

MAASAI MARA UNIVERSITY BENEVOLENT FUND

THE CONSTITUTION

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ARTICLE 1: NAME AND REGISTERED OFFICE

1. There shall be a fund called **MAASAI MARA UNIVERSITY BENEVOLENT FUND** (Herein referred to as **THE FUND**) which will act and function in accordance with this constitution.
2. The Registered Office of the Fund shall be at Maasai Mara University P. O. Box 861-20500 Narok, Kenya which shall be the place of meeting for conducting the business of the Fund.

ARTICLE 2: AIM AND OBJECTIVES

The aim of the Fund is to provide social security to staff members of Maasai Mara University. The specific objectives are as follows:

- a) To provide monetary support to members and immediate family during times of bereavement.
- b) To improve economic welfare of members by engaging in income generating activities.

ARTICLE 3: MEMBERSHIP

1. Membership is open to member's staff of Maasai Mara University.
2. Every member shall pay a monthly contribution of **Ksh. 300** through check off system and the same remitted to the Fund account not later than the 15th of every month.
3. Members monthly contribution shall be reviewed from time to time when deemed appropriate through an AGM
4. Members joining the fund shall be required to complete an application form to be submitted to the Secretary

ARTICLE 4: RIGHTS AND DUTIES OF MEMBERS

Subject to the provisions of this constitution, members shall have the following rights and duties within the Fund:

- a) To stand for elections to any elective office.
- b) To vote in any elections for any office.
- c) To take part in all activities of the Fund.
- d) To promote the aim and objectives of the Fund.
- e) To perform all duties lawfully required by members including the payment of Subscriptions

ARTICLE 5: TERMINATION OF MEMBERSHIP

1. Any member who ceases to be an employee of Maasai Mara University is deemed to have withdrawn from the Fund.
2. Any member deemed to have withdrawn from the Fund shall give six calendar months' notice addressed to the fund secretary and entitled to benefits as stipulated in Article 24.

ARTICLE 6: REGISTER OF MEMBERS

There shall be kept by the Fund's Management Committee a register which shall contain the following information:

- a) The Name, Postal, Personal and institutional email addresses
- b) The date on which each member was admitted to the membership of the Fund.
- c) The date on which any person ceased to be a member.
- d) Name and particulars of nominees.
- e) Details of any form of benefits from the Fund
- f) Names and details of beneficiaries

ARTICLE 7: REGISTER ACCOUNTS AND RECORDS

There shall be kept by the Fund's Management Committee accounts and records which shall contain the following information:

- a) Minute books giving details of proceedings of Management Committee, joint Management and Board of Trustees Committee, Board of Trustees Committee meetings and all other committee meetings.
- b) Minute book giving details of proceedings at the General Meetings.
- c) A cashbook showing the details of all monies received or paid out by the Fund.
- d) A general ledger containing such accounts as is necessary to reflect the business of the society.
- e) A personal ledger for each member showing his/her transactions with the Fund.
- g) A register of assets and property.
- h) A register of loans to members showing in respect of each loan; the loan number, name of the borrower, the amount borrowed, the purpose of the loan, the due date of repayments and the date repayments were completed.
- i) Such other books and records as the Management Committee may decide or prescribe
- j) Any other information as may be required by the Fund from time to time.

ARTICLE 8: INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

- a) All books of accounts and other records shall at all times be available for inspection by all members of the Management and Board of Trustee at the registered office of the Fund.
- b) A member of the Fund on giving seven (7) days' notice in writing to the secretary of the Fund shall be entitled to inspection. After the approval of the management committee.

ARTICLE 9: GENERAL MEETINGS

There shall be the following two (2) types of General Meetings of the Fund:

- a) The Annual General Meeting (A.G.M)
- b) The Special General Meeting (S.G.M)

1) The Annual General Meeting

- i. The Annual General Meeting shall be held in the month of September of every year. Notices of such a meeting shall be made public to all members not less than twenty one (21) days prior to the date of the meeting.
- ii. The Agenda of the Annual General Meeting Shall include:
 - Preliminaries
 - Reading and confirmation of previous AGM Minutes
 - Elections
 - Treasurers financial Report
 - Trustees' Annual Report
 - Auditor's report, which shall be made public to all members not less than fourteen (14) days before the date of the meeting.
 - Budget Approval
 - Amendment of the Constitution
 - Any other matter deem to be important to members
- iii. A half (50%) of the members of the Fund shall constitute a quorum.
- iv. Resolutions of the General Meeting shall be binding to all members.

2) Special General Meeting

- i. The Management Committee may call a Special General Meeting (SGM) should need arise by giving a fourteen (14) days' notice. This may include but not limited to: By-Election, Nomination of members to the Electoral Board.
- ii. Members may request in writing for an SGM, by written notification to the Secretary signed by not less than a third (1/3) of the members.
- iii. The management committee shall be obliged to call for an SGM within fourteen (14) days.

- iv. May be convened by the board of trustees subject to Article 20, f.
- v. No matter, other than that stated in the request, shall be discussed in such a meeting.
- vi. A third (1/3) of the members of the Fund shall constitute a quorum.

ARTICLE 10: PROCEDURE FOR MEETINGS

1. At all meetings of the Fund the Chairperson or in his/her absence the Deputy Chairperson or in the absence of both officers, a member selected by the meeting shall take the Chair
2. The Chair may at his discretion limit the number of persons permitted to speak in favor of and against any motion.
3. Any decision of general meeting shall be passed through voting by show of hand or by a simple majority apart from elections. In case of any disputes secret ballot shall apply to make a decision.

ARTICLE 11: EXECUTIVE COMMITTEE

- a) The Executive Committee shall be composed of three officials namely: Chairperson, Secretary and Treasurer
- b) The Executive Committee members shall come from Universities Academic Staff Union (**UASU**), Kenya Universities Staff Union (**KUSU**) and Kenya Union of Domestic, Hotel, Educational Institutions, Hospitals, and Allied Workers (**KUDHEIHIA**) in the ratio of 1:1:1.
- c) The executive committee shall be responsible for the day to day running of the Fund.
- d) The executive shall form the Official Secretariat of the Fund Account
- e) The executive committee shall be entitled to sitting allowance of one meeting per month and a maximum of six (6) sittings allowance per year
- f) The officials shall be elected for a term of three (3) years and shall be eligible for re-election.
- g) The quorum for meetings of the committee shall be at least two members.

ARTICLE 12: MANAGEMENT COMMITTEE

- a) The Management Committee shall be the governing body of the Fund elected from the general membership and shall consist of 6 members.
- b) It shall include the Chairperson, Deputy Chairperson, Treasurer, Secretary, Deputy Secretary and the Organizing Secretary, all of whom shall be elected by the members of the Fund during an AGM.
- c) The Management Committee members shall come from UASU, KUSU and KUDHEIHIA in the ratio of 2:2:2.
- d) The management committee shall consist of all the office bearers of the fund elected at the Annual General Meeting.

- e) The management committee shall be entitled to sitting allowance of one meeting per month and a maximum of six (6) sittings allowance per year
- f) The officials shall be elected for a term of THREE (3) years and shall be eligible for re-election.
- g) Any vacancies for members of the committee shall be filled through a by-election.
- h) The committee shall be responsible for the management of the Fund.
- i) All money disbursed on behalf of the fund shall be authorized by the Fund.
- j) The quorum for meetings of the committee shall be two-thirds of all members.

ARTICLE 13: DUTIES AND POWERS OF THE EXECUTIVE COMMITTEE

It shall perform the following functions:

- a) Act upon all applications for membership.
- b) Process benefits of members during times of bereavement as per Article 20.
- c) Ensure that true and accurate records and accounts of the Fund's money, properties, capital reserves, liabilities, income and expenditure are kept and maintained.

ARTICLE 14: DUTIES AND POWERS OF THE MANAGEMENT COMMITTEE

The Management Committee of the Fund shall subject to any directions from the General Meeting generally direct the affairs of the Fund. It shall perform the following functions:

- a) Prepare and develop long term management plans and budgets for presentation at the General Meeting.
- b) Propose to the General Meeting the amount and kind of surety bond, or other security, which shall be given to the member of the committee or employee having custody of or handling funds or property of the Fund.
- c) Cause the audited accounts to be displayed in a conspicuous place at its registered office and branches at least two weeks before presentation of accounts to its members at the general meeting.
- d) Lay before the General Meeting audited accounts, together with proposal for the disposal or net surplus, if any.
- e) Recommend to the General Meeting the dividend rate to be paid on amounts paid by members.

ARTICLE 15: SUSPENSION FROM MANAGEMENT COMMITTEE

The management committee member may be suspended for the following reasons:

- a) If charged in a court of law with an offence involving fraud or dishonesty pending the determination of the matter.
- b) For failure to disclose vested interest and any other good cause subject to ratification by General Meeting.
- c) Contravene Chapter 6 of the Kenya's Constitution on Leadership and Integrity.

- d) Any loss incurred due to their negligence in performing their duties. This shall include refund of the loss and prosecution in a court of Law.
- e) On suspension shall be subject to Article 25 (ii) on penalties

ARTICLE 16: REMOVAL FROM MANAGEMENT COMMITTEE

- a) Any office bearer who ceases to be a member of the fund shall automatically cease to be an office bearer thereof.
- b) Office bearers may be removed from the office by members through an annual general meeting or a special general meeting
- c) Any member of the Management Committee who fails to attend four consecutive meetings without a reasonable cause shall cease to be a member of the Committee
- d) Any management committee member may resign from his/her office provided that he/she:-
 - i. Gives two months' notice in writing to the Chairman
 - ii. He/she hands over to the secretary all documents relating to his/her office and subject to verification by the committee
 - iii. In case of resignation by the Chairman he/she shall give two months' notice in writing to the Chair person, Board of trustees.

ARTICLE 17: DUTIES OF THE OFFICE BEARERS

1) Chairperson

- i. Shall preside over all meetings of the Management and all General meetings;
- ii. Shall have the overall responsibility for the smooth running of the Fund.

2) Deputy-Chairperson

- i. He or she shall perform all the duties of the Chairman in his/her absence.

3) Secretary

- i. Shall issue notice convening all meetings of the Management Committee, and General Meetings, record minutes and distribute minutes of such meetings.
- ii. Maintain and be custodian of all records and correspondence of the Fund.
- iii. In case of urgent matters and the Management Committee cannot be consulted, he shall consult the Chairman. The decision reached shall be subject to ratification or otherwise at the next meeting.

4) Deputy Secretary

He/she shall perform all duties of the Secretary in his/her absence.

5) Treasurer

- i. Shall be mandatory signatory to all financial transactions,
- ii. Shall bank all monies belonging to the Fund and keep all necessary banking documents on behalf of the Fund.
- iii. Ensure that a proper record is kept of all monies received and paid out by the Fund, its assets, liabilities, capital reserve and its income and expenses;
- iv. Ensure the safekeeping of the society money, securities and books of accounts;
- v. Ensure that all payments and expenditures are dully authorized;
- vi. Ensure that within ten days after the closure of each month, a financial statement showing the condition of the society's finances at the end of the preceding month is prepared and submitted to the Management Committee for discussion;
- vii. Ensure compliance with all directions of the Management committee;
- viii. Cause to be presented a statement of the ensuing month's cash flow;
- ix. Ensure sufficient funds are available for borrowing by members;
- x. Shall be responsible for the Management Committee and the members in ensuring that all proper books of accounts of all monies received by the Fund are available for inspection;
- xi. Perform such other duties as may be directed by the Management Committee.

6) Organizing Secretary

- i. Shall ensure that all notices are communicated and relayed to members.
- ii. Planning and organizing for the venue of the meeting
- iii. Preparing the proposed budget for approval by the management committee for general meetings.
- iv. Shall be responsible for the coordination of all the Funds events.

ARTICLE 18: ELECTION PROCEDURE

- i. Elections shall be managed by an Electoral Board to be formed 21 days before the AGM on which the elections are held.
- ii. The members of the Electoral Board shall consist of three (3) nominated members drawn from UASU, KUSU and KUDHEHIA in the ratio of 1:1:1, who shall not be office bearers of the said UNIONS.
- iii. They shall select among themselves the Chair who shall perform the role of returning officer and assign the other members appropriate electoral duties.

- iv. The board shall formulate nomination rules and regulations on proposers, seconders and returning of nomination forms.
- v. The board shall prepare a budget for conducting elections and submit to the management committee for approval.
- vi. Elections shall be conducted through secret ballot.
- vii. The Electoral Board shall be entitled to sitting allowance of **Ksh. 2000** per meeting for a maximum of four meetings

ARTICLE 19: BOARD OF TRUSTEES

1. The members of the Board of Trustees shall consist of three (3) elected members drawn from UASU, KUSU and KUDHEHIA in the ratio of 1:1:1: elected in the A. G. M. alongside the other officials for a three (3) year period.
2. They will be eligible for re-election
3. The Board of Trustees shall be entitled to one sitting allowance after every three months and generate quarterly reports to be presented to management committee and general meetings where necessary.

ARTICLE 20: DUTIES OF BOARD OF TRUSTEES

The duties of the Board of Trustees shall include:

- a) Counterchecking, the effectiveness of the society's internal control systems through:-
 - i. Carrying out investigations as may be necessary for the wellbeing of society and members in general and verifying the accuracy of the transactions of the society.
 - ii. Checking if cash and bank accounts are reconciled in good time.
 - iii. Establishing whether the management of the society use managerial tools i.e. budgets, trial balances, economic reports, long term plans and others and thereafter making necessary recommendations to the management committee.
- b) Preparations of periodic reports of its findings and present them to the Management Committee during joint committee meetings and prepare reports for presentation to the General Meetings respectively.
- c) All immovable and movable assets of the Fund shall be vested in the board who shall manage and have control over them.
- d) Submission of its quarterly reports to the management and annual reports to members during the AGM
- e) The Trustees shall select amongst themselves, Chairperson, Secretary.
- f) The Trustees shall exercise powers in guiding the Management Committee but shall have no power to interfere in the discussions of the Management Committee. However, should it appear to them that at any time that the interest of the Fund or vested property justify such a course on their part, they may direct the Management Committee to convene a Special General Meeting of the members of the Fund and should the latter fail to do so within a period of fourteen days (14) from such a direction, they may

themselves convene such a meeting by giving fourteen days' (14) notice to the members by any three (3) of them signing and specifying the subject of the meeting.

- g) In absence of the management committee the Board of Trustees shall hold the office on interim.
- h) The Trustees shall be held liable for any loss incurred due to their negligence in performing their duties.

ARTICLE 21: REMOVAL OF BOARD OF TRUSTEES

1. Any member who cannot attend three (3) consecutive meetings without any justifiable reasons shall cease to be a member.
2. A General meeting shall have the powers to remove any of the trustee and all vacancies occurring by removal, resignation or death, shall be filled at the same meeting or the next General Meeting.

ARTICLE 22: ADMINISTRATION OF THE FUND

1. There shall be an Executive and Management Committee to administer the Fund.
2. The Fund shall be financed by Members' monthly contributions and any other source of income.
3. The bereaved shall be required to report the case to the Secretary of the Committee which shall convene a meeting immediately to consider the case.
4. Any official of the Fund shall be entitled to sitting allowance of Ksh. 2,000 as specified in relevant articles. The amount can be revised in an AGM.
5. The Banker (s) of the Fund shall be a reputable banking Institution (s) approved at the Annual General Meeting (A.G.M.) from time to time. A Current and Savings account shall be opened.
6. The following shall form the official signatories of the Fund's Accounts.
 1. Chairperson
 2. Secretary
 3. Treasurer

Signatures of any two officials inclusive of the Treasurer shall render any transaction acted upon valid.

7. The income generating activities shall be approved by members in an AGM.
8. The net surplus resulting from income generating activities of the Fund during any financial year shall be transferred to the gratuity service scheme

ARTICLE 23: AUDITORS

1. An Auditor who is not a member of the Maasai Mara University staff establishment shall be appointed every year in an Annual General Meeting.
2. The Auditor shall examine such Annual Accounts and Statements to give a report to the management within fourteen days of receipts of the documents.
3. An Auditor shall be paid an honorarium of not more than **Ksh.50, 000** which can be reviewed from time to time in the AGM.
4. The financial year of the Fund shall be from 1st July to 30th June.

ARTICLE 24: BENEFITS

A. BENEFICIARIES OF THE BENEVOLENT FUND

The beneficiaries of the Fund shall be:

The Contributor, the Contributor's Spouse, the Contributor's Biological/Legal Children to a maximum of five (5) children, and the Contributor's Parents/Guardians as will be specifically declared in the application form. The Contributor shall reserve the right to vary the contents of the application form to provide for changed circumstances.

C. MODE OF PAYMENT

The Fund shall give financial benefits as follows:

DETAILS	AMMOUNT IN Ksh.
In the event of the Contributor's death	60,000/=
Death of the Contributor's Spouse	40,000/=
Death of the Contributor's child maximum of five (5)	30,000/=
Death of the Contributor's Parents/Guardians	30,000/=

D. GRATUITY SAVINGS SCHEME

- i. The Fund shall have a contributory Gratuity Savings Scheme
- ii. The scheme shall be compulsory to all members of the Fund
- iii. **Fifty Kenya Shillings (Ksh. 50)** per month and **Dividend** declared every year for each member shall be deposited on this scheme/ account.
- iv. The contributions shall be subject to revision at the AGM from time to time
- v. A profit earning Account shall be opened for purpose of this scheme.

E. TERMINAL BENEFITS

- i. Members who resign/retire/dismissed or die from service of Maasai Mara University shall be entitled to: **100% of Gratuity Savings Scheme and 60% of their Fund contributions, times the number of months the member has been in service, plus the dividend declared every year for the number of years in service.**
- ii. The above rates shall be subject to revision at the AGM from time to time.

ARTICLE 25: PENALTIES

- i. Burial documents should be submitted to the Fund immediately after burial and in any case not later than one month thereafter. Any member who fails to submit these documents within the required period shall have the full amount recovered from his/her salary.
- ii. Any member who attempts to or defrauds the Fund shall be subject to the following penalties:-
 - a) All the money paid to the member shall be recovered immediately in full plus a surcharge of 10% of the total amount paid.
 - b) In case of any investigations the member shall pay the full cost of the investigations subject to a minimum cost of Ksh. 20,000/=.
 - c) Depending on the outcome of the investigations, the said member may be expelled from the Fund and his/her employer informed accordingly for any further disciplinary action.

ARTICLE 26: RULES AND REGULATIONS

The Management Committee may from time to time make rules and regulations consistent with this constitution which may be published together with this constitution for the interest and welfare of the members.

ARTICLE 27: DISSOLUTION

1. The Society shall not be dissolved except by a resolution passed at the Annual General Meeting (intended for that purpose). The resolution can only be passed by two thirds vote of all members. The resolutions shall be voted through secret ballots. The quorum at the meeting shall be at least two thirds (2/3) of the members.

ARTICLE 28: AMENDMENTS OF THE CONSTITUTION

1. Amendments to the Funds Constitution shall be approved by at least two thirds (2/3) majority of the members at an Annual General Meeting.