



LAWS OF KENYA

**MASINDE MULIRO UNIVERSITY OF SCIENCE AND
TECHNOLOGY ACT**

No. 18 of 2006

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NO. 18 OF 2006

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT

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NO. 18 OF 2006

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT

[Date of assent: 30th December, 2006.]

[Date of commencement: 2nd January, 2007.]

An Act of Parliament to establish the Masinde Muliro University of Science and Technology, to provide for its powers and functions and for matters connected therewith

[L.N. 149/2007.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Masinde Muliro University of Science and Technology Act, 2006.

2. Interpretation

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

“**affiliated institution**” means an institution which has an academic linkage with the University for the purpose of granting certificates, diplomas and degrees in accordance with the statutes;

“**Alumni Association**” means the alumni association of the University established under section 17;

“**annual estimates**” means the estimates approved under section 22 in respect of any financial year;

“**Chancellor**” means the Chancellor of the University appointed under section 10;

“**chairperson of department**” means the person appointed by the Vice-Chancellor to be the chairperson of a teaching department or the head of any unit of the University;

“**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;

“**Council**” means the Council of the University established under section 14;

“**Deputy Vice-Chancellor**” means the Deputy Vice-Chancellor appointed under section 12;

“**financial year**” means a financial year within the meaning of section 20;

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

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

“**principal**” means a person appointed under section 13 to be the principal of a college within the University;

“**professor**” means a professor of the University, but does not include an associate professor;

“**statutes**” means the rules and regulations of the University or made by the Council under section 25;

“**student**” means a person for the time being 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’ organization**” means the association of students recognized by the Council as being an organization representative of the students of the University;

“**the Senate**” means the Senate of the University established under section 16;

“**the University**” means the Masinde Muliro University of Science and Technology established by section 3;

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

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

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment of the University

(1) There is hereby established a university to be known as the Masinde Muliro University of Science 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 or disposing of movable and immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(3) The University is the successor to Western University College of Science and Technology established by the Western University College of Science and Technology Order, 2002 (now revoked) and subject to this Act, all rights, duties, obligations, staff, assets and liabilities of the Western University College of Science and Technology existing at the commencement of this Act shall be automatically and fully transferred to the University and any reference to the Western University College of Science and Technology in any contract or document shall, for all purposes, be deemed to be a reference to the University established under subsection (1).

[L.N. 373/2002.]

4. Functions and objects of the University

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

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education, including technological, scientific, professional education and research;
- (b) participate in the discovery, creation, transmission, preservation and enhancement of knowledge and to stimulate the intellectual participation of students and staff in economic, social, cultural, scientific and technological development;
- (c) harness acquired knowledge through scientific and technological innovation;
- (d) conduct examinations for purposes of granting certificates, diplomas, degrees and such other academic awards as may be provided for in the statutes;
- (e) determine who may teach, what may be taught and how it may be taught in the University; and
- (f) play an effective role in the development and expansion of opportunities for university education.

(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, race, gender, 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, race, gender, 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 Council, by Order in the *Gazette*—

- (a) establish any college as a constituent college of the University; or
- (b) declare an institution of learning or of 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 Council, establish colleges within the University.

(2) The President may, on the advice of Council, establish college campuses.

(3) A college established under this section shall consist of such faculties, institutes, centres or schools and shall have such functions and powers as may be provided for in the statutes.

7. Conferment of degrees

(1) Subject to this Act, the University may confer any degree or award any diploma, certificate or any other academic qualification, which it is for the time being authorized by the statutes 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. Other awards

Subject to this Act, the University may award fellowships, scholarships, bursaries and prizes and make other awards which may be provided for in the statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY**9. Membership of the University**

The members of the University shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) principals of the constituent colleges;
- (e) principals of colleges within the University;
- (f) members of the Council;
- (g) professors and lecturers of the University;
- (h) the librarians;
- (i) the registrars;
- (j) the finance officer;
- (k) the dean of students;
- (l) the students;
- (m) members of the Alumni Association;
- (n) members of the Senate;
- (o) members of the governing body of each constituent college;
- (p) the secretary of the governing body of each constituent college;

- (q) such other members of staff of the University or any other body formally admitted into association with the University or any of its constituent colleges as the Council may from time to time determine.

10. The Chancellor

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

(2) If the President deems 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 the 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 shall hold office for such period as the President shall determine, but that person shall cease to hold office if the election of a President results in a change in the holder of the office of President.

(4) The Chancellor—

- (a) shall be the head of the University and shall, in the name of the University, confer degrees and award diplomas, certificates and other awards of the University;
- (b) may from time to time, direct an inspection, visitation or inquiry of the University or an inquiry into the teaching, research or any other work of the University;
- (c) may, from time to time, give advice to the Council which he considers necessary for the development of the University;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in the statutes.

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

11. The Vice-Chancellor

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

(2) The Vice-Chancellor shall—

- (a) be the chief executive of the University;
- (b) have the overall responsibility for the direction, organization and administration of programmes of the University;
- (c) be the chairperson of the Senate;
- (d) be responsible to the Council for the general conduct and discipline of the students and staff of the University; and
- (e) be the secretary to the Council.

(3) The Vice-Chancellor shall hold office for a period of four years, but shall be eligible for reappointment for one further term of four years.

12. The Deputy Vice-Chancellors

(1) The Council shall, in consultation with the Chancellor, appoint three or more Deputy Vice-Chancellors from among the professors of the University who shall under the general authority of the Vice-Chancellor perform such duties as may be provided by the statutes.

(2) A Deputy Vice-Chancellor shall hold office for a period of three years and shall be eligible for reappointment for one further term of three years.

13. 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 by the statutes.

(2) A person appointed as principal under subsection (1) shall hold office for a period of three years but shall be eligible for reappointment for one further term of three years.

14. The Council

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

- (a) a chairperson, a vice-chairperson and an honorary treasurer all of whom shall be appointed by the President;
- (b) the Vice-Chancellor;
- (c) the Permanent Secretary in the Ministry for the time being responsible for education;
- (d) the Permanent Secretary in the Ministry for the time being responsible for finance;
- (e) the Director of Personnel Management;
- (f) not more than three members appointed by the President one of whom shall be from the manufacturing industry;
- (g) two members elected by the Senate from among its members;
- (h) one member elected by the members of the University's academic staff union from among their number;
- (i) one male and one female student member elected by the students' organization from among their number;
- (j) one member elected by technical, library and administrative staff from among themselves;
- (k) one member elected from Alumni Association among its members who shall not be members of the staff of the University;
- (l) one member from Kenya Union of Domestic, Hotel, Educational Institutions, Hospitals and Allied Workers;
- (m) the secretary to the Commission; and
- (n) two members co-opted by the Council.

(2) The following persons shall be *ex officio* members of the Council—

- (a) the Deputy Vice-Chancellors;
- (b) the principal of the constituent colleges;
- (c) the principals of colleges within the University.

(3) The registrar responsible for matters relating to administration shall be the secretary to the Council.

(4) Subject to subsection (5), 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 reappointment.

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

- (a) if, not being an *ex officio* member, the member resigns from office in writing addressed to the secretary of the Council;
- (b) if the Council after due inquiry is satisfied that the member is, by reason of physical or mental infirmity, unable to exercise the functions of that office;
- (c) upon death;
- (d) if the member is adjudged bankrupt by a court of competent jurisdiction;
- (e) if the member is convicted of a criminal offence by a court of competent jurisdiction and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (f) if the member is absent from three consecutive meetings of the Council without apology.

(6) Where the office of a member of Council becomes vacant under subsection (5), the secretary of the Council shall forthwith notify the vacancy to the appropriate appointing body or person for action.

(7) The Council may make rules regulating its procedures and conduct of affairs.

15. 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 to—

- (a) administer the property and funds of the University in such manner and for such purposes as shall promote the best interests of the University, but the Council shall not charge or dispose off the immovable property of the University without the approval of the Chancellor;
- (b) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements therefrom;
- (c) protect the intellectual properties of the University;

- (d) provide for the welfare of the staff and students of the University;
- (e) generate and raise funds for the purposes of the University from within or outside Kenya;
- (f) make, after consultation with the Senate, statutes governing the conduct and discipline of the students of the University;
- (g) 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;
- (h) enter into academic linkages or affiliations with other universities or institutions of higher learning within or outside Kenya as the Council may deem necessary and in the best interests of the University.

16. The Senate

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

- (a) the Vice-Chancellor who shall be the chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the principals of the constituent colleges;
- (d) the principals of colleges within the University;
- (e) the deans and directors of the faculties, schools, centres, parks and institutes of the University;
- (f) the chairpersons of teaching departments of the University;
- (g) the University's director of library services;
- (h) one representative elected from among librarians;
- (i) one representative of each of the faculty boards appointed by each board from amongst its members;
- (j) all professors of the University as may be provided for by the statutes;
- (k) two members elected by the students' organization; except that the members of the students' organization shall not be entitled to attend deliberations of the Senate on matters which are considered by the chairperson of the Senate to be confidential and which relate to the general discipline of students, examination results, the academic performance of students and other related matters;
- (l) two representatives elected by the trade union representing the University's academic staff;
- (m) the University's dean of students;
- (n) two members elected by the academic board or equivalent body of each constituent college;
- (o) such other members as may be provided for by the statutes.

(2) The registrar responsible for matters relating to academic affairs shall be the secretary to the Senate.

(3) The Senate shall have the power to—

- (a) 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 to report its findings thereon to the Council;
- (b) propose statutes to be made by the Council regarding the eligibility of persons for admission to a course of study;
- (c) propose statutes 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;
- (d) decide which persons have attained the prescribed standards of proficiency or are otherwise fit to be granted a degree, diploma, certificate or other award of the University;
- (e) initiate proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
- (f) make statutes governing such other matters as lie within its powers in accordance with this Act or statutes.

(4) Notwithstanding any other provision of this Act, the Council shall not initiate any action in respect of the matters mentioned in paragraph (a), (b) or (c) of subsection (3) except upon receipt of a report or proposal thereunder and the Council shall not reject any such report or reject or amend any statutes as proposed without further reference to the Senate.

17. 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 by the statutes.

(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 statutes.

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

18. Staff of the University

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

(2) The management staff of the University shall consist of the Vice-Chancellor, Deputy Vice-Chancellors, principals and deputy principals of constituent colleges, principals of colleges within the University, deans of faculties and directors of schools, centres and institutes of the University, director

of library services, chairpersons of departments, registrars and finance officers of the University and of constituent colleges, and such other members of staff as the Council may, from time to time, determine.

(3) All members of 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 by the statutes; or
- (b) in the case of a person seconded to the service of the University from the service of another university or similar institution, the Government or any other public service, on the terms and conditions agreed by the 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 staff of the University shall—

- (a) be subject to the general authority of the Council and of the Vice-Chancellor; and
- (b) be deemed to be employed on a full time basis except as otherwise specifically provided by the statutes 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 that college.

19. Performance of functions in absence of the office holder

(1) In the event of the incapacity of the Vice-Chancellor, the chairperson of 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 simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor, after consultation with the chairperson of Council, may appoint any suitable member of the academic staff of the University to perform the functions of the Vice-Chancellor during the period of the incapacity.

(3) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitable person to perform functions of the member during the period of the incapacity.

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

PART IV – FINANCIAL PROVISIONS

20. 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 constituent 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.

21. 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 bank or banks as it may determine any monies not immediately required for the purposes of the University.

22. 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 estimated expenditure of the University for the financial year concerned, and in particular shall provide for the—

- (a) payment of salaries, allowances, pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
- (b) proper maintenance of buildings and grounds of the University;
- (c) proper maintenance, repair and replacement of the equipment and other property of the University;
- (d) funding of the cost of teaching research and extension activities of the University;
- (e) 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 matters as the Council may think fit.

(3) The annual estimates shall be approved by the Council before commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given 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.

23. Accounts and audit

(1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and 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 Controller and Auditor-General or to 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) 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 Part III of the Public Audit Act, 2003, by the Controller and Auditor-General or by an auditor appointed by the Council under the authority of the Controller and Auditor-General given in accordance with section 39 of the Public Audit Act, 2003 (No. 12 of 2003).

PART V – MISCELLANEOUS PROVISIONS

24. 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 the 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 the 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 signed under the hand of the Chairperson, the Vice-Chancellor or the 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.

25. Statutes

(1) In the performance of its functions under this Act, the Council shall subject to this Act, make statutes 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 faculties, institutes, centres, parks 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) determination and collection of fees and other charges;

- (g) 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;
- (h) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees thereof;
- (i) prescribing the rules and statutes of the students' organization;
- (j) making statutes that govern intellectual property rights of the University;
- (k) providing for or prescribing anything which under this Act, may be provided for or prescribed by the statutes.

(2) Notwithstanding subsection (1), the Council shall not make, amend or revoke, any statutes relating to the functions or privileges of the Chancellor, the Vice-Chancellor or the Senate without first ascertaining the opinion of the Senate.

(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 half of the total membership of the Council.

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

26. 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 together with the word "University" the word "Masinde Muliro" 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 word "Masinde Muliro" together with the word "University" in furtherance of, or as a business, society, calling or profession commits an offence and shall, on conviction, be liable to a fine not exceeding Kenya shillings one million or to imprisonment for a term not exceeding twelve months or both to such fine and imprisonment.

NO. 18 OF 2006

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY ACT

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KIBABII UNIVERSITY COLLEGE ORDER

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[Subsidiary]

KIBABII UNIVERSITY COLLEGE ORDER

[L.N. 115/2011.]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Kibabii 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;

[Subsidiary]

“**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 Kibabii University College established under paragraph 3;

“**University**” means the Masinde Muliro University of Science 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 Kibabii University College which shall be a constituent college of the Masinde Muliro University of Science 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 Kibabii Diploma Teachers College.

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

4. Functions and objects of the 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;

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- (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 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 Masinde Muliro University of Science and Technology.

(2) Despite sub-paragraph (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 the 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.

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.

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(2) Despite sub-paragraph (1), the Minister may appoint the first Principal on acting capacity for a period of six months on the recommendation of the Council of the University and the person so appointed shall be considered to be the Principal appointed under sub-paragraph (1).

(3) 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 person 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 sub-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.

[Subsidiary]

(4) The office of a member or 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.

(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; and
- (e) 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.

[Subsidiary]

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;
- (d) the heads of the teaching departments of the University College;
- (e) the Librarian;
- (f) one representative of each of the School Academic Boards appointed by the boards 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 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.

14. Management Board

(1) There shall be established a Management Board of the University College, 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.

[Subsidiary]

(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 Kibabii Diploma Teachers 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.

[Subsidiary]

- (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 sub-paragraph (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, 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;

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- (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 "Kibabii" together with the 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 word "Kibabii" 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 Masinde Muliro University of Science 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.
