



LAWS OF KENYA

**JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY ACT**

No. 8 of 1994

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NO. 8 OF 1994

**JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY ACT**

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NO. 8 OF 1994

**JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND
TECHNOLOGY ACT**

[Date of assent: 28th November, 1994.]

[Date of commencement: 5th December, 1994.]

**An Act of Parliament to establish the Jomo Kenyatta University of
Agriculture and Technology; to provide for the control, governance and
administration of the University; and for connected purposes**

[L.N. 486/1994.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Jomo Kenyatta University of Agriculture and Technology Act, 1994.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Alumni Association**” means the Alumni Association of the University established under section 19;

“**annual estimates**” means the estimates prepared under section 25(1) in respect of any financial year;

“**Chancellor**” means the Chancellor of the University referred to in section 11;

“**college within the University**” means a college within the University established under section 6;

“**Commission**” means the Commission for Higher Education established by section 3 of the Universities Act (Cap. 210B);

“**constituent college**” means a college established under section 5;

“**constituent college librarian**” means the person appointed to be the librarian of a constituent college;

“**the Council**” means the Council of the University established under section 15;

“**dean**” means the dean of a faculty appointed under the Regulations;

“**Deputy Vice-Chancellor**” means a Deputy Vice-Chancellor appointed under section 13;

“**Director of Postgraduate Studies**” means the person appointed to be the Director of Postgraduate Studies of the University;

“**faculty**” means a faculty of the University established by the Regulations;

“**Finance Officer**” means the person appointed to be the Finance Officer of the University;

“**graduate**” means a person upon whom a degree or other academic qualification has been conferred by the University;

“institute” means an institute in the University established by the Regulations;

“lecturer” means a member of the staff of the University who is a full professor, associate professor, senior lecturer, lecturer or assistant lecturer or a person who holds any other teaching or research post which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

“librarian” means the person appointed to be the librarian of the University or of a constituent college, as the case may be;

“Principal” means a Principal of a college within the University appointed under section 14;

“Registrar” means a person appointed to be a Registrar of the University;

“Regulations” means regulations of the University made by the Council under section 29;

“school” means a school of the University established by the Regulations;

“the Senate” means the Senate of the University established under section 17;

“staff association” means an association of the staff of the University recognized by the Council as being an association representative of the staff of the University;

“student” means a person registered by the University for the purpose of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

“students association” means an association of the students recognized by the Council as being an organization representative of the students of the University;

“the University” means the Jomo Kenyatta University of Agriculture and Technology established by section 3;

“University Management Board” means the board established under section 18;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 12.

(2) References in this Act to offices or authorities of a constituent college shall be construed by reference to the legislation or other instrument by which that college is established or governed.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Constitution of the University

(1) There is hereby established a University to be known as the Jomo Kenyatta University of Agriculture and Technology.

(2) The University shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all such other things or act, for the furtherance of the provisions of this Act which may lawfully be done or performed by a body corporate.

(3) The University is the successor to Jomo Kenyatta University College of Agriculture and Technology established by the Jomo Kenyatta University College of Agriculture and Technology Order, 1989 (now revoked) and subject to this Act, all rights, duties, obligations, assets and liabilities of the Jomo Kenyatta University College of Agriculture and Technology existing at the commencement of this Act shall be automatically and fully transferred to the University and any reference to the Jomo Kenyatta University College of Agriculture and Technology in any contract or document shall for all purposes be deemed to be a reference to the University established under subsection (1).

4. Functions and objects of the University

(1) The functions and objects of the University shall be—

- (a) to provide directly or indirectly or in collaboration with other institutions of higher learning, facilities for University education (including agriculture, scientific, cultural, technological and professional education), and integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, technological, agricultural, professional and cultural development of Kenya;
- (c) to play an effective role in the development of agriculture and technology in conjunction with the industry and to provide extension services so as to contribute to the social and economic development of Kenya;
- (d) subject to the Universities Act (Cap. 210B), to co-operate with the Government in the planned development of University education and, in particular, to examine and approve proposals for new faculties, new departments, new degree courses or new subjects of study proposed to it by any constituent college or other post-secondary institution; to determine who may teach, what may be taught, how it may be taught and when it may be taught at the University.

(2) Admission to the University as candidates for degrees, diplomas, certificates or other awards of the University shall be open to all persons accepted as being qualified by the Senate, without distinction of ethnic origin, sect or creed and no barrier based on any such distinction shall be imposed upon any person as a condition of his becoming, or continuing to be, a professor,

lecturer, graduate or student of the University, or of his holding any office therein, nor shall any preference be given to, or advantage be withheld from any person on the grounds of ethnic origin, sect or creed.

(3) The University shall charge such fees or levy as may from time to time be approved by the Council from students admitted to the University for defraying expenses connected with their education.

5. Constituent colleges

The President may, on the advice of the Council and in consultation with the Commission, by order published in the *Gazette*—

- (a) establish any college as a constituent college of the University;
- (b) declare an institution of learning or higher education or any training establishment to be a constituent college of the University.

6. Colleges within the University

(1) The President may, on the advice of the Council and in consultation with the Commission, establish colleges within the University.

(2) A college established under this section shall consist of such faculties, institutes, centres, bureaux or schools, and shall have such functions and powers as may be provided by the Regulations.

7. Conferment of degrees, etc.

(1) Subject to this Act, the Council shall have power to confer any degree or grant any diplomas, certificates or any other academic qualification which it is for the time being authorized by regulations of the University to confer or award.

(2) Subsection (1) shall apply to any honorary degree or academic distinction which the Council may wish to award to a person who has rendered distinguished service in the advancement of any branch of learning or who has otherwise rendered himself worthy of such a degree or academic distinction.

8. Withdrawal of degrees, diplomas, etc., in certain cases

The Council in consultation with the Senate may withdraw any degree, diploma, certificate or other academic qualification conferred or granted under section 7 if subsequent upon such conferment or grant the Council is satisfied that—

- (a) the conferment or grant was contrary to any requirement prescribed under section 29(1)(d); or
- (b) the qualification was obtained through fraudulent or other improper means.

9. Award of fellowships, etc.

Subject to this Act, the University may award fellowships, scholarships, bursaries and prizes and make other awards which may be provided for in the Regulations upon such terms and conditions as may be prescribed.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

10. Membership of the University

The members of the University shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) the head of each constituent college;
- (e) the deputy head of each constituent college;
- (f) the Principals of colleges within the University;
- (g) the members of the Council;
- (h) the members of the Senate;
- (i) the members of the governing body of each constituent college;
- (j) the secretary to the governing body of each constituent college;
- (k) the lecturers of the University and those of constituent colleges;
- (l) the University librarian and the librarian of each constituent college;
- (m) the University Registrars of each constituent college;
- (n) the University Finance Officer;
- (o) the Alumni;
- (p) the students; and
- (q) such other members of the staff of the University or any other body formally admitted into association with the University as the Council may from time to time determine.

11. The Chancellor

(1) The President shall, unless he sees it fit to appoint some other person thereto, be the Chancellor of the University.

(2) If the President sees it fit to appoint some other person to be the Chancellor, he shall in consultation with the Commission, appoint such person, and a person so appointed shall become a Chancellor and shall perform such functions and exercise such powers of the Chancellor as are provided under this Act.

(3) A person who is appointed by the President to be the Chancellor under subsection (2), shall hold office for six years but shall be eligible for re-appointment.

(4) The Chancellor—

- (a) shall be the head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may, from time to time, direct an inspection of the University or any inquiry into the teaching, research and other work of the University;

- (c) may, from time to time, give such advice to the Council as he considers necessary for the development of the University;
- (d) shall enjoy such other powers and privileges and perform such other functions as may be provided in the Regulations.

(5) Whenever the Chancellor (not being the President) is absent from Kenya or is for any reason unable to perform the functions of his office, the President or any person authorized by him in that behalf may appoint a person to perform those functions during the absence or inability of the Chancellor.

12. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the President on the advice of the Council.

(2) The Vice-Chancellor shall be the chief executive of the University and shall—

- (a) be the academic and administrative head of the University;
- (b) have the overall responsibility for the direction, organization and administration of programmes of the University;
- (c) be the chairman of the Senate and the University Management Board;
- (d) be responsible to the Council for the general conduct and discipline of the students and staff of the University.

(3) The Vice-Chancellor shall hold office for such period as may be provided by the Regulations but shall be eligible for re-appointment.

13. The Deputy Vice-Chancellors

(1) The Council shall, in consultation with the Chancellor, appoint a Deputy Vice-Chancellor or such Deputy Vice-Chancellors as shall be deemed necessary who shall, under the general direction of the Vice-Chancellor, exercise such powers and perform such duties as may be provided in the Regulations.

(2) A Deputy Vice-Chancellor shall hold office for such period as may be provided in the Regulations but shall be eligible for re-appointment.

14. Principals of colleges within the University

(1) The Council shall, in consultation with the Chancellor, appoint a Principal for each college within the University, who shall be the academic and administrative head of the college and who shall, under the general direction of the Vice-Chancellor have such other powers as may be provided in the Regulations.

(2) A person appointed as Principal shall hold office upon such terms and for such period as may be provided in the Regulations.

15. The Council

(1) There shall be a Council of the University which shall consist of—

- (a) a chairman, a vice-chairman and an honorary treasurer all of whom shall be appointed by the President;

- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) the head of each constituent college;
- (e) the Principal of each college within the University;
- (f) four persons elected by the Senate from among its members;
- (g) two members elected by the staff association;
- (h) two members elected by the students' association;
- (i) not more than three members co-opted by the Council;
- (j) the Permanent Secretary in the Ministry for the time being responsible for finance;
- (k) the Permanent Secretary in the Ministry for the time being responsible for education;
- (l) the Permanent Secretary in the Ministry for the time being responsible for agriculture;
- (m) the Permanent Secretary in the Ministry for the time being responsible for technical training;
- (n) the Permanent Secretary in the Ministry for the time being responsible for public works;
- (o) the Director of Personnel Management;
- (p) the secretary to the Commission;
- (q) two persons appointed by the President to represent the private sector;
- (r) two persons not being public officers, appointed by the President to represent the public interest;
- (s) two persons elected by the Alumni Association from amongst its members.

(2) The Permanent Secretaries who are Council members by virtue of paragraphs (j), (k), (l), (m) and (n) of subsection (1), the Director of Personnel Management and the secretary to the Commission shall be *ex officio* members.

(3) Subject to subsection (4), a member of the Council other than an *ex officio* member, shall hold office for a period of four years, but shall be eligible for re-appointment.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office in writing under his hand addressed to the secretary to the Council; or
- (b) if the Council is satisfied that the member is, by reason of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) if he is adjudged bankrupt by a court of competent jurisdiction; or
- (d) if he is convicted of a criminal offence; or
- (e) upon his death.

(5) The Deputy Vice-Chancellor for the time being responsible for Administration shall be the secretary to Council.

(6) Where the office of a member of the Council becomes vacant, the secretary in consultation with the Vice-Chancellor shall forthwith notify the vacancy to the respective appointing authority for action.

(7) The authority with regard to the procedure, conduct and regulation of the affairs of Council shall vest in the Council.

16. Functions of the Council

(1) Subject to this Act, the governance, control and administration of the University shall vest in the Council.

(2) Without prejudice to the generality of subsection (1), the Council shall have power—

- (a) to administer the property and funds of the University other than property and funds of a constituent college in such manner and for such purposes as shall promote the best interests of the University but the Council shall not charge or dispose of the immovable property of the University without the approval of the Chancellor;
- (b) to receive, on behalf of the University, donations, endowments, gifts, grants or other monies and to make legitimate disbursements therefrom;
- (c) to provide for the welfare of the staff and students of the University;
- (d) to generate and raise funds for the purposes of the University from within and outside the country;
- (e) to make after consultation with the Senate, regulations governing the conduct and discipline of the students of the University;
- (f) to determine, on the advice of the Senate, the maximum number of students to be admitted to the University at any one time from amongst those qualified for admission;
- (g) to enter into association with other universities, colleges or institutions of higher learning within or outside Kenya as the Council may deem necessary in the interest of the University.

17. The Senate

(1) There shall be a Senate of the University which shall consist of—

- (a) the Vice-Chancellor who shall be the Chairman;
- (b) the Deputy Vice-Chancellors;
- (c) the head of each constituent college;
- (d) the deputy head of each constituent college;
- (e) the Principals of each college within the University;
- (f) the head of each faculty and the director of each institute, research centre or school;
- (g) the Director of Postgraduate Studies;
- (h) the chairman of each teaching department of the University and constituent college;
- (i) the University librarian;

- (j) the Registrars of the University;
- (k) one representative of each faculty board of the University and constituent college appointed by that board from among those members who are not members of the Senate by virtue of any other provisions of this subsection;
- (l) two members elected by the students' association;
- (m) any other member as may be provided for in the Regulations.

(2) The Deputy Vice-Chancellor for the time being responsible for academic affairs shall be the secretary to the Senate.

(3) The Senate shall, in consultation with the Council—

- (a) determine from time to time, the minimum entrance qualifications and conditions applicable to persons seeking admission into the University academic programmes;
- (b) subject to the provisions of section 15(2)(c), determine the number of students to be admitted into each programme and advise the Council on persons who have satisfied the requirements for admission;
- (c) satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University and report its findings thereon to the Council;
- (d) propose to the Council regulations for admission of eligible persons who on their volition have deferred their admission to the University, or who are not admitted at any one time owing to any maximum number set under section 15(2)(b);
- (e) propose regulations for consideration by the Council regarding the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award of the University;
- (f) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University;
- (g) initiate proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
- (h) make regulations governing such other matters as lie within its powers in accordance with this Act or the Regulations.

18. The University Management Board

(1) There shall be established a board to be known the University Management Board.

(2) The Board shall consist of—

- (a) the Vice-Chancellor who shall be chairman;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of colleges within the University;

- (d) the Finance Officer;
- (e) the Registrars of the University; and
- (f) the person for the time being in charge of students' welfare.

(3) The Board may, from time to time co-opt such members as it may deem necessary.

(4) The Board shall perform such functions as the Council and the Senate may from time to time prescribe.

(5) Without prejudice to the generality of subsection (4), the Board shall—

- (a) be responsible for the day to day management of the University;
- (b) advise the Council and the Senate on the management, administration and academic affairs of the University;
- (c) carry out any other functions related or ancillary to or connected with the foregoing functions.

19. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other members as may be prescribed in the Regulations.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council or the Senate, as may be appropriate and may exercise such other functions as may be prescribed in the Regulations.

(3) The Council shall make rules for the establishment and promotion of the Alumni Association.

20. Staff of the University

(1) The academic staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the heads of constituent colleges, the Principals of colleges within the University, the University librarian, the librarian of each constituent college, the Registrars, the lecturers and all members of the staff who are engaged in teaching or research or extension.

(2) The administrative staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the heads of constituent colleges, the deputy heads of constituent colleges, the Principals of colleges within the University, the Deans of faculties, the Directors or Chairmen of departments, the Registrars and Finance Officers of the University and of the constituent colleges, and such other members of the staff, not being engaged in teaching or research or extension as the Council may, from time to time, determine.

(3) All members of the staff of the University shall, subject to this Act, be appointed by the Council either—

- (a) in the manner and upon the terms and conditions of service prescribed in the Regulations;

- (b) in the case of a person seconded to the service of the University from service of another university, the Government or any other public service, on terms and conditions agreed between Council and the seconding body.

(4) The Council may, subject to such restrictions as it may impose, delegate either generally or specifically to any person or committee the power to appoint any member of staff of the University.

(5) All members of the staff of the University shall—

- (a) be subject to the general authority of the Council and of the Vice-Chancellor;
- (b) be deemed to be employed on a fulltime basis except as otherwise specifically provided by the Regulations or by the terms of a particular appointment.

(6) The academic and administrative staff of a constituent college shall be subject to the Order establishing the college.

21. Performance of functions in absence of the office-holder

(1) In the event of the incapacity of the Vice-Chancellor, the Chairman of the Council in consultation with the Chancellor shall designate one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the incapacity.

(2) In the event of the incapacity of a Deputy Vice-Chancellor, the Chancellor may appoint one of the other Deputy Vice-Chancellors to perform the duties of the Deputy Vice-Chancellor during the period of incapacity.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor and all Deputy Vice-Chancellors, the Chancellor, after consultation with the Chairman of the Council, may appoint any member of the academic staff from among the professors of the University or any other senior member of staff to perform the functions of the Vice-Chancellor during such incapacity.

(4) In the event of incapacity of a member of the staff of the University other than the Vice-Chancellor or the Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the member during such incapacity.

(5) In this section “**incapacity**” means inability for any reason to perform the functions of the office concerned.

PART IV – FINANCIAL PROVISIONS

22. Long-term planning

The University shall prepare its long-term planning, programming, budgeting and funding projections in accordance with the Government forward budget and shall submit the same to the Commission for approval.

23. Financial year

(1) The financial year of the University shall be the period of twelve months commencing on such day in each year as the Council may determine.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial year consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed for the purposes of this Act to be a financial year.

24. Investment of funds

(1) The Council may invest any of the funds of the University in securities in which for the time being trustees may by law invest trust funds or in any securities which the Treasury may from time to time approve for that purpose.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University.

25. Annual estimates

(1) Before the commencement of a financial year the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
- (c) for the proper maintenance of the buildings and grounds of the University;
- (d) for the maintenance, repair and replacement of the equipment and other property of the University;
- (e) for the funding of the cost of teaching and research and extension activities of the University;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem fit.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval the Council shall not increase the annual estimates without the consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the University except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

26. Accounts and audit

(1) The Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the University.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General (Corporations) or an auditor appointed under subsection (3) the accounts of the University together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University on the last day of the year.

(3) The accounts of the University shall be audited and reported upon in accordance with sections 29 and 30A of the Exchequer and Audit Act (Cap. 412) by the Auditor-General (Corporations) or by an auditor appointed by the Council under the authority of the Auditor-General (Corporations) given in accordance with section 29(2)(b) of the Exchequer and Audit Act (Cap. 412).

PART V – MISCELLANEOUS PROVISIONS**27. Common seal and signification of documents**

(1) The common seal of the University shall be kept in such custody as the Council directs and shall not be used except upon the order of Council.

(2) The common seal of the University shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council duly authorized by Council in that behalf and one of the Deputy Vice-Chancellors.

(3) The common seal of the University when affixed to any document and duly authenticated under this section shall be judicially and officially noticed and, unless and until the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.

(4) All documents other than those required by law to be under seal, made on behalf of the Council and all decisions of the Council may be signified under the hand of the Chairman, the Vice-Chancellor or a Deputy Vice-Chancellor for the time being responsible for administration or any other member of the Council duly authorized by the Council in that behalf.

28. Protection of name of University

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for such registration any name which includes together with word “University” the words “Jomo Kenyatta, Agriculture and Technology” unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the words “Jomo Kenyatta University of Agriculture and Technology” in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding twelve months or to both:

Provided that nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma, certificate or any other award of the University.

29. Regulations

(1) In the performance of its functions under this Act, the Council shall, subject to this Act, make Regulations generally for the governance, control and administration of the University and for the better carrying into effect of the purposes of this Act, and in particular for—

- (a) the establishment of units, departments, centres, bureaux, faculties, institutes and schools of the University;
- (b) the description of degrees;
- (c) the description of diplomas, certificates and other academic awards;
- (d) the requirements for the award of degrees, diplomas, certificates and other academic awards;
- (e) the conduct of examinations;
- (f) the settlement of the terms and conditions of service, including the appointment, discipline, dismissal, remuneration and retirement benefits, of the members of the staff of the University;
- (g) the constitution and procedure of meetings of the Council and the establishment, composition and terms of reference of committees thereof;
- (h) prescribing the rules and regulations for the students' associations, the conduct and discipline of students and for any other matter relating to students as the Council deems fit;
- (i) providing for or prescribing anything, which under this Act, may be provided for or prescribed by regulations.

(2) Notwithstanding the provisions of subsection (1), the Council shall not make, amend or revoke any regulations governing privileges or terms and conditions of service of the officers or offices established in the University without first ascertaining the opinion of Senate.

(3) Regulations shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourth of the members present and voting, being not less than half of the total membership of Council.

(4) Regulations made by the Council under this Act shall be published in the Gazette but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the regulations.

NO. 8 OF 1994

JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY ACT, 2007

SUBSIDIARY LEGISLATION

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MOMBASA POLYTECHNIC UNIVERSITY COLLEGE ORDER, 2007

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MOMBASA POLYTECHNIC UNIVERSITY COLLEGE ORDER, 2007

[L.N. 160/2007.]

1. Citation

This Order may be cited as the Mombasa Polytechnic University College Order, 2007.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Academic Board**” means the Academic Board of the University College established under paragraph 14;

“**Chancellor**” means the Chancellor of the University;

“**Convocation**” means the Convocation of the University College established under paragraph 15;

“**Council**” means the Council of the University College established under paragraph 11;

“**dean of students**” means the person appointed by the Council to be the dean of students of the University College;

“**Deputy Principal**” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“**director**” means the person appointed by the Council to be a director of the University College;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“**incapacity**” means inability to perform functions of the office concerned;

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Management Board**” means the Management Board of the University College established under paragraph 13;

“**Minister**” means the Minister for the time being responsible for technical and vocational education and training;

“**Principle**” means the Principal of the University College appointed under paragraph 8;

“Professor” means a full professor of the University College;

“registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

“staff association” means an association of the staff recognized by Council as being an association representative of the staff of the University College;

“statutes” means statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining qualification of the University College or any other person who is determined by the Academic Board to be student;

“students organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University” means the Jomo Kenyatta University established under section 3 of the Act;

“University College” means the Mombasa Polytechnic University College established under paragraph 3; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. Establishment of the University College

(1) There is hereby established a University College to be known as the Mombasa Polytechnic University College which shall be a constituent college of the Jomo Kenyatta University.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to the Mombasa Polytechnic constituted under the Education Board (Board of Governors) (Mombasa Polytechnic) Order.

(4) All rights, liabilities and assets held by or by any body on behalf of the Mombasa Polytechnic, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be to—

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for technological, professional, scientific education;

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- (b) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific and technological development;
- (c) contribute to industrial and technological development of Kenya in collaboration with industry and other organizations through transfer or technology;
- (d) examine and make proposals for new degree courses and subjects of study faculties, schools, institutes, departments, resource and research and innovation;
- (e) promote and establish a culture of innovation in engineering and technology, and technology transfer amongst staff and students;
- (f) develop an institution with excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application within and outside Kenya;
- (g) provide a multi-level system of post-secondary school education and training programmes relevant to the needs of the community covering a wide range of fields and levels up to and including post-doctoral studies with provision for recognition of prior learning and flexibility of transition between programmes;
- (h) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (i) advance knowledge and its practical application by research and other means, the dissemination of outcomes of research by various means and the commercial exploitation of the results of such research;
- (j) promote critical enquiry within the polytechnic and in the general community;
- (k) participate in commercial ventures and activities;
- (l) foster the general welfare of all staff and students;
- (m) provide opportunities for development and further training for staff of the University College;
- (n) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (o) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (p) facilitate student mobility between different programmes at different technical training institutions, polytechnics and universities;
- (q) conduct examinations for and to grant such academic awards as may be provided for in the statutes;
- (r) play a leading role in the development and expansion of opportunities for technological education;
- (s) generally facilitate the development and operation of a polytechnic academic and other programmes, courses of study, educational products and research activity such as the Council considers necessary for the attainment of the foregoing within Kenya and elsewhere.

(2) Admission to the University College as candidates for degrees, diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race,

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ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees to be awarded by the University College shall be the degrees conferred by the University.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University College.

6. Award of scholarships, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE**7. Membership of the University College**

The members of the University College shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian;
- (h) the registrars;
- (i) the finance officer of the University College;
- (j) the dean of students;
- (k) the director of information technology and communication services of the University College;
- (l) the Convocation;
- (m) the professors of the University College;
- (n) the lecturers of the University College;
- (o) the students of the University College; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on the recommendation of the Council.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;

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- (b) have overall responsibility of the direction, organization, administration and programmes the University College; and
- (c) have such powers and duties may be provided by the statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

(4) Notwithstanding subparagraph (1), Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be deemed to be a Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

10. Deans, directors and chairman of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school institute, centre, or a department, a dean, director, or a Chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by statutes.

(2) A person appointed as dean, director or Chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairperson and the Vice-Chairperson, both of whom shall be appointed by the President;
- (b) the Vice-Chancellor;
- (c) the Principal;
- (d) the Permanent Secretary of the Ministry for the time being responsible for technical and vocational education and training;
- (e) the Permanent Secretary of the Ministry for the time being responsible for education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (g) the following persons appointed by the Minister—
 - (i) one person nominated by the Academic Board from amongst its members;
 - (ii) one person nominated by the Senate from amongst its members;
 - (iii) one person to represent the association of technical and vocational education and training institutions;
 - (iv) one person to represent special interests;
 - (v) one person to represent the industrial sector;

- (vi) one person nominated by the Convocation from among its members;
- (vii) one person to represent professional associations;
- (viii) one person nominated by the academic staff;
- (ix) one person nominated by the non-academic staff;
- (x) one person nominated by the student organization;
- (h) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University College;
- (d) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College;
- (f) may, after consultation with the Management Board, make regulations governing the conduct and discipline of the staff of the University College;

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the

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Chairperson, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

13. The Management Board

(1) There shall be a Management Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the deans of the schools, and directors of institutes and centres; and
- (d) such other member of senior management as the Council may determine in accordance with the Statutes.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

(3) The Secretary of the Management Board shall be the Registrar in charge of administration.

14. The Academic Board

(1) There shall be established an Academic Board of the University College—

- (a) the Principal, who shall be the Chairperson;
- (b) Deputy Principals;
- (c) the deans of the faculties and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the registrar in charge of academic affairs;
- (f) the librarian;
- (g) the dean of students;
- (h) the director of information technology and communication services of the University College;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and

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- (j) two members elected by the students' organization who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to degree programmes;
- (c) to make regulations regarding the eligibility of persons for admission to other courses of study other than degree programmes;
- (d) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree;
- (e) to make regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a diploma, certificate or other award of the University College other than a degree;
- (f) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a diploma, certificate or other award of the University College; and
- (g) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree or prescribed postgraduate award and to report its decision thereon to the Senate; and
- (h) to make regulations governing such other matters as are within its powers in accordance with this Order or the statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

15. The Convocation

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolution thereon to the Council, the Academic Board, or the Senate and may exercise such other functions as the statutes may prescribe.

16. Staff of the University College

(1) The staff of the Mombasa Polytechnic existing prior to the commencement of this Order, including those on secondment, shall be deemed to be employees of the University College subject to the statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

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(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may from time to time determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Chairperson of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other moveable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development purposes; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act, 2003.

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(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS**22. Common seal and signification of documents**

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its function under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything which, under this Order, may be provided for or prescribed by statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being less than two-thirds of the total membership of the Council.

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the statutes or to the regulations.

24. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall

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accept for such registration any name which includes the word "Mombasa Polytechnic" together with either or all the words "University" or "College" unless the application for registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word "Mombasa Polytechnic" together with either or all the words "University" or "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university.

KIMATHI UNIVERSITY COLLEGE OF TECHNOLOGY ORDER, 2007

ARRANGEMENT OF PARAGRAPHS

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PART II – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY
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7. Membership of the University College.
8. The Principal.
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10. Deans, Directors and chairmen of faculties, etc.
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KIMATHI UNIVERSITY COLLEGE OF TECHNOLOGY ORDER, 2007

[L.N. No. 162/2007.]

PART I**1. Citation**

This Order may be cited as the Kimathi University College of Technology Order, 2007.

2. Interpretation

In this Order, unless the context otherwise requires—

“Academic Board” means the Academic Board of the University College established under paragraph 13;

“alumni association” means the alumni association of the University College established under paragraph 15;

“Chancellor” means the Chancellor of the University;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“faculty” means a faculty of the University College established under the statutes;

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“incapacity” means inability to perform functions of the office concerned;

“institute” means an institute of the University College established by the statutes;

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“librarian” means the person appointed to be the librarian of the University College;

“Minister” means the Minister for the time being responsible for technical and vocational education and training;

“Principal” means the Principal of the University College appointed under paragraph 8;

“professor” means a full professor of the University College;

“registrar” means the registrar appointed by the Council;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

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“staff association” means an association of the staff recognized by Council as being an association representative of the staff of the University College;

“statutes” means statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act;

“University College” means the Kimathi University College established under paragraph 3; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. Establishment of the University College

(1) There is hereby established a university college to be known as the Kimathi University College of Technology which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to the Kimathi Institute of Technology.

(4) All rights, liabilities and assets held by or by any body on behalf of Kimathi Institute of Technology, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be to—

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates leading to the conferment of degrees and award of

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diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;

- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) promote and establish a culture of innovation in engineering and technology, and technology transfer amongst staff and students;
- (f) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study.

(2) Admission to the University College as candidates for degrees, diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees to be awarded by the University College shall be the degrees conferred by the University.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University.

6. Award of scholarships, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes.

PART II – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the Kenyatta University;
- (b) the Vice-Chancellor of Kenyatta University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the alumni association;
- (i) the professors of the University College;
- (j) the lecturers of the University College;
- (k) the students of the University College; and

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- (l) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on the recommendation of the Council.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes the University College; and
- (c) have such powers and duties as may be provided by the statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

(4) Notwithstanding subparagraph (1), Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be deemed to be a Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school institute, centre, or a department, a dean, director, or a Chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by statutes.

(2) A person appointed as dean, director or Chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairperson and the Vice-Chairperson, both of whom shall be appointed by the President;
- (b) the Vice-Chancellor of the University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for university education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;

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- (g) the following persons appointed by the Minister—
 - (i) one person nominated by the Academic Board from amongst its members;
 - (ii) one person nominated by the Council of the University from among its members;
 - (iii) one person to represent special interests;
 - (iv) one person to represent the industrial sector;
 - (v) one person nominated by the alumni association from among its member;
 - (vi) one person to represent professional associations;
 - (vii) one person nominated by the academic staff;
 - (viii) one person nominated by the non-academic staff;
 - (ix) one person nominated by the student organization;
- (h) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for period of three years, but shall be eligible for re-appointment.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership innovative enterprise and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;

- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the staff of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the Chairperson, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be a Management Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the deans of the faculties and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the librarian;
- (f) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (g) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;

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- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the statutes.

Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) registrar(s);
- (d) finance officer;

(2) The Deputy Principal for the time being in charge of finance and administration shall be the secretary to the Management Board.

(3) The Management Board shall assist the Principal in the day to day management of the University College.

15. Alumni association

(1) There shall be alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the statutes may prescribe.

16. Staff of the University College

(1) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged teaching and research.

(2) The senior management staff of the University College shall consist of the Principal, the deputy Principals and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(3) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research as the Council may from time to time determine.

(4) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as Council may from time to time determine.

(5) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

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(6) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(7) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(8) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Chairperson of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS

18. Financial year

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;

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- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other moveable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development purposes; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act, 2003, (12 of 2003).

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

22. Common seal and signification of documents

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its function under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything which, under this Order, may be provided for or prescribed by statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being less than two-thirds of the total membership of the Council.

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the statutes or to the regulations.

24. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the word “Kimathi” together with either or all the words “University” or “College” unless the application for registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word “Kimathi” together with either or all the words “University” or “College” in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

MERU UNIVERSITY COLLEGE OF SCIENCE AND TECHNOLOGY ORDER, 2008

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MERU UNIVERSITY COLLEGE OF SCIENCE AND TECHNOLOGY ORDER, 2008

[L.N. 103/2008.]

1. Citation

This Order maybe cited as the Meru University College of Science and Technology Order, 2008.

2. Interpretation

In this Order, unless the context otherwise requires—

“academic board” means the Academic Board of the Meru University College of Science and Technology established under paragraph 13;

“Act” means the Jomo Kenyatta University of Agriculture and Technology Act;

“chancellor” means the Chancellor of the University;

“convocation” means the Convocation of the Meru University College of Science and Technology established under paragraph 15;

“council” means the Council of the University College established under paragraph 11;

“Dean of Students” means the person appointed by the Council to be the Dean of Students of the University College;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“director” means a person appointed by Council of the University College to be a director of the University College, and whose functions are as specified in the statutes;

“faculty” means a faculty of the University College established under the statutes;

“financial year” means the financial year of the University College as provided for under paragraph 18;

“graduate” means a person upon whom a degree has been conferred in accordance with paragraph 5(1);

“incapacity” means inability to perform functions of the office concerned;

“institute” means an institute of the University College established by the statutes;

“lecturer” means a member of the staff of the University College who is, in terms of appointment, a Full professor, an Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer or Tutorial Assistant, or a person who holds any other teaching post which the Council has recognized as a post having academics status in the University College;

“librarian” means the person appointed to be the librarian of the University College;

“management board” means the Management Board of the University College established under section 13;

“Minister” means the Minister for the time being responsible for technical and vocational education and training;

“Principal” means the Principal of the University College appointed under paragraph 8;

“professor” means a full Professor of the University College;

“registrar” means the registrar appointed by the Council of the University College;

“school” means a School of the University College established under the Statutes;

“senate” means the Senate of the University;

“Staff association” means an association of the staff recognized by Council as being an association representative of the staff of the University College;

“statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining education and training towards the acquisition of a particular qualification or any other person who is determined by the Academic Board to be a student within a similar context;

“students organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“university” means the Moi University established under section 3 of the Act;

“university college” means the Meru University College established under paragraph 3; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. (1) There is hereby established a university college to be known as the Narok University College which shall be a constituent college of the Moi University.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall the successor to Narok Teachers Training College.

(4) All rights, liabilities and assets held by or by any body on behalf of Narok Teachers College, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. (1) The objects and functions of the University College shall be—

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

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- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) to examine and make proposal for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (k) facilitate student mobility between different programmes at different training institutions, universities and industry;
- (l) foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the ground of any such distinction.

5. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University College.

6. Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes.

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. The members of the University College shall be—

- (a) the Chancellor of Moi University

- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of the staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. (1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

(4) Notwithstanding sub-paragraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the Moi University and the person so appointed shall be deemed to be the Principal appointed under sub-paragraph (1).

9. (1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

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(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for reappointment.

11. (1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor Moi University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (g) one person being a member of the Academic Board;
- (h) one person appointed by the Minister to represent professional associations;
- (i) one person appointed by the Minister to represent special interest;
- (j) one person nominated by the Alumni Association from among its members;
- (k) one person appointed by the Minister to represent association of technical and vocational education and training institutions;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organization;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, and all decisions of the Council may be signified under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;

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- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed within further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Narok University College existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the Service of another institution, the Government or any other public service, on terms and conditions, agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

[Subsidiary]**17. Performance of functions in absence of office holder**

(1) In the event of the incapacity of the Principal, the chairman of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the chairman of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff or the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for the development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

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(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act, 2003.

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS**22. Common seal and signification of documents**

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and

[Subsidiary]

- (h) providing for or prescribing anything, which under this Order, may be provided for or prescribed by statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three fourths of the members present and voting, being not less than two thirds of the total membership of the Council.

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act shall not apply to the statutes or to the regulations.

24. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Narok University" together with word "College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council uses the words "Narok University" together with the word "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the Moi University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university.

MULTIMEDIA UNIVERSITY COLLEGE OF KENYA ORDER, 2008

ARRANGEMENT OF PARAGRAPHS

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Paragraph

1. Citation.
2. Interpretation.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE MULTIMEDIA
UNIVERSITY COLLEGE OF KENYA

3. Establishment of the University College.
4. Functions and objects of University College.
5. Conferment of degrees, etc.
6. Award of scholarships, bursaries, etc.

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY
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7. Membership of the University College.
8. The Principal.
9. The Deputy Principal.
10. Deans, directors and chairmen of faculties, etc.
11. The Council.
12. Functions of the Council.
13. The Academic Board.
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MULTIMEDIA UNIVERSITY COLLEGE OF KENYA ORDER, 2008

[L.N. 155/2008.]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Multimedia University College of Kenya Order, 2008.

2. Interpretation

In this Order, unless the context otherwise requires—

“**academic board**” means the Academic Board of the University College established under paragraph 13;

“**alumni association**” means the alumni association of the University College established under paragraph 15;

“**chancellor**” means the Chancellor of the University;

“**the council**” means the Council of the University College established under paragraph 11;

“**Deputy Principal**” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College as provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“**incapacity**” means inability to perform functions of the office concerned;

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Minister**” means the Minister for the time being responsible for higher education;

“**Principal**” means the Principal of the University College appointed under paragraph 8;

“**professor**” means a Professor of the University College;

“**registrar**” means the registrar appointed by the Council;

“**school**” means a school of the University College established under the Statutes;

“**Senate**” means the senate of the University;

“staff association” means an association of the staff recognized by Council as being an association representative of the staff of the University College;

“statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University college or any other person who is determined by the Academic Board to be a student;

“students organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act; and

“University College” means the Multimedia University College of Kenya established under paragraph 3;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 10 of the Act.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE MULTIMEDIA UNIVERSITY COLLEGE OF KENYA

3. Establishment of the University College

(1) There is hereby established a university college to be known as the Multimedia University College of Kenya which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to the Kenya College of Communications Technology (KCCT).

(4) All rights, liabilities and assets held by or by any body on behalf of Kenya College of Communications Technology, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be to—

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;

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- (c) provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (e) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (k) facilitate student mobility between different programmes at different technical training institutions, universities and industry; and
- (l) foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Jomo Kenyatta University of Agriculture and Technology.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University College.

6. Award of scholarships, bursaries, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the statutes.

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY
COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of Jomo Kenyatta University of Agriculture and Technology;

- (b) the Vice-Chancellor of the Jomo Kenyatta University of Agriculture and Technology;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

[Subsidiary]

(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor of Jomo Kenyatta University of Agriculture and Technology;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for information and communication technology;
- (f) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (g) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (h) the Director General of the Communications Commission of Kenya;
- (i) at least four persons appointed by the Minister by virtue of their knowledge in the areas of telecommunications, postal affairs, information technology, broadcasting, business, law and other academic or professional interests;
- (j) one person nominated by the Alumni Association from among its members;
- (k) one person representing the staff of the University College; and
- (l) a representative of the student organization;

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal; or
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) if the member is convicted of a criminal offence and imprisoned for a period exceeding six months; or
- (d) if he is adjudged bankrupt; or
- (e) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting procedures and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;

[Subsidiary]

- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (3) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Registrar in charge of administration, who shall be the secretary;
- (d) the Finance Officer; and
- (e) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Kenya College of Communications Technology existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may from time to time determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the Service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

[Subsidiary]**17. Performance of functions in absence of office holder**

(1) In the event of the incapacity of the Principal, the chairman of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the chairman of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for the development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval,

and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act, 2003 (No. 12 of 2003).

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act, 2003 (No. 12 of 2003) shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS

22. Common seal and signification of documents

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;

[Subsidiary]

- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the statutes or to the regulations.

24. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words, "Multimedia University" together with either or all the word "Kenya" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Multimedia University" together with either or all the word "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the Jomo Kenyatta University of Agriculture and Technology shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university.

KIRINYAGA UNIVERSITY COLLEGE ORDER, 2011

ARRANGEMENT OF PARAGRAPHS

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PART III – MEMBERSHIP OF THE UNIVERSITY COLLEGE

7. Membership of the University College.
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KIRINYAGA UNIVERSITY COLLEGE ORDER, 2011

[L.N. 108/2011.]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Kirinyaga University College Order, 2011.

2. Interpretation

In this Order, unless the context otherwise requires—

“**academic Board**” means the Academic Board of the University College established under paragraph 13;

“**alumni association**” means the alumni association of the University College established under paragraph 15;

“**Chancellor**” means the Chancellor of the University;

“**Council**” means the Council of the University College established under paragraph 11;

“**Deputy Principal**” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College as provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Management Board**” means the Management Board of the University College established under paragraph 14;

“**Minister**” means the Minister for the time being responsible for matters relating to higher education;

“**Permanent Secretary**” means the Permanent Secretary for the time being responsible for matters relating to higher education;

“**principal**” means the principal of the University College appointed under paragraph 8;

“**professor**” means a full professor of the University College;

“Registrar” means the registrar appointed by the Council of the University College;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

“staff association” means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

“statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students’ organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University College” means the Kirinyaga University College established under paragraph 3;

“University” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 11 of the Act.

PART II – ESTABLISHMENT OF THE UNIVERSITY COLLEGE

3. Establishment of the University College

(1) There is established a university college to be known as the Kirinyaga University College which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall the successor to Kirinyaga Technical Institute.

(4) All rights, liabilities and assets held by or by any body on behalf of the Kirinyaga Technical Institute, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be—

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

[Subsidiary]

- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) to play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) to contribute to industrial and technological developments through innovations and technology transfer;
- (h) to develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) to participate in commercial ventures and other activities for the benefit of the institution, the community and stakeholders;
- (j) to contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) to provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) to facilitate student mobility between different programmes at different training institutions, universities and industry; and
- (n) foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the Jomo Kenyatta University of Agriculture and Technology.

(2) Despite subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the Statutes of the University College.

6. Award of scholarships, bursaries, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

PART III – MEMBERSHIP OF THE UNIVERSITY COLLEGE**7. Membership of the University College**

The members of the University College shall be—

- (a) the Chancellor of the University;
- (b) the Vice-Chancellor of University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni association; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and shall, upon the expiration of that period, be eligible for re-appointment for one further term.

(4) Despite subparagraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be considered to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

[Subsidiary]

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and shall, upon the expiration of that period, be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a Dean, Director, or a Chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as Dean, Director or Chairman shall hold office upon such terms and for such period as may be provided by the statutes and shall, upon the expiration of that period, be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the Minister in consultation with the Chancellor;
- (b) the Vice-Chancellor of the University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) one person appointed by the Academic Board;
- (f) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (g) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (h) one person appointed by the Minister to represent professional associations;
- (i) one persons appointed by the Minister to represent special interest;
- (j) one person appointed by the Minister to represent industry;
- (k) one person nominated by the Alumni Association from among its members;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organisation;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment for a further term of three years.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by giving a notice, in writing, to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon his death.

[Subsidiary]

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signed under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, Regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;

[Subsidiary]

- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose Regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose Regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make Regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Despite any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principal for the time being in charge of finance and administration;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;

[Subsidiary]

- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans, and

any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Kirinyaga Technical Institute existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the Librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the Deans of Schools and Directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and

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- (b) be considered to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Chairman of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairman of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

(4) In this paragraph "incapacity" means absence from Kenya or inability, for any other reason, to perform the functions of the office concerned.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College; and
- (f) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

[Subsidiary]

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act (No. 12 of 2003).

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act (No. 12 of 2003) shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS

22. Common seal and signification of documents

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;

[Subsidiary]

- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by Statutes.

(2) Despite subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the regulations.

24. Protection of name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Kirinyaga" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Kirinyaga" together with the word "University College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the Jomo Kenyatta University of Agriculture and Technology shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged University.

MURANGA UNIVERSITY COLLEGE ORDER, 2011

ARRANGEMENT OF PARAGRAPHS

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Paragraph

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MURANGA UNIVERSITY COLLEGE ORDER, 2011

[L.N. 129/2011.]

1. Citation

This Order may be cited as the Muranga University College Order, 2011.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Academic Board**” means the Academic Board of the University College established under paragraph 13;

“**alumni association**” means the alumni association of the University College established under paragraph 15;

“**Chancellor**” means the Chancellor of the University;

“**Council**” means the Council of the University College constituted under paragraph 11;

“**Deputy Principal**” means the Deputy Principal appointed by the Council under paragraph 9;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College as provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred under paragraph 5;

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Management Board**” means the Management Board of the University College established under paragraph 14;

“**Minister**” means the Minister for the time being responsible for higher education;

“**Principal**” means the Principal of the University College appointed under paragraph 8;

“**professor**” means a full professor of the University College;

“**registrar**” means the registrar appointed by the Council;

“**school**” means a school of the University College established under the statutes;

“**Senate**” means the Senate of the University constituted under section 17 of the Act;

“**staff association**” means an association of staff recognized by the Council as being an association representative of the staff of the University College;

“**statutes**” means statutes of the University College made by the Council under this Order;

“**student**” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“**students organization**” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“**University College**” means the Muranga University College established under paragraph 3;

“**University**” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act; and

“**Vice-Chancellor**” means the Vice-Chancellor of the University appointed under section 10 of the Act.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. Establishment of the University College

(1) There is established a university college to be known as the Muranga University College which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing such other things or acts, including entering into such contracts as may be necessary or expedient for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to Muranga Institute of Technology.

(4) All rights, liabilities and assets held by or by any body on behalf of Muranga Institute of Technology existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Objects and functions of University College

(1) The objects and functions of the University College shall be—

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for technical, vocational, professional and scientific education and research;
- (b) to participate in technological innovation and the discovery, preservation, transmission of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to conduct examinations for such academic awards as may be provided for in the statutes pertaining to the University College;

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- (d) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (e) to play a leading role in the development and expansion of the opportunities for higher education and research;
- (f) to contribute to industrial and technological development through innovations and technology transfer;
- (g) to develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) to participate in commercial ventures and other activities for the benefit of the institution, the community and stakeholders;
- (i) to contribute to the agricultural, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (j) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (k) to provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (l) to facilitate student mobility between different programmes at different training institutions, universities and industry, and

to foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees to be awarded by the University College shall be the degrees conferred by the University.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the statutes of the University College.

6. Award of scholarships, bursaries, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make such other awards which may be provided for by the statutes.

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;

- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the professors of the University College;
- (h) the lecturers of the University College;
- (i) the Registrars;
- (j) the librarian;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the students of the University College;
- (n) the members of the alumni association; and
- (o) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on the advice of the Council and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period, shall be eligible for re-appointment for one further term.

(4) Notwithstanding subparagraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be considered to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor appoint one or more deputy principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period, shall be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a dean, a director, or a chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, exercise such powers and duties as may be provided by statutes.

[Subsidiary]

(2) A person appointed as dean, director or chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the President in consultation with the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (f) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (g) two persons nominated by the Academic Board from among its members;
- (h) one person nominated by the Senate of the University from among its members;
- (i) three persons appointed by the Minister to represent professional associations and industries;
- (j) not more than two persons appointed by the Minister to represent special interest;
- (k) one person nominated by the alumni association from among its members;
- (l) one person nominated by the non-academic staff to represent their interests;
- (m) one person nominated by the academic staff to represent their interests;
- (n) two persons nominated by the student organisation; and
- (o) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to subparagraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment for a further term.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns from office by giving a notice, in writing, to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise and good judgement in directing the University College and shall act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the Chairman, the Principal or any other member of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals;
- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) one representative of each of the faculty or school academic boards appointed by the respective boards from among its members; and

[Subsidiary]

- (h) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the statutes.

(4) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairman;
- (b) the Deputy Principals;
- (c) the Registrar in charge of administration, who shall be the secretary;
- (d) the Finance Officer; and
- (e) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the statutes may prescribe.

16. (1) The staff of the Muranga Institute of Technology, existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and faculties and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College shall consist of staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be considered to be employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

[Subsidiary]

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chancellor, after consultation with the Chairman of the Council, may appoint any member of the senior management staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

(4) In this paragraph “**incapacity**” means absence from Kenya or inability, for any other reason, to perform the functions of the office concerned.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the University and the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval,

[Subsidiary]

and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Auditor General in accordance with the Public Audit Act (No. 12 of 2003).

(4) The Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act (No. 12 of 2003) shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS

22. Common seal and signification of documents

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing of fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;

[Subsidiary]

- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any statute relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the statutes or to the regulation.

24. Protection of name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Murang'a" together with either or both the words "University" or "College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Murang'a" together with either or both the words "University" or "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the University shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged university.

TAITA TAVETA UNIVERSITY COLLEGE ORDER, 2011

ARRANGEMENT OF PARAGRAPHS

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TAITA TAVETA UNIVERSITY COLLEGE ORDER, 2011

[L.N. 156/2011.]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Taita Taveta University College Order, 2011.

2. Interpretation

In this Order, unless the context otherwise requires—

“**academic Board**” means the Academic Board of the University College established under paragraph 13;

“**alumni association**” means the alumni association of the University College established under paragraph 15;

“**Chancellor**” means the Chancellor of the University;

“**Council**” means the Council of the University College established under paragraph 11;

“**Deputy Principal**” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College as provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred in accordance with paragraph 5;

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Management Board**” means the Management Board of the University College established under paragraph 14;

“**Minister**” means the Minister for the time being responsible for matters relating to higher education;

“**Permanent Secretary**” means the Permanent Secretary for the time being responsible for matters relating to higher education;

“**principal**” means the principal of the University College appointed under paragraph 8;

“**professor**” means a full professor of the University College;

“Registrar” means the registrar appointed by the Council of the University College;

“school” means a school of the University College established under the statutes;

“Senate” means the senate of the University;

“staff association” means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

“statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“students’ organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act; and

“University College” means the Taita Taveta University College established under paragraph 3;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 11 of the Act.

PART II – ESTABLISHMENT OF THE UNIVERSITY COLLEGE

3. Establishment of the University College

(1) There is established a university college to be known as the Taita Taveta University College which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) The University College shall be the successor to Taita Taveta Campus of Jomo Kenyatta University of Agriculture and Technology.

(4) All rights, liabilities and assets held by or by any body on behalf of the Taita Taveta Campus, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be—

- (a) to provide, directly or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific

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and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

- (b) to participate in the research, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) to play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) to contribute to industrial and technological developments through innovations and technology transfer;
- (h) to develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) to participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (j) to contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) to provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) to facilitate student mobility between different programmes at different training institutions, universities and industry; and
- (n) foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the Jomo Kenyatta University of Agriculture and Technology.

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(2) Despite subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the Statutes of the University College.

6. Award of scholarships, bursaries etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

PART III – MEMBERSHIP OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the University;
- (b) the Vice-Chancellor of University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni association; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

(4) Despite subparagraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be considered to be the Principal appointed under subparagraph (1).

[Subsidiary]**9. The Deputy Principal**

(1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

(2) A Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a Dean, Director, or a Chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as Dean, Director or Chairman shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the Minister in consultation with the Chancellor;
- (b) the Vice-Chancellor of the University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) one person appointed by the Academic Board;
- (f) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (g) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (h) one person appointed by the Minister to represent professional associations;
- (i) one persons appointed by the Minister to represent special interest;
- (j) one person appointed by the Minister to represent industry;
- (k) one person nominated by the Alumni Association from among its members;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organisation;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment for a further term of three years.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by giving a notice, in writing, to the Principal;

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- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon his death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signed under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

(6) The Council shall ensure that the University College complies with all the relevant laws, Regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;

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- (b) the Deputy Principals;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Deputy Principal for the time being in charge of academics shall be the secretary to the Academic Board.

(3) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose Regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose Regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make Regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Despite any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (3) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

(5) The Academic Board and the Senate may exercise such other functions as the Statute may prescribe.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principal for the time being in charge of finance and administration;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;

- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Taita Taveta Campus existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the Librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the Deans of Schools and Directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may from time to time determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

[Subsidiary]

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be considered to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Chairman of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairman of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

(4) In this paragraph “**incapacity**” means absence from Kenya or inability, for any other reason, to perform the functions of the office concerned.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;

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- (e) for the funding of the cost of teaching, research and outreach activities of the University College; and
- (f) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act, (No. 12 of 2003).

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS**22. Common seal and signification of documents**

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;

[Subsidiary]

- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by Statutes.

(2) Despite subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act, (Cap. 2) shall not apply to the Statutes or to the regulations.

24. Protection of name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Taita Taveta" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Taita Taveta" together with the word "University College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the Jomo Kenyatta University of Agriculture and Technology shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged University.

CO-OPERATIVE UNIVERSITY COLLEGE OF KENYA ORDER, 2011

ARRANGEMENT OF PARAGRAPHS

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1. Citation.
2. Interpretation.

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4. Functions and objects of University College.
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PART III – MEMBERSHIP OF THE UNIVERSITY COLLEGE

7. Membership of the University College.
8. The Principal.
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10. Deans, directors and chairmen of faculties, etc.
11. The Council.
12. Functions of the Council.
13. The Academic Board.
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PART IV – FINANCIAL PROVISIONS

18. Financial year.
19. Investment of funds.
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PART V – MISCELLANEOUS

22. Common seal and signification of documents.
23. Statutes.
24. Protection of name.
25. Conversion into a fully fledged university.

CO-OPERATIVE UNIVERSITY COLLEGE OF KENYA ORDER, 2011

[L.N. 161/2011.]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Co-operative University College Order, 2011.

2. Interpretation

In this Order, unless the context otherwise requires—

“**academic Board**” means the Academic Board of the University College established under paragraph 13;

“**alumni association**” means the alumni association of the University College established under paragraph 15;

“**Chancellor**” means the Chancellor of the University;

“**Council**” means the Council of the University College established under paragraph 11;

“**Deputy Principal**” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

“**faculty**” means a faculty of the University College established under the statutes;

“**financial year**” means the financial year of the University College as provided for under paragraph 18;

“**graduate**” means a person upon whom a degree has been conferred in accordance with paragraph 5(1);

“**institute**” means an institute of the University College established by the statutes;

“**lecturer**” means a member of the staff of the University College who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, or tutorial assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University College;

“**librarian**” means the person appointed to be the librarian of the University College;

“**Management Board**” means the Management Board of the University College established under paragraph 14;

“**Minister**” means the Minister for the time being responsible for matters relating to higher education;

“**Permanent Secretary**” means the Permanent Secretary for the time being responsible for matters relating to higher education;

“**Principal**” means the principal of the University College appointed under paragraph 8;

“**professor**” means a full professor of the University College;

“Registrar” means the registrar appointed by the Council of the University College;

“school” means a school of the University College established under the statutes;

“Secretary to the Council” means the person appointed as secretary to the Council;

“Senate” means the Senate of the University;

“Staff Association” means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

“statutes” means Statutes of the University College made by the Council under this Order;

“student” means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

“Students’ Organization” means an association of the students recognized by the Council being an organization representative of the students of the University College;

“University” means the Jomo Kenyatta University of Agriculture and Technology established under section 3 of the Act; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 11 of the Act.

PART II – DECLARATION OF THE CONSTITUENT COLLEGE

3. Declaration of constituent college

(1) The Co-operative College of Kenya established under the Co-operative College Act (Cap. 490A) is declared a constituent college of the Jomo Kenyatta University of Agriculture and Technology and shall be known as the Co-operative University College of Kenya (hereinafter referred to as the “University College”).

(2) The University College shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a body corporate.

(3) All rights, liabilities and assets held by or by any body on behalf of the Co-operative College of Kenya, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

(1) The objects and functions of the University College shall be—

- (a) to advance learning and knowledge through teaching, research and consultancy on all matters relating to cooperative development, community

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development, rural transformation, business studies, information and communication technology at national and international level;

- (b) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including vocational, professional and scientific education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (c) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (d) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine;
- (e) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (f) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (g) to play a leading role in the development and expansion of the opportunities for higher education and research in agribusiness, co-operatives and associative economy;
- (h) to develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) to participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (j) to co-operative education, research and training for various categories of personnel of the co-operative movement, government officers and general public to serve as a centre of academic excellence in the co-operative movement in the region;
- (k) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) to provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) to facilitate student mobility between different programmes at different training institutions, universities and industry; and
- (n) foster the general welfare of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the Jomo Kenyatta University of Agriculture and Technology.

(2) Despite subparagraph (1), the University College shall have powers to grant diplomas, certificates, or other academic qualifications which may, for the time being, be authorized by the Statutes of the University College.

6. Award of scholarships, bursaries, etc.

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

PART III – MEMBERSHIP OF THE UNIVERSITY COLLEGE**7. Membership of the University College**

The members of the University College shall be—

- (a) the Chancellor of the University;
- (b) the Vice-Chancellor of University;
- (c) the Principal of the University College;
- (d) the Deputy Principals of the University College;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors and lecturers of the University College;
- (i) the Registrars;
- (j) the Finance Officer;
- (k) the Dean of students;
- (l) the Directors of service departments;
- (m) the students of the University College;
- (n) the Alumni association; and
- (o) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Minister on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms and for such period as may be provided by the Statutes and shall, upon the expiration of that period, be eligible for re-appointment for one further term.

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(4) Despite subparagraph (1), the Minister may appoint the first Principal on the recommendation of the Council of the University and the person so appointed shall be considered to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor, appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

(2) The Deputy Principal shall hold office upon such terms and for such period as may be provided by the Statutes and shall, upon the expiration of that period, be eligible for re-appointment for one further term.

10. Deans, directors and chairmen of faculties, etc.

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a Dean, Director, or a Chairman who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as Dean, Director or Chairman shall hold office upon such terms and for such period as may be provided by the Statutes and shall, upon the expiration of that period, be eligible for reappointment for one further term.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairman and Vice-Chairman, both of whom shall be appointed by the Minister in consultation with the Chancellor;
- (b) the Vice-Chancellor of the University;
- (c) the Principal of the University College;
- (d) the Deputy Principals of the University College;
- (e) one person appointed by the Academic Board from amongst its members;
- (f) the Permanent Secretary of the Ministry for the time being responsible for higher education;
- (g) the Permanent Secretary of the Ministry for the time being responsible for Co-operative Development;
- (h) the Permanent Secretary of the Ministry for the time being responsible for finance;
- (i) one person being a member of the Senate;
- (j) two persons appointed by the Minister to represent the cooperative movement;
- (k) one persons appointed by the Minister to represent special interest;
- (l) one person appointed by the Minister to represent industry;
- (m) one person nominated by the Alumni Association from among its members;
- (n) a representative of non-academic staff;
- (o) a representative of the student organisation;
- (p) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

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(3) Subject to subparagraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment for a further term of three years.

(4) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, he or she resigns his office by giving a notice, in writing, to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his and her office; or
- (c) upon his or her death.

(5) Where the office of a member of the Council becomes vacant, the Principal shall forthwith notify the vacancy to the appropriate appointing authority.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University College and shall always act in the best interest of the University College.

12. Functions of the Council

(1) Subject to this Order, the Council shall be the governing body of the University College through which the University College shall act and—

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) shall approve the appointment criteria and the terms and conditions of service of staff;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signed under the hand of the Chairman, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(3) The Council shall ensure that a proper management structure is in place and that the structure functions to maintain corporate integrity, reputation and responsibility.

(4) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University College.

(5) The Council shall constantly review the viability and financial sustainability of the University College, and shall do so once every year.

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(6) The Council shall ensure that the University College complies with all the relevant laws, Regulations, governance practices, accounting and auditing standards.

13. The Academic Board

(1) There shall be an Academic Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principals of the University College;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairman of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

(2) The Academic Board shall have the following powers and duties—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose Regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose Regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make Regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Despite any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There is established a Management Board made up of the following persons—

- (a) the Principal, who shall be the Chairman;
- (b) the Deputy Principal for the time being in charge of finance and administration;
- (c) the Deputy Principals of the University College;

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- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of the senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Co-operative College of Kenya existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the Librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the Deans of Schools and Directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may from time to time determine.

(5) The technical staff of the University College shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or

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- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(8) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(9) All members of staff of the University College shall be—

- (a) subject to the general authority of the Council and of the Principal; and
- (b) considered to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Chairman of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairman of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

(4) In this paragraph “**incapacity**” means absence from Kenya or inability, for any other reason, to perform the functions of the office concerned.

PART IV – FINANCIAL PROVISIONS**18. Financial year**

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

(2) The Council may place on deposit with such banks as it may determine any moneys not immediately required for the purposes of the University College.

20. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;

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- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

(4) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Minister.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with an authorization of the Council given with the prior approval of the Minister.

21. Accounts and audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets and of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act (No. 12 of 2003).

(4) The Controller and Auditor-General may transmit to the Minister a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS**22. Common seal and signification of documents**

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

[Subsidiary]**23. Statutes**

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the government, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by Statutes.

(2) Despite subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or Academic Board without first ascertaining the opinion of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than two-thirds of the total membership of the Council.

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the Regulations.

24. Protection of name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words “Co-operative” together with words “University College” unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words “Co-operative” together with the word “University College” in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this Order as a constituent college of the Jomo Kenyatta University of Agriculture and Technology shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged University.
