

THE

CONSTITUTION OF

ZIMBABWE EVALUATION

ASSOCIATION

(ZEA)

November 2013

Table of Contents

ARTICLES

1	THE ASSOCIATION.....	3
2	THE CONSTITUTION.....	3
3	INTERPRETATION.....	3
4	PURPOSE OF ESTABLISHMENT.....	4
5	OBJECTIVES.....	4
6	POWERS OF THE ASSOCIATION.....	4
7	MEMBERSHIP.....	4
8	MEMBERS LIABILITY.....	5
9	TERMINATION OF MEMBERSHIP.....	5
10	MEMBERS' OBLIGATION AND RIGHTS.....	5
11	MANAGEMENT AND BOARD MEMBERSHIP.....	6
12	QUORUM.....	9
13	FINANCE, PROPERTY, ASSETS AND LIABILITIES.....	9
14	SOURCE OF FUNDS AND THEIR APPLICATION.....	10
15	MEETINGS.....	11
16	RATIFICATION AND AMENDEMAN TIES.....	12
17	DISSOLUTION.....	13
18	MISCELLANEOUS.....	13

ARTICLE 1: THE ASSOCIATION

The name of the Association shall be ZIMBABWE EVALUATION ASSOCIATION (ZEA) herein after referred to as ‘The Association’.

The Association whose registered office shall be situated within Zimbabwe and contact addresses shall be established. ZEA shall be a Trust and shall have perpetual succession and official seal.

ARTICLE 2: THE CONSTITUTION

This constitution is the Law of the Association and shall be subject to the Laws of the Republic of Zimbabwe and the Government of Zimbabwe.

ARTICLE 3: INTERPRETATION

In this Constitution unless the contrary intention appears, or the subject matter otherwise indicates or requires:

3.1 ‘Association’ means the ZIMBABWE EVALUATION ASSOCIATION (ZEA)

3.2 ‘The Executive Committee’ means the committee established under **ARTICLE 11**.

3.3 ‘Evaluation’ includes but is not limited to evaluation of programmes, services, strategies and policy, monitoring and auditing, where the purposes of the evaluative activity are:

(i) to provide an assessment of the relevance, efficiency, quality, value and/or effectiveness and sustainability of a project, programme, policy, service or other function provided to a section of the public or to the population at large, and

(ii) to provide an independent medium through which the views, needs or ‘voice’ of the community can be fed back to the funders or providers of the project, programme, policy, service or other function being evaluated.

3.4 ‘Board of Trustees’ means the Board of Trustees of the Association established under **ARTICLE 11** of this constitution.

3.5 ‘Member’ means any person admitted to become a member of the Association in accordance with **ARTICLE 7** of this constitution

3.8 ‘Financial year’ means the period commencing on the first day of January each calendar year and ending on the 31st day of December.

3.9 ‘Meeting’ includes a physical gathering or telecommunication.

3.10 ‘AGM’ means Annual General Meeting.

ARTICLE 4: PURPOSE OF ESTABLISHMENT

The purpose of the association is to promote best evaluation practices among the public and private sector organizations and individuals in the society.

ARTICLE 5: OBJECTIVES

The Association shall have the following objectives:

- Contribute to the capacity development of members and stakeholders in research and evaluation to ensure the attainment of quality, ethical and professional standard of evaluations.
- Build partnerships with policy makers to utilize evaluation findings and disseminate evaluation information to stakeholders.
- Provide a networking platform and system wide for sharing lessons and good practices in evaluation.
- Contribute to Zimbabwe and global evaluation literature

ARTICLE 6: POWERS OF THE ASSOCIATION

THE ASSOCIATION SHALL:

- i. Make the rules and by-laws regulating its own procedures,
- ii. Elect and appoint board members of the Association as provided for in this constitution.
- iii. Assign duties and delegate powers to the Board of Trustees and other officers as it may be appropriate.
- iv. Approve payments to members of the association or other service providers for professional services fees and out of pocket expenses incurred.
- v. Raise funds and receive contributions from any person(s) or organization by way of subscription, funding or donation.

ARTICLE 7: MEMBERSHIP

Membership of the association shall be open to any organization, institution or individuals in Zimbabwe and abroad engaged and/or interested in evaluation activities and subscribe to the objectives of the Association. Membership is attained upon payment of an annual membership fee as determined by the membership from time to time. Members' names will be entered into the register of names and published on the website of the Association unless a member specifically requests that their name not be published. The online member register will be updated quarterly by the Secretary General of the Association. An applicant for membership shall submit in writing such particulars as the executive committee may prescribe. A member whose subscription is not paid by end of June of each year shall be deemed to have resigned and therefore will be required to re-register upon the payment of a subscription fee.

Members shall be categorized as follows:-

i) Individual membership. This is open to any person over the age of eighteen years holding acceptable academic and professional evaluation qualifications. The individual should like to participate in activities of the association and agree to pay membership and subscription fees. *An individual shall become a member of the association upon payment of a stipulated annual subscription. Full time students enrolled at an educational institution undertaking an undergraduate programme pay a subsidized stipulated subscription fee during the period of engagement at an educational institution.*

ii) Affiliate membership. This shall be open to private, public institutions or Non-Governmental organizations with similar objectives as ZEA such as those organizations who endeavor in evaluation; users of evaluation. *An institution or agency shall become a member of the association upon payment of a stipulated annual subscription.*

ARTICLE 8: MEMBERS LIABILITY

The liability of members shall be limited to their annual subscription that shall be determined by the Executive Committee. In the event of the association being wound up, no member of the association shall be liable for debts incurred on behalf of the association, unless that person acts without the authority of the Board of the Association as appropriate.

ARTICLE 9: TERMINATION OF MEMBERSHIP

- a) Registration after giving due notice in writing to the Executive Committee of interest to retire from membership.
- b) Failure to attend four consecutive general meetings without reasonable cause.
- c) Conviction in a court of law for matters detrimental to ZEA
- d) A member becoming of unsound mind.
- e) Conducts him/herself in manner which is against the interests of the Association.
- e) Death of the member.
- f) Failure to pay subscription fee for the period of six months.

In such cases, the Secretary General shall record the date on which the person ceased to be a member.

ARTICLE 10: MEMBERS' OBLIGATION AND RIGHTS

The Association

- 1. Every member of ZEA is under obligation to observe the constitution and to fulfill its objectives.
- 2. Every member shall discharge all duties and responsibilities assigned to him/her by ZEA with dedication, due care and diligence, and shall be

- required to report back to the appropriate organ(s) of ZEA
3. Every member shall fulfill his/her obligation as timely as determined by the Executive Committee
 4. No member shall use the property or the resources of ZEA for personal gains and /or aggrandizement.
 5. Any member who gets into possession of property or resources either intentionally or negligently, shall be required to make good the loss on such property or resource at his /her own expense.
 6. Every member shall be required to attend General Meetings in person.

Rights

1. A member shall have a right to attend any General Meeting, which this constitution designates him to be attended by him/her.
2. Any registered member shall have a right to vote and be voted for in person (not by proxy) for posts that fall vacant within ZEA.
3. A member shall have a right to a fair hearing if such a member has a dispute with ZEA officials or fellow member.
4. Every member shall have a right of access to the Constitution of the Association, Annual reports, minutes of General Meetings and may receive the copies of the same at own expense.
5. Every member has a right to seek accountability from appropriate organs of ZEA of how funds have been used, or property have been managed.

ARTICLE 11: MANAGEMENT AND BOARD MEMBERSHIP

The Association shall have the following organs:-

- i) The Board of Trustees
- ii) Executive Committee
- iii) Sub -committees.

The Board of the Association shall wherever possible strive to achieve a Gender balance on the board.

Section 1

THE BOARD OF TRUSTEES

- i. There shall be a Board of Trustees of the Association which shall consist of not more than 9 members
- ii. The Board of the Trustees shall comprise of the president, treasurer, secretary general, five ordinary trustees and one institutional representative(the funding partners who are our members nominate the representative from among themselves)
- iii. The Board of the Trustees shall be responsible for advising the Association's affairs.
- iv. The Board of Trustees shall plan its own meetings but shall meet four times a year.
- v. The president, treasurer and secretary general shall participate in all

- meetings organized by the Board of Trustees.
- vi. The Board of Trustees shall discuss and approve/disapprove the annual budget of the Association and financial report of the preceding year.
 - vii. The Board of Trustees shall endorse policies and plans of the Association

Section 2

EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of president, vice president, secretary general, treasurer and 5 ordinary board members of the Association shall be elected online or at the AGM after every 2 years.

- i) The Executive Committee shall be the management organ of the activities of the Association.
- ii) The Executive Committee shall have the following duties and responsibilities:
- iii) Preparation of Association policies, action plans and annual report which shall be submitted to the Board of Trustees for an endorsement.
- iv) To make rules and regulations governing the Association.
- v) To implement activities directly connected with the objects of the Association.
- vi) Generate funds for the association.
- vii) Appoint among themselves any member in the absence or incapacitation of the president.
- viii) Members of the Executive Committee shall hold office for two years and may be eligible for re-election.

Casual vacancies of Board member

A casual vacancy in the office of the board occurs when a member can no longer be a board member for reasons similar to those stated in **ARTICLE 9.** In such a case, members of the Association will be called to apply and the Board of Trustees and Executive Committee will be responsible for the final decision.

The President

- a) There shall be the president who shall be elected by the members at the AGM on basis of holding a qualification, experience and proven expertise in evaluation.
- b) The president must be passionate about the work of ZEA and must have been a member of ZEA interim committee or have been a member for over a year.
- c) The president shall preside over the meetings of the Executive Committee.
- d) The president shall ensure that resolutions of the Board of Trustees are

carried into effect.

- e) The president shall be responsible for the general management of the affairs of the Association.
- f) The president shall have a vote in any meeting he/she presides over.
- g) The president shall coordinate the work of all departments of the Fund.
- h) The president shall be the Chief Spokesperson of the Association both nationally and internationally.

Vice President

- a) Assists the president in carrying out the duties specified above
- b) The vice president of the Executive Committee may be appointed to act as a president if the president cannot perform his/her duties due to illness or other legitimate cause.

Secretary General

- a) There shall be secretary general of the Association elected at the AGM and be a holder of an administration qualification.
- b) The secretary general shall have the following duties and responsibilities:-
 - i) Shall perform day to day activities of the Association
 - ii) Shall be responsible for organizing meetings of the Association including of the Executive Committee meetings and General members meeting notification and agenda.
 - iii) Shall keep minutes of the meetings.
 - iv) Shall keep a register of members of the Association.
 - v) Shall perform any other duties of the Associations directed by the president /vice president in the absence of the president.

Treasurer

- a) There shall be Treasurer of the Association elected at the AGM by the members and he/she shall be a holder of a business/accounting/economics qualifications.
- b) The Treasurer shall be responsible for collecting, disbursement and custody of the Association money.
- c) The Treasurer shall keep accurate financial records of the Association.
- d) The Treasurer shall submit to the Executive Committee a just and true account of all money received and paid by him/her monthly, quarterly, annually and for the whole period he/she has been in office (when required).
- e) Shall perform any other duties of the Associations directed by the president/vice president in the absence of the president.

ARTICLE 12: QUORUM AND VOTING OR ELECTIONS

i) Executive Committee

The Executive Committee shall have 9 members.

ii) Sub committees

The Sub committees shall have a minimum of 3 members.

iii) Voting/Elections

Each member shall have one vote each. In the case of a deadlock, the deadlock will be resolved by discussions followed by a second vote. The right to vote shall apply as follows;

- AGM-all registered members who have paid their registration fees
- Executive Committee meeting-executive committee members
- Board of Trustees meeting-trustees

ARTICLE 13: FINANCE, PROPERTY, ASSETS AND LIABILITIES

- a) The association shall raise funds for its recurrent and development activities from: -
 - i) Subscription fees and contribution from members;
 - ii) Fees and charges for services, facilities and other income from activities approved by the Association.
 - iii) Proceeds from its own properties or donations sold for consideration.
 - iv) Fundraising activities.
 - v) Expanding, investing or accumulating any funds so raised.
- b) The income and property of the association shall be applied solely towards the promotion of the objectives of the association as set forth in this constitution.
- c) All the funds of the association shall be kept in a reputable bank in Zimbabwe as from time to time is agreed upon by the Committee.
- d) Maintain true and proper books of accounts and audited by qualified Auditors to be appointed by the Committee.
- e) The financial year of the association shall begin on 1st January and end 31st December.
- f) All income and funds of the Association, other than funds for the time being invested in terms of the Constitution, shall be paid into and kept in a bank or banks nominated by the executive committee. Outgoing financial obligations of the Association shall be paid in cheques, cash or bank transfer from the Association's account which shall bear the signature of authorized signatories.
- g) The balance sheet and accounts of the Association shall be audited annually and a report submitted to the Annual General Meeting.
- h) A copy of the audited balance sheet and accounts shall be sent to every member at least seven days before each Annual General Meeting.

ARTICLE 14: SOURCE OF FUNDS AND THEIR APPLICATION

Section 1

The association shall be able to solicit, accept, receive, any fund by way of fundraising, contributions, donations, grants, Legacies and other lawful methods and strictly in the interest of the association and for the attainment of its objectives. The association shall not accept funds from any source that may bring into doubt the principles of integrity.

Section 2

The association shall pay all costs, charges and expenses incurred during its operations.

Section 3

The income and property whatsoever derived shall be applied solely towards the promotion of the objectives of the association as set forth in this constitution, provided that nothing herein contained shall prevent the payment in good faith or remuneration to officials or members of the association in return for any services actually rendered to the association.

Section 4

The association may purchase, own, acquire or lease by any legal means any movable and immovable property in Zimbabwe.

Section 5

If upon winding up or dissolution of the association, there remains after satisfaction of all its debts and liabilities and any property whatsoever, the same shall be placed in the hands of the Executive Committee for distribution to such charities or development associations as members shall, at a general meeting decide.

ARTICLE 15: MEETINGS

Section 1

ANNUAL GENERAL MEETING (AGM)

- a) The quorum for the Annual General Meeting shall be 2/3 of the registered members who have paid registration fees. Annual general meetings of members shall be held once a year.
- b) At least 2 weeks' notice of the meeting shall be given to all members. Accidental non receipt of notice by any member or members shall not invalidate the proceedings of any meeting.

Section 2

NOTICE OF RESOLUTIONS

- a) When it is proposed to submit a resolution to the annual general meeting of the Executive Committee, the resolution shall be forwarded in writing to the Secretary General at least one month before the date of the meeting.

SPECIAL GENERAL MEETING

- a) A special general meeting may be called by the Board of Trustees at any time and the executive committee shall call such a meeting in receipt of a written application to this effect signed by not less than five (5) members of the Association and setting out the purpose of the meeting.
- b) No business other than that specified in the notice convening the meeting shall be transacted at such meeting.
- c) Fourteen days' notice of the meeting shall be given to all members but the accidental non-receipt of the notice by any member or members shall not invalidate the proceedings of the meeting.
- d) Five members (56% shall constitute a quorum). If no quorum is present within 2 hours of the time fixed for the meeting, the meeting shall be adjourned sine die.
- e) At a special, the Association may by resolution remove any board member from office before the expiration of the board member's term of office and may by resolution appoint another person to hold office until expiration of the term of office of the removed member.

Section 4

PROCEDURE AT GENERAL MEETINGS

- a) Every member present at a meeting shall have one vote
- b) All resolutions shall be decided by simple majority of votes unless otherwise provided for in this Constitution.
- c) Votes shall be recorded through a ballot of members present at the meeting.

Section 5

DISCIPLINE

- a) If any member conducts himself or herself in any manner which is prejudicial to the Association or contrary to the objectives of the Association or which brings the Association into disrepute or misuse the funds of the Association, the president or in the absence of the president, a person appointed by the executive committee shall layout a written charge or charges to such member.
- b) Within seven days of receipt of the written charge, the member so concerned shall provide a written response to the charge to the executive committee, provided that such member may, by written notice, within seven days, request that he or She appear before the executive committee to provide an oral response to the charges. The executive

committee shall, as soon as is reasonably possible and in any event not later than one month, arrange a meeting wherein the oral response will be heard.

- c) On receipt of the written response, or on the conclusion of the above hearing, the Executive Committee shall consider the matter and if in its opinion it determines that the person so charged is guilty, shall consult the Board of Trustee and take such action to recover the loss suffered by the Association (such action shall include but not limited to; institution of legal proceedings, expulsion of a member, demotion and caution).
- d) The Executive Committee shall produce a written decision.
- e) In the event of a member failing to provide any written response to a charge, or failing to appear to provide an oral response, then the executive committee shall with approval of the Board of Trustees proceed to consider the matter and produce a decision on the basis of the evidence before it.
- f) If the Executive Committee imposes a penalty of expulsion on the member, such expulsion shall be subject to the approval of Board of Trustees and be communicated to the Annual General meeting of the Association.
- g) Any person affected by any disciplinary decision of the executive committee shall have a right to appeal to the annual general meeting or any extra-ordinary general meeting of the Association. The noting of such appeal shall not, however, suspend the decision of the executive committee.

ARTICLE 16: RATIFICATION AND AMENDEMANITIES

1. The provisions hereof shall come into force as soon as they are ratified by two thirds of the members.
2. Proposals for amendments to the constitution shall be communicated to all members at least fourteen days before a General meeting at which the proposals are to be considered and agreed upon.
3. No amendment shall come into force unless it is supported by two-thirds majority of those present and supposed to vote at the meeting of the amendment.
4. The notice of the meeting at which the proposals for amendment sought to be made.
5. Whenever a dispute arises in the construction of the interpretation of the provisions hereof the dispute shall be submitted to an independent lawyer or arbitrator appointed by the committee of ZEA and the decision of the appointed lawyer or arbitrator shall be final on such a dispute.

ARTICLE 17: DISSOLUTION

1. ZEA shall not be dissolved except with the consent of three quarters of the members of ZEA.
2. Notwithstanding the provisions of this constitution, in the event of such dissolution, the Board of Trustees shall decide how best to dispose of the assets and liabilities of ZEA and members cannot have assets upon dissolution.
3. The assets of ZEA shall be distributed to charity organizations whose objectives are similar to objectives of ZEA.
4. The assets shall not be disposed nor shall ZEA be dissolved prior to payment of all its outstanding liabilities and legal obligations to employees.

ARTICLE 18: MISCELLANEOUS

This constitution shall come into force after circulation to members and a notice is provided for comments deadline.

- a) The executive committee shall appoint any persons to any positions, which it deems fit depending on necessary ability, qualification and experience. Such persons shall be entitled to some allowances.
- b) The association shall establish systems (e.g. Financial, administrative and information systems) for facilitating organizational operations

We, the several persons whose name, signatures, address and titles are here unto subscribed, and desirous of forming ZIMBABWE EVALUATION ASSOCIATION guided by this Constitution.

	NAME	ADDRESS	TITLE	SIGNATURE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Dated on theday of.....2013

WITNESS TO THE ABOVE SIGNATURES

NAME:

OCCUPATION:

