

THE CONSTITUTIONAL TEMPLATE DOCUMENT:

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**CONSTITUTION
OF THE
TRINIDAD AND TOBAGO TRIATHLON FEDERATION**

1 NAME:

1.1 The name of the sport body shall be the Trinidad and Tobago Triathlon Federation (hereinafter called “the Federation”)

2 DEFINITIONS AND INTERPRETATION

2.1 In this constitution unless the contrary intention appears: -

'Board' means the Board of Officers of the Federation

'Bye-Laws' means any by-laws made by the Board under **Section 35**;

'Clear days' means all the days excluding the first and last days.

'Clubs' means sporting organizations affiliated to the Federation complying with section 14 of this constitution.

'Competitions' means and includes:

- (a) any championship (national or otherwise) organized or conducted by a Member Association for or on behalf of the Federation;
- (b) any championship or competition (national or otherwise) **sponsored** by or conducted by or on behalf of the Federation; or
- (c) any international championship or competition at which the Federation is represented.

'Competitor' means an athlete, sportsman or sportswoman who participates competitively on behalf of the Federation

'Constitution' means the Constitution for the time being of the Federation;

"Court of law" means the Magistrate's Court or the Supreme Court of Justice of Trinidad and Tobago.

'Delegate' means the person elected or appointed from time to time by a Zonal Association or Club to act for and on behalf of that Zonal Association or Club and represent it at General Meetings.

'Financial member' means a member whose subscription fees have been fully paid for that financial year.

'Financial year' means the year ending ____ each year;

'General Meeting' means the annual or any special general meeting of the Federation;

'Honorary Life Member' means an individual upon whom Life Membership of the Federation has been conferred under **Section 7**;

'Intellectual Property' means all rights or goodwill subsisting in copyright, business names, trade marks (or signs), logos, designs or patents or marks relating to the Federation or any Event, competition, championship, meeting or sporting activity of or conducted, promoted or administered by the Federation;

"Mediation" means that form of non-binding dispute resolution that is facilitated by a third party chosen by the disputants

'Multisports' means the Sports of Triathlon, Duathlon, Aquathlon and it's **derivates**

'Objects' means the objects of the Federation set out in **Section 4**;

'Officer' means a member of the Board and includes any person acting in that capacity from time to time for the time being of the Federation;

'Official' means any person elected or appointed to any position within the Federation or the Member Associations;

'President' means the president for the time being of the Federation;

'Secretary' means that officer of the Federation as defined in **Section 18**.

'Special Resolution' means a resolution passed:

(a) at a General Meeting of the Federation of which 30 days notice, accompanied by notice of intention to propose a resolution as a special resolution, has been given to the Members in accordance with this Constitution; and

(b) by at least three quarters of those Members present whether voting in person or by proxy.

'Zonal Association' means North, South, East, Central, or Tobago Zone or any such geographical zone in which a sporting organisation is divided and managed.

2.2 *In this Constitution, unless the context otherwise requires:*

2.2.1 words importing the singular include the plural and vice versa;

2.2.2 words importing any gender include the other gender;

2.2.3 references to persons include corporations and bodies politic.

2.2.4 references to a person include the legal personal representatives, successors and permitted assigns of that person;

2.2.5 all headings contained in this Constitution are for guidance and do not form part of the substance of the Constitution;

2.2.6 If any provision of this Constitution or any phrase contained in it is invalid or unenforceable in any court of law, the phrase or provision is to be read down for all purposes, if possible, so as to be valid and enforceable. If it cannot be read down it shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of the Constitution or affecting the validity or enforceability of that provision.

3 PURPOSES

3.1 *The Federation*

3.1.1 is incorporated under the Companies Act of Trinidad and Tobago.

3.1.2 will promote and develop Multisport in Trinidad and Tobago in accordance with the Objects;

3.1.3 is not carried on for the purpose of profit or gain to its individual members.

3.1.4 will strive to secure representation of national teams/representatives on the local, regional and international stages of sport participation

3.1.5 (c) to provide for members information on technical and other developments relating to Triathlon;

3.1.6 generally to promote the material, social and educational welfare of the members in any lawful manner which the Annual General Meeting or Special General Meeting may from time to time deem expedient;

3.1.7 to raise funds to enable the Federation to carry out its functions and to invest such funds of the Federation in such stocks, funds, shares, securities or other investments or in whatsoever manner the Annual General Meeting or Special General Meeting may decide;

3.1.8 to hold, purchase, lease, lend, borrow, mortgage or otherwise deal with real and or personal property;

3.1.9 to do all lawful things such as are incidental or conducive to the attainment of the above or any of them.

4 4. OBJECTS

4.1 *The Objects of the Federation are to:*

4.1.1 affiliate and otherwise liaise with the International Triathlon Union or its successor or assign and such other bodies as may be desirable to achieve these Objects;

4.1.2 conduct, encourage and promote Multisport in and throughout Trinidad and Tobago

4.1.3 foster the promotion and administration of Multisport activities through its Members for the mutual and collective benefit of the Members;

4.1.4 act in good faith to ensure the sustainability of the Federation, its standards and reputation for the benefit of the Members and Triathlon

4.1.5 promote mutual trust and confidence between the Federation and the Members in pursuit of these Objects;

4.1.6 arrange and provide for the holding of courses or seminars for the instruction and teaching of Triathlon to sportsmen/sport participants, teachers, coaches, instructors, officials and other administrative personnel;

4.1.7 promote the economic and sporting success and stability of the Federation

4.1.8 ensure compliance with the rules and by-laws as amended from time to time of the International Triathlon Union;

4.1.9 use and protect the Intellectual Property of the Federation.

4.1.10 collect, distribute and publish information in connection with Triathlon;

4.1.11 promote national, regional and international meetings, competitions and championships/youth conferences held in Trinidad and Tobago.

4.1.12 secure uniformity in such rules as may be necessary or appropriate for the management of Triathlon and related activities in Trinidad and Tobago;

4.1.13 advertise and promote Triathlon to the widest public.

4.1.14 ensure as best as possible the health and safety of all Members;

4.1.15 pursue such sponsorship and marketing opportunities as are appropriate, to further these Objects;

4.1.16 formulate or adopt and implement appropriate policies on sexual harassment, equal opportunity, drugs in sport/drug use among youths, health, safety, and such other matters which may arise as issues to be addressed in Triathlon; and

4.1.17 do all that is reasonably necessary to enable these Objects to be achieved and to enable the Members to receive the benefits which these Objects are intended to achieve;

5 POWERS

5.1 The Federation shall have the following powers:

5.1.1 to become a Member of and co-operate with another association or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Federation.

5.1.2 to purchase or otherwise acquire any lands buildings easements or property, real and personal, and any rights or privileges which may be requisite for the purposes and objects of the Federation.

5.1.3 to take such steps as may be deemed expedient for the purpose of procuring contributions to the funds of the Federation in the shape of donations annual subscription fees or other donations.

5.1.4 to appoint from time to time and with or without remuneration, agents, attorneys or any persons under power of attorney or otherwise.

5.1.5 to hire and employ staff to terminate their employment and to pay to them and to other persons for services rendered to the Federation such fees salaries wages gratuities and bonuses as may be thought fit.

5.1.6 to undertake and execute any trust which may seem to the Federation conducive to any of its objects.

5.1.7 to exercise jurisdiction over all Members in all matters pertaining to Triathlon including discipline, expulsion, suspension, disqualification or otherwise dealing with them.

5.1.8 to impose levies or fines.

6 INCOME AND PROPERTY

6.1 The income and property of the Federation, from wherever derived, shall be applied solely towards the promotion of the Objects of the Federation as set forth in this Constitution.

7 MEMBERS

7.1 There shall be three (3) categories of Membership:

7.1.1 Ordinary Membership, which shall comprise:

- 7.1.1.1 Zonal Associations,
- 7.1.1.2 Clubs which have a minimum membership of 20 members, being financial members.
- 7.1.1.3 Individual financial members.

7.1.2 Associate Membership which shall comprise:

- 7.1.2.1 Clubs whose membership is less than 20 in number but whose members are financial.
- 7.1.2.2 Visiting sporting teams from an overseas territory, who may be granted such membership and only for the duration of their visit to Trinidad and Tobago.

7.1.3 Affiliate members which shall comprise:

- 7.1.3.1 For Profit Entities that have stakes in the sport of Triathlon
- 7.1.3.2 Individuals that have stakes in the sport of Triathlon
- 7.1.3.3

7.1.4 Honorary Life Membership, comprising persons who have provided long and meritorious service to the Association. The Honorary Life Member may only be elected by Special Resolution at an Annual General Meeting. A person shall become an Honorary Life Member from the date of the Annual General Meeting at which he was elected. Nominations for Honorary Life Membership must be submitted and seconded by Full Members and must be received by the Secretary

7.2 7.2-Rights of Members:

7.2.1 Full and Associate Members shall be entitled to:

7.2.1.1 attend, debate and vote at all General Meetings, whether Annual or General.

7.2.1.2 nominate and second other members eligible for office

7.2.1.3 become an Officer of the Federation

7.2.1.4 In the case of Zonal Associations, they shall have rights of representation at General Meetings for the purpose of exercising its aforementioned membership rights.

7.2.2 Honorary Life Members and Affiliate Members shall be entitled to attend and debate at meetings, without the right to nominate, second, vote or become an Officer.

7.3 The Board has the right and power from time to time to create new categories of membership with such rights, privileges and obligations as are determined applicable. The Board shall convene a Special General Meeting for the purpose of creating the new category of Membership which creation will require a majority vote. The new category created will not be granted voting rights.

7.4 Register of Members

7.4.1 Each Full and Associate Member shall maintain in a form and with such details as are required by the Federation, a register of all their respective Clubs and/or individual Members. Each Full and Associate Member shall provide a copy of the register at a time and in a form acceptable to the Federation and shall provide prompt and regular updates of that register to the Federation when required by the Board.

- (i) *A visiting team under 7.1 (b) (ii)-shall refer to a team whose primary place of operation is outside of Trinidad and Tobago and shall include English-speaking and non-English speaking teams.*
- (ii) *An application for Associate membership can be made via postal service, facsimile or electronically and must be addressed to the Secretary of the Federation.*
- (iii) *The application for Associate Membership must reach the Secretary of the Federation no less than seven clear days before arrival of the visiting team to Trinidad and Tobago.*
- (iv) *The Board shall convene a special general meeting within three days of the application from the visiting team in order to confirm approval or disapproval of such application and shall notify the applicant of the decision before the team's departure to Trinidad and Tobago*
- (v) *Nominations for Honorary Life Membership under 7.1(c) shall be received by the Secretary no less than 14 days before the Annual General Meeting at which such membership is determined.*
- (vi) *The nomination form shall be signed by a nominator and a seconder who must both be Full Members.*

8 REGISTER OF MEMBERS

8.1 Secretary to Keep Register

8.1.1 The Secretary shall keep and maintain a register of all Federation Members.

8.2 Inspection of Register

8.2.1 Having regard to privacy and confidentiality considerations, an extract of the register, excluding the address of any member, Officer or Delegate, shall be available for inspection (but not copying) upon reasonable request by a Full Member.

9 EFFECT OF MEMBERSHIP

9.1 Members acknowledge and agree that:

9.1.1 this Constitution constitutes a contract between each of them and the Federation and that they are bound by this Constitution and any related bye-laws.

9.1.2 this Constitution is made in pursuit of the mutual and collective benefit of the Federation, the Members and Triathlon;

9.1.3 this Constitution and the bye-laws, if any, are necessary and reasonable for promoting the Objects and particularly the advancement and protection of Triathlon

9.1.4 they are entitled to all benefits, privileges and services of Federation membership.

10 LIABILITY OF MEMBERS (where Federation is incorporated)

10.1 The liability of the Members of the Federation is limited.

11 DISCIPLINE OF MEMBERS

11.1.1 The Board may refer the following matters for investigation or determination by the Disciplinary Committee which is formed pursuant to Section 34:

11.1.2 breach of Constitution: an allegation or grievance (not being capricious, vexatious or frivolous) by a complainant (who may be, but need not be, a Member) that a Member has:

11.1.2.1 acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Federation and Triathlon; or

11.1.2.2 brought the Federation or Triathlon into disrepute.

11.1.3 breach of Constitution: an allegation or grievance (not being capricious, vexatious or frivolous) by a complainant being a Member that another Member has:

11.1.3.1 failed or refused to comply with a provision of this Constitution, the bye-Laws or any other decision, resolution or policy of the Board or duly authorised committee;

11.2 Members will be subject to the jurisdiction, penalties and appeal mechanisms of the Federation set out in the Constitution and its bye-laws.

11.3 Members undergoing disciplinary proceedings shall be given an opportunity to be heard.

Bye-Law to Section 11

There shall be a specific procedure for a Member who faces a disciplinary charge:

- (i) *The Disciplinary Committee shall comprise no less than five (5) members (not including Board Members) from whom any three (3) shall form a panel for the purpose of a disciplinary hearing.*

- (ii) *The Disciplinary Committee or someone delegated by it shall conduct an investigation to determine whether an offence has been committed. The investigator shall be eligible to form part of the panel referred to in (i) above.*
- (iii) *The offence, if any, must be identified under the applicable rules/laws of the NGB.*
- (iv) *The Member shall be notified by the Secretary of the Federation of the offence and given notice of the ensuing disciplinary hearing.*
- (v) *The Member shall be informed of his right to be represented at the hearing. Such representative may be qualified in law. The Member shall be entitled to bring witnesses to the hearing.*
- (vi) *At the hearing, the Member shall be afforded the opportunity to be heard and to defend the charge laid against him.*
- (vii) *The decision of the Disciplinary Committee shall be communicated to the Member in writing indicating the penalty, if any, imposed by the Disciplinary Committee.*
- (viii) *The Member shall have a right of appeal to the Internal Dispute Tribunal created under Section 48 of this constitution.*

12 DISCONTINUANCE OF MEMBERSHIP

12.1 Member's withdrawal of membership

12.1.1 A Member may withdraw membership by written notice to the Board. Such withdrawal shall be confirmed only by approval of the Board, which approval must not be unreasonably withheld.

12.2 Member's Failure to Comply

12.2.1 Where a Member fails to comply with his financial obligations, including those listed under Section 13 of this Constitution, the Board may determine that Member to be not of good standing and its membership shall lapse. On determination that a Member is not of good standing, the Board shall give notice to the Member of its failure to meet the said obligations and of its pending lapse of Membership.

12.3 Forfeiture of Rights

12.3.1 A Member who or which ceases to be a Member, for whatever reason, shall forfeit all right in and claim upon the Federation and its property including Intellectual Property. Any Federation documents, records or other property in the possession, custody or control of that Member shall be returned to the Federation immediately.

12.4 Representation Rights

12.4.1 Where a Member ceases to be a Member of the Federation, he shall also forfeit all representation rights at General Meetings.

12.5 Membership May be Reinstated

12.5.1 Membership which has lapsed, been withdrawn or terminated under this Constitution or its-by-laws, if any, may be reinstated at the discretion of the Federation, on application in accordance with this Constitution and otherwise on such conditions as the Board sees fit.

Bye-Law to Section 12

- (i) *Written Notice under 12.1 shall be no less than 28 clear days from the time of the Member's intended withdrawal.*

13 SUBSCRIPTIONS AND FEES

13.1 Fees including annual membership fees payable by Members to the Federation shall be determined by resolution at the Annual General Meeting on the recommendation of the Board.

13.2 Monies payable to the Federation by the Members under Rule 13.1 shall be forwarded to the Federation for the Federation's use by such dates as are prescribed by the Board.

14 ZONAL ASSOCIATION AND CLUB CONSTITUTIONS

14.1 Each Zonal Association and sports club shall take all necessary steps to ensure its constituent documents are in a form acceptable to the Federation and are consistent with the Objects of the Federation.

14.2 Zonal Association and sports club have to be organized as not for profit organizations with a constitution and AGM similar to that of the federation

15 DELEGATES

15.1 Appointment of Delegates

15.1.1 Each Associate Member Club shall be entitled to appoint one Delegate. Associate Member Clubs shall appoint their Delegates subject to the provisions of Section 15.3. A Delegate must:

15.1.1.1 be an individual Member of the Associate Member Club which appoints him; and

15.1.1.2 be appropriately empowered by his Associate Member Club to make decisions at General Meetings.

15.2 Delegates as Representatives

15.2.1 Delegates shall represent their Associate Member Club at General Meetings and shall have full power to consider and vote on resolutions at General Meetings.

15.3 Delegates who become Officers

15.3.1 A Delegate shall immediately cease to function as a Delegate upon election as an Officer and shall be replaced by an Alternate Delegate.

15.4 Secretary to be advised

15.4.1 Each Associate Member Club shall advise the Secretary of its appointed Delegate and its Alternate Delegate and shall advise the Secretary of any change in the appointments prior to the next General Meeting following the change.

15.5 Alternate Delegates

15.5.1 An Associate Member Club may appoint an Alternate Delegate. An Alternate Delegate must comply with the requirements for Delegates set out in Rule 15.1 and has such rights and powers as does a Delegate.

Bye-Law to Section 15

- (i) *The role of the Delegate is to represent his Member Club and express its wishes. He therefore acts as spokesman for his Club and not as an individual. A Member Club shall be responsible for choosing as its Delegate such person as can properly meet the abovementioned expectation.*
- (ii) *The Member Club shall advise the Secretary of its Delegate no less than seven days before the meeting in which the Delegate is expected to participate.*
- (iii) *Such communication to the Secretary may be by facsimile, registered mail, hand delivery or electronically.*

16 THE OFFICERS

16.1 There shall be seven (7) Officers of the Federation comprising five (5) Executive positions namely:

- 16.1.1** **The President**
- 16.1.2** **The Vice President**
- 16.1.3** **The Secretary**
- 16.1.4** **The Assistant Secretary**
- 16.1.5** **The Treasurer**
- 16.1.6** **two (2) Trustees.**

16.2 *The Officers of the Federation shall be elected at the Annual General Meeting in the year in which the Olympic Games are being held. Collectively they shall be known as the Board.*

16.3 *The Officers shall be elected from among Delegates including Alternate Delegates and individual financial members.*

16.4 *No Board Member shall hold office for more than two successive terms in accordance with Section 23 of this Constitution.*

Bye-Law to Section 16

- (i) *For the avoidance of doubt, the provision forbidding the holding of office by an Executive Board Member for two consecutive terms does not prevent him from serving on the Board thereafter provided that such service is in a different capacity from that in which he had previously served.*

- (ii) *The four (4) non-Executive officers shall each be eligible to become an Executive Officer at any time after the first term of two years. In the case that such Officer becomes an Executive Board Member, bye-law 16(i) shall apply.*

17 NOMINATIONS

17.1 Nominations must be submitted to the Board and must be received by the Federation 30 days prior to the relevant General Meeting

17.2 Nominations for election to the Board must be:

17.2.1 in writing;

17.2.2 on the prescribed form (if any) provided for that purpose;

17.2.3 signed by a nominator and a seconder, who shall be Full Members;

17.2.4 certified by the nominee expressing his willingness to accept the position for which he is nominated; and

17.2.5 endorsed by the nominee's Zonal Association or Club confirming the nominee is an individual Member of that Zonal Association or Club in good standing.

Bye-Law to Section 17

The Nomination Form shall follow the format below:

Name of Sporting/Youth Organisation: _____

Name of Candidate: _____

Address of Candidate: _____

Please tick the appropriate office being contested:

President **Vice-President**

Secretary **Treasurer**

Assistant Secretary [] Trustee []

Name of Nominator: _____
Name of Nominator's club: _____
Name of Seconder: _____
Name of Seconder's club: _____
Date: _____

I, [NAME OF NOMINEE] , hereby accept my nomination to serve in the office of [OFFICE FOR WHICH NOMINATED] of the Federation for the upcoming term.

Nominee's Signature

I, [NAME OF ENDORSER] of [NAME OF SPORT CLUB] hereby confirm that [NAME OF NOMINEE] is a member of the [NAME OF CLUB] in good standing.

Signature of Endorser

18 THE ROLES OF THE EXECUTIVE OFFICERS

18.1 The President shall chair any Board meeting at which he is present. If the President is not present, or is otherwise unable to preside, then the Vice President shall chair the meeting. If both are absent or otherwise unable to preside, the remaining Officers shall appoint one of their number to preside as chairman for that meeting only. The President shall present a President's Report on behalf of the Board at the Federation's Annual General Meeting.

18.2 The Vice President shall support the President in his duties, act in his absence and shall enjoy for the time being the same right as if he were President.

18.3 The Secretary shall be responsible for keeping correct Minutes of Board meetings, official correspondence and records of the Federation. He shall delegate such of his duties to the Assistant Secretary as he deems fit.

18.4 The Assistant Secretary shall be of general assistance to the Secretary, act in his absence and shall enjoy for the time being the same right as if he were the Secretary.

18.5 The Treasurer shall keep such books of accounts as the Board may from time to time direct, deposit the funds of the Federation in such financial institution(s) as may be selected by the Board and shall present a Treasurer's Report and audited financial statements at the Annual General Meeting of the Federation.

18.6 Trustees

18.6.1 Any Trustee permanently leaving the country or being declared bankrupt or compounding with creditors or becoming physically or mentally incapable of acting or refusing to act or convicted of a criminal offence of a serious nature or suffering imprisonment shall ipso facto vacate office and the vacancy shall be filled by the Board appointing another Trustee in his/her stead, ratified in Special General Meeting, who shall hold office for as long as the vacating member would have retained the same if no vacancy had occurred.

18.6.2 The Trustees shall stand possessed of the property and funds of the Committee in trust for the Committee and shall apply and dispose of the same for the benefit of the Committee in such manner, as the Board shall in conformity with the Constitution direct.

18.6.3 The Trustees of the Committee, duly authorized by the Board, shall have full powers to sue and defend all legal proceedings instituted by or against the Committee and, for such purpose, shall have power to sign all powers of Attorney or other legal documents requisite as necessary. The Trustees shall be indemnified against all risks and expenses incurred by them out of the property and assets of the Committee.

Bye-Law to Section 18

- (i) *Each Board member shall be expected to carry out his functions, duties and responsibilities with reasonable diligence and skill and in accordance with principles of good sport governance.*
- (ii) *The Board shall be expected to act in the best interests of the Federation as a whole and not for the personal interests of each member.*
- (iii) *(For an incorporated Federation) Each Board member shall be expected to be reasonably familiar with the incorporation documents of the Federation, and the Bye-Laws of the Companies Act, 1995 and any amendments or legal notices thereof.*
- (iv) *The Treasurer shall supply reports to the Board on request.*

19 POWERS OF THE BOARD

Subject to this Constitution, the business of the Federation shall be governed, and the powers of the Federation shall be exercised, by the Board during its term. The Board shall act in accordance with the objects of the Federation and shall operate for the collective and mutual benefit of the Federation, the Members and Triathlon.

Bye-Law to Section 19

- (i) *Each Executive Board Member shall have the authority to sign cheques issued by the Federation.*
- (ii) *No cheque shall be signed by only one such Member. A minimum of two signatories shall be required of which one shall be the Treasurer.*
- (iii) *There shall be no more than three (3) signatories to the accounts at any given time.*

20 REMOVAL AND REPLACEMENT OF OFFICERS

20.1 Removal of Officers shall occur at a Special General Meeting convened for that purpose and in accordance with the provisions in Sections 30.2, 30.3, 30.4 and 30.5.

20.2 The Replacement of Officers shall occur at the same Special General Meeting in which Officers were removed. The names of nominees for the vacant positions shall be submitted to the Secretary no later than 14 days before the Special General Meeting at which the vacancies are to be filled. The nominees must confirm their acceptance of the nomination in writing.

Bye-Law to Section 20

(i) *The nomination acceptance form shall take the format below:*

“I, _____, hereby duly accept my nomination to the position of [NAME OF OFFICE] in this Federation. I fully comprehend the extent of my duties as [NAME OF OFFICE] and if elected will fulfill those duties responsibly and with integrity.”

21 MEETINGS OF THE BOARD

21.1 The Board shall meet as often as is deemed necessary in every Financial Year for the dispatch of business and may adjourn and otherwise regulate its meetings as it thinks fit.

21.2 Decisions of Board

Subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes and a determination of a majority of Officers present and entitled to vote shall for all purposes be deemed a determination of the Board. All Officers shall have one vote on any question. The Chairman shall have an original vote and, where the vote count is equal, a casting vote.

21.3 Resolutions not in meeting

21.3.1 A resolution in writing, signed or assented to by **facsimile, email or online** poll by all the Officers shall be as valid as if it had been passed at a meeting of Officers duly convened and held.

21.3.2 The resolution shall have a date on it and a deadline not less than two days and not more than two weeks to respond

21.3.3 Within the deadline stipulated in 21.3.2 at least as many Officers as stipulated under 21.4 have to respond to validate the resolution.

21.3.4 A simple majority of respondents as stipulated under 21.3.3 shall suffice to conclude the resolution

21.4 Quorum

At meetings of the Board the number of Officers whose presence (or participation under Rule 21.3) is **required to constitute a quorum is at least half of the Officers.**

21.5 Notice of Board meetings

Unless all Officers agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their presence), not less than 14 days' written notice of the meeting of the Board shall be given to each Officer. The agenda shall be forwarded to each Director not less than 7 days prior to such meeting.

21.6 Validity of Board decisions

A procedural defect in decisions taken by the Board shall not result in such decision being invalidated.

Bye-Law to Section 21

- (i) *Procedural defects shall refer to those errors and/or omissions which in the reasonable discretion of the Board are minor, trivial or immaterial.*
- (ii) *A procedural defect under 21.6 shall include, but is not limited to, notice periods, incorrect dates, spelling errors not related to someone's name*

and the like. Such defects can be cured without affecting the substance of a decision made under this constitution.

22 ELECTIONS

Elections of Officers under Rules 16 and 20.2 shall be by ballot at the Annual General Meeting in the same Year in which the Olympic Games take place.

Bye-Law to Section 22

- (i) *The ballot shall be prepared by the Secretary.*
- (ii) *A Returning Officer, appointed by the Board, shall choose a Full Member to oversee the distribution of the ballot.*
- (iii) *The ballot shall be counted by three (3) persons, of whom two shall be the said Returning Officer and one Honorary Life Member.*
- (iv) *The results of the ballot shall be returned to the Members within 45 minutes of their collection or as quickly as is reasonably practicable if more time for counting is needed.*

23 TERM

23.1 Each Officer shall hold office for 4 years but is eligible for re-election subject to this constitution.

24 GENERAL MEETINGS

24.1 Federation Powers at a General Meeting

24.1.1 The Federation during a General Meeting shall act in accordance with the Objects and for the benefit of the Members, Triathlon and the general community throughout Trinidad and Tobago. The Federation in General Meetings will act in its best interests and will:

- 24.1.1.1 Requisition a General Meeting;
- 24.1.1.2 Convene a General Meeting;
- 24.1.1.3 Determine Officers' fees (as applicable);
- 24.1.1.4 Alter the Constitution (subject to Rule 46);
- 24.1.1.5 Accept or reject the Annual Reports of the President and Treasurer;
- 24.1.1.6 Pass or reject Special Resolutions;
- 24.1.1.7 Have power to admit new Members; and
- 24.1.1.8 Be the final arbiter on matters referred to it by the Board.

25 ANNUAL GENERAL MEETINGS

25.1 An Annual General Meeting of the Federation shall be held in accordance with this Constitution on a date not later than three months after the close of the Financial Year, and at a venue to be determined by the Board.

25.2 All General Meetings other than the Annual General Meeting shall be Special General Meetings and shall be held in accordance with this Constitution.

26 NOTICE OF GENERAL MEETINGS

26.1 Notice of every General Meeting shall be given to every Member and Officer at the address or email-address appearing in the register kept by the Federation. No other person shall be entitled as of right to receive notices of General Meetings, except the Federation's auditor(s) and legal adviser(s)

26.2 At least 30 days notice of the place and day and hour of the General Meeting shall be given.

26.3 At least 14 days notice of the business to be transacted at a General Meeting shall be given, together with:

26.3.1 any notice of motion received from any Member, Officer or the Board in accordance with this Constitution;

26.3.2 relevant accounts, reports or other relevant documentation in accordance with this Constitution.

26.3.3 a list of all nominations received for positions to be elected at the relevant General Meeting;

27 ATTENDANCE AND PARTICIPATION AT GENERAL MEETING

27.1 Notwithstanding any other clause of this Constitution, no Member shall be represented at, or take part in a General Meeting, unless all monies are duly paid.

28 BUSINESS OF GENERAL MEETINGS

28.1 Business to be transacted

28.1.1 The business to be transacted by the Annual General Meeting includes

- 28.1.1.1 the confirmation of the minutes of the last Annual General Meeting
- 28.1.1.2 the adoption of the reports of the President and the Treasurer
- 28.1.1.3 the election of Officers
- 28.1.1.4 the consideration of the audited financial statements
- 28.1.1.5 the appointment of auditors
- 28.1.1.6 the appointment of a legal adviser
- 28.1.1.7 amendments (if any) to the Constitution

28.2 All business that is transacted at a General Meeting, with the exception of those matters set out in Section 28.1 shall be Special Business. "Special Business" is business of which a notice of motion has been submitted in accordance with Section 29 of this Constitution.

28.3 No business other than that stated on the notice for a meeting shall be transacted at the General Meeting.

Bye-Law to Section 28

- (i) *Notwithstanding the provisions of Section 28.2 of this constitution, within the sole discretion of the Chairman of the meeting, motions and counter-motions may be received. Each motion or counter-motion must be seconded in order to move forward.*

30 SPECIAL GENERAL MEETINGS

30.1 The Board shall convene a Special General Meeting of the Federation once it sees fit or it is required by this constitution.

30.2 The Board shall on the requisition in writing of one-third of the Full Members convene a Special General Meeting.

30.3 The requisition for a Special General Meeting shall

30.3.1 state the purpose of the meeting,

30.3.2 be signed by the Members making the requisition; and

30.3.3 be sent to the Federation.

30.4 If the Board does not cause a Special General Meeting to be held within 10 clear days after the date on which the requisition is sent to the Federation, the requisitionists may convene a Special General Meeting to be held not later than 30 days after that date.

30.5 A Special General Meeting convened by Members under this Constitution shall be convened by 21 days written notice to the general membership.

31 PROCEEDINGS AT GENERAL MEETINGS

31.1 No business shall be transacted at any General Meeting unless a quorum is present at the time fixed for the commencement of the meeting. A quorum for General Meetings shall be 30% of the financial Members and at least two Associate Members represented by their notified Delegates.

31.2 The President shall preside at every General Meeting of the Federation. In his absence, the provisions of Section 18.1 shall apply

31.3 Adjournment of Meeting

31.3.1 If within half an hour from the time appointed for the General Meeting a quorum is not present the meeting shall be adjourned to the same time and venue seven days later, unless the Board determines otherwise. If at the adjourned meeting a quorum of 25% of the financial Members is not present within half an hour from the time appointed for the meeting, the meeting will lapse.

31.3.2 The Chairman of the adjourned meeting may, and shall, if so directed by the meeting, adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business stipulated on the agenda of the meeting from which the adjournment took place.

31.3.3 No General Meeting shall be adjourned for more than 14 days.

31.3.4 It shall be necessary to give notice within 14 days of the completion of a General Meeting to all members of business transacted at the General Meeting.

31.4 At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless, before the show of hands, a poll is demanded:

31.4.1 by the chairman; or

31.4.2 by over half the Delegates present.

31.5 Unless a poll is demanded under Rule 31.4, a declaration by the Chairman that a resolution has on a show of hands been carried, or carried unanimously, or by a particular majority or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Federation shall be conclusive evidence of the fact.

31.6 If a poll is duly demanded under Rule 31.4 it shall be taken at the meeting at which it is demanded and shall be adjourned if over half the delegates present demand it.

31.7 Resolutions not in Meeting

(a) Except:

**31.7.1 (i) in the case of an Annual General Meeting;
or**

31.7.2 (ii) where a Special Resolution is required under this Constitution;

a resolution in writing signed or assented to by facsimile, email or online poll by all the Members entitled to vote shall be as valid as if it had been passed at a meeting of Members entitled to vote duly convened and held.

Bye-Law to Section 31

- (i) *For the avoidance of doubt, a poll shall have the same meaning as a vote by ballot.*

32 RIGHTS AT GENERAL MEETINGS

32.1 Each Full and Associate Member shall have voting rights. Delegates shall represent their respective Associate Member Clubs. Each Delegate shall have one vote. The Chairman shall have an original and a casting vote.

32.2 Each Officer is entitled to notice of, and to attend, debate and vote at all General Meetings.

32.3 Delegates may vote by proxy in accordance with this Rule 32.3 as follows:

32.4 The instrument appointing a proxy shall be in writing under the hand of the appointer or of a duly authorised attorney in writing or, if the appointer is a corporation, either under seal or under the hand of a director, secretary or duly authorised attorney. An eligible member shall be entitled (but is not obliged) to instruct a proxy to vote in favour of or against any proposed resolution. Unless otherwise instructed, the proxy may vote as he or she thinks fit.

32.5 The instrument appointing a proxy may be in the following form or in a common or usual form as directed by the Board from time to time:

I, _____ of _____ being a member the Federation and eligible to vote pursuant to Rule 32.1 hereby appoint _____ of _____, as my proxy to vote for me on my behalf at the (Annual General or General as the case may be) Meeting of the Federation, to be held on the _____ day of _____, and at any adjournment thereof.

[My proxy is hereby authorised to vote in favour of/against the following resolutions.]

[My proxy is free to vote as he sees fit]

Signed this day _____ of _____, 2008 .

32.6 The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a copy of that power or authority shall be deposited at the registered office of the Federation not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote

32.7 a proxy remains valid as long as the appointer remains alive unless revoked by the appointer.

Bye-Law to Section 32

(i) *The proxy form may also be in the following format:*

“The undersigned member of the Federation hereby appoints _____ or in his absence _____ as the nominee to attend and act for and on behalf of the undersigned, being a Member eligible to vote at _____ meeting to be held on the _____ day of _____, 20____ and at any adjournment or adjournments thereof.”

33 VACANCIES OF OFFICERS

33.1 Grounds for Termination of Officers

The office of an Officer becomes vacant if the Officer:

- 33.1.1** dies;
- 33.1.2** becomes bankrupt or makes any arrangement or composition with his/her creditors generally;
- 33.1.3** becomes of **uNGBund** mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- 33.1.4** resigns his office by providing notice in writing to the Federation;
- 33.1.5** is absent from Board meetings for a period of 3 months; The Board shall give notice to such an Officer during the second month that termination is pending.
- 33.1.6** is removed from office by Special Resolution;

33.2 *In the event of a vacancy in the office of an Officer, the remaining Officers may fill the vacancy by appointing an Acting Officer. If the period remaining before the due date for election of Officers is 3 months or less, then no Acting Officer shall be appointed. If the said period exceeds one year, then the appointment of the Officer will be by election at a Special General Meeting and not an acting appointment.*

Bye-Law to Section 33

(i) The filling of a vacancy by appointment under 33.2 shall be done by a majority of the remaining officers by a show of hands. In the event of a tie, the casting vote will rest with the officer chairing the meeting.

34 STANDING COMMITTEES

34.1 There will be standing committees to assist in the effective administration of Triathlon. Persons shall be appointed to these standing committees each year by the Board. The Board will call for nominations from individual members for consideration to appointment to the following standing committees:

- 34.1.1 Marketing and Publications**
- 34.1.2 Elite Athlete Development**
- 34.1.3 Amateur Athlete Development**
- 34.1.4 Education and Research Committee**
- 34.1.5 Junior Membership Committee**
- 34.1.6 Benevolence Committee**
- 34.1.7 Coach Accreditation Review**
- 34.1.8 Technical**
- 34.1.9 Disciplinary**
- 34.1.10 Appeals**
- 34.1.11 International Relations**

34.2 Appointments to the Standing Committees will be advised as soon as possible after the Annual General Meeting.

34.3 The standing committees under Rule 34.1 will function as committees of the Board in accordance with this clause. For the avoidance of doubt the standing committees and their members are responsible to the Board and are subject to the direction of the Board

- (i) *Each Standing Committee is created to assist the Board and shall remain subject to the Board.*
- (ii) *In case of conflicting recommendations between the Standing Committees and the Board, the recommendations of the Board shall prevail.*
- (iii) *The Board shall specify the terms of reference of the Standing Committees from time to time.*

35 BYE-LAWS

35.1 The Board may (by itself or by delegation to a committee) formulate and amend such bye-laws for the proper management and administration of the Federation. Such bye-laws must be consistent with this Constitution.

35.2 All bye-laws made under this clause shall be binding on the Federation and its Members.

35.3 Amendments or other changes to Bye-Laws shall be advised to Members by means of notices approved by the Board and prepared and issued by the President.

35.4 Notices are binding upon all Members.

Bye-Law to Section 35

- (i) *All the bye-laws shall form part of the constitution of the NGB and shall be binding on all classes of membership of the Federation.*
- (ii) *These bye-laws may be only amended at a General Meeting of the Federation, by a _____ majority vote of the members present and voting. Notice of such meeting must be given to Members no less than 21 days before the date of the proposed meeting.*

36 RECORDS AND ACCOUNTS

36.1 The Secretary shall establish and maintain proper records and minutes concerning all transactions, business, meetings and dealings of the Federation and the Board and shall produce these as required.

36.2 Proper accounting and other records shall be kept in accordance with generally accepted accounting principles and/or any applicable code of conduct. The books of account shall be kept in the care and control of the Secretary.

36.3 The accounts when approved or adopted by an Annual General Meeting shall be conclusive except as regards any error discovered in them within ___ months after such approval or adoption.

36.4 Subject to any reasonable restrictions as to time and manner of inspecting the same, the accounts shall be open to inspection (but not copying) by the Delegates.

37 AUDITOR

37.1 A qualified auditor or auditors shall be appointed and the remuneration, if any, of such auditor or auditors fixed by the Board. The auditor's duties shall be regulated in accordance with generally accepted principles, or any applicable code of conduct.

37.2 The accounts of the Federation including financial statements shall be examined by the auditor or auditors at least once in every year.

38 LEGAL ADVISER

38.1 A qualified legal adviser may be appointed and the remuneration of such legal adviser fixed by the Board. The legal adviser's duties shall be regulated in accordance with generally accepted principles, or any applicable code of conduct

Bye-Law to Section 38

(i) The legal adviser to the Federation shall be bound by the Legal Profession Act, 1986 and the Code of Conduct therein.

39 NOTICES

39.1 Manner of Notices

39.1.1 Notices may be given to any Member by sending the notice by prepaid post or facsimile transmission or where available, by electronic mail, to the Member's registered address or facsimile number or electronic mail address.

39.1.2 Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting the notice. Service of the notice is deemed to have been effected 2 days after posting.

39.1.3 Where a notice is sent by facsimile transmission, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the facsimile was received at the facsimile number to which it was sent.

39.1.4 Where a notice is sent by electronic mail, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the electronic mail message was received at the electronic mail address to which it was sent.

39.1.5 All Members must have a registered address in Trinidad and Tobago.

40 FEDERATION STAMP

40.1 The Federation has elected not to use a Common Seal, but shall use an Federation stamp.

40.2 Any document, that would have required the use of the Common Seal, shall be authorised by the Board and shall be countersigned by the President or Treasurer or Secretary and one (1) other Officer. The Federation stamp shall be attached to any such document.

Bye-Law to Section 40

(i) The Federation shall retain its right to use a Common Seal, if so directed by the Board.

41 INDEMNITY

41.1 The Federation shall indemnify its Officers and employees against all damages and costs (including legal costs) for which any such Officer or employee may be or become liable to any third party in consequence of any act or omission except willful misconduct:

41.1.1 in the case of an Officer, performed or made whilst acting on behalf of and with the authority, express or implied of the Federation; and

41.1.2 in the case of an employee, performed or made in the course of, and within the scope of his employment by the Federation.

42 DISSOLUTION

42.1 The Federation may be dissolved only by Special Resolution passed at a Special General Meeting called for the specific purpose of dissolution.

43 DISTRIBUTION OF PROPERTY ON WINDING UP

43.1 If upon winding up or dissolution of the Federation there remains after satisfaction of all its debts and liabilities any assets or property, the same shall not be paid to or distributed amongst the Members but shall be paid to or distributed to an organisation or organisations having objects similar to the Objects and which prohibits the distribution of its or their income and property among its or their members. Such organisation to be determined by the Members active at the time of dissolution, at or before the said time of dissolution, and in default thereof by such arbitrator, judicial officer or judge of the High Court of Justice of Trinidad and Tobago as may have or acquire jurisdiction in the matter.

44 LAWS AND RULES GOVERNING Triathlon

44.1 Where no provision is made in the Constitution or any rules or bye-laws made under the Constitution, the Federation may apply to International Triathlon Union for a ruling.

44.2 The Competition Rules of International Triathlon Union as set out in the handbook of International Triathlon Union with regard to Triathlon, shall (where practicable) be binding on all competitions held in Trinidad and Tobago. Any alterations or amendments to the International Triathlon Union Competition Rules shall be immediately notified to all Members by the Federation and shall become operative two months after the date of approval by International Triathlon Union.

45 ELIGIBILITY

45.1 To be eligible to compete in any Competition, any Competitor must be a Full Member or an Associate Member.

46 ALTERATION OR AMENDMENT

46.1 Alterations or amendments to this Constitution shall be made by way of Special Resolution.

47 HEADQUARTERS

47.1 The Headquarters of the Federation shall be at such place as may be fixed from time to time by the Executive Council in consultation with the Members.

48 DISPUTE RESOLUTION

48.1 All Disputes are to be referred to the Internal Dispute Tribunal which shall consist of 3 members, namely:

48.1.1 the Chairman of the Disciplinary Committee;
and

48.1.2 two (2) other tribunal members chosen from
among the Officers and the Honorary Life Members.

48.2 Each party to the dispute shall choose one of the tribunal members mentioned in ***Section 48.1 (ii)***.

48.3 Any appeal from a decision of the Internal Dispute Tribunal shall be submitted first to a mediation process, and in the event that settlement is not achieved, then to an Independent Arbitrator appointed by the Board.

Bye-Law to Section 48

- (i) The Board shall appoint a list of mediators and arbitrators*
- (ii) The mediation process shall involve a sole mediator appointed by the Federation.*
- (iii) If the mediation process produces a settlement, the parties shall sign a mediation agreement in the form below.*

- (iv) *Where arbitration becomes necessary, the panel shall comprise a single arbitrator from the list of appointed arbitrators.*
- (v) *The disputants may agree to an arbitration panel of three (3) members instead of a single arbitrator. Such panel shall comprise one arbitrator chosen by each party and a chairman agreed on by the disputants.*
- (vi) *Where the Board is a disputant, the 3-man arbitration panel shall be used. Such panel shall be chosen in the same manner as in (v) above.*

Form of Mediation Agreement:

AGREEMENT TO MEDIATE

This Agreement is made this day of , 200

Between:

[NAME OF DISPUTANT#1]

And

[NAME OF DISPUTANT#2]

And

[NAME OF MEDIATOR]

RECITALS

- A. A dispute has arisen between _____ and _____ in relation to [essence of dispute]***
- B. The parties have requested the Mediator to assist in the resolution of the dispute.***
- C. The Mediator has agreed on the terms and conditions of this Agreement to assist the parties to resolve the dispute if possible.***

OPERATIVE PROVISIONS

1. *The parties appoint the Mediator, and the Mediator accepts the appointment, to mediate the dispute (Mediation) in accordance with the terms of this Agreement.*
2. *The Mediator will assist the parties to explore options for and, if possible, to achieve a resolution of the dispute by agreement between them.*
3. *The Mediator will not make decisions for a party or impose a solution on the parties.*
4. *The Mediator will not, unless the parties agree in writing to the contrary, obtain from any independent person advice or an opinion as to any aspect of the dispute, and if the parties do so agree then only from such persons as may be agreed by the parties in writing.*
5. *The Mediator acknowledges that he has disclosed to the parties to the best of his knowledge any prior dealings he has had with either of them and any interest he has in the dispute.*
6. *The parties must co-operate in good faith with the Mediator and each other during the Mediation.*
7. *The parties and the Mediator agree in relation to all confidential information disclosed to them during the Mediation to keep that information confidential, unless compelled by law to do otherwise and not to use that information for a purpose other than the Mediation.*
8. *The Mediator will not be liable to a party for any act or omission made by him in the performance or purported performance of his obligation in this Agreement.*
9. *To the extent permitted by law the parties jointly and severally release and discharge the Mediator from all liability of any kind whatsoever arising from the appointment of the Mediator or the conduct of the Mediation and agree to indemnify and keep indemnified the Mediator against all claims except in the case of fraud by the Mediator arising from the performance or purported performance of his obligations under this Agreement.*

Executed as an Agreement on the day of , 20 .

Signed for and on behalf of _____

Signed for and on behalf of _____
Signed by the Mediator _____

49 AGENTS

49.1 *The Federation may allow sportspersons to have authorised agents or representatives who must work in close conjunction with the Federation.*

49.2 *Sportspersons must enter into written agreements with their agents, which agreements must adopt the rules, regulations and principles of the (World Governing Body) of Triathlon.*

50 ANTI-DOPING COMPLIANCE

50.1 *The Organisation shall adhere to the principles, intent and spirit of the World-Anti-Doping Code as updated from time to time and shall incorporate, whether by reference or otherwise, the provisions of the Trinidad and Tobago Anti-Doping Rules.*

50.2 *The Organisation shall also comply with the provisions of the Anti-Doping in Sport Act, when enacted, and shall be amenable to the jurisdiction given to TTADO under the said Act.*

50.3 *Non-compliance with the World Anti-Doping Code, the Trinidad and Tobago Anti-Doping Rules and/or the Anti-Doping in Sport Act may result in a loss of future Government support, whether financial or non-financial, for the Organisation and/or a loss of its recognition by the Government as a National Governing Body.*

51 CHILD PROTECTION POLICY

51.1 The Organisation shall ensure that it has adopted appropriate and up-to-date child protection policies in keeping with international best practice in child protection schemes.

51.2 Non-compliance with Section 51.1 above may result in a loss of future Government support, whether financial or non-financial, for the Organisation and/or a loss of its status as an NGB.

52 LANGUAGE

52.1 The official language of the Federation shall be English.