establish and enforce its rules and regulations governing Athletics and to ensure that such rules and regulations are applied in all competitions in accordance with their terms;
- e) To create and enforce a mechanism whereby all disputes within Athletics in Kenya are resolved by Arbitration in the first instance;
- f) To promote fair play in the sport of Athletics and to play a leading role in Kenya in the fight against doping both within athletics and externally in the wider sporting community and, either itself or through an appropriate authority, to develop and maintain programmes of detection, deterrence and education which are aimed at the eradication of the scourge of doping within sport;
- g) To foster and support the development of Athletics in Kenya and the dissemination of technical, medical, logistical, financial and other information which achieves this aim to its members;
- h) To foster and develop links with other National Sports Federations and central and local governmental agencies in order to promote the interest of sport in general and Athletics in particular, at all levels throughout Kenya;
- i) To host international competitions and organize and promote national championships and any other athletics championship, competition or event the Federation considers would be desirable;
- j) Make, alter, rescind, enforce this Constitution, and any articles, rules regulations, policies and procedures for the governance, management and operations of the Federation;
- k) To determine, implement and enforce disciplinary measures, disputes and appeal articles, rules regulations, policies and procedures including sanctions and penalties and anti-doping, conduct and other articles, rules, regulations, policies and procedures applicable to its members compliant with the IAAF constitution and IAAF Rules;
- l) To determine membership including withdrawing, suspending or terminating membership;
- m) To purchase, lease, hire or otherwise acquire, hold, manage, maintain, insure, sell or otherwise deal with property and other rights, privileges and licenses;



- n) To control and raise money including borrow, invest, loan or advance monies and secure the payment of such money by way of mortgage or charge over all or part of any of its property and enter into guarantees;
- o) To sell, lease, mortgage, charge or otherwise dispose of any property of the Federation and grant such rights and privileges over such property as its considers appropriate;
- p) To determine, raise and receive money by subscriptions, donations fees, levies, entry or usage charges, sponsorship, government funding, community funding or otherwise;
- q) To produce, develop, create, license and otherwise exploit, use and protect the Intellectual Property of the Federation;
- r) To make, alter, rescind and enforce rules of Athletics competition subject to the IAAF Rules;
- s) To organize and control National Athletics competitions, events and programmes in Kenya;
- t) To select National and other representative athletes and teams together with the technical personnel in good time and transparently, using fair criteria;
- u) To assign functions to and/or enter into agreements with governmental organizations, national anti-doping authorities, other corporate bodies and Non Governmental Organizations;
- v) To encourage, support, organize and lobby for the welfare of active and retired athletes;
- w) To establish, maintain and have an interest in corporate or other entities to carry on and conduct all or any part of the affairs of the Federation and for that purpose to utilize any of the assets of or held on behalf of the Federation;
- x) To set and codify the standards, determine, authorize, license, register, suspend, or ban Athletes Agents in a transparent and fair manner and in accordance with, the Federation Rules, the applicable Rules of the IAAF and the Sports Act; and
- y) To do any other acts or things which are incidental or conducive to the attainment of the objects of the Federation or any of them.

### **3. MEMBERSHIP**

#### **3.1 The members of the Federation are:**

- a. Regional Federations being Athletic organizations governing geographical regions of Kenya as defined in Appendix 2 or as may be determined by the Members in a General meeting from time to time on the recommendation of the Executive Committee;
- b. Life members being individuals who have been nominated by any region or institution and honoured as such by the Annual General Meeting for making an outstanding contribution to Athletics in Kenya and have paid membership fee of Kshs. 5,000/= or such higher amounts as shall be recommended by the Executive Committee and approved by the Annual General Meeting;
- c. Honorary members being individuals who have been honoured as such by the Annual General Meeting and who have served the Federation as a member of the Executive Committee for at least two terms;
- d. Ordinary member being a person interested in the objects of the Federation, whose application has been accepted by the Federation and who will have paid membership fee of Kshs 500/= or such fee as shall be prescribed by the Annual General Meeting. Such person may, upon payment of such other fee as shall have been prescribed by the Executive Committee, become a life member;
- e. The Institutions described in Appendix 2 and any such Institutions as the Executive Committee may recommend and ratified by the Annual/Special General Meeting;
- f. Application for membership to the Federation shall be made through the Regional or Institutional Federations. The Regional or Institutional Federations shall forward a list of its members to the Federation annually by the 28th of February of every year. The list of members shall be authenticated by the signatures of the Chairman, the Secretary and the Treasurer.

### **4. APPLICATION FOR MEMBERSHIP**

- 4. 1 Any organization desiring to be a Regional Federation or Institutional member shall apply in writing to the Executive Committee of the Federation.

The application must be accompanied by the following mandatory documents and information:

- a. A list of its active membership together with a register of active athletes.
- b. Payment of the annual affiliation fee in advance, the amount of which shall be determined by the Executive Committee;
- c. A declaration that it will observe and abide by this Constitution, together with the Rules and regulations of the Federation;
- d. The organization's official address and contact details;
- e. A list of its office bearers and contact details.

4.2 Upon an application for Membership, the Executive Committee shall consider and where appropriate admit a successful applicant to membership in accordance with the procedures specified by the Federation's Regulations.

4.3 The Executive shall where it considers appropriate, and in accordance with the Federation's regulations recommend to the Annual General Meeting of the Federation that any individual be elected as a life member of the Federation.

## **5. MEMBERS OBLIGATIONS**

5.1 Members shall have the following obligations;

- a. to comply with and observe this Constitution and the Regulations, and any resolution of the Executive Committee and the policies and procedures of the Federation;
- b. to comply with and observe the Sports Act 2013 together with the Regulations thereunder, IAAF constitution, the IAAF Rules and Regulations (to the extent they are applicable);
- c. to use and have access to facilities, resources, programmes and the intellectual Property rights of the Federation in accordance with terms agreed by the Executive Committee.
- d. not to maintain any relations, or permit their members to participate in Athletic activities, events or championships, with any person or organization who is not the IAAF, a member of the IAAF, the Federation or its members;
- e. not to Maintain relations in the case of Regional Federations and Institutions or permit their members to maintain any relationship with a member who is suspended or who is otherwise not recognized by the Federation, the IAAF or

any member of IAAF unless otherwise Authorized or agreed with the Executive Committee;

f. If a Regional Federation or Institutional member;

i. to inform the Secretary-General of any changes to its list of office bearers addresses or other contact details;

ii. to keep a register of members which shall be regularly updated and comply with all duties and obligations arising from any applicable laws or legislation;

iii. to submit annual reports of its activities and finances;

iv. to take cognizance of the fact that any grants will only be disbursed upon satisfaction of obligation iii) above.

## **5.2 PAYMENT OF FEES:**

Members must meet all requirements of membership set out in this Constitution or as otherwise set by the Executive Committee including the annual payment of any applicable affiliation or other fees by the 28th February each year.

## **5.3 FAILURE TO PAY FEES:**

The failure or refusal by a member to comply with article 5.2 may result in the expulsion of a member as provided in article 6.5 but such expulsion shall not excuse such member from being bound by this constitution.

## **5.4 MEMBERS RIGHTS AND ENTITLEMENTS**

All members, save honorary members, are entitled, in accordance with the provisions of this constitution to:

a. be informed of the affairs of the Federation either through the Regional Federations or institutions and/or directly;

b. subject to clause 11 hereof, to attend and speak at the Annual General Meeting, to have the agenda and, if a Member of a Regional Federation, to vote on behalf of the Regional Federation save that honorary members shall not be entitled to vote;

- c. to nominate candidates for election to the Executive Committee and other elective positions;
- d. to submit motions and items for discussion or consideration at the Annual General Meeting within the time specified;
- e. to call a Special Annual General Meeting if the requirements for doing so are met as specified in this Constitution;
- f. to participate and have its members participate in championships, competitions, events and activities of the Federation of the IAAF, any member of the IAAF subject at all times to being eligible for, and complying with the rules and terms and conditions of such championships, competitions, events and activities; and
- g. to use and have access to facilities, resources, programmes and the Intellectual Property rights of the Federation in accordance with terms agreed by the Executive Committee.

## **6 RESIGNATION, SUSPENSION AND EXPULSION FROM MEMBERSHIP**

### **6.1 RESIGNATION:**

A member may resign his or its membership of the Federation. Notice of resignation shall be addressed to the Secretary General and shall take effect on the date specified in the Notice but a resigning member must pay all arrears or affiliation fees due and payable by the member.

### **6.2 DEFAULT IN FEES:**

A member shall be liable for expulsion from membership of the Federation if any fees (including affiliation fees) or other payments to the Federation are due and outstanding. Prior to expulsion the Executive Committee shall give the member written notice specifying the payment(s) due and demanding payment by a due date, being not less than seven (7) days from the date of the demand. If payment is not made by the due date, the membership shall be suspended pending payment. If such suspension continues for more than 90 days from the date of the notification of the suspension was given, the member shall stand expelled from membership

### **6.3 SUSPENSION:**

Any member of the Federation who has allegedly:

- a. breached, failed, refused or neglected to comply with a provision of this Constitution and/or the regulations; or
- b. acted in a manner unbecoming of a member including engaging in misconduct or acted in a manner prejudicial to the objectives or the interests of the Federation and/or the sport of athletics; or
- c. brought the Federation or the sport of athletics into disrepute;

may be suspended by the Executive Committee pending the determination of the allegation by the Disciplinary Panel. Prior to such suspension, the member shall be notified of the allegations made against it/him and shall have the right to be heard. The Disciplinary Panel shall hear and determine such allegations and, subject to this constitution, may recommend a sanction, in accordance with the Federation's regulations. The Disciplinary Panel may not expel a member from the Federation, except with the approval of the Annual General Meeting.

### **6.4 A member who stands suspended shall not:**

- a. be entitled to attend, speak at or vote at the Annual General Meeting;
- b. be entitled to continue to hold office in any position within the Federation, or a member;
- c. be entitled to any other privileges or benefits to which it would otherwise be entitled including participation in any competition, activity, event, function or meeting of the IAAF, the Federation, or a member;

### **6.5 EXPULSION:**

The Members at an Annual General Meeting may expel a member if the Disciplinary Panel makes a recommendation to do so under and a motion to that effect is notified to the members. The motion for expulsion must be adopted by a special resolution of the members present for it to be imposed.

#### **6.6 SUSPENSION OR TERMINATION OF INDIVIDUAL MEMBER:**

Any individual who resigns, or is suspended or expelled from membership of a Regional Federation in accordance with this Constitution, shall upon such resignation, suspension or expulsion taking effect, automatically cease to be a member of the Federation.

#### **6.7 DISQUALIFICATION OF AN APPLICANT FROM JOINING THE FEDERATION AS AN ORDINARY MEMBER**

An applicant shall be disqualified from joining the Federation as an ordinary member if the Applicant:

- a. is convicted of a misdemeanor and sentenced without an option of a fine; or,
- b. is a member of another sport, discipline, federation other than athletics; or,
- c. is charged with fraud, corruption, sexual harassment, abuse of office, or any other issue touching on integrity.

#### **6.8 EFFECT OF CESSATION:**

A member that ceases to be a member of the Federation shall forfeit all rights in and claims upon the Federation and its property and shall not be entitled to:

- a. attend, speak or vote at the Annual General Meeting;
- b. be a Member, hold office in any position within the IAAF nor the Federation;
- c. any other privileges or benefits to which it/he would otherwise be entitled including participation in any competition, activity, event, function or meeting of the Federation or any member, and
- d. use property of the Federation including its Intellectual Property, unless and until he, she or it is subsequently accepted, or reinstated, as a member.

#### **6.9 REINSTATEMENT:**

A member who has been expelled may be reinstated at the discretion of the members by special resolution passed at an Annual General Meeting. A motion seeking reinstatement must be made in accordance with Article 6. Nothing in Article 6 shall limit the powers of the Executive Committee to undertake enquiries and/or invoke disciplinary procedures as specified in this Constitution.

## **ATHLETE ELIGIBILITY, ATHLETES' AGENTS AND COMPETITIONS**

### **7. ATHLETE ELIGIBILITY**

7.1. The following persons will be ineligible for competitions whether held under the IAAF Rules, any rules of the Federation or any rules of its members;

- a. if the Federation is suspended by the IAAF from international competition, any person representing the Federation shall also be ineligible for international competition. Save that this Article shall not apply to domestic competitions held in Kenya.
- b. any person who has taken part in any Athletics competition or event in which any of the competitors were, to their knowledge, suspended from participating or ineligible to compete under the IAAF Rules, or which takes place in the country or Territory of a suspended IAAF member. This Article does not apply to competition which is restricted to the Master's age groups 35 years and over;
- c. any person who takes part in any Athletics competition in Kenya which is not sanctioned, recognized or certified by the Federation, or any Athletics competition in any other country or territory which is not sanctioned, recognized or certified by an IAAF member of that country or territory;
- d. Any person who is suspended from participating in or ineligible to compete in competitions under the jurisdiction of the Federation in so far as such ineligibility is consistent with the IAAF Rules;
- e. Any person who contravenes the IAAF's Anti-Doping rules and/or regulations or the Federation's Anti-Doping Regulations;
- f. Any person who has committed any act or made any statements either verbally or in writing, or has been responsible for any breaches of the IAAF rules and/or Regulations or this Constitution or other conduct which is considered to be insulting or improper or likely to bring the sport into disrepute;
- g. Any person who contravenes the IAAF's Rules on Advertising and Displays During International Competition or any IAAF Regulation or the Federation's regulations made under the IAAF rules or this constitution respectively;



- h. Any person who uses the services of an Athletes' Agents other than one approved by the Federation in accordance with Article 8 of this constitution;
- i. Any person who has been declared ineligible by the IAAF or the Federation by virtue of a breach of any IAAF regulation or the Federation's Constitution or Regulations;

In the event of an alleged breach of this Article, the disciplinary procedures to be followed in determining the athlete's eligibility (other than in a case of a breach of Article 7.1e, in which case the IAAF Anti-Doping Articles and the Federation's anti-doping Regulations apply) shall be those set out in Article 32;

## **8. ATHLETES' AGENTS**

- 8.1 Athletes may use the services of authorized Athletes' Agent to assist him/her in co-operation with the Federation, in the planning, arranging and negotiating of their athletic programme and in connection with sponsorship contracts.
- 8.2 The Federation shall authorize all Athletes' Agents in accordance with the Federation's regulations and the applicable Rules and Regulations of the IAAF and shall keep a register of all Athletes.
- 8.3 No athlete may use an Athletes' Agent, and no person seeking authorization to be an Athletes' Agent shall be authorized, unless a written agreement exists between the athlete and his or her representative which complies with the Federations and IAAF regulations concerning Athletes Agents, privacy and data protection in accordance with the applicable rule of the Federation.
- 8.4 Any Athlete who uses an unauthorized Athletes' Agent may be subject to sanctions in accordance with the Federations and IAAF Rules and regulations.

## **9. COMPETITIONS**

### **9.1. FOREIGN ATHLETES:**

The Federation may hold National championships and foreign athletes may, at the discretion of the Federation, participate in the competitions provided that such athletes will have submitted written evidence from his/ her Federation of a permit certifying the athlete is eligible and permitted to compete prior to the championships.

## **9.2 NATIONAL CHAMPIONSHIPS:**

- a. No athlete may participate in any National championship if he or she is ineligible to participate in the sport of Athletics under the Articles of the Federation or those of the IAAF, or the IAAF Member to which he or she is affiliated.
- b. Any athlete caught cheating on age and any other person who has knowingly aided in the cheating shall be suspended for a period up-to three years or such lesser period as may be determined by the Executive Committee.

## **9.3 INTERNATIONAL COMPETITIONS:**

9.3.1 No athlete shall take part in an International Competition unless he or she:

- a. Is a member of a Regional Federation affiliated to the Federation; or
- b. Is a member of the Federation directly; or
- c. Has otherwise agreed to abide by the constitution, rules and regulations of the Federation; and
- d. In International Competitions at which the IAAF is responsible for doping control, the athlete has signed an agreement in a form set by the IAAF by which he or she agrees to be bound by the IAAF Rules, and the IAAF regulations (as amended from time to time), and to submit all disputes he or she may have with the IAAF or the Federation to arbitration only in accordance with these Articles, accepting not to refer any such disputes to any Court or authority which is not provided for in the IAAF Rules or this Constitution
- e. No Kenyan athlete may take part in athletics' competition in a foreign country or territory without the approval of the Federation in accordance with the procedures and regulations set out in or under this constitution or under any of the Rules and Regulations of the Federation..

9.3.2 No athlete resident in a country or territory outside Kenya may seek or obtain affiliation of another IAAF member without the prior approval of the Federation. Such approval must be sought and considered in accordance with the Federation's and IAAF Rules. There shall be a right of appeal to the IAAF in respect of the decision to approve or otherwise.

## **10 ANNUAL GENERAL MEETING.**

10.1 The Annual General Meeting is the meeting of the members and is the highest authority of the Federation.

10.2 (a) There shall be two classes of General Meetings – Annual General Meetings and Special General Meetings.

(b) (i) The Annual General Meeting shall be held not later than the end of April of every year at such time and place as shall be determined by the Executive Committee. Notice in writing of such Annual General Meeting, accompanied by the agenda for the meeting shall be sent to all members not less than twenty-one (21) days before the date of the meeting and where practicable, by a press advertisement not less than fourteen (14) days before the date of the meeting.

(ii) The agenda for any Annual General Meeting shall consist of the following:

- (a) Roll Call;
- (b) Apologies;
- (c) Confirmation of the minutes of the previous Annual General Meeting;
- (d) The President's report;
- (e) Consideration and approval of the accounts and audited balance sheet;
- (f) Election of the officers of the Federation and the Executive Committee in an election year;

- (g) Appointment of Auditors;
  - (h) Appointment of Trustees;
  - (i) Such other matters as the Executive Committee may decide or as to which notice shall have been given in writing by a member or members to the Secretary General at least Fourteen (14) days before the date of the meeting; and,
  - (j) Any other business which due notice has been given.
- (iii) In addition, the Annual General Meeting shall have the following powers:
- (a) Adoption and amendment of the constitution.
  - (b) Admission, suspension and expulsion of a member or members.
  - (c) Reinstatement of a former member.
  - (d) Election of a life member on the recommendation of the Executive Committee.
  - (e) Performance of such other functions as may be specified in this constitution.
- (c) A Special General Meeting may be convened for any specific purpose by the Executive Committee. Notice in writing of such meeting shall be sent to all members not less than seven (7) days before the date thereof and where practicable by a press advertisement not less than Four (4) days before the date of such meeting.
- (d) A Special General Meeting may also be convened if requested for a specific purpose by order in writing to the Secretary-General of not less than two-thirds of the Members eligible to attend and vote as specified under article 11 and such meetings shall be held within Twenty-One (21) days of the date of the request. Notice of such meeting shall be as specified in Rule 10.2(b)
- (i) and no matter shall be discussed other than that stated in the request.

## **11 COMPOSITION, MEMBERS AND VOTING**

### **11.1 a) The Annual General Meeting shall comprise of the following persons**

- (i) Members of the Executive Committee who shall have the right to vote on all matters concerning the Federation, and when the voting is equal, the President shall have the right to exercise a casting vote except in Elections;
- (ii) Three Members from each Regional Federation who must be bona fide elected members of the body they represent;
- (iii) Three Members from each Institutional member who must be bona fide elected members of the body they represent;
- (iv) One life member; and
- (v) Honorary members.

b) The names of the Members entitled to vote shall be sent to the Secretary General of the Federation in writing under the signature of the Chairperson and the Secretary of the Regional Federation/ Institution prior to the date of the Annual General Meeting. In the event that any member elected by a Region/ Institution to attend an Annual General Meeting is not able to attend all or any part of it, the Executive Committee of the Regional Federation/ Institution may appoint an alternative member, whose names must be notified to the Secretary General prior to the date of the Annual General Meeting.

### **11.2 Each member shall have one vote at the meeting and voting shall be by secret ballot. No voting by proxy or post shall be allowed.**

### **11.3 No member may represent more than one Regional Federation or Institutional member at the same Annual General Meeting. Members of the Executive Committee of the Federation shall not be entitled to represent any regional or institutional Member.**

### **11.4 The President and the elected members of the Executive Committee shall take part in an Annual General Meeting with rights to vote. Similarly elected members of the Executive Committee at the regions, institutions and all other levels below them shall take part in their respective Annual General Meetings with rights to vote.**

- 11.5 The Representative of life members who shall be entitled to attend and speak at the Annual General Meeting with rights to vote.
- 11.6 The Trustees of the Federation shall be entitled to attend and speak at the Annual General Meeting but will not be eligible to vote.
- 11.7 The President, in consultation with the Executive Committee may invite other persons to attend the Annual General Meeting and with the consent of the Members present, by ordinary resolution, those invitees may be entitled to speak but are not eligible to vote.

## **12. QUORUM OF THE ANNUAL GENERAL MEETING**

- 12.1 No business shall be discussed at any Annual General Meeting unless a quorum is present at the time the meeting is due to commence as set out in the notice of the meeting. The quorum for Annual General Meeting shall be 34% of the total number of Members entitled to be present and vote at the meeting. The quorum must be present at all times during the meeting.
- 12.2 If a quorum is not met within 30 minutes of the said notified commencement time for the meeting, a second meeting shall be convened at another day, time and place as determined by the Executive Committee. If no quorum is obtained at the second meeting, then the persons present at that second meeting are deemed to constitute a valid quorum.

## **13. DECISIONS OF ANNUAL GENERAL MEETING**

- 13.1 An ordinary resolution of those Members present and entitled to vote is sufficient for a vote at an Annual General Meeting to be valid, except as otherwise specified in this Constitution.
- 13.2 Decisions shall be made by a simple majority indicated by a show of hands. In the case of an equality of votes, the President shall in addition to his deliberative vote also have a casting vote.
- 13.3 Elections must be undertaken by secret ballot except where:
- a. There are the same number of nominations as positions available; or
  - b. There are insufficient or the same number of nominations for positions available, then those persons who have been nominated shall be declared elected.

13.4 An independent body shall be appointed by the Executive Committee prior to the Annual General Meeting to conduct the elections and to determine the validity of all votes cast by ballot or secret ballot.

13.5 All decisions made at an Annual General Meeting shall come into effect on a date or time as may be decided by the meeting.

#### **14. PROCEDURE AT MEETINGS**

14.1 At all meetings of the Federation the President, or in his absence, Senior Vice-president or in their absence one of the three Vice Presidents shall take the chair.

14.2 Minutes:

Minutes shall be kept by the Secretary-General of all Annual General Meetings and made available upon request by any Member. Minutes shall be approved by the Members at the Annual General Meeting following the meeting at which the minutes were recorded.

14.3 Errors:

Any irregularity, error or omission in notices, agendas and relevant papers of Annual General Meetings or the omission to give notice within the required time frame, or the omission to give notice as specified in this Constitution, and any other error in the organization of the meeting, shall not invalidate the meeting nor prevent the meeting from considering the business of the meeting provided that;

- a. the Chairperson in his or her discretion determines that it is still appropriate for the meeting to proceed despite the irregularity, error or omission; and
- b. a motion to proceed is put to the meeting and carried by simple majority.

#### **15. OFFICERS AND MEMBERSHIP OF THE EXECUTIVE COMMITTEE**

15.1 a) The office bearers of the Federation shall be:

- i) The President;
- ii) Senior Vice- President;
- iii) Three Vice- Presidents out of whom not more than two shall be of the same gender;
- iv) The Secretary- General;
- v) Assistant Secretary General;

- vi) The Treasurer;
- vii) The Assistant Treasurer;
- viii) The Public Relations Officer
- ix) Three elected members out of whom not more than two shall be of the same gender. All of whom must be citizens of Kenya and members of the Federation and shall be elected at the Annual General Meeting in an election year.

#### 15.2 Officers of regional federations, institutional members and levels below

- a) In the case of Regional Federations and Institutional members and levels below them, the Officers shall be:

- i) The Chairman
- ii) Two Vice-Chairmen
- iii) The Secretary General
- iv) The Assistant Secretary General
- v) The Treasurer
- vi) The Assistant Treasurer
- vii) The Public Relations Officer
- viii) Three elected Members out of whom not more than two shall be of the same gender.

All of whom shall be elected at the Annual General Meeting of the Regional Federation or Institutional member in an election year. Elections for purposes of Regional Federations shall be carried out at Ward, Sub-County, County and Regional levels in accordance with the Constitution and such election rules, regulations and procedures as shall be made by the Executive committee. Where a county is considered a geographical region, then the county elections shall be equivalent to regional elections.

Elections in the institutions shall be carried out in accordance with each Institution's rules and regulations but which shall be approved, in advance, by the Executive Committee. The Chairman, Secretary General and Treasurer and members of the Executive Committee shall take part in an Annual General Meeting with rights to vote.

- b) All office bearers shall hold office for a period of four years from the date of election until the succeeding fourth Annual General Meeting subject to the conditions contained in sub-paragraphs (c) and (d) of this rule but shall be eligible



for re-election for one more term.

- c) Any office bearer who ceases to be a member of the Federation shall automatically cease to be an office bearer thereof.
- d) Any office bearer who ceases to be a member of the Federation shall automatically cease to be an office bearer thereof d) Office bearers may be removed from office if the Executive Committee so recommends and if an Annual General Meeting of the Federation shall resolve by a two-thirds majority of the members present that such an office bearer should be removed on the grounds that his conduct has adversely affected the reputation or dignity of the Federation, or that he has contravened any of the provisions of the constitution of the Federation. The Executive Committee shall have the power to suspend an office bearer from his office until the next Annual General Meeting of the Federation following such suspension but notwithstanding such suspension an office bearer whose removal is proposed shall have the right to address the Annual General Meeting at which his removal is to be considered.
- e) An office bearer who;
  - (i) ceases as a member of the Federation by reason of his resignation or removal there from; or
  - (ii) resigns from his office in writing; or
  - (iii) remains absent from three consecutive meetings of the Executive Committee without obtaining leave of absence in writing from the President; or
  - (iv) becomes bankrupt or insolvent or compounds with his creditors; or
  - (v) becomes of unsound mind or is found to be a lunatic; or
  - (vi) is convicted of an indictable offence not being an offence under the Traffic Act resulting in a term of imprisonment

Shall automatically cease to be an officer of the Federation.

- f) No office bearer shall be an office bearer or official of another Sports Federation or Association unless on appointment or on secondment by the Federation or by a Government agency.

## **15.2 DUTIES OF OFFICERS**

- a) The President shall unless prevented by illness or other sufficient cause:
  - (i) preside over all meetings of the Annual General Meeting, the Executive and those committees of which he or she is appointed chairperson;
  - (ii) represent the Federation either in person or by delegation in all dealings and meetings with the IAAF, the National Olympic Committee of Kenya and other bodies and organizations;
  - (iii) ensure the effective functioning of the Annual General Meeting, the Executive Committee and the committees to ensure they achieve their objectives;
  - (iv) With the approval of the Executive Committee, be responsible for the oversight of the operations of the Federation's office and, where appropriate, take such measures as he or she considers necessary for the proper administration of the Federation;
  - (v) to create any task force or working group he may deem necessary or advisable to address any urgent situation.
  - (vi) to report to the Annual General Meeting on the performance of the Federation; and
  - (vii) such other duties as specified in the regulations or policies of the Executive Committee.
- b) The Senior Vice President shall deputise the president and perform all such duties as shall be assigned by the President and the Executive Committee.
- c) The Vice-Presidents shall in the absence or unavailability of the President and the Senior Vice-President, perform any duties or activities of the President or such other duties as may be determined by the President or the Executive Committee. Such other duties shall include chairing Sub-Committees/Commissions.
- d) The Secretary General shall deal with all correspondence of the Federation under the general supervision of the Executive Committee. He shall issue notices convening all meetings of the Executive Committee and all Annual General Meetings of the Federation and shall be responsible for keeping minutes of all such meetings.

- e) The Assistant Secretary General shall deputise the Secretary General and perform all such duties as shall be assigned by the Secretary General and the Executive Committee
- f) The Chief Administrative Officer of the Federation shall be responsible for the day to day management of the Federation under the general supervision of the Executive Committee.
- g) The Treasurer shall receive and shall also disburse, under the directions of the Executive Committee, all moneys belonging to the Federation and shall issue receipts for all moneys received by him and preserve vouchers for all moneys paid by him. The Treasurer is responsible to the Executive Committee and to the members for ensuring that proper books of account of all moneys received and paid by the Federation are written up, preserved and available for inspection. He shall maintain the Federation's asset register
- h) The Assistant Treasurer shall perform such duties as may be specifically assigned to him by the Treasurer or by the Executive Committee and in the absence of the Treasurer shall perform all the duties of the Treasurer.
- i) The Public Relations Officer shall plan, develop and implement Public Relations Strategies; liaise with colleagues and key spokespeople; liaise with and respond to enquiries from the public, media, individuals and other organizations' research, write and distribute press releases in consultation with the President or the Executive Committee; collate and analyse media coverage; organize events including press conferences and exhibitions; keep an eye on the public opinion about the Federation on particular issues; write, edit and arrange production of newsletters, in-house magazines; pamphlets and brochures; advise the Federation and Management on communication issues and strategies; maintain and update information on the Federation website and all other social media forums.

### **15.3 NOMINATIONS AND ELECTIONS**

- a. Elections shall be held after every four years.
- b. There shall be elections at ward level, sub-county, county, region/institution and national levels. Only registered members are entitled to vote at those elections. All members shall participate and vote at the Ward level. Thereafter, three Members being the Chairman, Secretary General and Treasurer shall attend the meeting at the next level and vote up to the National level

- c. Every person seeking election to the position of President, Senior Vice- President, Vice-President, members of the Executive Committee and other elective positions must be proposed by at least one member and seconded by one other member. Nomination forms must be received by the Secretary-General no later than ten [10] days prior to the Annual General Meeting at which any such positions will become vacant.
- d. Each Member shall be limited to nominating one person for election to each position.
- e. All Executive Committee members shall be elected directly by the members attending the Annual General Meeting and entitled to vote. The Elections shall be held in the following order :
  - (a) The President
  - (b) The Senior Vice President
  - (c) The Three Vice- Presidents

(Not more than two thirds of the elected vice presidents shall be of the same gender. Members shall first vote for two vice presidents and if both are of the same gender, the voting for the third vice president slot shall be limited to the opposite gender.)

  - (d) The Secretary General
  - (e) The Assistant Secretary General
  - (f) The Treasurer
  - (g) Assistant Treasurer
  - (h) The Public Relations Officer
  - (i) Three elected Members out of whom not more than two shall be of the same gender.
- f. All the valid nominations received by the Secretary-General shall be determined by Ordinary Resolution of the Members present and entitled to vote at the Annual General Meeting provided that if:
  - (i) There are the same number of nominations as positions available; or
  - (ii) There are insufficient nominations or the same number of nominations for positions available,

Then those persons who have been nominated shall be declared elected unopposed.

- g. All elections shall be held in accordance with the general principles for the electoral system as stipulated in Article 81 of the Constitution of Kenya.

## **16. ELIGIBILITY**

- 16.1 Only citizens of Kenya and Members of the Federation shall be eligible for elections as officers of the Federation.
- 16.2 The following persons shall not be eligible for election or to remain in office as President, Senior Vice- President, Vice-President or a member of the Executive Committee or any elective position in the regions/institutions:
- a. A person who has been adjudged bankrupt under the Bankruptcy Act, Cap 53, Laws of Kenya;
  - b. A person who has been convicted of any offence (other than a traffic offence) whether in Kenya or elsewhere, punishable by a term of imprisonment of a year or more unless that person has obtained a pardon or has served the sentence imposed on them;
  - c. A person who is prohibited from being a director or promoter of or being concerned or taking part in the management of a company under the Companies Act, Cap 486, Laws of Kenya;
  - d. A person who is subject to an order that he is lacking in competence to manage his or her own affairs under the Mental Health Act, Cap 248, Laws of Kenya;
  - e. A person who is ineligible to compete in Athletics or any other sport by reason of the commission of an anti-doping Rule violation as determined by the relevant authority;
  - f. An active athlete;
  - g. A registered Athletes' Agent or his/her agent or known sub-agent or Manager;
  - h. A person who has been elected as an honorary member. Such a person shall also be ineligible to hold any elective office in any Regional Federation
- 16.3 If any of the above circumstances occur to an existing member of the Executive Committee, he or she shall be deemed to have vacated his or her office upon

notification of such circumstance to them by the relevant authority. In addition, the members may, at a Special General Meeting called for this purpose, by Special Resolution suspend an Executive Committee Member pending determination of an allegation that any such circumstance has occurred. Before doing so the Executive Committee member concerned shall be given not less than 7 days written notice of the proposal to suspend him/her and he/she shall be entitled to be present and make a submission to the meeting.

## **17. THE COUNCIL**

There shall be a Council composed of two (2) members nominated by each region/ institution together with the members of the Executive Committee;

The Council shall be available for consultation with the Executive Committee as and when the Executive Committee deems it necessary but shall meet at least once a year.

## **18. TERM OF OFFICE**

Subject to Article 23 (Causal Vacancy and Removal), the term of office for members of other Executive Committee shall be four (4) years commencing at the conclusion of the Annual General Meeting at which their appointment is made, and expiring at the conclusion of the Fourth Annual General Meeting after election. The term of office for any IAAF Council member of the Executive shall be the same period as his or her term of office on the IAAF Council.

## **19. EXECUTIVE COMMITTEE**

19.1 There shall be an Executive Committee of the Federation which shall be responsible for governing the Federation and, subject to this Constitution may exercise all the powers of the Federation and do all things that are expressly required to be done by the Federation at an Annual General Meeting. The Executive Committee shall, through clearly-defined delegations of authority delegate to the Chief Administrative Officer the day-to-day management of the business and affairs of the Federation.

19.2 The Executive Committee shall comprise:

- a. The President
- b. The Senior Vice- President

- c. The three Vice-Presidents
- d. The Secretary-General
- e. The Assistant Secretary General
- f. The Treasurer
- g. The Secretary-General
- h. The Assistant Secretary General
- i. The Treasurer
- j. The Assistant Treasurer
- k. The Public Relations Officer
- l. Three individual members elected at the Annual General Meeting of whom not more than two shall be of the same gender.
- m. Any serving IAAF Council Member (as an ex-officio member)
- n. Athletes' Representative
- o. Five co-opted members as may be determined by the Executive Committee not more than four of the same gender.

## **20. DUTIES AND POWERS OF THE EXECUTIVE COMMITTEE**

- a. The Executive Committee shall be responsible for the management of the Federation and for that purpose may give directions to the officers as to the manner in which within the law, they shall perform their duties.
- b. The Executive Committee shall have power to appoint such sub-committees as it may deem desirable.
- c. The Executive Committee shall have power to make decisions and take any action on behalf of the Federation within the provisions of the Constitution for the purposes of promoting the aims and objectives of the Federation.
- d. The Executive Committee shall have power to seek and receive financial support from any source provided that such support does not conflict with the Laws of Kenya or the objects of the Federation as set out in clause 2 of this Constitution.
- e. The Executive Committee shall have power to fix the dates and venues of Annual General Meetings and of all Special General Meetings of the Federation and to make all the preparations necessary for the purposes including receiving and scrutinizing of nomination papers and drawing up the agendas of meetings.

- f. The Executive Committee shall have power to make rules providing for the proper custody and maintenance of the files, registers and accounts of the Federation and the duties of the office bearers in relation thereto.
- g. The Executive Committee shall have power to consider and recommend to the Annual General meeting persons to be appointed as Trustees of the Federation and to fill vacant positions in the Trustees.

## **21. ADDITIONAL POWERS OF THE EXECUTIVE COMMITTEE**

21.1 Without limiting the generality of the Executive Committee's powers to carry out the objectives of the Federation as it considers necessary, the Executive Committee shall have powers to carry out the following duties:

- a. from time to time appoint or employ the Chief Administrative Officer and such other officers and employees as they shall from time to time deem fit and to enter into a contract with him or them at such remuneration and on such other terms and conditions as the Executive Committee deems fit, and to suspend or terminate such contract;
- b. to adopt clearly defined delegations of authority from the Executive Committee to the Secretary General and to confirm delegation from the Secretary-General;
- c. to adopt and regularly review a strategic plan for the Federation;
- d. to adopt and regularly review an annual plan and budget for financial performance and to monitor results against the annual plan and budget;
- e. to facilitate National and Regional forums for its members;
- f. to make, draw up, repeal and amend any regulations and any policies by-laws rules and procedures as it thinks fit;
- g. to make, repeal and amend rules for the regulation and control of any competitions or events under its jurisdiction including conditions of entry;
- h. To mandate the President, the Treasurer, the Secretary-General or any other member of the Executive Committee to represent the Federation at meetings of the IAAF, CAA and Regional Congress one of whom shall vote



on behalf of the Federation. In the absence of all or any of the three to appoint alternative representation to the said meetings and Congress;

- i. To consider and make any nominations for membership of the IAAF Council;
- j. To establish such sub-committees and panels as it considers appropriate and to appoint members of the committee and panels, and to delegate such powers and responsibilities as it considers appropriate. The President or his nominee shall have the right to attend any meetings of any sub-committee;
- k. To control expenditure and raise any money to fulfil the objectives of the Federation;
- l. To determine the criteria and procedures to apply in respect of the appointment of coaches, selectors, managers of national athletics squads and teams;
- m. To ensure the Federation has in place all the necessary internal reporting systems and controls together with the means of monitoring performance and results;
- n. To open and operate in the name of the Federation such banking accounts as deemed necessary and to invest the funds of the Federation in such stocks, securities or other assets of whatever nature, wheresoever situated;
- o. To regularly agree on performance indicators and standards with management;
- p. To engage, contract or otherwise agree to obtain the assistance or advice of any person or organization for the Federation;
- q. To determine the yearly calendar for national, regional, other competitions, athletics competitions and events in Kenya;
- r. To discipline members as specified in this Constitution and Regulations including holding an inquiry or appointing a person to hold an enquiry into and imposing such penalty as it thinks fit in case of alleged misconduct by any team, athlete or official while under the direct control of the Federation

- or for such other reason as the Executive shall decide;
- s. To fill any casual vacancy on the Executive Committee as specified in this Constitution;
- t. To appoint a Returning officer; and
- u. To review its own processes and effectiveness.

## **22. THE MEMBERS OF THE EXECUTIVE COMMITTEE SHALL:**

- a. Act in good faith and in the best interests of the Federation at all times;
- b. Exercise the powers of the Executive committee for proper purposes;c.  
Act, and ensure the Federation acts, in accordance with this Constitution;
- c. Not agree to, nor cause or allow, the activities of the Federation to be carried on in a manner likely to create a substantial risk of serious loss to the Federation or its creditors;
- d. Not agree to the Federation incurring any obligations unless the Executive Member believes at that time on reasonable grounds that the Federation will be able to perform the obligations when it is required to do so;
- e. Exercise the care, diligence and skill that a reasonable Executive Member would exercise in the same circumstances taking into account, but without limitation, the nature of the decision and the position of the Executive member and the nature of the responsibilities undertaken by the Executive Member;
- f. If the Executive Member has a conflict of interest, he or she shall disclose the nature of the interest and shall not participate in the deliberations on such a matter or vote on it;
- g. Not disclose information that the Executive Member would not otherwise have available to him or her other than in their capacity as an Executive Member, to any person, or make use of or act on the information except:
  - i. As agreed by the Executive for the purposes of the Federation
  - ii. As required by law;
- h. Regularly attend Executive meetings and Annual General Meeting meetings of the Federation;

- i. Use his or her best efforts to consult widely with the members and others in the Athletics community to keep abreast of the issues, provided that this article shall not waive the duty of confidentiality in respect of information disclosed to an Executive Member under article 17.

### **23. CASUAL VACANCIES**

23.1 If there is a casual vacancy on the Executive Committee, the remaining Executive Committee Members shall appoint a person of their choice to fill the vacancy until the next Annual General Meeting, unless the Annual General Meeting for that year is scheduled for a date being six months or less from the date the vacancy arose, in which case it may be left vacant until that Annual General Meeting when a replacement will be elected for the remaining term of office for that position.

23.2 A casual vacancy arises if:

- a. An Executive Committee Member resigns from office prior to the expiry of his or her term of office;
- b. An Executive Committee Member dies;
- c. An Executive Committee Member is removed under Article 25; or
- d. An Executive Committee Member becomes ineligible under Article 16.

### **24. REMOVAL OF EXECUTIVE COMMITTEE MEMBER**

- a. The Members in a Special General Meeting called for this purpose may, by special resolution, remove any Executive Committee Member or the Executive as a whole, before the expiration of his or her or its term of office.
- b. Any Member intending to propose the removal of a member of the Executive Committee or the Executive Committee as a whole shall notify the Secretary-General in writing;
- c. Upon the Secretary-General receiving a request for a Special General Meeting for the purpose of removing an Executive Committee Member or the Executive as a whole he or she shall send the notice of the Special General Meeting to the Executive member concerned, or the Executive, as the case may be) in addition to the persons specified in Article 10.2 (c) (Notice of Special General Meeting).

- d. Following Notice of Special General Meeting and before voting on the resolution to remove an Executive Committee Member or the Executive Committee as a whole, the Executive Committee member or the Executive (as the case may be) affected by the proposed resolution, shall be given the opportunity prior to, and at, the Special General Meeting to make submissions in writing and/or verbally to the persons entitled to be present at the Annual General Meeting about the proposed resolution.

## **25. EXECUTIVE COMMITTEE MEETINGS**

- a. Executive Committee meetings may be called at any time by the President or seven(7) Executive Committee Members but generally the Executive Committee shall meet at regular intervals as agreed by it but shall in any event meet at least once every three (3) months. Except to the extent specified in this constitution, the Executive shall regulate its own procedure.
- b. The President, Senior Vice- President or one of the Vice-Presidents in their absence, will preside at all Executive Committee meetings and the quorum for an Executive Committee meeting shall be Seven(7) elected Executive Committee Members.
- c. Any meeting of the Executive Committee shall be constitutional or valid if it is called by the Secretary General with the approval of the President or on request in writing duly signed by at least five (5) of its non-office bearing members.
- d. Every member of the Executive Committee shall have three (3) full days' notice of every meeting of the Executive Committee except for extra-ordinary reasons where shorter notice of two (2) days shall be sufficient.
- e. An urgent meeting of the Executive Committee may be called at shorter notice to deliberate on an urgent matter or a matter of great importance requiring urgent decision or action provided however that in such an event the quorum of the members shall include the President, Secretary General and the Treasurer. The Executive Committee shall be advised at the earliest possible opportunity of any action that is taken pursuant to such an urgent meeting.

## **26 VOTING**

Each elected Executive Committee Member shall have one vote at Executive Committee meetings. In the event of a tie, the President shall have a casting vote. Voting shall be by secret ballot. Proxy and postal voting is not permitted.

## **27. EXPENSES**

The Federation shall reimburse Executive Committee members and members of Committees/Commissions for their actual and reasonable expenses incurred in the conduct of the Federation's business. Prior to doing so the Executive must establish a policy to be applied to the reimbursement of any such expenses which shall include reference to such reimbursement being subject to the Federation's budget.

## **28. MATTERS NOT PROVIDED FOR**

If a situation arises that, in the opinion of the Executive Committee, is not provided for in the Constitution, Regulations, policies or procedures of the Federation, the matter will be determined by the Executive Committee.

## **29. CHIEF ADMINISTRATIVE OFFICER**

- a. There shall be a Chief Administrative Officer and other officers and employees of the Federation who shall be employed for such term and on such conditions as the Executive Committee may determine.
- b. The Chief Administrative Officer shall be under the direction of the Executive Committee and shall be responsible for the day-to-day management of the Federation in accordance with the Regulations, policies and procedures of the Federation and within such limitations as may be imposed by the Executive Committee.
- c. The Chief Administrative Officer shall attend all Executive Committee meetings unless otherwise decided by the Executive Committee and shall have no voting rights.

## **30. TRUSTEES**

30.1 All land, buildings and other immovable property which shall be acquired by the Federation shall be vested in the names of not less than three Trustees who shall be Members of the Federation.

30.2 The Trustees shall be appointed at an Annual General Meeting for a period of three years. On retirement such Trustees shall be eligible for re-election. A general meeting shall have the power remove any of the Trustees and all vacancies occurring by removal, resignation or death, shall be filled at the same or next general meeting.

30.3 The Trustees shall pay all income received from property vested in the Trustees to the Treasurer.

30.4 Any expenditure in respect of such property which in the opinion of the Trustees is necessary or desirable shall be reported to the Executive Committee which shall authorize expenditure of such monies at it thinks fit.

### **31. SUB-COMMITTEES/COMMISSIONS**

31.1 The Executive Committee shall constitute the following sub-committee/commissions or panels:

- a. Independent Disciplinary Appeals Committee (IDAC);
- b. Technical;
- c. Finance and marketing;
- d. Youth Development;
- e. Women's;
- f. Internal Audit and Governance;
- g. Masters;
- h. Media Commission;
- i. Medical Commission
- ;j. Athletes' Commission;
- k. Coaches Commission;
- l. Arbitration Panel;
- m. Sustainable Commission; and
- n. Road Race, Race Walking and mountain and ultra running commission.

The Executive Committee shall constitute the commissions and the committees within 30 days after the date of elections.

31.2 The chairperson and the members of each sub-committee/commission shall be appointed by the Executive Committee with the exception of the Athletes and the coaches commission. The composition role, responsibilities and procedures of each standing committee shall be specified in the regulations to be determined by the Executive Committee.

\*Membership of Committees/Commissions shall comprise of not more than 7 members. No member shall sit in more than 2 committees/Commissions.

In the appointment of members to sit in the commissions and committees, the Executive Committee shall observe regional and gender balance.

### 31.3 Ad hoc committees

In addition to the Sub-Committees listed in Article 32.1 above the Executive Committee may establish other committees from time to time and in accordance with the Regulations.

## **32. ANTI-DOPING, DISCIPLINE, DISPUTES AND APPEALS**

### **32.1. ANTI-DOPING REQUIREMENTS**

- a. The WADA, IAAF, ADAK Anti-Doping Rules and Regulations and the Federation's Anti-Doping Regulations in force at any time are expressly incorporated into this Constitution and their Members are bound by them to the extent they are applicable.
- b. All Athletes, Athlete Support Personnel and other persons under the jurisdiction of the Federation are bound by the WADA, IAAF, ADAK Anti-Doping Rules and Regulations and the Federation's Anti-Doping Regulations.
- c. In order to be eligible to compete or participate in, or otherwise be accredited at an International Competition, Athletes, Athlete Support Personnel and other Persons must have signed an agreement to the IAAF Anti-Doping Rules and Regulations, in a form decided by the IAAF Council.
- d. Every Athlete under the IAAF Anti-Doping Rules and Regulations and the Federation's Anti-Doping Regulations is subject to In-competition testing at the Competitions at which he or she competes and to Out-of-Competition testing at any time or place. Athletes shall submit to doping control whenever requested to do so by a Person with authority to conduct testing.
- e. The Federation shall either directly or through a National anti-doping organization (ADAK) determined by the Executive conduct in and Out-of-competition Doping Controls and shall report that to the IAAF annually.
- f. It is a condition of membership to the Federation and a condition of participation in competitions sanctioned or organized by the Federation, that Athletes agree to be subject to any In-competition and Out-of-Competition Testing carried out by the Federation, the IAAF and any other body competent to test under the IAAF Anti-Doping Rules and Regulations or the Federation's Anti-Doping Regulations.

- g. Where there is any inconsistency between the IAAF Anti-Doping Rules and Regulations and the Federation's Anti-Doping Regulations, the IAAF Anti-Doping Rules and Regulations shall prevail.

### **33. DISCIPLINE, DISPUTES AND APPEALS**

All disputes involving athletes, athlete support personnel or other persons under the Federation's jurisdiction, (other than those arising under the Federation's Anti-Doping Regulations or as otherwise expressly specified in this Constitution or any Federation Regulation), shall be submitted to a hearing before the Disciplinary Panel by the Executive Committee under this Constitution.

### **34. PRINCIPLES OF HEARING**

All hearings under the Federation's Rules and Regulations shall respect the following principles:

- i) a timely hearing before a fair and impartial Tribunal;
- ii) the right of the individual to be informed of the charge against him;
- iii) the right to present evidence, including the right to call and question witnesses,
- iv) the right to be represented by legal counsel and an interpreter (at the individual's expense) and
- v) a timely and reasoned decision in writing.

### **35. ANTI-DOPING MATTERS**

- 35.1 All allegations of anti-doping violations and any other disputes arising under the Federation's Anti-Doping Regulations shall be determined by the Anti-Doping Panel. In the event of any violation of the IAAF anti-Doping rules or the Anti-Doping Regulations, the Panel shall apply the disciplinary procedures set out in the Federation's Anti-doping Regulations which sanctions must comply with the IAAF anti-doping Rules

- 35.2 Decisions of the Disciplinary panel, the Anti-Doping Panel, and the Appeals Board shall be deemed to be decisions of the Federation.

### **36. BREACH OF ARTICLE 7**

In the event of an alleged breach of Article 7 of this Constitution relating to ineligibility for international and domestic Competitions, (other than a case of breach of Article 7.1 (e)), the following disciplinary procedures shall be applied:



- a. the allegation shall be reduced to writing and forwarded to the Executive Committee and the Committee (or its nominee) shall hold an investigation into the facts of the case;
- b. if following such investigation, the Executive Committee is of the view that there is evidence to support the allegations of ineligibility, the Secretary-General shall immediately notify the athlete or other person concerned of the charge to be brought and of his or her right to a hearing before a decision on ineligibility is made. If the athlete fails to confirm in writing within 14 days of such notice that he or she wishes to have a hearing, he or she will be deemed to have waived the right to a hearing and to have accepted the commission of a breach of the relevant provision of Article 7 and the determination of the period of ineligibility shall be referred to the Disciplinary Panel on the same basis as Article 37c;
- c. If the athlete or other person confirms that he or she wishes to have a hearing, all relevant evidence shall be given to the person whose eligibility is challenged and a hearing respecting the principles of Article 34 shall be held within a period of no more than 2 months following notification of the charge in Article 37b. The Federation shall inform the IAAF as soon as a hearing date is set and the IAAF shall have the right to attend the hearing as an observer. The IAAF's attendance at the hearing in such capacity, or any other involvement in the case, shall not affect the athletes' right to appeal the decision to CAS in accordance with the IAAF Rules;
- d. If the Disciplinary Panel, after hearing the evidence, decides that the athlete or other person concerned is in breach of Article 7, it shall declare the person ineligible for international and domestic competitions for a period set out in the IAAF Guidelines, or if there are no such guidelines, then Disciplinary Panel shall determine the appropriate period of the person's ineligibility;
- e. The Secretary-General shall inform the IAAF in writing of the decision taken within 5 working days of the decision being made, and shall send the IAAF a copy of the written reasons for the decision.

### **37. DISPUTES BETWEEN THE FEDERATION AND IAAF**

Unless otherwise stated in any specific IAAF rule or IAAF Regulation, all disputes between the Federation and any other IAAF member shall be referred to

the IAAF Council in accordance with the IAAF Rules.

### **38. GENERAL DISPUTES**

In the event of any dispute, doubt or difference arising between the Executive and any member, or between one or more members, where such dispute, doubt or difference arises in a non-disciplinary context (which shall exclude any dispute arising in the field of competition) or is otherwise dealt with under a specific Regulation, the parties will:

- a. endeavour to amicably settle the dispute by attending mediation; and failing that,
- b. either party may refer the dispute to the Federation's Arbitration Panel in accordance with this Constitution
- c. A party may thereafter appeal to the Sports Disputes Tribunal of Kenya

Each party shall bear their own costs, including any legal costs, arising out of any procedure under this Article.

### **39. ARBITRATION PANEL**

39.1 There shall be an Arbitration Panel

39.2 The Arbitration panel shall consist of five persons appointed by the Executive Committee. The persons shall be appointed on the basis of their legal training and experience, their ability, their impartiality and their knowledge and experience in Athletics and/or sport in general.

39.3 The Arbitration panel shall resolve any dispute, doubt or difference arising between the Executive and any member, or between one or more members, where such dispute, doubt or difference arises in a non-disciplinary context (which shall exclude any dispute arising in the field of competition).

### **40. APPEALS INVOLVING INTERNATIONAL ATHLETES**

In cases involving International Level Athletes (or their athlete support personnel), whether doping or non-doping related, the decision of the Federation's Appeals Board or the IAAF may be appealed exclusively to CAS in accordance with the IAAF rules and Regulations. The following parties shall have the right to

appeal under this rule:

- a. the athlete or other person who is the subject of the decision being appealed;
- b. the other party to the case in which the decision was rendered;
- c. the IAAF;
- d. the IOC where the decision may have an effect on eligibility in relation to the Olympic Games);
- e. WADA (in anti-doping related only).

#### **41. APPEALS INVOLVING OTHER ATHLETES**

In cases which do not involve international level athletes (or their athlete support personnel), whether doping or non-doping related, the decision of the Disciplinary Panel and the Arbitration

Panel may be appealed to the Federation Appeals Board set out in Article 41. The following parties shall have the right of appeal under this article:

- a. the athlete or other person who is the subject of the decision being appealed;
- b. the other party to the case in which the decision was rendered;
- c. the Federation;
- d. WADA in anti-doping related cases only, and where none of the parties listed in (a) to (c) of this Article appeals the decision of the Anti-doping committee.
- e. The IAAF shall not have the right to appeal a decision to the Federation Appeals Board as an observer except in doping related cases only, and where none of the parties listed in (a) to (c) of this Article appeals the decision. The IAAF's attendance at a hearing as an observer shall not affect its right to appeal the decision of the Federation's Appeals Board to CAS in accordance with Article 43 and the IAAF Rules.

#### **42. APPEALS AGAINST DECISIONS OF THE FEDERATION APPEALS BOARD**

42.1 The decision of the Federation's Appeals Board which does not involve an In

ternational Level Athlete may be appealed to CAS by the IAAF in any case, and WADA (in doping related cases only) in cases involving international level Athletes (or their athlete support personnel) the IAAF may appeal to CAS in accordance with its Articles.

- 42.2 All decisions of the Disciplinary Panel and Federations Appeals Board shall remain in effect while under appeal, unless determined otherwise by either body.

The Federation subscribes to the policies and Rules of the Court of Arbitration for Sports which conform with the requirements set out in the Sports Disputes Tribunal policy and rules for Sports disputes resolution.

#### **43. FINANCES**

- 43.1 Unless otherwise determined by the Executive Committee the financial year of the Federation shall end on 31st December.

- 43.2 An annual financial report shall be prepared by the Honorary Treasurer on behalf of the Executive Committee, and audited by an independent chartered accountant and presented to the Annual General Meeting. The auditor shall be appointed annually at each Annual General Meeting.

- 43.3 The Executive Committee through the Honorary Treasurer is responsible for the receipt and banking of all monies received by the Federation. All funds of the Federation shall be paid to a bank account(s) in the name of the Federation and the bank account(s) must be operated in accordance with the policy determined by the Executive Committee.

- 43.4 The Executive Committee must ensure correct records are kept. The accounting records of the Federation must be kept at the office of the Federation or at such place as the Executive Committee may determine and must be open to inspection by members at such reasonable times agreed by the Executive Committee.

#### **44. AMENDMENT AND ALTERATION**

- 44.1 This Constitution may be altered, added to or rescinded only by a Special Resolution passed at an Annual General Meeting in accordance with this Constitution.

- 44.2 No alteration, addition to or revision of this Constitution shall be approved if it affects the not for profit objects, personal benefit prohibition, or the winding up Articles in this Constitution.

#### **45. PROHIBITION ON PERSONAL BENEFITS AND CONFLICT OF INTEREST**

- 45.1 No member or person associated with the Federation or a Member may participate in or materially influence any decisions of the Federation in respect of the payment to or on behalf of that person or member of any income, benefit or advantage.
- 45.2 Any such income paid or benefit or advantage conferred must be reasonable and relative to that which would be received in an arm's length transaction (being the open market value).
- 45.3 Where there is a conflict of interest between a member and the Federation, the member must declare his interest and desist from participating in the decision-making related to the subject matter leading to the conflict of interest.

#### **46. REGULATIONS**

- 46.1 Subject to Article 46.2, the Executive Committee may make, repeal and amend such Regulations as it thinks appropriate to further the objectives of the Federation including Regulations on such other matters as it thinks fit.
- 46.2 The Executive Committee shall consult Regional Federations, and other members regarding any Regulation it proposes to promulgate that will affect them and provide them with a reasonable opportunity to consider, and have input into it, before it is finally determined by the Committee.
- 46.3 Any regulations, standing orders, by-laws or other rules of the Federation in force prior to the commencement of this constitution shall, upon the commencement of this Constitution, be deemed to be revoked and superseded by this Constitution and any Regulations made under this article by the Executive Committee.

#### **47. WINDING UP**

- 47.1 The Federation may be liquidated, wound up or dissolved if a Special Resolution is passed at an Annual General Meeting called for such purpose and such Resolution is confirmed by Special Resolution in a subsequent Annual General Meeting called for that purpose and held not earlier than 60 days after the date on which the first resolution was passed.
- 47.2 If upon the liquidation, winding up or dissolution of the Federation there remains after satisfaction of all its debts and liabilities any property whatsoever, that property shall not be paid to or distributed among the members of the Federation but shall be given or transferred to some other organization, or body having objects

similar to the objects of the Federation, or to some other sports organization with an interest in Athletics within Kenya.

#### **48. INDEMNITY**

The Federation shall indemnify its Executive Committee members, the Chief Administrative Officer and other officers and employees of the Federation against all damages, costs (including legal costs) for which any such person may be or becomes liable as a result of his or her acts and omissions in performing his or her functions connected with the Federation, except occurring as a result of negligence or wilful misconduct.

#### **49. INTERPRETATION**

##### **49.1 DEFINITIONS**

The words and phrases used in this Constitution shall mean as follows:

**AGM** means the Annual General Meeting of the Federation;

**ADAK** means Anti Doping Agency of Kenya;

**Articles** mean these Articles or this Constitution and "Article" has a corresponding meaning;

**Athlete** means any person who participates in the sport of athletics sanctioned by Athletics Kenya, directly or indirectly through its members, and/or who holds an Athletics Kenya licence number;

**Athletics** means track and field, road running, walking, cross-country running and mountain running including ultra running as defined by the IAAF;

**Athletes' Agent** means a person who represents an athlete as described in Article 8.1 and shall include known sub-agent or Manager;;

**Athlete Support Personnel** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;

**CAS** means the Court of Arbitration for Sport;

**CAA** means Confederation of African Athletics

**County** means a geographical unit provided for by Article 176 of the Constitution of Kenya 2010 as a unit of the devolved government;

**President** means the President of the Federation;

**Constitution** means this Constitution of the Federation;

**Competition** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;

**Country** means a self governing geographical area of the world recognized as defined by the IAAF Rules;

**Council** means council as described in this Constitution;

**Doping Control** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti Doping Rules and Regulations;

**Effective date** means the date when this Constitution is adopted by the existing Federation at the Annual General Meeting;

**Executive Committee** or **Executive** means the members of the Federation elected under Article 19 and includes the President, Senior Vice President, Vice Presidents and the other Executive members;

**Executive Member** means a member of the Executive;

**Federation** means Athletics Kenya;

**General Meeting** means an ANNUAL GENERAL MEETING or a SPECIAL GENERAL MEETING;

**IAAF** means International Association of Athletics Federation;

**IAAF Anti-Doping Rules and Regulations** means the rules and regulations regarding anti-doping as set out in the IAAF Rules; **IAAF Council** means the Council of the IAAF as described in the IAAF Constitution;

**IAAF Regulations** means the regulations of the IAAF as may be passed by the IAAF Council from time to time;

**IAAF Rules** means the competition rules of the IAAF as may be passed by the IAAF anti-doping rules and regulations;

**Ordinary Member** means a person who is a member of the Federation as described in Article 3.1d;

**Intellectual Property** means all rights or goodwill in copyright, names, trademarks (or signs) devices, logos, designs, patents or service marks relating to the Federation or any event, tournament or any competition or Athletics activity or programme of conducted, promoted or administered by the Federation;

**International Competition** means an international competition as defined in the IAAF Rules;

**International Level Athlete** means an athlete designated by the IAAF as being within its registered testing pool for doping purposes;

**IOC** means the International Olympic Committee;

**NOCK** means the National Olympic Committee of Kenya;

**Life Member** means a person who has been granted life membership of the Federation under article 3.1;

**Member** means and includes the members of the Federation as specified in Article 3;

**No Advance Notice** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;

**Ordinary Resolution** means a resolution passed by a majority of votes properly cast at a meeting;

**Out of Competition** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;

**A Person** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;



**Regional Federation** means a body in Kenya governing Athletics in a geographical region as described in article 3.1a;

**Regulations** means the regulations of the Federation established in accordance with Article 46 and amended from time to time by the Executive Committee;

**Secretary-General** means the Secretary-General of the Federation;

**SGM** means a Special General Meeting;

**Special Resolution** means a resolution passed by two thirds of the votes properly cast at a meeting;

**Sub-county** means a geographical unit within a County;

**Territory** means a geographical territory or region which is not a country as defined by the IAAF Rules;

**Test and Testing** for the purposes of Article 32 has the same meaning as given to it in the IAAF Anti-Doping Rules and Regulations;

**WADA** means the World Anti-Doping Agency;

**Ward** means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution and any other relevant law.

## 49.2 CONSTRUCTION

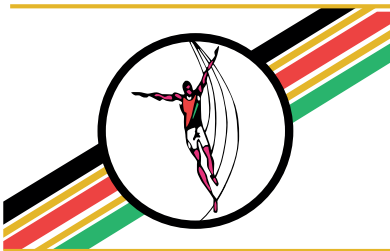
In this Constitution:

- a. Except otherwise stated, a gender includes all other genders;
- b. the singular includes the plural and vice-versa;
- c. any reference to legislation includes a modification or re-enactment of, legislation enacted in substitution of, or a regulation, order-in-council or other instrument from time to time issued or made under that legislation;
- d. any agreement includes that agreement as modified, supplemented, innovated or substituted from time to time;
- e. a reference to persons includes bodies corporate;

- f. a reference to a "day" means any day of the week and is not limited to working days, unless specified otherwise;
- g. a reference to a person includes the legal personal representatives, successors and permitted assigns of that person;
- h. headings and the contents page are for reference only and are to be ignored in construing this Constitution.

## Appendix 1

### a) The Flag of the Federation



**Note:**

All dimensions given do not necessarily represent any particular measurement and are merely promotional

### b) The Emblem of the Federation



**Note:**

All dimensions given do not necessarily represent any particular measurement and are merely promotional

## **Appendix 2**

### **a) Geographical Regions of Kenya**

The geographical regions of Kenya for the purposes of this Constitution and Article

3.1 (a) include the following:

1. Central comprising
  - (a) Nyandarua
  - (b) Nyeri
  - (c) Kirinyaga
  - (d) Muranga
  - (e) Kiambu
2. Coast comprising
  - (a) Kilifi
  - (b) Mombasa
  - (c) Kwale
  - (d) Taita Taveta
  - (e) Tana River
  - (f) Lamu
3. Eastern comprising
  - (a) Marsabit
  - (b) Isiolo
  - (c) Meru
  - (d) Tharaka
  - (e) Embu
4. Southern comprising
  - (a) Machakos
  - (b) Makueni
  - (c) Kitui
5. Nairobi
6. North Eastern comprising
  - (a) Mandera
  - (b) Wajir
  - (c) Garissa

7. Nyanza North comprising

- (a) Kisumu
- (b) Homa Bay
- (c) Siaya

8. Nyanza South comprising

- (a) Kisii
- (b) Migori
- (c) Nyamira

9. North Rift comprising

- (a) Turkana
- (b) Trans Nzoia
- (c) West Pokot
- (d) Samburu
- (e) Elgeyo Marakwet

10. Central Rift comprising

- (a) Uasin Gishu
- (b) Nandi
- (c) Baringo

11. South Rift comprising

- (a) Nakuru
- (b) Narok
- (c) Kericho
- (d) Bomet
- (e) Kajjado
- (f) Laikipia

12. Western comprising

- (a) Kakamega
- (b) Bungoma
- (c) Vihiga
- (d) Busia

b) Institutional members of the Federation

The Institutional members of the federation for the purposes of this Constitution and Article 3.1 (e) include the following

1. Kenya Defence Forces
2. Kenya National Police Service
3. Kenya Prisons Service
4. Kenyan Universities

**Amended by the Resolution of the Members made on  
27th day of April 2016**





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