



**KENYA SWIMMING FEDERATION
INTERIM MANAGEMENT COMMITTEE - WORK GROUP (IMC-WG)**

MINUTES OF THE MEETING

Date: 28th May 2022
Time: 14.00 EAT as per the meeting notice
Venue: Impala Club and online

Attendance

Online: Jen Maina, Conrad Thorpe, Larissa Hart, John Wroe, Tony Rosafio, Thomas Muli (joined at 15:50)
Venue: Emily Njeru
Apology: Elijah Kimani, Zeff Ekumbo (apology sent at 14:48)
Absent: Kenneth Karani, Teddy Wamunyu, Stanley Kaberu

Agenda as circulated by the Secretariat:

1. Opening Prayer
2. To read the notice convening the meeting.
3. Reading of the previous meeting minutes, matters arising and confirmation of the minutes
4. Reports from the sub-committees
5. Way forward after the FINA KSF suspension letter
6. Commonwealth Games
7. Calendar
8. Roadmap to Elections
9. To transact any other business of which due notice has been received.

Agenda additional points as requested by the members:

10. Claims in public forum of unfair treatment of a swimmer at KSF LC National meet, 6-8 May 2022
11. NOCK Camp selection of the swimmers & coaches (April 2022)
12. Refunds from 2019 AJC & 2019 FINA Junior World
13. Stakeholders education
14. Upcoming events: FINA World Championships, CANA Seniors, Africa Youth Games, FINA World Championships

The chairperson called the meeting to order at 14:50 EAT on reaching the quorum.

The chairperson gave the opening remarks about the importance of keeping time to respect others' time and commitments as some members had been in the meeting from 14:00 EAT and waited for quorum to start the meeting. Members noted that originally the meeting was requested by the Team Leader for 15:00 and would have been a more suitable time for all.



The Secretary Conrad Thorpe advised that he was not in a position to take consistent notes throughout the entirety of the meeting due to the circumstances, and requested to delegate the responsibility of minuting the minutes. This responsibility was delegated to Larissa Hart.

ADOPTION OF AGENDA

The chairperson presented the agenda of the meeting together with the additional points, and it was adopted by the members with the exception of agenda point #1

DECLARATION OF CONFLICT

Members declared there was no conflict of interest.

MINUTE 1/28/05/2022 - OPENING PRAYER

The meeting moved straight to point 2 based on the agenda adoption discussion.

MINUTE 2/28/05/2022 - READING OF THE NOTICE OF THE MEETING

The notice was read.

MINUTE 3/28/05/2022 - READING OF MINUTES OF THE PREVIOUS MEETINGS, MATTERS ARISING, ADOPTION

Three sets of minutes were pending and needed to be read and discussed: 29/03/2022, 03/05/2022 and 08/05/2022

Minutes of the meeting of **29/03/2022** were read, confirmed and adopted with amendments as discussed: contents of the minutes to remain as per the draft, to correct some grammar and spelling mistakes, to be presented in a more traditional format of the minutes, distribute and file.

Proposer: John Wroe, seconder Larissa Hart

Matters arising:

1. CANA Zone 4

Team Manager and Head Coach reports are still pending. Reports need to be provided within 30 days of return from the tour, both parties need to be reminded to send at the earliest.

2. Code of Conduct (CoC)

CoC in any organization is a standard procedural matter of compliance, it regulates the conduct within a body internally and externally, and regulates working relationships and ethics of the participants. CoC would be signed as a matter of procedure when one takes up a role, position or employment. CoC for IMC-WG members had been discussed at the meeting of 29/03/2022 and a deadline for signing was agreed as 8th April 2022, but CoC is not yet signed by some members to



date. Out of the members who have not signed, only one member sent formal comments on CoC, the member is no longer part of IMC-WG, no other formal comments have been received.

The matter of CoC had been discussed again at the meeting of 03/05/2022, and in order to move from the impasse at the time the matter was referred to be discussed by the nominated IMC-WG members, who were to revert to the IMC-WG on the proposed amended draft with the view of ensuring compliance from all members. Such consultations took place but no suggestions were material enough to warrant changing the current CoC document, the relevant feedback was sent to the Team Leader.

The members discussed this issue further to find a way out of the current stalemate.

Resolution:

- (1) *To send the list of the members who signed and those who have not signed CoC to the appointing authority (CSDT)*
- (2) *To refer the matter to CSDT and request:*
 - *for the directions in the matter of CoC signing*
 - *once the directions are issued, to oversee the execution*

Due to the technical issue of online sharing the minutes of the meeting of 03/05/2022 held in person at Kasarani and of 08/05/2022 of CWG team selection and announcement were read and discussed later in the meeting once the technical matter was resolved.

Minutes of the meeting of **03/05/2022** were read, confirmed and adopted with similar remarks to the previous set of minutes. Minutes to be distributed and filed.

Proposer: Tony Rosafio, seconder Jen Maina

Matters arising:

1. Refund from 2019 AJC and 2019 FINA WJC

Refund from 2019 AJC and 2019 FINA WJC are still pending, Financial Committee needs to address and conclude the matter as a matter of priority as refunds are long overdue. By the time the minutes were being discussed the FC Chairman had lost his connection and no clarifications were possible to get.

2. CoC

This matter is the same as the matter arising from the minutes of the meeting of 29/03/2022

3. Committees and structures of IMC-WG

The committees were populated but no information has been shared to the stakeholders. Information flow is important to avoid the communication void in the previous IMC bodies.

Resolution:

- (1) *To finalise the accounts for 2019 AJC and 2019 FINA WJC and present for discussion and adoption in order to finalise this long outstanding matter.*



(2) *To issue a formal communication with the committees and chairpersons*

Minutes of the meeting of **08/05/2022** were read, confirmed and adopted. Minutes to be distributed and filed.

Proposer: Emily Njeru, seconder Tony Rosafio

Matters arising:

No matters were raised

MINUTE 4/28/05/2022 - REPORTS OF THE SUBCOMMITTEES

The chairperson of the meeting advised that no reports had been sent prior to the meeting, it was reiterated that each committee chairperson must send their report prior to the meeting for discussion at

the meeting as a matter of procedure. In absence of the reports, each committee chairperson needs to send their missing formal reports as a matter of priority, discipline in this matter is imperative for the success of IMC-WG.

Governance committee (GC)

The chairperson of GC gave a report of the committee activities, a written report will follow.

The first meeting took place, not all members attended. The following main issues were discussed:

- Election roadmap is the top priority under the mandate of IMC-WG. The roadmap developed in 2020 will be taken as the foundation document and will be adapted to the current situation. Two versions will be developed to consider both possible outcomes of the court case in preparation to the elections to accommodate either universal suffrage or delegates mode of voting.
- Activities of each subcommittee will be unbundled in preparation to the elections to feed into the roadmap.
- Registration policy as one of the priority policies as it is directly relating to the election roadmap and the process of the elections; the committee will offer a draft policy for consideration and, once adopted, implementation. The main focus is that the election is done according to the provision of applicable laws by the legitimate electorate.
- Related to the registration policy, compliance status report will be required from each county and club in order to assess compliance of each body for further action.
- The scope and mandate of GC is large and it needs all members to put time and effort to succeed. Additional support is required in the areas of legal, corporate and related matters. CG proposed to co-opt 3 additional members into CG. It was made clear that such co-opting is into the committee only, not to the main IMC-WG body.
Two candidates were identified and members are requested to help to identify one more person to come onboard, and to approve co-opting in principle.



The matter of co-opting modalities was discussed.

Resolution:

- (1) To approve the co-opting in principle and help to identify the 3rd person*
- (2) To send the names of the candidates to co-opt to CSDT for the formal appointment*
- (3) Any identified candidate needs to be approached for preliminary agreement before sending the name to CSDT for the formal appointment.*

Finance committee (FC)

The chairperson of FC gave a report of the committee activities, a written report will follow.

The first meeting took place last week, the minutes have not yet been sent to the FC chairperson. The following main issues were reported:

- Two additional members need to be co-opted into the committee to assist in budgets and financial matters, the candidates have been identified, request to approve co-opting in principle.
- Budget template has been created for the tours and for various events, the template will be shared with the members shortly for the feedback.
- KSF LC National Championships 6-8 May 2022 was discussed at FC meeting but accounts are not finalized as some information is still required.
- Change of signatories will be finalized next week (week starting 30/05/2022)

Discussion of FC report took place. As a feedback to the report an additional point of matters registration was raised as it had not been discussed at FC meeting. There are outstanding amounts of members registration that have to be collected from the counties. FC chairperson advised that some membership information was available but some was still missing in order to invoice. It was suggested that the Treasurer of each county should send their registration roll per club and invoice would be created based on this information after verification.

The importance of the annual registration fees and remittance to the national federation was discussed. The fee would support some administrative and operational areas at the federation, including registration automation, online database maintenance, etc. In addition, only registered swimmers should be able to participate at any level of event results of which are accepted into the national database. Counties have been collecting registration fees without remittance for several years. FC chairperson reported that the earlier set annual swimmers' registration amount of Kshs 250/- per swimmer due to KSF was resisted by some counties as unreasonably high, and invoices remained unpaid, it was recommended to look into reducing the fee to finalise historical issues.

Registration fee obligations should be included in the registration policy, national federation is to set the federation registration fee. In the meantime, invoicing needs to be done even if the original exercise will not be 100% accurate due to dependency on the counties' information, this is a long outstanding matter and needs to be finalized. Counties need to provide registration information for invoicing; in the future automated registration should resolve the issue of information and remove manual intervention.



Some laws need to be looked into closely in order to understand revenue collection and sharing top to bottom and bottom to top, specifically, The Sports Act - The Sports Registrar Regulations, 2016, Schedule 18, Part IV, section 18.

Additional point of discussion was a splash fee due to the national federation as one of the sources of revenue to the national body.

During the discussion of accounts for KSF LC National Championships 6-8 May 2022 FC chairperson advised that all monetary revenue and costs have been accounted for, but accounting for the sponsorship received “in kind”, rather than in the form of monetary sponsorship, was still outstanding. This is the information that is required to finalise the accounts for the meet. Shortly after this the FC chairperson lost his connection and passed the message that he could not connect to continue with the meeting. No meaningful discussion could take place in absence of the FC chairperson in this matter; therefore, some areas remain pending and need to be addressed further.

A general discussion of accounting for the “in kind” sponsorship took place. There is a need of a professional advice on how to pass such in the accounting books, but it was agreed in principle that the equivalent in monetary value could only be assigned to the “in kind” sponsorship if there was an invoice for the goods with the sponsorship discount %-age or amount indication. In other cases, there should be an entry listing the “in kind” sponsorships without indicating their equivalent monetary value as such value could not be verified. It is accepted that some sponsorship will always be in the form of direct funds, and some – in the form of “in kind”, therefore a uniformed way of accounting for such was needed.

Resolution:

- (1) Approve the co-opting request in principle, names to be provided to CSDT after discussion with the candidates*

- (2) Identify automated system of registration that is/can be connected to an online database*

- (3) Reduce the historical registration fee to Kshs 150/- per swimmer per season. For the future, starting from 2022/2023 swimming season, a standard registration fee is to be approved and included into the registration policy, policy is required well in advance of the start of 2022/2023 season.*

- (4) Contact all counties treasurers for information since 2018 in order to invoice the outstanding amounts for 2018/2019, 2019/2020 and 2021/2022 seasons. The season 2020/2021 will not be invoiced due to pandemic and absence of activities. Feedback to be received by 15th June 2022, payment from the counties due by 30/06/2022. Non-payment may eventually result in removal of the results of the competition by the county pending settlement of outstanding fee.*



(5) *Going forward starting from 2022/2023 all registrations should be done according to the registration policy, and the season registration fees should be remitted in advance at the start of the season and not later than by 30th September (eg 2022/2023 is due by 30/09/2022, etc). Only fully registered swimmers should be able to participate in the competitions results of which will be included into the national database. Any swimmers joining the clubs after 30/09 of the season will need to be registered before participating in a competition, the fee should be remitted to the national federation within the period prescribed in the policy. Competition results from the non-compliant counties will not be included into the national database. This to be incorporated in the registration policy.*

(6) *Splash fee to be discussed by Technical Committee (TC) and included in the sanctioning policy to be presented for deliberation at the earliest in order to implement from the beginning of 2022/2023 season.*

Chairpersons of other committees (Technical and Stakeholders) were not in attendance and had not sent their reports in time for the meeting; nobody was delegated to present the report on their behalf.

MINUTE 5/28/05/2022 - FINA LETTER / WAY FORWARD

The original letter from CANA (dated 30/03/2022) had been replied to. FINA letter (dated 23/05/2022) confirming the terms of continued suspension was received. Conditions of the letter need to be complied with; work needs to be done to achieve the conditions of lifting the suspension. The chairperson reiterated and members agreed that all members of WG must work together and put all the efforts into discharging the mandate as prescribed in the CSDT ruling of 21/03/2022 setting up this current IMC-WG. The set milestones, eventually leading to the elections, must be achieved in order for FINA suspension to be lifted. Everyone should put their differences aside and work towards the common goals, not against one another.

An area of weakness has been identified - visibility of the work carried out. Without visibility and clarity of the work done it is difficult to build confidence, the work needs to be seen so that the progress can be tracked. Absence of visibility creates an impression of secrecy, it also creates a perfect breeding ground for rumours, misinformation and disinformation, some being born out of lack of knowledge while others - out of malice. Lack of visibility has been a historical issue, therefore, various methods and ideas of keeping the stakeholders informed were discussed at length.

Resolution:

(1) *Publish approved minutes of the meetings on KSF website; some minutes will need to be redacted should they contain any matters of privacy or about minors. Draft minutes of the meetings should be issued shortly after each meeting and should be a reference point with action points for the members. Once confirmed and adopted, such minutes need to be published.*



MINUTE 6/28/05/2022 - COMMONWEALTH GAMES (CWG)

The CWG Team Manager gave a full brief recapping matters handled by the previous WG (starting from the long list) up to the current status.

Some points of note:

- CWG selection criteria was published on KSF website on 8/03/2022
- Selection took place on completion of the KSF LC National Championships and was based on the criteria document and rankings created based on the results of the said competition.
- Original criteria indicated top 2 swimmers per gender based on FINA points subject to NOCK quota allocation.
- NOCK representative, present at the selection part at the venue after the concluded competition, advised on the allocation of 8 slots - 4 male and 4 female swimmers
- Top 4 swimmers per gender were selected using the ranking and announcement was made at the venue in presence of NOCK official, swimmers, members of IMC-WG, stakeholders and media.
- The selected swimmers list was submitted to NOCK, public announcements were made through social media, the names were also published by NOCK and CANA on their social media, media also covered the results of the selection.
- No protests were lodged following the team announcement at the venue or at a later stage following the appeal process prescribed in the criteria document, no protest has been received to date from any swimmer following the selection announcement.
- Following reduction of the budget by the Ministry, NOCK reduced the slots allocation for swimming from 8 to 4, with the original suggestion of possible 2 slots only (1+1) available to swimming. CWG TM justified 4 slots in order to add mixed relay events to the main individual events of each swimmer, and requested for reinstatement of the earlier given 8 slots.
- NOCK requested to provide further information on the relay team and justification for each swimmer to be on the relay team, this has been done within the allocated timeline.
- NOCK has been in communication directly with CWG TM on operational and administrative matters as is the case with other sports, all protocols are respected.
- CWG TM has been keeping the team members updated on the developments and has periodical meetings with them

MINUTE 7/28/05/2022 - CALENDAR

Matters of the national calendar, competition preparation, technical packages, meet files, budgeting, tour organising, criteria and so on is in the competence of the Technical Committee (TC). The chairperson was absent with no report sent, nobody was delegated to present the report or the brief.

TC had met and discussed the matter of KSF SC Nationals to be held in Mombasa as per the national calendar, CASA was to be requested to host a meeting, conditions to be communicated. It was noted with concern that CASA have not yet been contacted, TC are to suggest the conditions under which CASA should hold the competition should they be in agreement in principal, this is an urgent matter.

TC made recommendation on 2022 FINA World Championships selections, two swimmers and one coach were selected as per the quota allocated by FINA to Kenya.



There are several upcoming competitions and the selections need to be done, to enable this criteria need to be developed for each competition at the earliest and published. The most urgent are CANA Senior Championships (ASC), Africa Youth Games (AYG), FINA Junior World Championships (FINA JWC), the latter two are taking place concurrently. Two more competitions are taking place in 2022 - CANA Zone III and FINA World Short Course Championships, criteria need to be developed and published. In addition, ideally all criteria should be published at least 12, preferably 18 months before the competition.

It has been stressed that there are 2 matters of utmost urgency and priority, and TC need to ensure these areas are addressed early next week (week of 30th May):

- National SC Championships in Mombasa
- Criteria and selections for ASC, AYG and FINA JWC

Resolution:

- (1) Letter to formally invite CASA to host the SC Nationals to be sent ASAP.*

- (2) TC to recommend conditions of the SCN and an additional letter to be sent with the said conditions. Should CASA accept, TC to liaise for the particulars of the competition as a liaison and advisory body; should CASA decline a solution to be found.*

- (3) Criteria for ASC, AYG and FINA JWC to be finalised next week (week of 30th May) and selection to be completed before 15/06/2022.*

- (4) A short IMC-WG meeting for matters of committees' updates, etc to be held at the end of the same week. All committees are to send their pending reports prior to the meeting.*

- (5) Criteria for other international events to be developed and published ASAP.*

MINUTE 8/28/05/2022 - ROADMAP TO THE ELECTIONS

Refer to MINUTE 4/28/05/2022 as the subject is covered under that agenda point

MINUTE 9/28/05/2022 - ANY OTHER BUSINESS

Refer to the additional agenda points from #10 to #14, as minuted below



MINUTE 10/28/05/2022 - CLAIMS OF UNFAIR TREATMENT OF A SWIMMER AT LCN

There has been a claim made by one stakeholder and supported by another stakeholder on a public chat platform as follows, quoted as posted:

Stakeholder A: *“She was even segregated. While foreign swimmers were accommodated in a 5 star hotel during the national, she wasn’t allowed to stay there. The hotel was paid using KSF funds”*

Stakeholder B: *“Can any supporting facts be produced of injustice to some swimmers and favouritism to others, as it must not take place. This is totally shocking”*

Stakeholder C: *“[name redacted], tons of documented evidence will be available from many quarters if and when stakeholders stop being complicit in their silence and are ready to deal with this rot and take back their Federation.”*

Prior to the meeting this matter was discussed on the IMC-WG WhatsApp group chat, and a further discussion took place at the meeting as this is a serious allegation of segregation and discrimination of a Kenyan swimmer, no such thing should ever take place.

The main two points were identified:

1. Alleged payment for accommodation for some foreign swimmers in 5* hotel
2. Alleged actions to disallow a particular swimmer to stay in that hotel.

It was confirmed by the FC chairperson on the group in writing that no payment had been made for the accommodation of any swimmers at the LCN. Based on the results of the competition with all names on record, no foreign swimmers participated in the LCN apart from those who reside in Kenya and are registered with their clubs/counties.

It has been confirmed once again at the meeting that no foreign swimmers participated in LCN with the exception of those residing in Kenya, as above, none of those swimmers requested for accommodation to be paid through KSF. All swimmers who came from abroad were Kenya diaspora swimmers. Some stayed in a hotel at their private expense, some stayed locally with families or friends. It was also confirmed that none of the members present at the meeting dealt with any swimmer to deny them staying in any hotels.

It was noted with concern that there are some parties who call Kenyan swimmers based abroad “foreigners”. This practice should stop as it is divisive, discriminatory and insulting to the swimmers. They are all citizens regardless where they are located, and are no foreigners in their own country.

In absence of any evidence or substantiation of the allegations as quoted above, and in view of confirmation received from the FC chairperson on financial matters and the feedback from the members, as above, it has been concluded that the allegations are not true and the false information is being spread. Should any stakeholder come up with concrete evidence to otherwise or new circumstances come to light, this matter will be revisited.



MINUTE 11/28/05/2022 - NOCK CAMP SELECTION OF THE SWIMMERS & COACHES (APRIL 2022)

The matter could not be discussed at length due to absence of the members who had the knowledge of how the swimmers (except one) and the coaches were selected for the camp. It was also noted that the matter had been raised several times on the group chat but no clarity was provided by anyone. This matter was recapped in principle as below and adjourned to the next meeting for more concrete information.

On receipt of information on the NOCK camp close to the deadline IMC-WG discussed briefly and concluded that the swimmers to go to the NOCK camp were those from AYG Long List, the coaches were to be selected based on the swimmers accepting the invitation. In addition, it was discussed that the additional criteria were required to select any additional swimmers, if outside AYG long list, for the available slots. The supporting rankings with variations of ages were provided the same evening to help with the selection process as it was an urgent matter.

The swimmers from AYG Long List were contacted overnight as well but, due to the time factor, only one swimmer from Nairobi accepted the place. The member who promised to produce the criteria document was followed up but he advised that the matter had been overtaken by events and it was too late to do anything. As a result, the appointment by IMC-WG was for one swimmer only. At a later stage, at the end of the camp, some members of IMC-WG learnt from media that there had been some additional swimmers and two coaches sent to the camp, however the candidates had never been discussed and approved by IMC-WG, therefore the matter of who and how appointed the additional swimmers and two coaches is still open ended. The matter has been raised on the group several times with questions asked, but no answer received. This matter will be adjourned to the next meeting to enquire if anyone knows how such appointments took place, in absence of clarity further investigations will need to take place to assess the rationale and data used for the selection, and to discover who was the selecting authority.

MINUTE 12/28/05/2022 - REFUNDS FROM 2019 AJC & 2019 FINA JUNIOR WORLD

Refer to MINUTE 3/28/05/2022 as matter arising

MINUTE 13/28/05/2022 - STAKEHOLDERS EDUCATION

One of the mandates of the current IMC-WG is working with the stakeholders. The stakeholders committee (SC) was formed for the purpose. It was noted earlier in the meeting that the work of IMC-WG requires more visibility by the stakeholders, remedy measures have been suggested. In addition, with uncertainty of the situation over the last few years and the latest developments it is important to work with the stakeholders and support them with education on various matters federation, governance and so on. Such interaction will be beneficial to both parties. This task is for the SC to address with the support of the entire group, regular interactions would bring positive results and help to build bridges.

Resolution:

- (1) Collate the most frequently raised issues/questions and issue an FAQ document addressing such issues/questions. This will be helpful to clarify some areas and counteract misinformation and disinformation.*



- (2) To schedule a stakeholders meeting to address areas of concern, answer questions and so on, questions can be received in advance to formulate areas and topic of discussions. Ideally, it is advisable to hold regular periodical meetings for two-way communication.
- (3) Invite the stakeholders to submit their feedback or raise issues to the Secretariat on info@kenyaswimmingfederation.org which is a centralized contact email address for the federation.

MINUTE 13/28/05/2022 - UPCOMING EVENTS

Refer to MINUTE 7/28/05/2022

There being no other business to be conducted the meeting adjourned at 19.10 EAT

Confirmed and signed as a true and correct record of the proceedings:

Name

**Signature
Date**

Jennifer Maina
(Team Leader)

Jennifer Maina
.....
June 9th, 2022
.....

Conrad Thorpe
(Secretary)

CS Thorpe
.....
06/06/2022
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Ken Karani
(Secretary)

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Original with joint secretary