



**CONSTRUCTION & REAL ESTATE  
STUDENTS ASSOCIATION**

**The Constitution of CRESA**

**2018**

# *The Constitution of CRESA, 2018*

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## *The Constitution of CRESA, 2018*

### **Preamble**

We, the students of University of Nairobi, Department of Real Estate and Construction Management desiring to constitute ourselves as an Association, do hereby establish and adopt this Constitution as the supreme law of the Association and binding to all members of the Association.

### **Mission**

To ensure that members become well nurtured and all-rounded professionals with a vast knowledge of the Construction and Real Estate Industry through mentorship, internships, attachments, industrial and site visits and socio-cultural activities.

### **Vision**

To become the most vibrant and all-inclusive Construction and Real Estate students' association in Africa.

## **Part I: Name, Status and Objectives**

### Article 1: Name

The name of the organization shall be **Construction and Real Estate Students Association (CRESA)**, herein referred to as **the Association**.

### Article 2: Status

- The status of the association is a students' association that pulls a pool of students from different levels of study in the Department of Real Estate and Construction Management, University of Nairobi.
- The association is a non-sectarian, non-political and non-profit making students association.
- The organization is independent and non-subordinate to any political entity; it reserves the right to make statements on all issues affecting the students.
- In this constitution, unless the context requires otherwise, non-political shall be taken to refer to not taking sides in any election that is not its own.

### Article 3: Objectives

The objectives of the association shall be:

- To appropriately care for members' academic and social welfare.
- To represent members' interest at the departmental, school and college meetings as the case may be.
- To link members with professional bodies in the country, such as IQSK, ISK, AAK, ICPMK, RICS, ACMK and any other relevant bodies and facilitate registration with such bodies.
- To work in close solidarity with relevant government institutions, private firms and non – governmental organizations.
- To provide necessary assistance to the community on socio – cultural matters and on other appropriate and relevant issues, particularly those that involve the built environment.
- To engage in noble causes and charitable activities for the purposes of achieving the objectives of CRESA.

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### Article 4: Interpretation

In this Constitution, unless the context requires otherwise:-

“*Bona fide* member” means and includes only the paid up members

“CRESA” shall refer to Construction and Real Estate Students Association

“Constitution” shall refer to the Constitution of CRESA unless otherwise stated.

“President” shall refer to the chairperson of the executive council of the Association unless otherwise stated.

“Negotiable instruments” means any documents guaranteeing the payment of money either on demand or at a set time. This includes cheques, bills of exchange and/or promissory notes.

## **Part II: Membership**

### Article 5: Membership of the Association

The Construction and Real Estate Student's Association shall consist of 3 categories of membership, viz.

- Ordinary membership
- Associate membership
- Honorary membership

#### 1. Ordinary membership

Ordinary membership shall be open to any diploma and/or undergraduate student in the University of Nairobi who have been duly admitted to the department of real estate and construction management.

An ordinary member shall pay a non-refundable fee of five hundred shillings (Kshs. 500), and thereafter an annual subscription fee of one hundred shillings (Kshs. 100), or any such amount as may be proposed from time to time by the executive council and subsequently approved by two thirds of the members during a special or annual general meeting.

#### 2. Associate membership

Associate membership shall be open to any graduate and/or postgraduate student duly admitted to the department of real estate and construction management, University of Nairobi and other institutions of higher learning.

An associate member shall pay a non-refundable fee of one thousand shillings (Kshs. 1000), and thereafter an annual subscription fee of two hundred and fifty shillings (Kshs. 250), or any such amount as may be proposed from time to time by the executive council and subsequently approved by two thirds of the members during a special or annual general meeting.

#### 3. Honorary membership

The Association may, by a resolution passed by two thirds of the members of the executive council, invite any person(s) who has shown interest in the Association and/or rendered valuable service or contribution to the Association, to become an honorary member of the Association.

An honorary member shall serve for a term of 3 years, renewable upon satisfactory performance and proposal by the executive council and subsequent approval by two thirds of the members.



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## Article 6: Rights, Privileges and Duties of members

Every member shall solemnly abide themselves by the letter and spirit of this Constitution.

### 1. Ordinary Members

- i. Subject to **Article 18** of this Constitution, an ordinary member may seek election to any office or position established by this Constitution and shall be entitled to vote at CRESA elections.
- ii. An ordinary member has the right to write to the Administration Secretary requesting for the Annual General Meeting.
- iii. An ordinary member shall have the right to express ideas, opinions, suggestions, compliments and complaints in a lawful manner at any general meeting.
- iv. An ordinary member shall have the right to access all relevant information relating to affairs of the Association including books and records of accounts, audit reports and minutes of meetings in so far as it shall be reasonable upon submitting a letter to the executive council.
- v. An ordinary member shall have the right to take part in all legal, valid and legitimate activities organized and run by the Association for its members.
- vi. Ordinary members are expected to attend all general meetings.

### 2. Associate Members

- i. An associate member shall be entitled to attend and express ideas, opinions, suggestions and complaints at any general meeting of the Association.
- ii. An associate member shall only be entitled to vote or seek election to any office established under this Constitution upon unanimous approval at the general meeting.
- iii. An associate member shall not constitute a quorum.
- iv. Any associate member shall have the right to access all relevant information relating to affairs of the association including books and records of accounts, audit reports and minutes of meetings as far as it shall be reasonable upon submitting a written request to the executive council.
- v. An associate member shall be entitled to take part in all legal, valid and legitimate activities organized and run by the association for its members

### 3. Honorary Members

- i. Honorary members shall be entitled to attend and express ideas, opinions, suggestions and complaints at any general meeting of the Association in a lawful manner.
- ii. An honorary member shall only be entitled to vote or seek election to any office established under this Constitution upon unanimous approval at the general meeting.
- iii. An honorary member shall not constitute a quorum.
- iv. Any honorary member shall have the right to access all relevant information relating to affairs of the association including books and records of accounts,

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- audit reports and minutes of meetings as far as it shall be reasonable upon submitting a written request to the executive council.
- v. An honorary member shall be entitled to take part in all legal, valid and legitimate activities organized and run by the association for its members.

### Article 7: Cessation of Membership

- a) Membership shall cease where an ordinary or associate member or honorary member as the case may be, upon:-
  - i. Resignation through a written letter addressed to the Registrar.
  - ii. Completion of studies at the University, or voluntarily as in the case of honorary members.
  - iii. Expulsion from the Association upon the recommendation of the disciplinary committee and subject to approval by two thirds of the General Council. Such a member shall be expelled on grounds that his/her conduct has adversely affected the reputation of the Association or has contravened any of the provisions of this Constitution.
  - iv. Failure to pay the annual membership subscription fee.
  - v. Discontinuation of studies for any reason including mental infirmity.
  - vi. Disqualification by any written law, or where their continued membership is deemed to be detrimental to the Association.
- b) Any person who resigns or is removed from the association shall not be entitled to a refund of his/her subscription fee or any part thereof or any other monies contributed by him/her at any time.
- c) Any person who ceases to be a member through, resignation, expulsion or premature termination of studies(save of sickness)or any reason whatsoever shall be deemed to have forfeited his/her right as a member.

### Article 8: Appeal to cessation

Any member who is dissatisfied with the decision of expulsion or disqualification from the association, made by the disciplinary committee and/ or the executive council, may appeal to the executive council in writing within (14) days of such decision being made.

### Article 9: Discipline and Suspension of Members

Every member shall respect the Association and shall ensure that his/her conduct does not adversely affect the reputation or dignity of CRESA or the university.

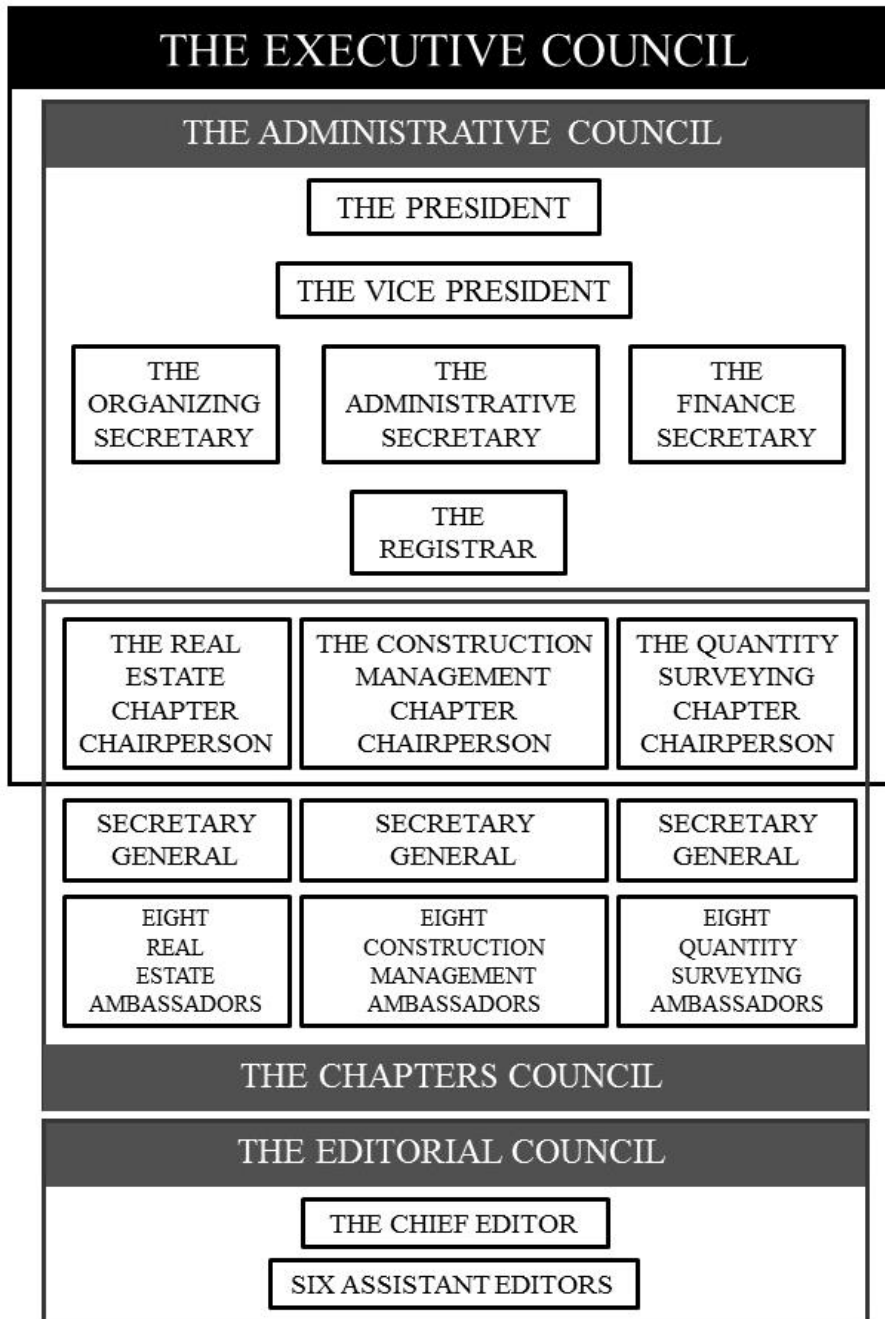
- a) Any member whose conduct is adverse to shall be liable to disciplinary action and shall be summoned by the disciplinary committee.
- b) Any member may be suspended from the association upon recommendation by the Disciplinary Committee established under this Constitution, for a duration deemed just and reasonable.

**PROVIDED** that a member whose suspension is proposed shall have the right to a fair hearing, including the right to appear, address, submit, call witnesses or any other conduct consistent with the rules of natural justice and an in accordance with the spirit of this Constitution.

**Part III: Leadership Structure**

Article 10: Leadership Structure

	<p style="text-align: center;"><b>LEADERSHIP STRUCTURE</b> Vibrant &amp; all inclusive</p>
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### Article 11: The Executive Council

#### Establishment

- a) There shall be an executive council of CRESA, hereinafter referred to as “executive council”.
- b) Subject to the provisions of this Constitution, the Executive Council shall be the chief administrative and managerial organ of CRESA.

#### Composition

The Executive Council shall consist of:

- i. President
  - ii. Vice- President
  - iii. Administrative secretary
  - iv. Finance secretary
  - v. Organizing secretary
  - vi. Registrar
  - vii. Chapter Chairperson (Real Estate)
  - viii. Chapter Chairperson (Quantity Surveying)
  - ix. Chapter Chairperson ( Construction Management)
- c. All office bearers shall be ordinary members of the association and shall hold office from the date of election until the succeeding elections subject to article of this constitution.
  - d. A member of the Executive Council shall cease to hold office if he/she ceases to be a member of the CRESA.
  - e. Any vacancy created following the expulsion of a member of the Association shall be filled by election of the office.

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## Article 12: Powers, responsibilities and functions of the Executive Council

### 1. President.

There shall be a President of the Association and the Executive Council.

The President shall have authority and responsibilities as provided in this Constitution, and in particular:

- i. Shall summon and unless incapacitated by reason of illness or any other sufficient cause chair all the meetings of the Association in accordance with this Constitution.
- ii. Shall coordinate all the official undertakings of the Association
- iii. In consultation with the executive council he/she shall form any other committee as may be necessary and delegate duties to the members in the frame of policies of the Association.
- iv. Shall represent the Association in all meetings involving the Association.
- v. Shall be a mandatory signatory to all the Association's cheques and other negotiable instruments.
- vi. Shall have the powers to convene the Executive Council for meetings.
- vii. Shall sign the confirmed minutes of the Executive council and CRESA meetings.
- viii. Shall articulate the policies of CRESA and provide exemplary leadership.
- ix. Subject to this Constitution, perform duties delegated to them by the Executive Council.

### 2. Vice-President.

There shall be a vice-president of the Association

The vice-president shall:

- i. Deputize the President in the execution of the President's functions and perform the functions conferred by this Constitution and any other functions of the President as the President may assign.
- ii. In the absence of the President, he/she shall assume the roles and responsibilities of the President this constitution and act as such with his/her authority
- iii. Shall represent the President in Chapter Council meetings.
- iv. Shall be a member of the disciplinary committee.
- v. In the absence of any Executive Council member, he/she shall perform the duties of that member/office until the absent official can resume their duties.
- vi. Subject to this Constitution, perform duties delegated to them by the Executive Council or the President.

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### 3. Administration Secretary

There shall be an Administration Secretary of CRESA

The Administration Secretary shall have authority and responsibility as provided in this Constitution and as delegated to him/her by the Executive Council and in particular:

- i. Shall conduct all general correspondence of CRESA within and outside the University under the general supervision of the Executive Council.
- ii. Shall take, keep and maintain, true and accurate records and minutes of the meetings of the Executive Council, annual general meetings, special general meetings and any emergency meeting.
- iii. Shall coordinate the activities of the executive council.
- iv. In case of the absence of the Chairman and the Vice-Chairman, he/she shall chair the association meetings.
- v. Shall be a co-signatory of all CRESA cheques and other negotiable instruments.
- vi. Shall sign the confirmed minutes of the Executive Council and association meetings.
- vii. Shall give annual reports in general meetings.
- viii. In liaison with the Finance Secretary, shall be in charge of registration of members.
- ix. Subject to this Constitution, keep all records and documents of the Association including keeping files, registers and minutes of CRESA.
- x. Subject to this Constitution perform duties as delegated to them by the Executive Council.

### 4. Finance Secretary

There shall be a Finance Secretary of CRESA.

The Finance Secretary shall have authority and responsibility as provided in this Constitution and in particular:

- i. Shall be in charge of accounts opened by the Association and shall be a mandatory signatory to the account.
- ii. Shall be in charge of all the finances of the association.
- iii. Shall receive and disburse, under the direction of the Executive Council all monies belonging to the association.
- iv. Shall keep and maintain books and records of accounts including requisitions, receipts and vouchers.
- v. In liaison with the Administration Secretary, shall be in charge of registration of members.
- vi. Shall prepare annual finance reports of the Association and liaise with the Internal Auditor during the period of audit.

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### 5. Organizing Secretary

There shall be an Organizing Secretary who shall perform the following functions:

- i. Shall oversee all the Association's activities.
- ii. Shall convene all the Association meetings.
- iii. Shall in liaison with the Finance committee source avenues of mobilizing funds for association.

### 6. Registrar

There shall be a Registrar who shall perform the following functions:

- i. Shall coordinate the registration of members to the association
- ii. Shall ensure the maintenance, update and accuracy of the database of members of the association.
- iii. Shall ensure that all registered members are issued with a membership certificate.
- iv. Shall relay information concerning association activities to all members.
- v. Upon request should be able to provide an updated list of members in good standing.
- vi. In liaison with Chapter Chairpersons shall facilitate registration to other affiliate professional bodies.

### 7. Chapter Chairperson

There shall be a Chapter Chairperson for each chapter who shall perform the following functions:

- i. Shall represent their respective members in the Executive Council.
- ii. Shall be the chair of the respective Chapter Council.
- iii. Shall liaise with the Organizing Secretary in organizing academic activities of the Association.
- iv. Shall deal with all the correspondence between the Executive Council and the members.
- v. Shall help in securing internships and attachment placements for members in good standing.
- vi. Shall strengthen the relationship between professional bodies and members of the Association.
- vii. Shall organize talks and student seminars.
- viii. Shall liaise with respective departments to organize site visits.
- ix. Shall seek financial support that sustains its activities and CRESA in general.
- x. Shall call for applications for the positions of the Chapter Council one week after handover. The application window shall remain open for two weeks after which the Chapter Chairperson shall move to appoint members for the positions not applied for subject to approval of the Executive Council.

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### Article 13: Chapter Council

- a) The Chapter Council shall constitute the following:
  - i Chapter Chairperson who shall chair the council
  - ii Secretary General who shall coordinate council activities
  - iii Ambassadors who shall represent the members of their respective years of study in the council. Each year shall have two ambassadors; one male and one female.
- b) The members of the Chapter Council with the exemption of the Chapter Chairperson shall be appointed by the Chapter Chairperson with the approval of the Executive Council.
- c) The functions of the Chapter Council shall be as follows:
  - i Shall deliberate on all issues affecting the Chapter
  - ii Shall organize activities specific to the Chapter
  - iii Shall be part of the General Council of the association
- d) The Secretary General shall attend Executive Council meetings as an ex-officio member.

### Article 14: Editorial Council

- a) The Editorial Council shall constitute of:
  - i Chief Editor; appointed by the President with approval of the Executive Council
  - ii Assistant Editors who shall not be more than six with at least one representative from each Chapter. Assistant Editors shall be appointed by the Chief Editor.
- b) The functions of the Editorial Council shall be as follows:
  - i To publish the activities of the association in posters, newsletters, the association website, social media platforms or any other relevant and consistent channel.
  - ii To actively contribute to the publications of affiliate bodies.
  - iii Shall be in charge of managing the association website and social media platforms.
- c) The Chief Editor shall attend Executive Council meetings as an ex-officio member.

### Article 15: Vacation from Office

- a) For Chapter Council members:
  - i. The Chapter Chairperson shall issue a notice in writing to the Chapter Council member which should be complied with within a period of a week.
  - ii. After failure to comply with the first notice, the Chapter Chairperson shall issue a second notice in writing to that member which should also be complied within a week.
  - iii. After failure to comply with the second notice, the Chapter Council member shall be relieved of their duties by the Chapter Chairperson subject to approval by the Executive Council.
- b) For Executive Council members:
  - i. A member shall file for removal of an Executive Council member to the Administrative Secretary which shall be tabled to the General Council.
  - ii. An Executive Council member shall be removed by an approval of two-thirds of the General Council members.



**Part IV: Patronage**

Article 16: Patrons

- a) The patrons shall be three members of the academic staff one from Bachelor of Quantity Surveying, Bachelor of Construction Management and Bachelor of Real Estate/Land Economics.
- b) In liaison with the department, the Executive Council shall appoint the patrons of the Association.
- c) Their duties shall be to advise the Executive Council and help mobilize/ solicit funds for the organization's activities.
- d) The patrons shall be guests during all events of the organization whose speech shall be mandatory and shall have the privilege of inviting two other guests to any such occasions.

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### **Part V: Elections**

#### Article 17: Electoral Board

There shall be an independent Electoral Board to conduct and supervise CRESA elections.

- a) The electoral body shall consist of five members.
  - Returning Officer
  - Four Commissioners
- b) There shall be a call for applications for the post of Returning Officers and Commissioners three weeks before the election date. The applications shall be submitted to the Administration Secretary and given to the Executive Council for vetting and appointment.
- c) The Electoral Board shall begin working officially two weeks prior to the election
- d) The Electoral Board shall be mandated to undertake the activities related, or incidental, to CRESA's election.

This include:

- i To receive nomination papers of the various candidates
  - ii To set a reasonable nomination fee for all aspirants subject to approval by the Executive Council
  - iii To vet the various candidates
  - iv To conduct the elections of the association.
  - v To publish the notice for elections
  - vi To print nomination and ballot papers
  - vii To receive and determine election petitions.
- e) On the first day in office, the Electoral Body shall publish a notice for elections which shall indicate the election date, nomination date, positions to be vied for and the rules applicable to the elections.
  - f) The Electoral Board shall have discretionary powers to make other rules and/or procedures that in its wisdom may effectuate the electoral process; this may include authenticating bona fide voter's for example by marking and examining the voter's roll, demanding the membership card or any other necessary method.
  - g) The Electoral Board shall stand to be dissolved 7 days after the date of elections.

#### Article 18: Nomination Procedure

- a) Nomination papers shall be picked from the Association office at least seven (7) days prior to the election date.
- b) Nomination for any post of the Executive Council shall be signed by the candidate, the candidate's proposer and three members from each course and each year of study making a minimum of 14 signatures.
- c) Submission of duly signed nomination papers shall be at least seven (7) days prior to the election date.
- d) The Returning Officer shall announce within five (5) days of the election date and cause to be prominently published immediately thereafter the successfully nominated candidates.
- e) A candidate validly nominated may withdraw his/her candidature by a written notice signed by the candidate and attested by at least two witnesses, and delivered personally to

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the Returning Officer. The Electoral Board shall stipulate the deadline for withdrawal of candidature.

Article 19: Elections

- a) Elections shall be held annually two weeks to the commencement date of the main examination of the second semester.
- b) The Executive Council shall be dissolved by the President through a motion two weeks after the elections results are announced.
- c) If the President fails to dissolve the Executive Council, the Executive Council shall stand dissolved within two (2) days after the date on which it should have passed a motion of dissolution.
- d) After the announcement of the election results there shall be a two-week handover period during which, there shall be:
  - A change of signatories for all accounts.
  - Submission of handover reports, records and the database of the association to the newly elected Executive Council.
  - Drafting of the calendar of events.
- e) For the positions of the President, Vice-President and Administrative Secretary the aspirants shall be expected to be in teams which must have one representative from each course under the association and must observe the two-third gender rule.
- f) Elections for the following positions of the Executive Council shall be occupied on a cyclic rotational basis.

Below is an illustration of the cyclic rotation of the positions.

<b>POSITIONS</b>	<b>YEAR 1</b>	<b>YEAR 2</b>	<b>YEAR 3</b>
FINANCE SECRETARY	Quantity Surveying	Construction Management	Real Estate
ORGANIZING SECRETARY	Real Estate	Quantity Surveying	Construction Management
REGISTRAR	Construction Management	Real Estate	Quantity Surveying

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### Article 20: Qualifications for Candidates

- a) All candidates for CRESA elections shall be paid up ordinary members of CRESA
- b) A candidate contesting for the position of President of the Association must have served as an ordinary member for at least one (1) year.
- c) Any student who will not be available to serve for the entire term of office shall not contest for any position. A candidate must be a student of the University for at least the next twelve (12) months from the day of elections.
- d) No candidate shall contest for more than one elective position in the same election.
- e) All candidates must be of good conduct, and any candidate that is in suspension or has been subjected to any disciplinary sanctions by the University or the Association, will be automatically disqualified from contesting.

### Article 21: Voting Procedure

- a) CRESA elections shall be by secret ballot, simple majority system and on the principle of one member one vote.
- b) Notice of elections shall be published by the Returning Officer and posted on as many notice boards as possible within the reach of members.
- c) The notice shall state the posts, the date, the place and time of elections and shall call for nominations.
- d) For purposes of identification, students shall be required to produce a valid student identity card and membership card.
- e) All ballot papers shall be have serial numbers and shall be coloured.
- f) The counting process shall be presided over by the returning officer in the presence of contestants' agents.
- g) The tallying process shall be presided over by the Electoral Board.
- h) The candidate who gets a simple majority shall be declared the winner.
- i) Where there shall be no contest in any post a candidate may be elected in a subsequent meeting by acclamation.
- j) In case of a tie in any post such elections shall be held afresh (*de novo*) until a candidate obtains a simple majority.
- k) Any decision as to what shall be registered as a spoilt vote shall be taken by the Returning Officer whose decision shall be final.
- l) The Returning Officer shall announce and cause to be prominently published immediately thereafter the result of the elections.
- m) The Returning Officer may order a recount of votes if a candidate or an agent of a candidate is not satisfied or in the case of a tie.
- n) The electoral body shall have discretionary powers to make other rules or procedures that in may its wisdom effectuate the electoral process; this may include authenticating bona fide voter's e.g. by marking and examining the voter's roll, demanding the membership card

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### Article 22: Election Petitions

- a) A petition may be lodged by a candidate or any member of CRESA on any of the following grounds.
  - whenever such a candidate or member has reason to believe or has evidence that there has been a contravention of any election procedure or rule during the elections
  - whenever there is an allegation of bribing of voters, intimidation and/or harassment of voters and/or candidates
  - whenever there is an allegation that a candidate has otherwise breached this Constitution
- b) A petition must be lodged to the Electoral Board not later than twenty four (24) hours after the elections.
- c) The Electoral Board shall determine such petition within 48 hours of receipt of petition.
- d) The Electoral Board shall determine petitions expeditiously, but not more than seven (7) days.
- e) The hearing of the petition shall be *inter parties* (all parties present) save where a party fails to attend without any reasonable excuse, in which case an *ex parte* (one party present) hearing may be held.

### Article 23: By elections

- a) A by election shall be held whenever an office or position falls vacant by reason of:
  - a successful petition
  - cessation of studentship through expulsion from, or discontinuation by the University
  - death or physical or mental infirmity
  - vote of no confidence by the Executive Council
  - resignation or suspension from the Association
- b) The by election shall take place within fourteen (14) days of the office or the position falling vacant and shall follow the same procedure as provided for in Part V of this Constitution.

**PROVIDED** that no by election shall be held at most three (3) months to the general elections.

**PROVIDED** further that where the seat of an Executive member falls vacant, the remaining members of the Executive Council shall appoint another Executive member in an acting capacity for the vacant seat, subject to the approval of two thirds of the members.

## **Part VI: Finances**

### **Article 24: Revenue**

The association shall source its revenue from lawful sources including;

- a) Registration fees
- b) Annual renewal fees
- c) Fund raising
- d) Income from any form of investment or business premises approved by the department.
- e) Donations
- c) Allocations from the University of Nairobi
- d) Grants
- e) Any other lawful means

### **Article 25: Expenditure**

- a) The expenditure of the Association shall be approved by the Executive Council through a simple majority system.
- b) The expenditures of the Association shall be utilized on the interest of the Association and towards achieving the stated objectives.

### **Article 26: Financial Year**

The financial year of the Association shall run from when a duly elected Executive Council assumes office to when it hands over to the next Executive Council.

### **Article 27: Annual Accounts**

- a) The Finance Secretary shall prepare annual accounts and present them to the Executive Council for discussion.
- b) Any transaction must bear the name of the Finance Secretary and either the President or the Administration Secretary or both.
- c) The Executive Council shall be responsible for any kind of misappropriation of funds.
- d) Any member shall have access to information regarding the annual accounts subject to the provision of Article 5 of this Constitution.

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### Article 28: Audit and Audit Reports

- a) The auditor shall be appointed by the Executive Council.
- b) No auditor shall be an office bearer or a member of the Executive Council of the association.
- c) The audit report shall be prepared annually as per the financial year of the association
- d) The auditor shall have access to the association's books of accounts at any time for purposes of inspection.
- e) The auditor shall inspect such annual accounts and statements and report if they are correct, duly vouched and in accordance with the law, or if they are incorrect, unduly vouched and not in accordance with the law.

## **Part VII: Rules and Regulations Governing the Organization Conduct and Discipline**

### Article 29: Preliminary

These regulations come into effect and shall be binding upon registration of a member to the association.

### Article 30: General Conduct of Members

- a) Every member shall refrain from any conduct that might bring the association and any committee and activity thereof to disrepute or public odium.
- b) Every member shall represent the rights and privileges of the association at all times.
- c) All members shall refrain from any conduct whose object or logical consequences are to disrupt operations of the association.
- d) Except for good cause, a member shall attend general meetings, briefings and other schedules as may be reached by the association.
- e) Every member shall refrain from making inflammatory and inciting statements based on misinformation of the workings of the association that may association that may jeopardize the smooth running of the association's programs and activities.

### Article 31: Conduct of Office Bearers

- a) The Executive Council shall be accountable for any misuse of funds as may be the audited financial reports.
- b) The Office Bearers shall comply with all regulations governing their line of duties and any other regulation(s) binding members for efficient execution of specific duties.
- c) Any political views, opinions, actions or utterances so issued by any office bearer without due consultation shall be viewed as personal and not binding to the association.
- d) The Office Bearers shall adhere to administrative procedures and structures established by the association for control, management and operations of the association.
- e) The Office Bearers shall remain bound to the general conducts as stipulated in **Article 29**.
- f) The Office Bearers shall not use either directly or indirectly the resources, assets, property or facilities of the association for personal gain or non-official purposes.



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### Article 32: Disciplinary Offences

- a) Any infringement, infraction or persistent disregard or contempt of any **Articles 29** and **30** above shall constitute disciplinary offences for which disciplinary action will be taken against a member or official in accordance with the relevant clause.
- b) Without prejudice to provision in (a) above, the following conducts shall constitute specific disciplinary offences under these regulations:
  - i. Boycott of scheduled meeting, and assault or issuance of threats to other members or officials pertaining to the affairs of the association.
  - ii. Any form of organized distraction of members and their affairs in any manner whatsoever.
  - iii. Any attempt, scheme or strategy of whatever nature whose object or logical consequence is to disrupt the due operations of the association.
  - iv. Impersonation
- c) With reference to (a) above, the association shall act as a corporate disciplinary authority and may in this capacity:
  - i. Vary or add to the list of disciplinary offences specified in (b) above, subject to the approval of two-thirds of members.
  - ii. Set or come up with any other measures necessary to the proper operation of disciplinary procedures set herein.

## **Part VIII: Meetings**

### Article 33: Classes of Meetings

There shall be two classes of meetings of CRESA:

1. Council meetings:
  - i. *Executive Council meeting*; once a week
  - ii. *Chapter Council meeting*; once a week
  - iii. *General Council meeting*; once a month
2. General meetings:
  - i. *The Annual General Meeting* herein referred to as AGM
  - ii. *The Special General Meeting* herein referred to as SGM

### Article 34: Annual General Meeting (AGM)

- a) The Annual General Meeting shall be held not later than twelve (12) months following the last AGM.
- b) The notice for an AGM shall be communicated to the members through the communication channels of the association not less than two weeks before the date of the meeting.
- c) The annual reports and the accounts set out in **Article 26** of the Constitution shall be tabled at the AGM and shall be open for inspection by members.
- d) The AGM shall remain the supreme decision making organ of the association.
- e) The agenda of any AGM shall consist of the following:
  - i. Confirmation of minutes of the previous AGM
  - ii. Tabling of annual reports and accounts by the following:
    - The President
    - The Chapter Chairperson
    - The Finance Secretary
    - The Registrar
  - iii. Consideration and adoption of annual reports and accounts
  - iv. Such other matters as the Executive Council may decide or as to which notice shall have been given by a member or members to the Administrative Secretary at the last two weeks before the date of the meeting.
  - v. Any other business proposed with the approval of the Chairperson.
- f) Any members present at the AGM shall constitute a quorum.
- g) Resolution in the AGM shall be by simple majority unless otherwise specified in the Constitution.

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### Article 35: Special General Meetings (SGM)

- a) There shall be an SGM convened by the President upon:
  - i. A successful petition by a member through the Administration Secretary as may be reasonable.
  - ii. Such considerations as may be taken by the Executive Council as appropriate.
- b) The SGM shall be convened for such specific purpose and in line with (a) above.
- c) The specific purpose for which the SGM is called shall be the only agenda and a notice addressing such shall be made public to the members not less than seven days before the date of such meetings.
- d) Resolution in SGM shall be by simple majority of those in attendance.
- e) The members present shall constitute a quorum.

## **Part IX: Committees**

### Article 36: Committees

- a) The Executive Council may establish any committee whose objectives will be in accordance to the stated objectives of the association or as may be necessitated by a specific situation.
- b) This Constitution establishes the following committees:
  - Finance Committee
  - Disciplinary Committee

#### 1. Finance Committee

- i. The Executive Council shall be the Finance Committee
- ii. Shall be in charge of resource mobilization.
- iii. Shall monitor the use of association finances.

#### 2. Disciplinary Committee

The committee shall be composed of:

- The President
  - The Organizing Secretary
  - The Registrar
  - The Chapter Chairpersons
- i Shall determine and solve disciplinary cases.
  - ii Shall recommend appropriate action to be taken to the Executive Council and the members.
  - iii The Registrar shall be the secretary to the Disciplinary Committee
  - iv The committee shall be conveyed when circumstances arise necessitating its constitution.

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### **Part X: Amendments**

#### Article 37: Amendments

- a) Any member of the Association may propose an amendment to this Constitution by bringing to the General Council for debate a motion to amend this Constitution.
- b) The meeting to discuss an amendment(s) shall have quorum of two-thirds (2/3) of the members.
- c) Any amendment to this Constitution shall be effected when approved by at least two-thirds (2/3) of the CRESA members.

## **Part XI: Transition and Miscellaneous**

### Article 38: Dissolution

- a) The association shall not be dissolved except by a resolution passed in a general meeting of members by a vote of two-thirds of the members of the association. Notice of such a meeting shall be displayed on all notice boards within reach of members at least fourteen days before the date of that meeting.
- b) Provided that no dissolution shall take effect without prior permission in writing of the Administrative Secretary obtained upon application to him/her in writing and signed by three of the Executive Council Members.
- c) When the dissolution of the association has been approved by the Administrative Secretary, no further action shall be taken by the Council or any Office Bearer of the association other than to liquidate all the assets of the association; the balance thereof shall be distributed in such a manner as may be resolved by the meeting at which the resolution for dissolution is passed.

### Article 39: Declaration

Following the multiplicity of laws, each radically different from the other, the Executive Council unanimously resolved to oversee the amendment and consolidation of these documents into one.

The Executive Council comprised: Ali Ngugi Bakari (President), Patrick Inzei (Vice President), Laura Cheron (Administrative Secretary), Scholastica Wanjiru (Organizing Secretary), Karendi Winjoy (Finance Secretary), Sharleen Nthiga (Registrar), Beth Muoki (Real Estate Chapter Chairperson), John Muthoka (Construction Management Chapter Chairperson) and Ernest Nyakundi (Quantity Surveying Chapter Chairperson).

To oversee the amendment and consolidation process, the Executive Council appointed a Committee of Experts. This comprised: Brenda Chepkonga (Chairperson of the Committee), Isaac Mbugua (Real Estate Representative), David Mutito (Construction Management Representative), Ruth Kihoro (Quantity Surveying Representative) and Denis Kamau (Law Student)

Following the amendment and consolidation, this Constitution is the Constitution of Construction and Real Estate Students Association (CRESA) and shall have the force of law throughout the Association. Any law that is inconsistent with this Constitution is null and void to the extent of inconsistency.

### Article 40: Transitional Provisions

- a) This Constitution shall come into effect once it has been approved by the Executive Council of CRESA.
- b) Upon enactment of this Constitution, the Constitution of the Association (revised in 2017) shall immediately cease to apply.