

**CONSTITUTION**

**OF THE**

**MALAWI SECONDARY SCHOOL HEADTEACHERS**

**ASSOCIATION**

**(MASSHA)**

**FEB, 2020**

## Table of Contents

1.0 Preamble	5
1.1 Vision	6
1.2 Mission	6
1.3 Motto	6
1.4 Core values	6
<b>Article 1: Definitions</b>	7
<b>Article 2: Objectives</b>	7
<b>Article 3: Mandate</b>	8
<b>Article 4. Membership</b>	9
<b>Article 5: Rights and obligations</b>	10
<b>Article 6: Structural Organization and governance</b>	11
6.1 The National Executive Committee	12
6.2 Functions of the National Executive Committee:	12
6.3 Duties of the National Executive Committee Members	12
6.3.1 The President	12
6.3.2 The Vice-President	13
6.3.4 The Vice Secretary General	14
6.3.5 Treasurer General	15
6.3.6 The Publicity Secretary	16
6.3.8 The Programme Coordinator	16
6.3.9 Resource Mobilization Coordinator	17
6.3.10 Gender coordinator	17
6.4 Divisional MASSHA Committee	18
6.4.1 Function of the Divisional Committee.	18
6.4.2 Office bearers of Division Executive Committee.	19
6.4.3.1 The President	19
6.4.3.2 The Vice-President	20
6.4.3.3 The Secretary	20
6.4.3.4 The Vice Secretary	21
6.4.3.5 Treasurer	21
6.4.3.6 The Publicity Secretary	22

6.4.3.7 The Programme Coordinator	23
6.4.3.8 Resource Mobilization Coordinator	24
6.4.3.9 Gender Coordinator	24
6.5. District Executive Committee	24
<b>Article 7: Student Council</b>	26
<b>Article 8: Elections of office bearers</b>	26
8.9 By-elections	28
8.11 Voting procedure	30
<b>Article 9: Tenure and resignations</b>	32
9.1 Three-year Tenure:	32
9.2 Resignation	33
9.2.1 Resignation of Executive Member:	33
9.2.2 Resignation or Incapacity of the President:	33
9.2.3 Death or incapacitation of the President	34
9.2.4 Resignation of the Executive Committee en bloc	34
9.3 Accounting on Resignation	35
<b>Article 10: Discipline</b>	35
10.3 Filling vacant positions	36
<b>Article 11: Meetings</b>	36
11.1 Annual General Conference	36
11.2 NEC Meetings	39
<b>Article 12: Finances and audit</b>	39
12.2 Membership and subscription fees	40
12.3 Auditing	42
12.4 Funding of the Secretariat:	42
12.5 Bank Account:	43
12.6 Funds of the Association:	43
12.7 Auditor	44
12.8 Audit of Accounts	45
<b>Article 13: Board of trustees and property</b>	46
<b>Article 14: The legal advisor</b>	49
<b>Article 15: The By-laws</b>	50

<b>Article 16: The Common seal</b>	50
<b>Article 17: Amendments to the constitution</b>	51
<b>Article 18: Dissolutions</b>	51
<b>Annexe</b>	53

## 1.0 Preamble

Having realized the need for mutual cooperation among secondary schools and the various education stakeholders, and convinced that the institutions we head are in constant need of improvement for the good of our country and society in general, we hereby establish an association called Malawi Secondary School Headteachers' Association herein referred to as MASSHA and/or the Association.

Aware of the vital and constructive role that MASSHA can play in the initiation, design and implementation of educational policies and programmes, it is our desire to make an effective contribution to the practical realization of the Ministry of Education, Science and Technology's vision, mission and motto. We are determined to work jointly with the government, and all other well meaning, progressive and constructive individuals and groups for the improvement of the quality of life through the provision of quality and relevant education.

The Association shall form chapters at Divisional, District and Cluster Education levels. Furthermore, it will foster youth leadership through the establishment of student councils in all public secondary schools to strengthen school governance.

### 1.1 Vision

To be a professional body of school leaders spearheading the provision of quality and relevant education.

### 1.2 Mission

To provide comprehensive support to school leaders through collaboration, networking and participating in communities of practice locally and internationally in line with the 21<sup>st</sup> century approaches to education.

### 1.3 Motto

Professionalism is key to quality and relevant education.

### 1.4 Core values

- Professionalism
- Integrity
- Inclusiveness
- Excellence
- Efficiency and effectiveness
- Collaboration
- Equity
- Transparency and accountability

## **Article 1: Definitions**

AGC	Annual General Conference
MASSHA	Malawi Secondary Schools Head Teachers' Association
CPD	Continuous Professional Development
Member	shall mean any fully paid and registered member of MASSHA
NEC	National Executive Committee
TSC	Teaching Service Committee
TUM	Teachers Union of Malawi.
NGO	Non-Governmental Organization
HOYA	Head teacher of the Year Award
TOYA	Teacher of the Year Award
SOYA	Student of the Year Award

## **Article 2: Objectives**

The objectives shall be as follows:

- 2.1 To promote the professional development of Head teachers
- 2.2 To participate in policy formulation at Departmental level by securing positions in relevant committees.

- 2.3 Lobby for an observer status in the proceedings of the Parliamentary Committee on Education and other task groups.
- 2.4 To establish sound and co-operative liaison with the Ministry of Education, Science and Technology, Teaching Service Commission (TSC), Malawi Institute of Education, Teachers Union of Malawi (TUM), National Library Services, Tertiary Institutions and registered NGOs in the promotion, development and implementation of any government educational programme.
- 2.5 To affiliate to national, regional and international organizations, associations or other entities which have the same or similar objectives as MASSHA.
- 2.6 To undertake educational research, publish journals and/or news sheets, and disseminate professional literature.
- 2.7 To guide in the institutionalization of Students Councils and coordinate its functions and duties

### **Article 3: Mandate**

The Association shall be professional, non-partisan and non-sectarian in all its activities as it executes the following mandates:

- 3.1 to participate in any form of discourse that pertains to policy and emerging issues in secondary school education
- 3.2 to build capacity of school leaders



- 3.3 to establish and supervise MASSHA chapters at divisional, district and cluster levels in Malawi for better administration of the Association's activities and implementation of its objectives
- 3.4 to establish and monitor Students' Councils at school, cluster, district, divisional, and national levels in Malawi.
- 3.5 to mobilise and invest resources for the running of the association.
- 3.6 to employ staff deemed necessary on such conditions as it may determine to carry out the administration of its functions and objectives
- 3.7 to undertake any activity deemed necessary by the Association to extend its ability to carry out its objectives and serve its members.

#### **Article 4. Membership**

- 4.1 Membership of the Association shall be open to all serving or acting Secondary School Head Teachers in Malawi.
- 4.2 Membership of the Association shall consist of the following categories:
- i. Ordinary members
  - ii. Ex – officio members; and
  - iii. Honorary members

4.3 Ordinary membership of the Association shall be exclusively and solely be open to serving/acting head teachers of the following:

- i. Public secondary schools
- ii. Grant – aided secondary schools, and
- iii. Private secondary Schools

4.4 The Ex- Officio members of the Association shall be the following:

- i. Immediate past chairperson
- ii. Immediate Past Secretary General

The Association may, by resolution of its executive committee or General Conference, vary and/or amend the list of Ex – Officio members

4.5 The Honorary members of the Association shall be persons and/or institutions and groups interested in the objectives and aspirations of the Association and shall be elected as such by the Association at its General Conference.

## **Article 5: Rights and obligations**

5.1 Ordinary members shall have the right to:

- i) attend and participate fully in the proceedings of any General Conference duly convened;
- ii) nominate or be nominated, elect or be elected, to any office in the Association subject to Article 7 of this constitution, and
- iii) vote at all General Conferences at appropriate levels.

5.2 In the execution of the duties of the Association, a member shall be entitled to such privileges and allowances as may be determined by the executive. The allowances shall be based on the stipulated government rates.

### 5.3 Ex – Officio and Honorary Members

- i. Ex – Officio and Honorary members of the Association may attend and participate in the proceedings and deliberations of the General Conference of the Association, but they shall have no right to vote, elect or be elected to any office in the government of the Association.
- ii. Honorary members and Ex-Officio members shall likewise be subject to restrictions prescribed by these rules and by - laws.

### 5.4 Grievances

- i. No member of the Association shall resort to move matters for settlement in Court before referring matters first to the National Executive Committee of the Association for settlement.

## **Article 6: Structural Organization and governance**

The management of the association shall be vested in the executive committee who may delegate some of the functions to specialized sub- committees.

## 6.1 The National Executive Committee

The NEC shall be the highest governing and decision making authority of the association elected at the AGC. It shall comprise the following office bearers:

- i. The President,
- ii. The Vice President,
- iii. The Secretary General,
- iv. The Vice Secretary General,
- v. The Treasurer General
- vi. The Publicity Secretary,
- vii. The Programme Coordinator,
- viii. The Resource Mobilization Coordinator
- ix. Gender Coordinator

## 6.2 Functions of the National Executive Committee:

- i. approve the programme of the Association;
- ii. approve the budget of the Association;
- iii. monitor the programme of the Association; and,
- iv. receive recommendations from the sub-committees and pass decisions on them

## 6.3 Duties of the National Executive Committee Members

### 6.3.1 The President

The President shall

- i. be the executive head of the National Executive Committee and shall be the leader of the Association
- ii. preside over and conduct all the meetings of the NEC and AGC.
- iii. ensure the efficiency and smooth running of the Association and implementation of its objectives, policies and decisions.
- iv. supervise and coordinate the activities of other officers in the Executive committee and be answerable to the Association through its AGC.
- v. ensure that decisions taken at General and Executive meetings are properly and promptly executed.
- vi. be signatory to the Annual Report and any other reports of the NEC to the AGC.
- vii. authorize all payments.
- viii. be co – signatory to the accounts of the Association.

### 6.3.2 The Vice-President

The Vice President shall

- i. chair a disciplinary committee
- ii. monitor the operations of the Student council
- iii. oversee the program operations in liaison with the Coordinator.
- iv. perform such duties as may be assigned to him/her by the President or by the National Executive Committee from

time to time and in the absence of the President, perform the duties of the President.

### 6.3.3 The Secretary General

The Secretary General shall

- i. be the principal officer in charge of the records of the Association.
- ii. convene and preside over General Conferences in the absence of the President and Vice President.
- iii. take and keep records of proceedings at all executive and General Conferences.
- iv. liaise with the president in implementing the decisions of the general and executive committee and ensure that the decisions are properly and promptly executed.
- v. present a comprehensive annual report and any other reports of the Association to the General Conferences.
- vi. conduct all correspondence on behalf of the Association.
- vii. make provision for the safe custody and preservation of all the valuable documents, files and records of the Association.

### 6.3.4 The Vice Secretary General

- i. The Vice Secretary General shall be the vice to the Secretary General and shall basically assist him/her in the execution of all duties and responsibilities of Secretary General's office.

### 6.3.5 Treasurer General

The Treasurer General shall:-

- i. be the principal finance officer of the Association in charge of its finances, monies and assets.
- ii. collect or cause to collect membership dues, and other monies to which the association shall be entitled.
- iii. deposit all the monies collected into the bank.
- iv. keep proper books of account, which shall adequately and correctly reflect the financial standing of the Association.
- v. prepare an operational budget for the association and shall table the same to the Executive committee for ratification before it is presented to the General Conference for approval.
- vi. be the assets controller for the Association and shall keep a proper record of the assets, their deployment and disposal.
- vii. prepare and present a financial report and a balance sheet of the Association at its Annual General Conference or at any other time as may be required by National Executive committee.
- viii. be co –signatory to the Accounts for the Association.

### 6.3.6 The Publicity Secretary

The Publicity Secretary shall: -

- i. be responsible for publicizing the existence, objectives and activities of the Association;
- ii. take such actions as are necessary to improve, enhance and protect the good image of the Association to its members, the public and the international community;
- iii. be the chief spokesperson of the Association; and perform the function of External Relations Secretary for the Association.
- iv. maintain a link with the Ministry of Education Science and Technology and assist in dissemination of important communication from the ministry and other stakeholders.
- v. perform any other duties that may be assigned by NEC.

### 6.3.8 The Programme Coordinator

The Programme Coordinator shall:-

- i. be the Administrative Secretary of the Association;
- ii. be responsible for the day to day administration of the Association
- iii. coordinate all the activities of the Association, the National Executive Committee, the Divisional Committee, and Sub-committees



- iv. liaise with all those concerned to ensure the Association's activities are carried out in a coordinated and consistent manner in furtherance of the objectives of the Association.
- v. co-ordinate all activities of HOYA, TOYA, SOYA and Student Council or any other activity as directed by the National President.
- vi. be a signatory

#### 6.3.9 Resource Mobilization Coordinator

The Resource Mobilization Coordinator shall

- i. be responsible for initiating, organizing all fund raising activities and non-financial resource mobilization for the NEC
- ii. be responsible for partnerships, linkages, grants, proposal development and research.

#### 6.3.10 Gender coordinator

The Gender Coordinator shall

- i. coordinate with the executive to develop and implement integrated gender mainstreaming approaches; and support gender related trainings
- ii. draft or contribute to other project reports and presentations on activities and provide data analysis.

- iii. provide advice to the executive on gender related issues, concerns, trends and policies.

## 6.4 Divisional MASSHA Committee

### 6.4.1 Function of the Divisional Committee.

- i. The committee is the vehicle through which information regarding activities, policies etc. of the National Association shall be disseminated.
- ii. There shall be an executive committee elected to run the Association's affairs at Division level.
- iii. The Division Committee under the leadership of its executive shall meet at least once in a term.
- iv. The activities of the Committee shall be funded by subscription fees from members and institutions, whose rate will be determined by the National Executive Committee depending on the scope of activities.
- v. The Division executive will be responsible for drawing and keeping an up to date register of member institutions within the region and will duly keep NEC records updated.
- vi. The executive shall assist the national executive to execute its activities and programs at the regional level.

#### 6.4.2 Office bearers of Division Executive Committee.

The Executive committee which will be elected shall consist of the following office bearers;

- i. The President,
- ii. The Vice President,
- iii. The Secretary,
- iv. The Vice Secretary,
- v. The Treasurer
- vi. The Publicity Secretary,
- vii. The Programme Coordinator,
- viii. The Resource Mobilization Coordinator
- ix. Gender coordinator

#### 6.4.3 Duties of the Division Executive Committee

##### 6.4.3.1 The President

The President shall

- i. be the executive head of the Divisional Executive Committee and shall be the leader of the Association at Divisional level
- ii. preside over and conduct all the meetings of the Divisional Executive Committee
- iii. ensure the efficiency and smooth running of the Association and implementation of its objectives, policies and decisions.

- iv. supervise and coordinate the activities of other officers in the Executive committee and be answerable to the NEC.
- v. ensure that decisions taken at General and Executive meetings are properly and promptly executed.
- vi. be signatory to the Annual Report and any other reports of the Divisional Executive Committee.
- vii. authorize all payments at divisional level.
- viii. be co – signatory to the accounts of the Association at divisional level.

#### 6.4.3.2 The Vice-President

The Vice President shall

- i. chair a disciplinary committee
- ii. monitor the operations of the Student council
- iii. oversee the program operations in liaison with the Coordinator.
- iv. perform such duties as may be assigned to him/her by the President or by the Committee. In the absence of the President he/she shall perform the duties of the President.

#### 6.4.3.3 The Secretary

The Secretary shall:

- i. be the principal officer in charge of the records of the Association at divisional level.

- ii. convene and preside over General Conferences in the absence of the President and Vice President.
- iii. take and keep records of proceedings at all executive and General Conferences.
- iv. liaise with the president in implementing the decisions of the general and executive committee and ensure that the decisions are properly and promptly executed.
- v. present a comprehensive annual report and any other reports of the Association to the General Conferences.
- vi. conduct all correspondence on behalf of the Association at divisional level.
- vii. make provision for the safe custody and preservation of all the valuable documents, files and records of the Association at divisional level.

#### 6.4.3.4 The Vice Secretary

- i. The vice Secretary shall be the vice to the Secretary and shall basically assist him/her in the execution of all duties and responsibilities of Secretary's office.

#### 6.4.3.5 Treasurer

The Treasurer shall:-

- i. be the principal finance officer of the Association at divisional level in charge of its finances, monies and assets.
- ii. collect or cause to collect membership dues, and other monies to which the association shall be entitled.
- iii. deposit all the monies collected into the bank.
- iv. keep proper books of account, which shall adequately and correctly reflect the financial standing of the Association at divisional level.
- v. prepare an operational budget for the Association at divisional level and table the same to the Executive Committee for ratification before it is presented to the General Conference for approval.
- vi. be the assets controller for the Association at divisional level and keep a proper record of the assets, their deployment and disposal.
- vii. prepare and present a financial report and a balance sheet of the Association at its Annual General Conference or at any other time as may be required by Divisional Executive Committee.
- viii. be co –signatory to the accounts for the Association at divisional level.

#### 6.4.3.6 The Publicity Secretary

The Publicity Secretary shall: -

- i. be responsible for publicizing the existence, objectives and activities of the Association at divisional level;
- ii. take such actions as are necessary to improve, enhance and protect the good image of the Association to its members, the public and the international community;
- iii. be the chief spokesperson of the Association at divisional level.
- iv. perform any other duties that may be assigned by Divisional Executive Committee.

#### 6.4.3.7 The Programme Coordinator

The Programme Coordinator shall:-

- i. be the Administrative Secretary of the Association at divisional level;
- ii. be responsible for the day to day administration of the Association at divisional level
- iii. liaise with all those concerned to ensure the Association's activities are carried out in a coordinated and consistent manner in furtherance of the objectives of the Association.
- iv. co-ordinate all activities of HOYA, TOYA, SOYA and Student Council or any other activity as directed by the President at divisional level.
- v. be a signatory to the bank accounts at divisional level.

#### 6.4.3.8 Resource Mobilization Coordinator

The Resource Mobilization Coordinator shall

- i. be responsible for initiating, organizing all fund raising activities and non-financial resource mobilization for the Divisional Executive Committee.
- ii. be responsible for partnerships, linkages, grants, proposal development and research at divisional level.

#### 6.4.3.9 Gender Coordinator

The Gender Coordinator shall

- i. coordinate with the executive to develop and implement integrated gender mainstreaming approaches; and support gender related trainings
- ii. draft or contribute to other project reports and presentations on activities and provide data analysis.
- iii. provide advice to the executive on gender related issues, concerns, trends and policies.

#### 6.5. District Executive Committee

- i. Every district shall form an association of secondary school head teachers from public schools and this will constitute the district chapter of MASSHA.



- ii. The district association shall be the vehicle through which information regarding activities, policies etc. of the Association shall be disseminated.
- iii. The district association shall have the same objectives and activities but subject to local modifications according to the initiative and innovativeness of members.
- iv. The activities of the committee shall be funded by subscription fees from member institutions, whose rates will be determined by the district executive committee on the scope of activities.
- v. The association shall elect an executive committee to run the affairs.
- vi. The association under the leadership of its executive shall meet at least once in a term.

## 6.6 Disciplinary Committee

There shall be a disciplinary committee at all levels which shall comprise:

- i. The Vice President
- ii. The Secretary (General)
- iii. Gender Coordinator
- iv. Cluster leader of the offender

## **Article 7: Student Council**

7.1 There shall be a Student Council at all levels of MASSHA; school, cluster, district, divisional and national whose activities shall be coordinated by the Association. The members of the Student Council shall be elected democratically by the students through secret ballot. At school level, the structure of the Student Council shall be tailored to suit the school size and needs. All positions including Chairperson, shall be open to all students regardless of class.

7.2 The NEC shall be elected during the student leaders' AGC.

7.3 Gender balance shall be observed when nominating and voting candidates into various positions. 50-50 shall be observed.

7.4 One position shall be reserved for a representative for students with special needs.

7.5 The Student Council shall have its own constitution to guide their operations.

7.6 For the structure and functions, refer to the annexe.

## **Article 8: Elections of office bearers**

8.1 All offices of the Association shall be elective, except as may be otherwise provided herein, and holders thereof shall remain in office for three (3) consecutive years and shall be eligible for election for a maximum of two terms; where a "term" is hereby declared and understood to be three years.

8.2 Elections for national office bearers shall be ratified by members at the AGC and at an equivalent gathering of members at the Division and District level after elections as conducted under Section 8.11.

8.3 No member shall be eligible for election to national office unless he/she has been a Head teacher for five (5) years or for three (3) years, in the case of division and district offices.

8.4 Further, for one to be elected to office, one must be up to date with all his/her obligations, including payments, to the Association.

8.5 Once elected, one is entitled to remain in office for three (3) years, at the end of which one is entitled to be elected for a further three (3) years, provided that one shall not serve for more than two (2) terms in the same office; where a term means three (3) consecutive years.

8.6 All elected officers, including at the division and district level, may be suspended from office by the NEC, in which event, the NEC shall forthwith temporarily fill the temporary vacancy, pending the resolution of the cause for the suspension by the Annual General Conference. The suspended official has a right to be heard.

8.7 Any open positions/any vacancies arising at the national level shall be temporarily filled by the NEC as per Section 8.11

provided that should the vacancies consist of more than 50% of the national office the NEC shall be obligated to convene a special electoral board forthwith to fill the vacancies

8.8 The elections of the Members of the National Executive Committee shall be based on fair distribution amongst the six Education Divisions. No single Education Division shall hold more than two positions in the National Executive Committee

### 8.9 By-elections

8.9.1. Elections are conducted in the NEC, Division or the District structures of the Association to elect an office bearer who:

- i. has passed on or resigned;
- ii. is dismissed by the MoEST;
- iii. has failed to attend 3 consecutive meetings of the Executive that she/he is obliged to attend, without a written apology and valid reason;
- iv. when she/he is no longer a head teacher.

8.9.2 By-Elections should be conducted in the following way in the different structures:

- i. The district by-elections shall be presided over by the Division elections committee
- ii. The division by- elections shall be presided over by the National elections committee.

- iii. The NEC shall conduct by-elections that must be managed by an independent agency or electoral officers appointed by the NEC.

8.9.3. Procedures for by-elections: In all cases where by-elections shall be conducted, the following procedures must apply:

- i. The Secretary or any person mandated by the Executive at the relevant structure where the position or office exists shall notify structures in writing of the existence of that position being available and reasons that such position has become available.
- ii. The above official shall issue a notice to all structures for the nomination of candidates and the closing date for receipt of nominations.
- iii. The official of the structure higher than the structure where the position/office exists or an independent observer appointed in the case of the Divisional or National structure shall be responsible to handle all the nomination forms until the elections have been completed.
- iv. Vacancies emanating from such by-elections must be filled at the same meeting.

## 8.11 Voting procedure

### 8.11.1 Conduct of Election

- i. The National Executive Committee General Election shall be held at the AGC convened by the National Executive Committee not later than **the end of August** of the relevant year.
- ii. The Divisional and District Committee's elections shall be held at the General Conference of the relevant committees not later than six months before the National General Conference for the election of National Executive Committee and Board of Trustees where applicable.

### 8.11.2 National Returning Officer and Electoral Commission Committee Members

- i. For purposes of the General Election, the relevant Annual General Conference shall by simple majority, elect fit and proper persons from among the persons legitimately attending the AGC to act as a National Returning Officer. A member of the outgoing executive committee who shall not be eligible to be elected can be elected as a returning officer. The Elected National Returning Officer and electoral committee members shall have the terms of reference stipulated in the relevant elections by-law. The National Returning

Officer shall have similar qualifications like the President of the National Executive Committee.

- ii. The National Returning Officer and Electoral Commission Committee members are the overall overseers of the Association's elections and any matters relating to any election if not resolved at the relevant level shall be forwarded to him/her and if not resolved the same within 5 days be forwarded to the Central Executive Committee who shall make a decision within 10 days and the decision of the Central Executive Committee shall be final.
- iii. The term of office of the National Returning Officer and Electoral Commission Committee members shall run until the next General Conference another National Returning Officer and Electoral Commission Committee members are elected.

### 8.11.3 **Mode of voting**

- i. All the elections at an elective AGC shall be by secret ballot.
- ii. Each ordinary member shall have one vote to each post in each election
- iii. Nomination to each post shall be made by one ordinary member orally, and each shall be seconded by at least two ordinary members.

- iv. Candidates shall be elected when they have obtained a 50% + 1 majority on a duly held election.
- v. A representative of another ordinary member to exercise the voting rights of the former ordinary member shall be with approval of the National Executive Committee.
- vi. The National Executive Committee with approval of the General Assembly shall enact a by-law providing for the terms of reference and the conduct of elections under this Constitution.

#### 8.11.4. Swearing- in

- i. Swearing in of the National Executive Committee and The Board of Trustees of the Association shall be presided over by the Association's Legal Advisor.

### **Article 9: Tenure and resignations**

#### 9.1 Three-year Tenure:

- i. Any person elected at an elective General Conference to any of the posts established under this constitution shall normally hold office for not more than three calendar years **Except** the Board of Trustees who shall hold office for 5 years.
- ii. Any person elected at a by –election to fill a vacancy on the Executive committee occurring between two elective



General Conferences shall hold office only for the balance of the term during which the vacancy occurred.

- iii. Any person elected to a higher office shall resign from a lower office.

## 9.2 Resignation

### 9.2.1 Resignation of Executive Member:

- i. A member of the Executive committee, other than the president, may resign his/her post by giving at least 14 day's written notice to the president but his/her resignation shall not take effect until the 15<sup>th</sup> day next following receipt of his/her resignation notice by the president.
- ii. The president shall thereafter assign the duties attached to the post from which the member of the Executive Committee shall have resigned to another member until a by – election may be held.

### 9.2.2 Resignation or Incapacity of the President:

- i. The President may resign from the post by giving 30 days' written notice to the effect to the Secretary General but the President's resignation, shall not take effect until after the 31<sup>st</sup> day next following the receipt of the said notice by the Secretary General.

### 9.2.3 Death or incapacitation of the President

- i. If the President dies, resigns or for any cause becomes incapable of carrying on the duties of his/her office, the Vice President shall forthwith assume the office of President and exercise the functions and power and carry out the duties thereof for the balance of the term. When the vice president is unable or unwilling to assume the office of the president under the said circumstances, the Secretary General and the Treasurer General shall jointly carry out the president's duties and function for the period not exceeding four (4) months while they make arrangements for an extra-ordinary General Conference of the Association before which to table circumstances for a decision.

### 9.2.4 Resignation of the Executive Committee en bloc

- 9.2.4.1 The Executive Committee may resign en bloc by the Secretary General notifying members of the Association in writing of the Executive Committee's intension so to resign, and the same notice shall summon an extra-ordinary General Conference of the Association to convene in not less than thirty (30) days to receive and consider the Executive Committee's notice of intended resignation.

9.2.4.2 If the extra – ordinary General Conference accept the en bloc resignation referred in (a) above, the same meeting shall elect a new Executive committee for a regular term of three (3) years.

### 9.3 Accounting on Resignation

- i. A resigning member of the Executive Committee or the resigning Executive Committee shall render a full account and shall be liable fully to account to the Association for all monies, assets and property entrusted to them or which they came to hold, manage and/or control by virtue of their office.

## **Article 10: Discipline**

10.1 Any office-bearer at national, Divisional and District level may be suspended, and upon a hearing, be expelled from office on the following grounds:

- i. Fundamental breach of the provisions of this Constitution
- ii. Financial impropriety
- iii. Conviction of a felony under the laws of the Republic of Malawi
- iv. Bringing the Association into disrepute
- v. Gross misconduct

## 10.2 Gross misconduct

- i. Upon receiving a report and after preliminary investigation, the NEC, the Divisional and the District level respectively, may suspend an office- bearer from office on the stated grounds.
- ii. The suspended official shall put in a written defense to the NEC and Divisional Committees respectively within 14 days of the letter of suspension.
- iii. The NEC shall convene a hearing within 30 days and upon determination, may acquit or expel the suspended official.
- iv. Provided that if the suspended official is an NEC member, the NEC shall constitute a disciplinary committee to hear and determine the suspended official's case.

## 10.3 Filling vacant positions

- i. Vacant positions shall be filled in accordance with this constitution

## **Article 11: Meetings**

### 11.1 Annual General Conference

- 11.1.1 The Executive Committee shall convene the Annual General Conference on a date to be fixed by it on or before the 31<sup>st</sup> day of August of every calendar year to transact the following business:

- i. To confirm the minutes of the previous Annual General Conference and any Special General Conference held after the previous Annual General Conference, the minutes of which have not been confirmed at any other Special General Conference.
- ii. To receive and adopt the President's and Secretary's Report and the report of the Board of Trustees.
- iii. To receive and adopt the audited accounts for the previous year/s
- iv. To appoint an Interim President and an Interim Secretary, for the purpose of conducting and supervising the election of office bearers and members of the Executive Committee.
- v. To elect office bearers and members of the Executive Committee (when due).
- vi. To elect Trustees (when due).
- vii. To appoint or re-appoint Auditors and fix remuneration, if any.
- viii. Any other business with the permission of the President.

11.1.2 Any member of the Association who wishes to move any resolution at the Annual General Conference, may do so by giving written notice thereof duly seconded by another member to the Secretary not less than 14 days before the date of such meeting.

### 11.1.3 Quorum

- i. The quorum for the AGC shall not be less than two thirds of the registered paid up members.
- ii. No business shall be transacted at any meeting unless a quorum is present
- iii. In the event of the necessary quorum not being present within one hour after the time appointed for the commencement of the meeting, the meeting shall be adjourned to the same day in the next week at the same time and place or the President or the Vice President with the consent of a majority of the members present in person may fix some other time and/or place for the adjourned meeting and notice of such time or place shall be required to be given to the members AND if at the adjourned meeting a quorum is not present within 45 minutes after the time appointed for the commencement of the meeting, the members present shall form a quorum. At the adjourned meeting no business other than the original agenda for the same can be included.

### 11.1.4. Notice

- i. A minimum of 14 days' notice in writing shall be given to all the members by the Secretary indicating the date, time, place and agenda of the meeting.

## 11.2 NEC Meetings

11.2.1 The National Executive Committee shall meet to transact business at least once every three months. The venue should be on a rotational basis from division to division.

11.2.2 There shall be an Annual General Conference which the Secretary General shall, after consultation with the Executive committee, convene not later than the end of April of each year after giving fourteen (14) days' written notice to the members.

11.2.3 A notice in writing of the meeting shall be circulated together with the agenda at least five days prior to the meeting. However, emergency or special meetings may be called at a shorter notice. The agenda of such meeting shall be determined by the President and the Secretary.

### 11.2.4 Quorum

- i. The quorum required for the meeting shall be two thirds of the elected members of the Executive Committee. If, within one hour from the time appointed for the meeting of the Executive Committee, there is no quorum, the meeting shall be adjourned.

## **Article 12: Finances and audit**

12.1 The Association funds shall derive from the following sources:

- i. Membership fees
- ii. Contributions from Schools, Institutions and Government

- iii. Annual subscriptions by members
- iv. Proceeds from sales of publications
- v. Grants from Governments and other bodies
- vi. Income from investments
- vii. Donations and gifts
- viii. Sales and services
- ix. Fundraising and
- x. Any other sources agreed upon by the Executive committee and/or General Conferences

## 12.2 Membership and subscription fees

### 12.2.1 Membership fees:

- i. Every ordinary Member of the Association shall pay a membership fee on first joining the Association.

### 12.2.2 Annual Subscription

- i. Every ordinary member of the Association shall pay an annual subscription of fifteen thousand kwacha (MK15000) which will be deposited into the Association's bank account

12.2.3 No Ordinary member shall exercise or be permitted to exercise the rights herein granted unless he/she has paid the membership fee which will be payable once as well as the annual subscription fees which shall be payable on or before the 31<sup>st</sup> day of September of each year.



12.2.4 Ex – Officio and Honorary members shall not be required to pay any dues whatsoever to the Association but they make voluntary contributions thereto if they so wish.

The Annual Membership fee shall be determined by a National General Conference from time to time.

12.2.5 And it is hereby declared that the Association shall, through its General Conference, be competent to vary membership and subscription fees as it may think fit. The signatories to the accounts of the conference shall be the National President, The National Treasurer and/ or the National Secretary.

12.2.6 Bank Account

- i. All monies collected or received by the Treasurer on account of the Association shall normally be deposited into a bank account or bank accounts in the name of the Association operated at the bank or banks duly agreed upon by the General Conference. No money shall be used at source.

12.2.7 Authorized signatures

- i. Every instrument of drawing any money whatsoever from any account opened under clause 18.3 of this Article shall be signed by any two of the following: Treasurer, the General Secretary and the President.

12.2.8 Out – of – pocket Expenses

- i. The officers of the Association shall not be entitled to any payments from Association monies as such officers; but

they shall be entitled to be reimbursed for out – of pocket expenses incurred in the course of executing their duties as such

#### 12.2.9 Authorized Expenditure

- i. The monies and other resources of the Association shall be expended only on activities approved by the Executive Committee or a General Conference and deemed to be in the best interest of the Association

#### 12.3 Auditing

- i. The Executive Committee shall, from time to time appoint an auditor.
- ii. The auditor shall audit the books of accounts of the Association and independently thereon to the Annual General Conference. The Treasurer and the entire executive committee shall cooperate fully with the auditor.

#### 12.4 Funding of the Secretariat:

12.4.1 The sources of funds for the activities of the Association shall be, but not limited to, as follows: -

- i. Individual Principals' monthly subscriptions
- ii. Sponsors, donors, exhibitions
- iii. Branch Annual Subscriptions
- iv. Return on investments

## 12.5 Bank Account:

- i. The funds of the Association shall be managed in a diligent and transparent manner; for which reason the Association shall open, and operate, bank accounts, in its own name, with reputable banks to be managed, on its behalf, by the President, Treasurer, Secretary and National Program Coordinator of the NEC as signatories. All monies meant for the benefit of the Association shall be banked in the said accounts; and all the withdrawals there from shall require two signatures, one of them being that of the President.

## 12.6 Funds of the Association:

12.6.1 The funds of the Association may only be used for the following purposes:

- i. For running the office and implementing and furthering the objects of the Association.
- ii. For paying travel and subsistence allowances to members National Committee, which shall mean and include sub-committee, meetings.
- iii. Annual support of divisional programmes and activities.
- iv. For such other purposes as may be decided at the general or committee meetings.

12.6.2 All monies and funds shall be received by, and paid to the Treasurer and shall be deposited by him in the name of the Association in any bank or banks approved by the Committee.

12.6.3 The Committee here in referred to as N.E.C shall have the power to approach reputable institutions and banks to source and borrow funds to assist in the running of the Association. This shall only be approved by the National Executive Committee.

12.6.4 Payments out of the bank or accounts of the Association will be made by the authorized officers of the Association and all cheques shall be signed by the President and any one of the following: The Secretary, Treasurer General, or The National Program Coordinator

12.6.5 The Committee shall have power to suspend any office bearer who it has reasonable cause to believe is not properly accounting for any funds or property of the Association and shall have power to appoint another person in his or her place. Such suspension and appointment shall be reported to the next NEC. In case of any changes of the office the Committee shall have powers to appoint another person.

## 12.7 Auditor

12.7.1 shall be appointed for the following year by the Annual General Conference.

12.7.2 The Auditor must be a fully subscribing member of the Institute of Certified Public Accountants of Malawi.

- 12.7.3 All the accounts, records and documents shall be open for the inspection of the Auditor at any time.
- 12.7.4 The Treasurer shall produce an account of receipts and payments and a statement of assets and liabilities made up to 30<sup>th</sup> June.
- 12.7.5 The Auditor shall not be an office bearer or a member of the Executive Committee.

## 12.8 Audit of Accounts

- 12.8.1 The General Conference or the Special General Conference shall appoint an Auditor to audit the Association's Accounts.
- 12.8.2 All the Associations Accounts, records and documents shall be open to the inspection of the auditor at any time.
- 12.8.3 The Treasurer shall produce an account of his/her receipts and payments of assets and liabilities made up to date which shall not be less than three weeks and not more than three months before the date of the Annual General Conference.
- 12.8.4 The auditor or auditors, shall examine the Annual Accounts and statements and either certify that they are correct, duly vouched and in accordance with the law, or report to the Association in what respect they are found to be incorrect, un-vouched or not in accordance with the law.

- 12.8.5 A copy of the auditors' report on the accounts and statements together with such Accounts and statements shall be furnished to all members at the same time as the notice convening the Annual General Conference is sent out.
- 12.8.6 An auditor may be paid such honorarium for his duties as may be resolved by the Annual General Conference appointing him/her.
- 12.8.7 No auditor shall be an office bearer or a member of the Committee of the Association.
- 12.8.8 The National Executive Committee and the Divisional Committees have powers to institute investigations in the management of finances, assets and resources of the Association.

### **Article 13: Board of trustees and property**

- 13.1 There shall be a Board of trustees of the Association whose number shall not be less than three and not more than five.
- 13.2 Eligibility for election as trustee
- i. A member who is aged 45 years and above, has been a Secondary School Head Teacher in Malawi and a regular member in the Association for at least five years, is a reputable professional person of sound mind and dedicated to objectives of Association, and who has not been convicted of

any criminal offence by the Courts of Malawi, shall be eligible to be elected as a Trustee.

### 13.3 Vacate office

A trustee shall vacate office if he/she:

- i. dies
- ii. resigns
- iii. becomes bankrupt
- iv. is found to be of unsound mind
- v. is found guilty or convicted of theft or related offence by a competent court of law
- vi. is found to have conducted himself/herself in such a way that the opinion of the Trustees renders him/her unsuitable to hold the office of the Trustee

### 13.4 Occurrence of a vacancy

- i. Upon the occurrence of a vacancy in the number of Trustees, the remaining Trustees shall at their next meeting appoint another person as a Trustee
- ii. A Trustee who is dismissed as a head teacher of a secondary school or whose membership to the association has been terminated shall be deemed to have vacated his or her office

### 13.5 Tenure of office

- i. A Trustee shall hold office for five years from the date of his election unless he shall have resigned his office in writing before the expiry of consecutive five years term or has been removed there from by the Association members in a General Conference by a majority of at least two-thirds of the members voting at the meeting. A Trustee elected to replace the one who has resigned or been removed, shall hold office only for the remaining period of the term of his predecessor. Notwithstanding the above, it is desired that at least one Trustee out of three a female.

### 13.6 Election of Chairperson

- i. There shall be a Chairperson of the Board of Trustees appointed annually by the Trustees from amongst themselves. The Chairperson shall preside over all Board Meetings and in the absence of the Chairperson; the Trustees present at the Meeting shall elect an acting Chairperson from amongst themselves.

### 13.7 Trust property

- 13.7.1 All immovable properties of the Association and any other properties entrusted to the Association shall be



vested in the Board of Trustees and they shall not without the previous sanction given by a resolution approved by at least two - third of the total members voting at a General Conference specially called for that purpose sell, exchange, mortgage or lease or otherwise deal with or dispose of any property.

13.7.2 All documents of Title relating to land, buildings and any other immovable properties vested in the Board of Trustees shall remain in the custody of the Bank/National Executive Committee. Those documents shall be accessible only if a minimum of 2 (two) Members of the Executive Committee jointly with a minimum 2 (two) Members of the Board of Trustees approach the Bank/National Executive Secretary.

13.7.3 The trustees shall manage the properties of the Association in accordance with the law and the provisions of this Constitution, and subject thereto shall manage the same and act in all matters relating thereto in consultation with the National Executive Committee and General Assembly.

#### **Article 14: The legal advisor**

14.1 A legal advisor shall be appointed for the following year by the Annual General Conference. The Legal Advisor must be an enrolled Advocate of the High Court of Malawi. All the records

and documents shall be open for the inspection of the Legal advisor at any time. The President and Secretary shall produce all the records and documents made up to 30<sup>th</sup> June of the preceding year.

14.2 The Legal Advisor shall not be an office bearer or a member of the Executive Committee of the Associations.

### **Article 15: The By-laws**

15.1 The National Executive Committee shall be mandated to make By-laws under this Constitution embodying additional provisions for the proper management of the Association and shall be annexed to the Constitution

### **Article 16: The Common seal**

16.1 The Trustees shall provide a common seal

16.2 The seal shall be kept in the safe custody of the Secretary General of the National Executive Committee and shall be affixed on all legal documents of the Association in the presence of the Executive Committee President and only with the authority of the Trustees.

## **Article 17: Amendments to the constitution**

- 17.1 The Constitution may be amended by way of a resolution of the NEC after due consultation with divisional members.
- 17.2 No proposed amendment shall be considered unless at least thirty (30) days' notice prior to the AGC has been given to the President.
- 17.3 Such notice shall be forwarded to all representatives on the NEC at least two weeks prior to the meeting at which it is to be considered and after due consultation with divisional members.
- 17.4 Any such amendment shall require a two-thirds majority vote of the NEC.

## **Article 18: Dissolutions**

- 18.1 The Association shall not be dissolved except with the consent of at least three quarters of all paid up members present at a General Conference or Special General Conference by means of a secret vote
- 18.2 In the event of the Association being dissolved all debt and liabilities legally incurred on behalf of the Association shall be fully discharged and the remaining funds divided among the members in proportion to each member's fee in that year.

18.3 Any tangible property or assets of the Association (not being cash) shall be sold by auction open to members and proceeds there from distributed in accordance with Article 17.2

#### Article 19: Interpretation

The interpretation of the Constitution shall be determined by the National Executive Committee.

MASSHA NATIONAL PRESIDENT

Pascal Chitundu

MASSHA SECRETARY GENERAL

Hartley Kalua

## **Annexe**

### A.1 Functions of the Student Council

Its functions shall be to:

- i. Foster cooperation in the management of schools
- ii. Enhance and maintain discipline among students in schools

### A.2 Structure of Student Council

The Council shall be composed of the following:

- i. Chairperson
- ii. Vice Chairperson
- iii. Secretary
- iv. Vice Secretary
- v. Director of Academic Affairs
- vi. Director of Sports
- vii. Director of Environmental Affairs
- viii. Director of Welfare
- ix. Director of Inclusive Education
- x. Events Organizing Secretary

### A.3 Duties of office bearers in the Council

The following shall be their duties

#### A.3.1 The Chairperson

The Chairperson shall

- i. be the executive head of the Council
- ii. supervise all office bearers in the council
- iii. preside over all meetings of the Council

- iv. act as a link between students and members of staff
- v. liaise with other students and lead in enhancing discipline among students in the school

#### 7.3.2 Vice Chairperson

The Vice Chairperson shall

- i. assist the Chairperson
- ii. act as Chairperson in the absence of the Chairperson

#### 7.3.3 The Secretary

The Secretary shall

- i. organize all council meetings in consultation with the chairperson
- ii. take down minutes during meetings

#### 7.3.4 Vice Secretary

The Vice Secretary shall

- i. assist the Secretary
- ii. act as Secretary in the absence of the Secretary

#### 7.3.5 Director of Academic Affairs

The Director of Academic Affairs shall

7.3.5.1 Be responsible for all academic matters such as

- i. ensuring that teaching and learning is taking place at the school

- ii. ensuring that facilities at the school such as library, laboratory, furniture inter alia are accessible and well utilized.

#### 7.3.6 Director of Sports

The Director of Sports shall

- i. Organize all forms of sporting activities for the students

#### 7.3.7 Director of Environmental Affairs

The Director of Environmental Affairs shall

- i. be responsible for general cleanliness of school premise
- ii. work hand in hand with duty officers

#### 7.3.8 Director of Students' Welfare and Special Needs

The Director of Students' Social Welfare shall

- a. take care of the welfare and needs of other students
- b. ensure that

#### 7.3.9 Director of Inclusive Education

- i. ensure that students with Special Education Needs have access to all facilities and their welfare is considered

#### 7.3.9 Events Organizing Secretary

The Events Organizing Secretary shall

- i. organize all events and activities such as entertainment and sports, taking place at the institution