



AFRICAN TRIATHLON UNION CONSTITUTION

August 2015

1/33

African Triathlon Constitution
Approved and Adopted Congress 2015

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PREAMBLE

- 1) The name of the Association is: “African Triathlon Union”
- 2) African Triathlon Union is the only African governing body for the sport of Triathlon, Paratriathlon and its Related Multisports in Africa.
- 3) African Triathlon Union is a non-profit-making organization with full legal capacity and does not pursue any objective for its own gains. All African Countries involved in the sport of triathlon shall be entitled to be members provided they fulfill all membership requirements.
- 4) In this Constitution,
 - Words importing the masculine gender shall include the feminine gender, as the Case may be, and vice-versa.
 - References to persons shall include firms and corporations, and the singular includes the plural and vice-versa.
 - All bodies and positions with a capital are those bodies and positions of African Triathlon Union, e.g. Executive Board means African Triathlon Executive Board or President means African Triathlon Union President.

HEADQUARTERS

The Headquarters of the African Triathlon Union, shall be determined by the AGM from time to time.

OFFICIAL LANGUAGE

The official language of the African Triathlon Union, shall be English. The second language shall be French.

DEFINITIONS

In this Constitution, except where incompatible with the context, the following terms shall have the meaning indicated:-

“Affiliated member”	“A person or body which is affiliated with African Triathlon Union by direct affiliation to a Member.
“Attendees”	The persons who shall attend meetings of Congress as Specified in Art 21.
“Auditors”	The firm or persons appointed by Congress to undertake annual and other independent audits.
“Ballot”	A secret vote in which members select a candidate in an election, or express their opinion about something.
“Codes”	A set of rules about how people should behave or about how something must be done
“Committee”	A group of people elected by Congress
“Congress”	The annual or extra-ordinary meeting of Members of ATU
“Delegate”	A person representing a Member in Congress
“Election Congress”	The Congress meeting held every four (4) years, at which elections
“Electronic voting”	Voting electronically during Congress under Art 29.
“Eligible”	Has the meaning given to it in Art 34
“Executive Board”	The decision-making body described in Art 32.
“Executive Board members”	Any member of the Executive Board including the President, Vice-Presidents, ordinary Executive Board members.
“Extraordinary Congress”	A meeting of Congress held in accordance with Art 23.
“Good Standing”	Has the meaning described in Art 17.
“Honorary President”	A person elected as such by Congress in accordance with the Constitution.

“Honorary member”	A person elected by Congress in accordance with this
“Intellectual Property”	All rights and goodwill in copyright works, names, trademarks, service marks, devices, logos, designs, patents, processes and confidential information relating to African Triathlon or to any event, competition, activity or programme conducted, promoted or administered by or on behalf of the African Triathlon.
“ATU”	The African Triathlon Union
“ITU”	The International Triathlon Union.
“Members”	The National Federations which have been admitted to membership of African Triathlon Union, also known as Member National Federations.
“Membership”	Being a Member of the African Triathlon Union.
“Membership Fee”	The annual membership fee payable by each Member to the African Triathlon.
“National Federation”	Shall mean the sole governing body for the sport of triathlon in a sovereign state, to which an athlete or club from that state is affiliated for the purposes of national and international competitions and other administrative purposes.
“National Federation official”	Any person who is elected or appointed to a position in which they represent a Member National Federation.
“Official”	Any person who is elected or appointed to a position in African Triathlon Union.
“Observers”	The persons who are entitled to attend meetings of Congress as observers.
“Ordinary Congress”	The meeting of Congress which is held every year and includes an Election Congress every four (4) year
“Paratriathlon”	A Triathlon for athletes with varying degrees of physical impairment.
“President”	The President of African Triathlon Union elected.
“Proxy vote”	A vote cast by a representative of the person or body entitled to vote in that person or body’s absence.

“Related Multisports”	Sports that consist of three (3) continuous parts at least two (2) of which are a swim, a cycle and a run.
“Relevant Authority”	Any public authority which is authorised to take any decision under the appropriate regulation.
“Regulations”	Rules made by African Triathlon Union in order to control the way something is done or the way people behave
“Rules”	Rules made by the Executive Board within its powers and responsibilities as set out herein.
“Rules for Congress”	Rules which set out the procedures for meetings of Congress. To the extent of any inconsistency between the Rules for Congress and this Constitution, this Constitution will prevail
“Simple Majority”	More than 50% of the votes cast by those present and entitled to vote
“Special Majority”	More than two-thirds (2/3rds) of the votes cast by those present and entitled to vote.
“Triathlon”	A sport that consists of three (3) successive parts: a swim, a cycle, and a run.
“Vice-Presidents”	The Vice-Presidents of African Triathlon Union elected, who shall include the First Vice-President and Second Vice President.
“Vote”	A vote cast by those present and entitled to vote
“Votes”	all votes cast by those present and entitled to vote including those for and against, abstentions and invalid votes.
“WADA”	The World Anti-Doping Agency.
“World Anti-Doping Code”	The World Anti-Doping Code adopted by WADA.
“Strategic Plan”	The plan for the development of the sports of Triathlon, Paratriathlon and Multisports throughout the African Continent.
“CAS”	The Court of Arbitration for Sport

CHAPTER1

MISSION AND OBJECTIVES

Art 1. Identity

- 1.1. The African Triathlon Union is the legal governing body of Triathlon in Africa, with an independent legal Capacity.

Art 2. Mission

- 2.1. The Mission of the African Triathlon Union, is to promote the sports of Triathlon, Paratriathlon and their Related Multisports throughout the African Continent, and to lead and provide governance of these sports Africa Wide.

Art 3. Objects

- 3.1. To promote and generally advance the sports of Triathlon, Paratriathlon and its Related Multisports African-wide and act as their Continental governing body.
- 3.2. To maintain affiliation to the ATU, and to support the aims, ideals and principles of the Olympic and Paralympic movements and to ensure the continued inclusion of Triathlon and Paratriathlon on the respective programs of the ITU.
- 3.3. To enact and enforce Rules governing Triathlon, Paratriathlon and it's Related Multisports and to ensure in all competitions, whether sanctioned by the African Triathlon Union, a National Federation that such rules shall be applied in accordance with their terms.
- 3.4. To supervise the strict application of the Constitution, Rules, Regulations, Codes and Operations Manual.
- 3.5. To aid the interests and well-being of the Members, and to supervise and enforce their obligations.
- 3.6. To assist the Members to work towards and receive recognition by their National Olympic Committee and National Paralympic Committees and other National Sports Confederations/Councils.

- 3.7.** To strive to ensure that no gender, ethnic, religious, political or other kind of unfair discrimination exists or is allowed to develop in Triathlon, Paratriathlon and its Related Multisports in any form, and that all may participate regardless of their gender, race, religious or political views or any other factor.
- 3.8.** To foster and develop links with other Continental Confederations, National Governments, Relevant Authority and Non-Governmental Organisations in order to promote the interests of sport in general, and Triathlon, Paratriathlon and its Related Multisports in particular, at all levels throughout Africa.
- 3.9.** To promote fair play in sport. In particular, to play a leading role in the fight against doping and manipulation against sport competitions both within Triathlon and its Related Multisports and externally in the wider sporting community and to strictly adopt and enforce the World Anti-Doping Agency's rules, Olympic Movement Code on the Prevention of the Manipulation.
- 3.10.** To develop sponsorship and marketing opportunities and commercial arrangements in relation to African Triathlon Union's intellectual property, as are appropriate with the purpose of creating a sustainable income stream to further its mission and objects.
- 3.11.** To undertake and/or do all such things or activities as are necessary, incidental or conducive to the advancement of its mission and objects.

Art 4. Powers & Authority

- 4.1.** All National Federations recognise African Triathlon Union as the sole authority and governing body for Triathlon, Paratriathlon and its Related Multisports in Africa. The National Federations agree not to become Members or recognise or otherwise support any other Continental organisation with a similar purpose except those recognised by African and World Triathlon Unions.
- 4.2.** African Triathlon Union, the National Federations recognise that each National Federation is the sole authority (besides the African Triathlon itself) for African Triathlon disciplines in the Country where it is located.

- 4.3.** The National Federations agree to comply with, and be bound by, the Constitution, Rules, Regulations, Codes, Sport and Event Rules and any Decision issued by the authorised bodies of African Triathlon in relation to the conduct of African Triathlon, Paratriathlon and its Related Multisports events, all of which shall also bind organising committees, officials, persons responsible, athletes, team officials and other individuals and bodies involved in Events. In addition, by virtue of accepting an accreditation to an Event, such person agrees to be bound by the Rules, Regulations and Codes.

Chapter2

MEMBERSHIP

Art 5. Members

- 5.1.** The Members of African Triathlon are the Member National Federations.
- 5.2.** The Member National Federations are the Members of African Triathlon Union , subject to Art 13 (Suspension of Membership and other sanctions) and Art 14 (Expulsion from Membership).

Art 6. Associate members

- 6.1.** Associate membership of African Triathlon is open to:
- a. Provisional member National Federations granted by the Executive Board
 - b. Other bodies recognised by Congress.

Art 7. Affiliated member

- 7.1.** Any Ligue (sub-national federation), club, organisation (LOC), athlete, coach, agent, staff, technical official and other official, affiliated with or licensed by Member National Federations are affiliated or licensed to African Triathlon union and must always respect the Constitution as well as the Rules, Regulations and Codes.

Art 8. Admission as a Member

8.1. Be a national governing body for the sport of Triathlon, Paratriathlon and its Related Multisports in any territory with a recognised National Olympic Committee.

8.2. There shall only be one (1) Member National Federation from any one country under Art 7.1.

8.3. An application by a national governing body seeking Membership shall be made in accordance with the admission procedures set out in Art 7.

8.4. To be considered for Membership, an applicant seeking admission as a Member shall demonstrate to the Executive Board's satisfaction that:

- A. it is recognised as the national governing body for the sport of Triathlon, Paratriathlon and its Related Multisports in its territory under Art 7.1;
- B. it is a separate legal registered body and/or can satisfy African Triathlon Union that it has the legal and administrative ability to administer the sport to an acceptable standard in good governance;
- C. it is financially solvent;
- D. it recognises the Court of Arbitration for Sport, as specified in this Constitution;
- E. such other requirements as set out in this Constitution.
- F. submit its constitution and activity report

8.5. The Executive Board has the power to decide, in its discretion, by Special Majority, whether to admit a national governing body to be an Associate member of the African Triathlon Union on a provisional basis.

8.6. Provisional Associate membership of any national federation granted by the Executive Board shall be put to the next Congress meeting for recognition of permanent Membership (Member) or otherwise.

8.7. Once admitted, a Member (National Federation) is a Member for indefinite duration, unless it withdraws its Membership or is suspended or expelled from Membership in accordance with this Constitution.

8.8. A Full Membership can be granted to Members affiliated to ITU and Members non-affiliated to ITU, in case of the compliance to African Triathlon Union Constitution, paying affiliation fees annually, Submitting activity report, in addition to fulfilling all Membership requirements under Art 7 and Art 8.

Art 9. National Federation Constitution

9.1. Each National Federation Constitution must comply with the principles of good governance and shall in particular contain, at a minimum, provisions to:

- a. be neutral in matters of politics, gender and religion;
- b. prohibit all forms of discrimination;
- c. be independent and avoid any form of political interference;
- d. democratically elect or appoint its officers and executive body;
- e. ensure that judicial bodies are independent (separation of powers);
- f. respect the principles of loyalty, integrity, sportsmanship and fair play as well as the Constitution, Rules, Regulations, Codes and decisions of African Triathlon Union and of the respective Continental Confederation;
- g. ensure appropriate regulation of matters relating to refereeing, the fight against doping, the imposition of disciplinary measures, including for ethical misconduct, and measures required to protect the integrity of competitions;
- h. n. submit annual financial and activity reports to African Triathlon Union yearly, before the convention of the GA by three month, which shall include, but not limited to, the following information:
 - 1) a list of its Officers;
 - 2) annual statistics about active membership (clubs, athletes, coaches, officials, etc.);
 - 3) major championships and events to be held during the coming year including date and location;
 - 4) a copy of the most recent financial statements;
 - 5) (mail address, email address, telephone, website, etc..)

Art 10. Rights of Members

- 10.1.** Subject to this Constitution each Member has the right to:
- a. appoint Delegates to attend, speak and vote at meetings of Congress accordance with this Constitution;
 - b. submit resolutions for inclusion in the agenda of Congress, within the time frame.
 - c. submit nominations for the election of President, Vice-Presidents, Ordinary Executive Board members, Committee members, and other Officials;
 - d. receive circulars and other official information as specified in the Rules and Regulations;
 - e. enter athletes in African Triathlon Union Competitions in accordance with the relevant competition rules;
 - f. take part in and benefit from African Triathlon's assistance, development and educational programmes, organised directly or in cooperation with ITU.
 - g. share such other rights and privileges as set out in this Constitution and the Rules and Regulations.

Art 11. Obligations of Members

- 11.1.** In accordance with this Constitution, the Rules and the Regulations, each Member shall:
- A. Govern, promote and develop Triathlon, Paratriathlon and their Related Multisports, in the Member's Country in accordance with the Mission under Art 10 and Objects under Art 2 of the Constitution;
 - B. Comply with this Constitution and all Rules, Regulations, Codes and in particular shall:
 - (1) Supply information to African Triathlon Union, as specified in the Constitution, Rules, Regulations and Codes or as otherwise requested in writing;
 - (2) Continue to meet all the requirements for admission to Membership set out in Art 7;
 - (3) Adopt a constitution, rules and regulations which comply with, and are consistent with, this Constitution and the Rules, Regulations and Codes;
 - (4) Submit a report and financial statements annually to African Triathlon in accordance with this Constitution;

(5) Cooperating with the Continental Confederation ATU , in accordance with the constitution, rules and regulations and;

(6) Pay any Membership Fee, by the due date.

(7) Submission of annual activity report.

11.2. In the event of any inconsistency between the constitution, rules, regulations and codes of a Member or the ITU and the Constitution, Rules, Regulations and Codes, the the provisions of this Constitution, or relevant Rules, Regulations and Codes of the African Triathlon will prevail, for its independent legal identity.

Art 12. Membership Fee

12.1. Members shall pay any Membership Fee(s) set by Congress by the due date, being the 1st of January.

12.2. A Member may be suspended or expelled from Membership in accordance with this Constitution if any Membership Fees or other fees or payments to African Triathlon Union are due and outstanding for more than thirty (30) days after the due date, or any later date, approved by the Congress upon application by the Member.

Art 13. Withdrawal of Membership

12.1. A Member that is not in default of any payments as specified in Art 11 may withdraw its Membership of the African Triathlon Union by giving not less than six (6) months written notice to African Triathlon Union.

Art 14. Suspension of Membership

14.1. Provisional Suspension by the African Triathlon Union Executive Board:

A. The African Triathlon Executive Board may provisionally suspend a Member for a period specified in article b if, in the opinion of the African

Triathlon Union Executive Board, the Member:

- (1) Is in breach of any one or more of its obligations under Art 10 (Obligations of Members) including its failure to pay the Membership Fee or any other fees or payments due and owing as provided by Art 11;
 - (2) Is otherwise in breach of any other article in this Constitution or any Rule, Regulation, Code or a decision of Congress;
 - (3) Acts in a manner which is contrary to any of the Purposes of African Triathlon Union, or the government of the territory that the Member represents;
 - (4) Ceases to meet one or more of the admission requirements set out in Art 7;
 - (5) In Case of violating the ATU Constitution or, rule.
- ii. The suspension extends to the non-payment of the annual fees (which may be lifted by the Executive Board within maximum two years, when the member National Federation is once again in good financial standing with ATU)
- ii. The suspension also entails the non-submission of the annual activity report
- B. The period of a provisional suspension imposed by the African Triathlon Union Executive Board under article 13 a shall be:
- (1) a fixed period decided by the African Triathlon Union Executive Board, provided that the period is no longer than the period to the next Congress; or
 - (2) an indefinite period depends on the extent of violation of terms and conditions imposed by the African Triathlon Union, provided that the period is no longer than the period to the next Congress.

14.2 Suspension by Congress

Congress may suspend a Member's Membership for a period specified if:

- a. Executive Board recommends such suspension
- b. Congress considers, that any one or more of the grounds set out in Art 13.1.a apply;
- c. any terms or conditions imposed by African Triathlon Executive Board under Art 13.1
- d. any sanctions imposed under Art 13.1.c are not fulfilled by the Member, to the satisfaction of Congress.

- 14.3.** The period of a suspension imposed by Congress may be a fixed period, or an indefinite period subject to the satisfaction of any terms and conditions imposed by Congress.
- 14.4.** Before Congress suspends a Member, the Executive Board shall:
- a. notify the Member in writing of the proposal to suspend it from Membership including the reasons for such proposal; and
 - b. give the Member at least thirty (30) days to respond to the proposal to suspend it; and
 - c. give the Member the right to be heard at Congress.
- 14.5.** The suspension (including provisional suspension) of a Member and any sanctions against, any Member imposed by Congress, shall be promptly notified by the Secretary General to all Members.
- 14.6.** Nothing in this Art 13 limits or waives any other powers of Congress under this Constitution nor any powers of the African Triathlon Executive Board to impose sanctions in accordance with this Constitution.

Art 15. Expulsion from Membership

- 15.1.** Congress may expel any Member, if:
- A. the Member has been suspended under Art 13.1 , and the matters giving rise to the suspension have not been addressed to the satisfaction of Congress; or
 - B. the Member's breaches of the provisions of Art 13.1.a have seriously impacted or may seriously impact on the reputation of African Triathlon Union or Triathlon, Paratriathlon and its Related Multisports or have been carried out repeatedly or persistently by a Member.
- 15.2.** The process for Congress to expel a Member shall be the same as that required for suspension as set out in Art 13.
- 15.3.** The expulsion of any Member shall be promptly notified by the Secretary General to all Member.

Art 16. Consequences of Withdrawal, Suspension or Expulsion of Membership

16.1 Where any Member has ceased to be a Member (withdrawal or expulsion) or been suspended (provisionally or otherwise), the following shall apply:

A. The Member concerned shall:

- (1) Cease to be a member or shall be suspended from its respective Continental Confederation parallel with its position in World Triathlon; ART15.1.(1) of ITU constitution should be applied on the ATU constitution
 - (2) Not in any way hold itself out as a Member of African Triathlon Union.
 - (3) Forfeit all claims on African Triathlon Union;
 - (4) Not use any African Triathlon Union property, including its Intellectual Property;and
 - (5) Not be entitled to any rights, entitlements, or privileges to which it would otherwise have been entitled including representation and/or participation in any competition, activity, event, function or meeting of African Triathlon Union including Congress;
- B. No athlete, athlete support personnel or other person who is affiliated, or under the jurisdiction, of the Member may represent, enter, compete, participate or otherwise be involved in any capacity on behalf of that Member, in any competition, activity, event, function or meeting of the African Triathlon Union, unless specified otherwise in the Rules,

Art 17. Good Standing

Members shall be in Good Standing with African Triathlon Union.

CHAPTER 3 ORGANISATION

Organisation

Art 18. Organization

The organisation of African Triathlon Union is the following:

- A. Congress
- B. Executive Board
- C. Committees:
 - 1) Athletes' Committee
 - 2) Legal & Constitution Committee
 - 3) Medical and Anti-doping Committee
 - 4) Multisports Committee
 - 5) National Coaches Committee
 - 6) Paratriathlon Committee
 - 7) Technical Committee
 - 8) (8)Women's Committee

Art 19. Congress

19.1. Role

The Congress is the general assembly of the Members and the highest authority of African Triathlon Union.

19.2. Composition:

- A. Members in a good standing, fulfilling all member's obligations under Art 10 may take part in Congress;
- B. Members shall be represented in Congress by Delegate(s);
- C. Only Members in Good Standing may vote.
- D. Annual General Meetings, Electoral General Meetings and Extra-Ordinary General Meetings, to be attended only by Members in a good standing, complying with ATU rules, abiding by submitting yearly activity report and paying affiliation fees in due

Art 20. Delegates

20.1. A Member shall be represented by one delegate

20.2. A Delegate may represent only one (1) Member.

20.3. Members must submit the names of their Delegates in writing to the Secretary General prior to the commencement of the Congress meeting.

20.4. Each Delegate shall be:

- A. Of the nationality of, or have a permanent residence in the territory of their respective Member;
- B. A member of their respective Member;
- C. Elected or appointed to be Delegate by the executive body of the Member in accordance with its constitution.

Art 21. Attendees and Observers

Attendees

21.1. In addition to the Delegates, the following persons shall attend meetings of Congress as Attendees:

- A. Members of the Executive Board;
- B. Chairperson or acting chairperson of Committees
- C. African Triathlon Union staff as determined by the Executive Board

Observers

21.2. In addition, the following persons are invited to attend Congress as Observers:

- A. Members of the Committees;
- B. Honorary Presidents and Honorary members;
- C. Nominees for election;
- D. External Financial Auditors;
- E. Other persons authorised by the Executive Board.

21.3. Observers shall only have the right to speak at meetings of Congress if approved by the chairperson of the Congress meeting and shall have no right to vote.

Art 22. Meetings of Congress

22.1. The Congress is organised annually, preferably in conjunction with the Triathlon African Championships.

22.2. The Executive Board shall be entitled to specify the date, time and place of the Congress in accordance with Art 24;

22.3. The procedure for meetings of Congress shall be as specified in this Constitution and interpreted in accordance with Rules of Congress Procedure.

Art 23. Powers of Congress

23.1. The Congress has the powers set out in this Constitution, and in particular the powers to:

- a. admit, suspend, expel, caution, censure Members;
- b. amend this Constitution, by a two-thirds majority of the Members present and having the right to Vote at the Congress.
- c. elect the President, Vice-Presidents, ordinary Executive Board Members and Committee members;
- d. appoint the Auditors, on the recommendation of the Executive Board;
- e. adopt the budget for the following year and vote on the acceptance of the financial statements of the previous fiscal year after receiving the report of the Auditors and the Audit Committee;
- f. approve and amend the aims of African Triathlon Union and decides all matters of common interest to the sport;
- g. receive and approve the annual report of the Executive Board;
- h. receive annual reports from the other Committees.
- i. grant the titles of Honorary President, Honorary Members and Medals of Honour, on the recommendation of the Executive Board;
- j. dissolve the African Triathlon Union as mentioned in this constitution.

Art 24. Notice of Annual Congress

24.1. The Secretary General or the HQ office shall give at least sixty (60) days before each annual Congress a written notice to all Members, exclusive of the day on which the notice is served or deemed to be served, and of the day for which it is given.

24.2. This notice shall specify:

- A. The date, time and venue of the annual Congress;
- B. The date and time by which notification of the Delegates of the Members for the annual Congress meeting shall be received by the Secretary General or HQ office;
- C. If Elections are planned in the Agenda, the positions to be elected and the date and time by which nomination forms, with their personal records and goals of the candidates for election shall be received by the Secretary General or HQ office within seven (7) days of the time of sending the invitation
- D. The date and time by which any proposed resolutions and other items of business of Congress are to be submitted to the Secretary General or HQ office, (being no less

than forty (40) days prior to the annual Congress)

Art 25. Agenda

25.1. The Agenda and relevant documentation shall be sent to the Members by the Secretary General or HQ office, electronically.

25.3. Agenda Annual Congress

- A. An Agenda containing the business to be discussed at an annual Congress
- B. shall be sent by Secretary General or HQ office to the Members no later than thirty (30) days before the date of the annual Congress meeting.
- C. The business on the Agenda shall include the following:

- 1. Roll-call of NFs
- 2. Admission of new member NFs
- 3. Appointment of three (3) scrutinizers
- 4. Appointment of three (3) tellers
- 5. Minutes of the last Congress 2019
- 6. President's Report
- 7. Financial Report
- 8. Auditor appointment
- 9. Technical Director Report
- 10. Resolutions from the Executive Board
- 11. Reports from Committees and Commissions
- 12. Resolutions from member NFs
- 13. Old Business
- 14. New Business
- 15. Next AGM Host
- 16. Adjournment

Art 26. Extraordinary Congress: Call, Notice and Agenda

26.1. Call

A. The Secretary General shall call an Extraordinary Congress meeting, to take place within sixty (60) days of receipt of a written request from:

- 1) President or the Executive Board
- 2) 2/3 of the Members

B. A request to call an Extraordinary Congress, shall state:

- 1) the specific purpose for which the Extraordinary Congress is being called;

and

- 2) the specific resolution(s) on which the Members are requested to vote.

26.2. Notice

Within thirty (30) days of receipt of a request to call an Extraordinary Congress the Secretary General or HQ office shall give notice to the Members of:

- 1) the date, time and venue of the Extraordinary Congress;
- 2) the date and time by which notification of the Delegates of the Members shall be received by the Secretary General or HQ office; and,
- 3) the proposed resolution(s) that have been submitted for consideration in accordance with this Article;

26.3. Agenda

The Agenda for an Extraordinary Congress shall be dispatched no later than thirty (30) clear days before Congress. The Agenda shall be limited to the business for which the Extraordinary Congress is convened

Art 27. Quorum

27.1. No business shall be transacted at any meeting of Congress unless a quorum is present at the time when the meeting is due to commence (as set out in the notice of the Congress meeting – the first summons). Once a meeting of Congress is quorate and has started, it can continue until it is closed, even if the quorum is lost during the meeting.

27.2. The quorum for a meeting of Congress shall be no less than one-third (1/3rd) of the total number of Members entitled to vote.

27.3. If there is no quorum at the first summons there will be a second summons one (1) hour after the first summons and the quorum shall be no less than one quarter (1/4) of the total number of Members entitled to vote.

27.4. If a quorum is not obtained at the second summons within thirty (30) minutes, then the meeting shall be convened with the number present, with at least 1/5 Members.

Art 28. Chairperson

28.1. The chairperson of Congress is the President.

28.2. If the President is unavailable for Congress, the First Vice-President will be the chairperson for that meeting, or if the First Vice-President is not available then the Second Vice- President, and if not available, then the elder in age shall preside the meeting.

Art 29. Voting

29.1. proxy votes will be accepted at Congress.

29.2. Subject to voting for candidates under Art 30 all resolutions of Congress shall be passed by Simple Majority unless a different Majority is expressly specified in the Constitution.

29.3. An electronic voting system can be used at any Congress at the discretion of the Executive Board.

29.4. A Member can vote in favour of a resolution, against a resolution or by way of an abstention.

Art 30. Elections

30.1. The election of positions on the Executive Board and the Committees shall take place at the annual Congress in the year of the Summer Olympic Games.

30.2. The elections at an Election Congress will be chaired by the nominated AGM Member, by the Executive Board.

30.3. Elections for persons shall be undertaken by secret ballot.

30.4. A valid ballot is one that conforms to all stated requirements and has no more votes than vacancies.

30.5 The existing Board Members have the full right to nominate themselves to the same position, without the approval of their National Federations, unless the National Federation is nominating another Member

30.6. Only Members may nominate candidates for election. Members may only nominate one (1) candidate for each position.

30.7. No candidate can be elected by Congress for more than one position as Official. A serving Official can seek election for another Position, but if successful, must immediately resign from his or her previous position

30.8. All bodies under Art 18 shall have a minimum of 20% of the opposite gender and maximum one (1) voting member per Member

30.9. Each candidate must be Eligible in accordance with good standing criteria under Art 17 and be a member of, or be affiliated to, the Member which is nominating him or her.

30.10. The positions and order for elections shall be as follows:

A. Executive Board:

The Executive shall consist of total eleven members as follows:

- i) 1 President
- ii) 2 Vice presidents (Different Gender)
- iii) 1 Treasurer
- iv) 1 secretary General
- v) 5 members one of them is (zones President) (4+1) Executive Board Members (EBM)
- vi) 1 Elected members from athletes.

30.11. The President and any of the Vice-Presidents shall not be from the same affiliated Member Federation

30.12. Vice-Presidents must be of different genders;

30.13. Maximum of two nominees from the same affiliated member, irrespective of the position

30.14. Each Member of The Executive Board Members will be the representative of his zone and the President of the zone.

30.15. No person shall be elected to hold more than 1 position in the Executive Board simultaneously except in the event of a vacancy as provided in the constitution.

30.16. Members of the Executive shall be elected for a period of 4 years

30.17. At least 20% of the Executive Board shall be women.

Art 31. Resolutions

31.1. A Simple Majority of the votes cast by the Members present and carrying voting rights shall determine the adoption of resolutions in meetings except where a different majority is required by the Constitution

Art 32. Powers and Responsibilities of the Executive Board

32.1. The Executive shall have the following further powers and duties:

- 1) To fill vacancies that occurs on the Executive Board for the remaining period of term Until the next convention of the Congress.
- 2) To nominate and appoint delegates to anybody to which the ATU is affiliated.
- 3) The Executive may appoint a legal advisor and honorary auditor.
- 4) To submit to the AGM audited financial statements (subject to the availability of funds from the previous financial year. The AGM may also approve ordinary financial statements that represent the financial affairs, fair and reasonably.
- 5) To open a bank account, and to transact the financial business of the ATU.
- 6) Suspension of Members.
- 7) Approving the list of candidates and verifying the procedures
- 8) Taking the necessary actions/ penalties in case of violating African Triathlon Union constitution

32.2. Executive Board Meetings and Procedures

A. Executive Board Meetings

- 1) Each calendar year the Executive Board shall have at least six (6) Meetings by any means of social media, and at least one (1) of them shall be face to face meeting, which will be on the on the occasion of the annual Congress.
- 2) Executive Board meetings may be called at any time by the President orat the request of five (5) Executive Board members, on Three (3)days' notice, in case of face to face meeting notice should be no less than fourteen(14) days, unless a matter is urgent, in which case the notice periodmay be reduced to no less than twenty-four (24) hours at the discretionof the President.
- 3) Except to the extent specified in this Constitution, the Executive Board shall be responsible for its own procedures.

B. Chairperson of Executive Board

- 1) The chairperson of Executive Board is the President.
- 2) If the President is unavailable for an Executive Board meeting, the First Vice-President will be the chairperson for that meeting, or if the First Vice President is not available then the Second Vice President shall preside.

32.3. Quorum

A. A Quorum consists of a Simple Majority of Executive Board members.

B. Voting:

- 1) Each Executive Board member present at an Executive Board meeting shall have one (1) vote. In the event of a conflict of interest the conflicted Executive Board member should declare his or her interest and shall not discuss nor vote on the relevant resolution;
- 2) All resolutions of Executive Board shall be carried by a Simple Majority, unless a Special Majority is expressly specified in the Constitution;
- 3) Voting at Executive Board meetings shall be by voice, or upon request of any Executive Board member, by a show of hands;
- 4) Proxy voting is permitted at Executive Board meetings.

32.4. Vacancies

a. Casual Vacancy:

A casual vacancy in the position of an Executive Board member arises if, prior to the expiry of an Executive Board member's term of office, one of the following circumstances occurs:

- 1) resignation of the Executive Board member, in writing, from office;
- 2) For the God Sake death of the Executive Board member;
- 3) removal from office of the Executive Board member (Removal of Executive Board member);
- 4) failure by the Executive Board member to attend three (3) consecutive meetings of the Executive Board without being excused in advance to the President;

b. Vacancy

If a casual vacancy arises on the Executive Board under Art 32.4 it may be filled until the next Congress as follows:

- 1) If the vacant position is that of President, the First Vice-President will become the interim President, and if he or she is not available, then the Second Vice-President will become the interim President as decided by the Executive Board

- 2) If the vacant position is that of Vice-Presidents, then one (1) of the Ordinary Executive Board members of the applicable gender, will become an interim Vice-President as decided by the Executive Board;
- 3) If the vacant position is that of ordinary Executive Board member the position will remain vacant until the next Congress at which point an election will be held for that position.

32.5. Suspension of Executive Board member

- A.** The Executive Board may suspend an Executive Board member from the Executive Board, if an Executive Board member:
 - 1) Is under investigation by a Relevant Authority for, or is charged with, or is given notice by a Relevant Authority of, a proposal to make an order or finding against that Executive Board member in respect of any of the circumstances (Ineligibility);
 - 2) Is, in Executive Board's opinion, in breach of one or more of their duties under Art 32.1 or in breach of one or more Codes; or
- B.** The Executive Board requires a Simple Majority to bring the suspension of an Executive Board member.
- C.** A suspension under this article shall be for a period not longer than that to the next Congress.
- D.** If an Executive Board member is suspended from the Executive Board under any provision of this article and is also a Committee or a Commission member, or other Official they shall automatically be suspended from those positions.

32.6. Removal of Executive Board member

- A.** An Executive Board member may be removed by Congress as an Executive Board member on one or more of the following grounds:
 - 1) repeated or persistent breach of duties by the Executive Board member
 - 2) a suspension imposed by African Triathlon Union Executive Board, for the circumstances for which the suspension was imposed, continues.
- B.** Congress, following the decision of the African Triathlon Union Executive Board, shall decide whether or not to remove an Executive Board member with a Simple Majority.

Art 33 President

33.1. Role

The role of the President is to be the lead representative of African Triathlon Union and the sport of Triathlon, Paratriathlon and its Related Multisports.

33.2. The President has the responsibilities to:

- A.** be the lead representative for World Triathlon and the sport of Triathlon, Paratriathlon and its Related Multisports;
- B.** be the main spokesperson for World Triathlon in accordance with policies decided by the Executive Board, which may include delegating this responsibility to others;
- C.** chair meetings of Congress and Executive Board;
- D.** lead the work of the Executive Board including ensuring the Executive Board is organised properly, functions effectively, acts within its roles, and meets its obligations and responsibilities;
- E.** oversee the activities of the Committees and Commissions, between Executive Board meetings, including ensuring they are functioning effectively, acting within their role and meeting their obligations and responsibilities, as decided by the Executive Board;
- F.** ensure the decisions of Congress and the Executive Board are implemented and the Constitution, Rules, Regulations and Codes are complied with;
- G.** liaise and facilitate effective communication and relationships with Members, sponsors and other stakeholders;
- H.** support, monitor and liaise with the Executive Board Members to form a strong, collaborative working relationship, with regular contact between them,
- I.** authorise transactions, and sign any documentation, on behalf of African Triathlon Union.
- J.** perform such other tasks and duties as are delegated to the President by Congress and the Executive Board.

34 The Vice-Presidents

34.1. Role

The Vice Presidents are entitled to assume the tasks assigned to them by the President.

Art 35. Secretary General

35.1. Role

Secretary General is responsible for:

- A.** Meetings Memorandum
- B.** In consultation with the Executive Board, developing the African Triathlon Union Strategic Plan, and implementing this plan;
- C.** Implementing the decisions made or supported by the Executive Board
- D.** supporting the President in engaging with stakeholders of African Triathlon Union including Members, sponsors, government authorities and other partners to enable it to deliver the Strategic Plan;
- E.** The Secretary General is Elected

Chapter 4 COMMITTEES

Art 36. General Rules

36.1. The following General Rules apply to all Committees, unless otherwise stated.

36.2. Role

The role of the Committees is to advise and assist the Executive Board and Congress in fulfilling their respective duties.

36.3. Composition

The following rules apply to the composition of the committees:

- A.** The chairperson and deputy chairperson shall be elected by the committee members from their own number.
- B.** Except where otherwise stated, Congress shall elect Committee members for a term of four (4) years;
- C.** Athletes Committee members shall be elected by their peers the year after the Olympic Summer Games;
- D.** All committees shall have four (4) members except the Athletes Committee which shall have six (6) members,
- E.** All Committees shall comprise at least one (1) female member
- F.** Any member of a Committee who is absent from three (3) consecutive

committee meetings at which his presence is required (the meeting has been called and takes place in accordance with these Rules) is regarded as having resigned, unless the Executive Board, on advice from the Committee, decides otherwise;

- G. All committees shall have one (1) Executive Board member as liaison to the Executive Board, if applicable, unless otherwise specified in the Specific Rules of that Committee. The relevant Executive Board member shall have a voice but no vote.

36.4 Organization

- A. The Committees may, via the Secretary General, work with other Committees to deal with special problems.
- B. The Committees may call upon specialists or set up a sub-committee at anytime to settle any urgent business. Such a decision must be approved by the Executive Board. The chairperson shall make an appropriate request to the Executive Board.
- C. The Committees may with approval of the Secretary General call upon Staff from the HQ to help with the execution of their work.
- D. The chairperson shall represent the committees in dealings with the Executive Board.

36.5 Meetings

- A. The Committees shall meet whenever required. The chairperson and the committee members shall draw up an annual plan to fix dates for meetings.
- B. The chairperson shall draw up the agenda in conjunction with the Staff member or Secretary General. Members may send written requests to the chair for items to be included in the agenda.
- C. The Staff member or other nominated Committee member shall keep the minutes of the meeting and send it to the Committee members within fourteen (14) days.
- D. The agenda and any enclosures shall be sent by the chairperson to the members in good time before the meeting but at least 24 hrs. The agenda may be altered if a Simple Majority of the members present decides. Documents containing further information on the items to be discussed may be distributed to the members at any time.
- E. The chairperson of the committee shall conduct the meetings. He or she shall open and close the debates and give the floor to the committee members. If he or she is unable to attend, the deputy chairperson shall conduct the meeting. If the latter is also unavailable, the committee shall choose a chairperson for that meeting from the members present.

Chapter 5 Eligibility

Art 37. Eligibility of All African Triathlon Union officials.

Eligibility

- 37.1.** A person seeking election or applying to be an Official (Applicant), or to remain in office as an Official (existing Official), shall be Eligible.
- 37.2.** No Official shall hold a position as a voting member in more than one (1) of the following bodies; Executive Board and Committees
- 37.3.** The decision to approve if a candidate is eligible or otherwise shall be made by the Executive Board, to be recognized by the following Congress.
- 37.4.** An applicant or existing Official will be Ineligible if:
- A. Other Position: the person is a member of Staff;
 - B. Majority: the person is under eighteen (18) years old;
 - C. Removal: the person was removed from Office by Congress in accordance with this Constitution;
 - D. Breach of one or more Codes: the person is serving a period of ineligibility(including provisional suspension) for breach of the Codes;
 - E. Anti-Doping Rule Violation: the person is found by a Relevant Authority to have committed an anti-doping rule violation at any time, including any person who has served any period of ineligibility for that violation;
 - F. Full Civil Rights: the person is deprived of his or her civil rights by proper application of the law;
 - G. Bankrupt: the person is declared bankrupt;
 - H. Conviction: the person has been convicted by a Relevant Authority of any offence punishable by a term of imprisonment and is serving his convicted period;
 - I. Disqualified Director: the person is prohibited by a Relevant Authority from being a director or promoter of or being concerned or taking part in the management of a company for breach or non-compliance with any law applicable to that person;
 - J. Other circumstances: the person is otherwise prohibited from holding such position, or any similar position, under any other circumstances as provided by law;
 - K. If the applicant's National Federation fails to have activity report, the applicant becomes disqualified and suspended by the Executive Board, until proven otherwise, and according to the decision of the Executive Board in that matter.

Art 38. General Rules

- 38.1.** In addition to the provisions of the constitution, the African Triathlon Union can issue such Rules and Regulations as may be required for the smooth running of its affairs, including technical matters, provided that such rules and regulations are not in violation of the constitution, its aims and objectives and that of the Executive.
- 38.2.** Such Rules and Regulations are subject to ratification (or amendment) of the Congress.
- 38.3.** Any amendments to the Rules and Regulations shall be entered in the minutes of that particular meeting and all Members shall be notified within 14 days in writing of such amendments.
- 38.4. Amendment to the Constitution**
The constitution may only be amended by a two-thirds majority of the Members present and having the right to vote in the Congress.
- 38.5.** Any amendment takes effect 30 days after its approval unless the contrary is decided, and no amendment may be retroactive.
- 38.6..** Members should try to have at least 20% women on their Executive Board.
- 38.7.** All elite, junior, U/23 age group and AWAD athletes who will compete at Triathlon World Championships, World Cup, Continental Championships or Continental Cup events and age group participants will have to be registered by the National Federation directly on "triathlon.org."
- 38.8.** Each athlete entered by the National Federation will have a "profile page" automatically created which can be self-managed by either the National Federation or the athlete.
- 38.9.** All National Federations should post weekly or by-weekly news stories on their webpage on "triathlon.org".
- 38.10.** A decision to dissolve the African Triathlon Union shall have no force and effect unless it is approved by at least two-thirds of the votes cast when it is put to vote.
- 38.12.** At the dissolution of the African Triathlon Union the remainder of the assets of the ATU after all its liabilities have been satisfied, shall, in equal proportions devolve upon such National Federations that are fully paid-up members of the African Triathlon Union at the time of its dissolution.

- 38.13.** African Triathlon Union may be dissolved at an extraordinary meeting convened for that purpose by 2/3 of member federations present and who are in good standing with African Triathlon Union.
- 38.14.** Dissolution of the ATU may be approved by all affiliated National Federations at a Special Meeting Convened for the purpose.
- 38.15.** Disputes between Members shall after attempts for conciliation and remedies exhausted, be submitted to the African Triathlon Union Executive Board which will:
- A. Take reasonable steps to assist in the resolution of such dispute or difference (which may include appointing a mediator), and
 - B. If such steps do not resolve the dispute or difference, to refer the matter to the African Triathlon Union arbitration panel which shall decide the dispute or difference. The procedure for such decision shall comply with the principles of natural justice, and if the dispute persists, then it shall be referred to ITU Executive Board as Second level of Jurisdiction and to CAS as final jurisdiction body.

Art 39. Unforeseeable circumstances

In case of unforeseeable circumstances that prevent from organizing ATU accredited events on time, such as wars, natural disasters,...etc. ; Executive Board will have the final decision on whatever events, and sharing ITU the decision in its accredited events, in accordance with the situation and the common good for the African Triathlon Union.

Art 40. Enforcement

This constitution was adopted at the Congress on August 2015 and, come into force immediately after adoption.