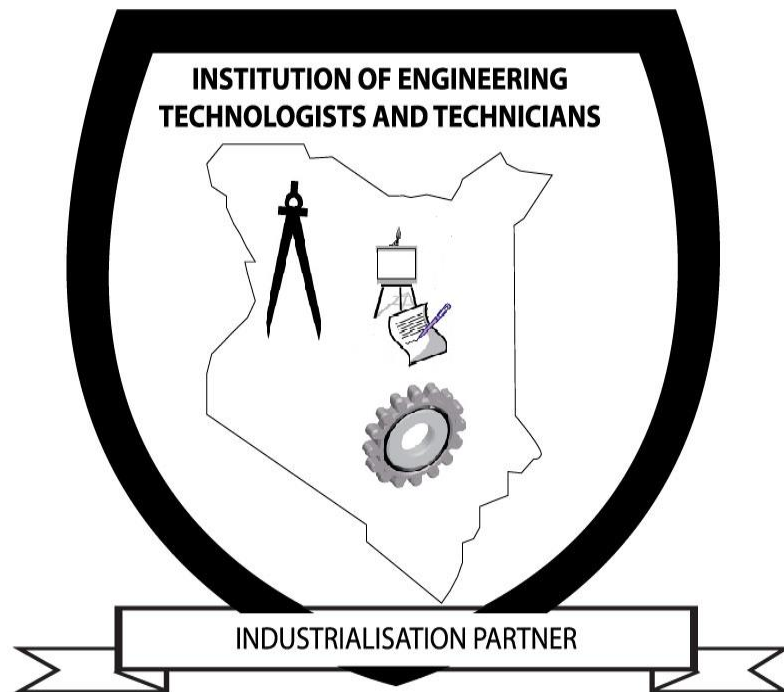


THE CONSTITUTION
OF
INSTITUTION OF ENGINEERING
TECHNOLOGISTS AND
TECHNICIANS (IET), KENYA



THE CONSTITUTION

DEFINITIONS

“The Institution” shall mean the Institution of Engineering Technologists and Technicians (IET).

“Corporate Member” shall mean member of the Institution in all the categories:, Fellow, Technologist, Technician, Craft and Artisan.

“The Council” shall mean the body elected to manage the affairs of the Institution referred to in Section 4 hereof and who may only be elected from among the corporate members whose annual subscription is up-to date.

“Council Members” or “Members of Council” shall bear the same meaning.

“The Finance Committee” shall mean the committee referred to in Section 9, which manages the finances of the Institution.

1. NAME

The name of the Institution shall be “**Institution of Engineering Technologists and Technicians**” (IET)

2. MAIN OBJECTIVE

The main objective of the Institution shall be to promote the advancement of the profession of engineering technology (hereinafter referred to as “the Profession”) and the science of engineering technology in Kenya.

3. ANCILLARY TO THE MAIN OBJECTIVE

Supporting the Main Objective are the following Ancillary Objectives;

- 3.1 To advance the profession of Engineering Technologists, Technicians and Craft-persons by:
 - 3.1.1 Representing the profession on a national and international basis.
 - 3.1.2 Liaising with the Government on all matters, including policy matters, concerning the Profession.
 - 3.1.3 Assuring the recognition of registered professionals.
 - 3.1.4 Enhancing the professional, technical and ethical reputation of the registered professionals.
 - 3.1.5 Partnering with national and international entities to promote the objective of the institution
- 3.2 To further and promote education and training and to encourage professional development of Engineering Technologists, Technicians and Craft-persons by:
 - 3.2.1 Liaising with educational bodies including tertiary technical educational institutions;
 - 3.2.2 Liaising with employers and service providers.
 - 3.2.3 Underwriting and supporting a bursary scheme for education in engineering technology.
 - 3.2.4 Promoting and encouraging Continuous Professional Development.
- 3.3 To advance and uphold the dignity and status of the profession by obtaining recognition from:
 - 3.3.1 All spheres of society beneficial to the institution;
 - 3.3.2 Statutory bodies and Government;
 - 3.3.3 The engineering technology stakeholders.

- 3.4 To promote research, encourage innovations and presentation of papers, on matters pertaining to engineering technology.
- 3.5 To deal with and engage in all matters concerning and relating to the profession.
- 3.6 To form such branch or branches within and outside the Republic of Kenya as may from time to time be deemed necessary.

4. THE COUNCIL OF THE INSTITUTION

- 4.1 The management of the Institution shall be vested in the Council of the Institution.
- 4.2 The Council shall consist of eight persons including the Registrar as prescribed in the bye laws. The corporate members of the Institution will hold elections during the Annual General meeting after every three years to elect:
 - The Chairperson;
 - The Vice-Chairperson;
 - The Treasurer
 - Organizing Secretary and
 - Three members

The Council will have an **Executive Committee** which shall consist of the Chairperson, Vice-Chairperson, Treasurer, Organizing Secretary and the Registrar who shall be the Secretary.

- 4.3 The normal term of office of Council members shall be a period of three years, which term may be renewable once.
- 4.4 The immediate Past-Chairperson shall remain in office until the election of a new Chairperson.
- 4.5 The Council may co-opt, by unanimous vote of a quorum present at a Council meeting, a bonafide Member of the Institute to replace a Council member who is unable to complete their term of office. Such co-opted member shall serve until the end of the term of the Council.

5. POWERS OF COUNCIL

The Council shall, for purposes of conducting its business, have the power to:

- 5.1 Appoint such officers and other staff through a competitive process as are necessary for the proper discharge of its functions under this Constitution, upon such a terms and conditions of service as may determine;
- 5.2 Acquire and sell movable and immovable property;
- 5.3 Enter into contracts of lease;
- 5.4 Enter into contracts of a general nature which are beneficial to the society;
- 5.5 Determine fees to be paid by Members and collect funds, donations and sponsorships in order to achieve Institution's objectives;

- 5.6 Invest any moneys collected as Council deems fit with the approval of members through a resolution of the majority;
- 5.7 Identify categories of membership of the Institution;
- 5.8 Approve a Code of Ethics and Practice and Rules of Conduct for recognition by the Profession and observance by Members;
- 5.9 Convene an ethics committee for purposes of inquiring into alleged misconduct on the part of a Member;
- 5.10 Publicise the objectives of the Institute in any media;
- 5.11 Make representations to the Government in the interests of the profession and be recognised as a prescribed nominating body;
- 5.12 Nominate Members of the Council to Committees and agencies of the Government and other strategic partners requiring representation.
- 5.13 Make Rules and By-laws with the approval of members through a resolution of the majority and enforce for compliance.
- 5.14 Constitute committees of Council for purposes of undertaking work assignments for Council, determine the term of office of committee members and terms of reference of any committee together with the number of committee members that constitute a quorum;

6. DELEGATION OF POWERS OF COUNCIL

- 6.1 Council may delegate to a committee, established in terms of Clause 5.14 hereof, any powers which it deems fit to delegate, including but not limited to powers to formulate rules and by-laws, but may not divest itself of any responsibilities that it has delegated.
- 6.2 Notwithstanding the delegation of powers referred to herein Council shall also be responsible for acts and omissions of any committee to which power has been delegated and may amend, vary or revoke any such decision or resolution.
- 6.3 Committee members shall, in the first instance, be members of the Institution unless it is necessary to appoint, as a committee member, a non-Institution member by reason of such non-members special knowledge or experience; provided always that the Chair shall be appointed from among Council Members. The Chairperson shall be an ex-officio member of all committees notwithstanding that he/she may not have been specifically appointed to such committee.

7. LIABILITY OF COUNCIL AND OF COMMITTEE MEMBERS

- 7.1 Council Members, elected in terms of Clause 4.2 hereof, committee members of any committee, appointed in terms of Clause 5.14 hereof, or officials appointed in terms of Clause 5.1 hereof, shall be indemnified by the Institution against any loss, expense or damage arising out of the discharge of their duties; provided that such loss, expense or damage cannot be attributable to any negligent or wilful act

or omission on the part of such Council Member, committee member or official and provided further that any such act or omission was done in good faith and for the purposes of achieving the objective of the Institution.

8. CONDUCT OF COUNCIL AND COMMITTEE MEETINGS

8.1 The Chairperson shall serve as the Chair of Council. In his/her absence the Chair shall be occupied by the Vice- Chairperson and in the absence of all of them, Members of Council shall elect a Chair from among members present, provided that there is a quorum present.

8.2 A quorum of the Council shall be fifty percent of members. In the event of a quorum not being present by the time a meeting is to commence its business, the Chair shall adjourn the meeting to a time and day that he/she may direct. At this new meeting, 15 minutes after the announced starting time, provided that at least thirty percent of the members are present, the meeting will be considered constituted.

8.3 Matters shall be decided by majority vote, by a show of hands or ballot, of fifty percent plus one of a quorum of Council or of a committee of Council. Chair of the Council or of a committee of Council shall, in the event of a deadlock being reached, have a casting vote, in addition to the initial vote cast by show of hands or ballot.

8.4 Notices and agendas of meetings shall under normal circumstances be served to Council Members at least two weeks prior to a scheduled meeting. In case of extraordinary or emergency circumstances a shorter period of notice may be acceptable.

8.5 Proper minutes of meetings of Council shall be kept and distributed to Council members prior to, or at the same time that notices and agendas of forthcoming meetings are distributed.

8.6 The form of conduct of meetings of Council shall apply to the conduct of meetings of all Committees of Council.

8.7 Representatives of **affiliate and associate members** may be elected to Council as observers as described by the Bye-laws. The election will be held after every three (3) years by secret ballot, or any other method preferred by members.

8.8 Should the need arise the Council may co-opt members of the civil community with a proven interest in matters pertaining to engineering technology as advisors to Council. Their term of office shall normally not exceed one year. The Institution may advertise in the media to fill these positions.

8.9 Any elected Council member can leave office due to any of the following reasons; a) by resigning in writing to the Chairman of council, b) by death, c) in case of incapacitation of the member, d) in case of gross misconduct reported to the council through the chairman. In case of 'd' above the chairman convenes a special council meeting to decide on the disciplinary action in which the decision shall be supported by two thirds of the members.

9 Appointment of the Registrar

9.1 There shall be a Registrar of the Council who shall be appointed competitively by the Council for a period of five years, which term may be renewable once.

9.2 Duties of the Registrar:

The Registrar shall the Secretary and an-officio member of the Council.

He/She shall:

- i. Subject to the direction of the Council be responsible for the day to day running of the affairs and staff of the Council.
- ii. Maintain the register of persons registered in accordance with this Constitution.
- iii. Sign, issue, renew and cancel certificates of registration as may be directed by the Council.
- iv. Keep all documents and records including records of all assets of the Institution.
- v. In consultation of the Council, be responsible for the direction of the affairs and transaction of the Council, the exercise and performance of its objectives, functions and general administration of the Council.

9.3 Qualifications of the Registrar:

A person shall be qualified for appointment as Registrar if the person:

- i. Holds a minimum of a bachelor's degree or its equivalent from an institution recognized in Kenya.
- ii. Has at least five years experience of management of public or private institution.
- iii. He/She should be a member of IET or any other Engineering Technology society and a corporate of the Kenya Engineering Technology Registration Board.
- iv. He/She must meet the requirements of Chapter Six of the Constitution of Kenya.

9. FINANCE COMMITTEE

9.1 A Finance Committee, established in accordance with the provisions of Clause 5.14 hereof, shall control, administer and manage the finances of the Institution, in accordance with requirements of the Kenya Revenue Authority (KRA). In order not to affect any tax exempt status, the following requirements, as laid down by the KRA, shall be observed by the Institution and may not be changed without the written consent of the Commissioner General of Kenya Revenue Authority:

9.1.1 Financial Control:

- (a) Council shall, in accordance with the provisions of clause 5.14 hereof, appoint at least three (3) members to the Committee, including a Chair and the Treasurer, provided that the number of members including the Chair shall not be less than three and further provided that the Chairperson may not be appointed as Chair. [Members of the Committee shall hold office for as long they are council members and perform to the expectations of the institution.](#)
- (b) Under no circumstances shall financial control be vested solely in the Chairperson or in any one person in particular. The Chair of the Committee shall be responsible for ensuring compliance with the provisions contained herein.
- (c) The Committee shall determine fair and reasonable remuneration for services rendered to the Institution, including remuneration to members of Council and of committee members in respect to services rendered by them. The Committee may, in addition, reimburse at cost any person for any expenses actually incurred while undertaking work on behalf of the Institution.
- (d) All assets, property and funds of the Institute shall be held and registered in the name of the

Institution. The Committee shall, in addition to the powers identified in **Clauses 5.2 to 5.6** have the power to raise and borrow money, secure payment of money and lend money, open and operate a banking account/s, as it deems fit, for the purposes of conducting the affairs of the Institution.

- (e) The accounts of the Institution shall be audited at least once a year by an auditor appointed annually by the Council, who may but need not necessarily be a Chartered Accountant. No Council member, committee member or officer appointed by Council of the Institution may be appointed as auditor.
- (f) All documents, cheques or other instruments relating to the finances of the Institution shall be signed, on behalf of the Institution, by at least two persons, one of whom shall be the Treasurer, duly authorized thereto by a resolution of the Committee.
- (g) An annual financial report on the affairs of the Institution should be availed to members, together with an audited statement of revenue and expenditure and a balance sheet as accepted at the Annual General Meeting, at the end of each financial year.
- (h) Interim financial reports shall be submitted to Council at least at four-monthly intervals.
- (i) The Institution shall not carry on any profit making activities nor shall it participate in any business, profession or occupation conducted by any of its members. It shall not provide any financial assistance, premises, continuous services or facilities to any of its members for the purpose of their conducting any business of their own.

10. MEMBERSHIP OF THE INSTITUTION

The Institution shall consist of the following categories of members: Honorary Fellow, Fellow, Technologist, Affiliate, Associate, Technician, Craft, Artisan, Graduate, Student and Retired members.

10.1 The names of all categories of Members shall be entered in the register of the Institution. Fellow, Technologist, Technician, Craft and Artisan shall have voting rights and shall be eligible to serve in Council. Honorary Fellows, Affiliate, Associates, Graduates and Students will not be eligible to these rights but may be co-opted to Council if need be.

10.1.1 Honorary Fellow:

The election to the category of Honorary Fellow shall only be by invitation of Council. The candidate shall be a person whom the Institution specifically wishes to honour at the time of the election to honorary fellow. An Honorary Member shall be a person, who is not in the engineering technology profession but has rendered outstanding contribution to the profession. The appointment of honorary fellows shall be in accordance with the provisions of the relevant Bye-Laws.

10.1.2 Fellow:

Registration in this category shall be reserved for Members who have distinguished themselves in the engineering profession, having made an important contribution to the profession. Members who have attained academic qualification of masters or PHD and with at least five (5) years experience in the relevant field are eligible for registration in this category.

10.1.3 **Technologist**

A Technologist member shall be a holder of higher national diploma or its equivalent, a bachelor of technology or its equivalent in the relevant field of engineering and with at least three (3) years relevant working experience.

10.1.4 **Affiliate**

a) Membership to this category shall comprise engineering technology consulting firms, construction firms, institutions of higher learning or engineering technology organizations / companies which the Council may admit to the institution.

b) Every applicant to this category shall, at the time of application, have one of the owners of the firm management who is a Member in any of the categories in 10.1, but not a student or graduate member.

c) An applicant to this category shall provide proof of registration by a statutory body in Kenya.

10.1.5 **Associate:**

Any group or organization that does not meet the qualifications for (or does not wish to join as) Corporate Member, but wishes to participate in the Society's activities. The group or organization nominate one official or staff member to represent the organization, but cannot vote.

10.1.6 **Technician:**

A technician shall be a person who has undergone prescribed training to Diploma level in the engineering field with three years relevant work experience.

10.1.7 **Craft people/Artisan:**

A Craft person/Artisan shall be a person that has undergone prescribed training to Craft certificate/ government trade test level in the engineering field with three years industrial experience.

10.1.8 **Graduate:**

A graduate without requisite experience shall be a person who has obtained an engineering technology qualification from approved Kenyan Government institutions.

10.1.9 **Student:**

A student shall, at the time of acceptance, be engaged in pursuing an engineering technology course in approved Kenyan government institutions.

10.1.10 **Retired Member:**

A Member of the Institution, who has been a Member in good standing with the Institute for at least five (5) consecutive years, who has attained the age of sixty-five (65) years and, who is no longer actively engaged in the engineering profession, or a Member with similar status of any age, who has had to retire permanently from work due to ill health; or retrenched and over the age of sixty (60), may, at the discretion of the Council, be appointed a Retired Member.

- 10.2 A member may resign from the Institution by submitting a written resignation letter, together with their Membership Certificate, to the Institution, but shall remain liable for any outstanding fees due to the Institution up to the date of resignation.
- 10.3 The name of a member who has resigned from membership of the Institution shall be removed from the register of the Institution.
- 10.4 Any member who has resigned their membership of the Institution may apply for re-admission, but shall be liable for the payment of any outstanding fees and ready to abide by the rules and by-laws of the institution.
- 10.5 Membership of the Institution shall not confer upon any member any right to a share of or participation in any assets belonging to the Institution.
- 10.6 Any member may have their membership cancelled or suspended, in accordance with the provisions of the By-laws dealing with non-payment of subscriptions or disciplinary matters, and punishments that may be imposed. A member whose membership has been cancelled or suspended shall have the right to appeal to Council. The decision of Council shall be final.
- 10.7 Every member of the Institution shall conduct themselves in a manner which upholds the dignity, standing, reputation and integrity of the Institution and shall subscribe to the code of professional conduct as laid down by the Societies Registration Act (SRA) and the code of ethical conduct laid down by the Institution.

11. BRANCHES AND SECTIONS OF ENGINEERING

- 11.1 The Institution may, at its discretion, after receipt of a written request signed by at least ten (10) Members resident in a specific county, form a branch of the Institution in such a county. The affairs of branches shall be conducted as laid down in the Bye-laws promulgated in terms of this constitution.
- 11.2 The Institution may form sections within it, to encourage innovations and the presentation of papers and discussions on technical or other areas of specific interest to Members. The affairs of such sections shall be conducted as laid down in the Bye-laws promulgated in terms of this constitution.

12. LIQUIDATION OR AMALGAMATION

- 12.1 The Institution may be wound up and liquidated, or amalgamated, with anybody having the same or similar objectives as the Institution, by resolution of Members at a Special General Meeting called for that purpose. Notwithstanding voting by a show of hands or ballot referred to elsewhere in this constitution postal votes shall be counted at such meeting. Adoption of the resolution shall require not less than two-thirds of total votes cast by Members by a show of hands or ballot including postal votes.
- 12.2 If, upon the winding up or the dissolution of the Institution there remains, after the settlement of all debts and liabilities, any assets, such assets shall not be paid to or distributed amongst the Members of the Institution. The assets shall be transferred to some other body having the same or similar objectives as the Institution and which is exempt from liability for tax as is the Institution. In the absence

of any body, referred to herein to which assets can be transferred, assets shall be transferred to an engineering bursary fund or tertiary technical education institution as determined on the basis set out in Clause12.1

13. AMENDMENTS TO THE CONSTITUTION

- 13.1 This Constitution shall only be amended by resolution of Members at an Annual or Special General Meeting called for that purpose. Adoption of the resolution shall require not less than two-thirds of votes cast by members present by a show of hands or ballot.
- 13.2 Any amendment to the Constitution shall be submitted to the Registrar of Societies of the Kenya Government.