LEGAL NOTICE NO. 231

THE UNIVERSITIES ACT, 2012
(No. 42 of 2012)

CHARTER FOR KENYATTA UNIVERSITY

IN EXERCISE of the powers conferred by Section 19 of the Universities Act 2012, the Minister for Higher Education, Science and Technology certifies that the Charter set out in the Schedule hereto has been granted Kenyatta University in accordance with the provisions of the Act.

SCHEDULE

Preamble

WHEREAS the Government of Kenya wishes to establish Kenyatta University situated in Nairobi County in the Republic of Kenya;

AND WHEREAS the said Kenyatta University has applied to the Commission for University Education, for grant of Charter to provide for the establishment, control, governance, and administration of the University and for connected purposes, in the manner prescribed by the Universities Act;

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Kenyatta University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Kenyatta University has complied with the provisions of the Act;

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Minister for Higher Education, Science and Technology on the said institution, and the Minister is satisfied that Kenyatta University should be granted the Charter;

AND WHEREAS the Minister for Higher Education, Science and Technology has submitted the Charter to me with recommendations thereon;

AND WHEREAS, I am satisfied that the granting of the Charter will be of benefit to the advancement of university education in Kenya;

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by Section 19 of the Universities Act,
2012, I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Kenyatta University.
ARRANGEMENT OF SECTIONS

PART I — PRELIMINARY

1—Short Title.

2—Interpretation.

PART II — ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3—Establishment and Incorporation of the University

4—Fundamental Statements and Core Values.

5—Functions and Objectives of the University

6—Establishment of Colleges of the University.

7—Establishment of Constituent Colleges.

8—Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and Other Awards.

9—Award of Scholarships.

PART III — MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

10—Membership of the University.

11—The Governance of the University

12—The Chancellor.

13—The Chairperson of Council.

14—The Vice Chancellors.

15—The Deputy Vice Chancellors.

16—Principals of Colleges within the University.

17—The Council.

18—The Senate

19—The Student Organization.

20—The Alumni Association.

21—The Kenyatta University Foundation

22—The University Management Board.

23—Convocation

24—The Staff of the University

25—Performance of functions in absence of office holder

PART IV — FINANCIAL PROVISIONS

26—Fiscal Year.

27—Investment of funds.
28—Annual Estimates.
29—Accounts and Audit.

PART V — MISCELLANEOUS PROVISIONS
30—The Common Seal.
31—The Statutes.
32—Protection of Name.
33—Repeal and Savings: Legal Notice No. 10 of 1985
34—Transition.
35—Variation and Revocation of the Charter.
PART I—PRELIMINARY

1. This Charter shall be cited as the Kenyatta University Charter, 2013.

2. In this Charter, unless the context requires otherwise:
   “Academic Programmes” means academic programmes as provided for in the Statutes;
   “Act” means the Universities Act No. 42 of 2012;
   “Alumni Association” means alumni association as established under Section 20 of this Charter;
   “Alumni” means the graduates of the University and such other persons as may be declared to be Alumni by the Statutes of the University;
   “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters related to University education;
   “Campus” means Campus of the University as established under the Statutes;
   “Centre” means a Centre of the University established by the Statutes;
   “Chairperson of Council” means the Chairperson of Council as appointed and provided under Section 13 of this Charter;
   “Chancellor” means the Chancellor of the University appointed under Section 12 of this Charter;
   “Charter” means the Kenyatta University Charter;
   “Chief Finance Officer” means a person appointed to be the Chief Finance Officer of the University as provided for in the Statutes;
   “Chief Legal Officer” means a person appointed to be the Chief Legal Officer of the University as provided for in the Statutes;
   “Chief University Librarian” means a person appointed to be the Chief University Librarian as provided for in the Statutes;
   “College” means College of the University as established in accordance with Section 6(a) of this Charter;
   “Colleges within the University” means college of the University as established in accordance with Section 6(b) of this Charter;
   “Common Seal” means Common Seal of the University as provided in Section 30 of this Charter;
   “Constituent College” means college of the University as established in accordance with Section 7 of this Charter;
   “Constitution” means the Constitution of Kenya 2010;
“Council” means the council of the University established under Section 17 of this Charter;

“Deputy Vice-Chancellor” means Deputy Vice-Chancellor appointed by council as provided for in Section 15 of this Charter;

“Director of Student Affairs” means Director of Student Affairs as provided for in the Statutes;

“Director of University Enterprises” means Director of University Enterprises appointed to be the administrative head of the University Enterprises as provided for in the Statutes;

“Director” means the Director appointed in accordance with the University Statutes;

“Directors of University Centres and Units” means Directors of University Centres and Units as provided for in the Statutes;

“Executive Dean” means the Dean appointed to be the administrative head of a school as provided in the Statutes;

“Faculty” means a faculty of the University established in accordance with the University Statutes;

“Fiscal Year” means financial year of the University as provided for in Section 26 of this Charter;

“Foundation” means the Kenyatta University Foundation as provided for in Section 21 of this Charter;

“Graduate” means a person upon whom a degree of the University has been conferred or to whom a qualification of the University has been awarded as determined by the Senate;

“Hospital Director” means Hospital Director appointed to be the administrative head of the Kenyatta University Teaching and Referral Hospital as provided for in the Statutes;

“Institute” means an Institute of the University established by the Statutes;

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

“Non-teaching Staff” means the members of staff of the University as defined in Section 24 (4) of this Charter;

“Principal” means a person appointed as Principal of a College of the University as established in accordance with Section 16 of this Charter;

“Professor” means a professor of the University but does not include an Associate Professor;
“Registrar” means a person appointed as Registrar of the University as provided for in the Statutes;

“School” means a School of the University established in accordance with the Statutes;

“Statutes” means Statutes of the University made by the Council under Section 31 of this Charter;

“Student Association” means the association as provided for in the Statutes;

“Student” means a student of the University as defined in the Statutes;

“Teaching Staff” mean the members of staff of the University as defined in Section 24 (2) of this Charter;

“University Management Board” means the Management Board of the University as provided for by Section 22 of this Charter;

“University” means Kenyatta University as established under Section 3 of this Charter;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under Section 14 of this Charter;

PART II — ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. (1) There is hereby established a university to be known as Kenyatta University in accordance to the provisions of this Charter.

(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) 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 Charter which may be done by a body corporate.

(3) The University shall be the successor to the Kenyatta University Constituted under the Kenyatta University Act Cap 210 C of 1985 (and as amended by Act No. 6 of 1991) of the Laws of Kenya (now repealed).

(4) All rights, liabilities and assets held by or by anybody on behalf of the Kenyatta University, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.
4. (1) The vision of Kenyatta University is to be a dynamic, inclusive and competitive centre of excellence in teaching, research and service to humanity.

(2) Mission Statement

The mission of Kenyatta University is to provide quality education and training, promote scholarship and innovation for sustainable individual and societal development.

(3) Identity Statement

Kenyatta University is a community of scholars committed to the generation and dissemination of knowledge and cultivation of creativity for the welfare of society.

(4) Philosophy Statement

Kenyatta University’s philosophy is sensitivity and responsiveness to societal needs and the right of every person to knowledge.

(5) Core Values
(a) Truth
(b) Excellence
(c) Creativity
(d) Self-reliance
(e) Innovativeness
(f) Integrity
(g) Academic Freedom
(h) Service to Humanity

5. (1) The functions and objectives of the University shall be to:

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

(b) advance knowledge and its practical application by research and other means;

(c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;

(d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge;

(e) to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;

(f) contribute to industrial and technological development of society in collaboration with industry and other organizations;
(g) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;

(h) make proposals for the establishment of constituent colleges, campus colleges, colleges, campuses, schools, faculties, directorates, institutes, departments, centres, and other resource and administrative units as may be appropriate;

(i) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;

(j) promote education in science, technology, engineering, and mathematics within the institution and society;

(k) develop an institution of 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 to society;

(l) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;

(m) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;

(n) play a leading role in the development and expansion of opportunities for technological and vocational education and training;

(o) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;

(p) facilitate student mobility between programs of study at different technical training institutions, polytechnics, and universities;

(q) promote critical enquiry and creativity in education, training and research within the institution;

(r) participate in commercial ventures and activities that promote the objectives of the institution;

(s) foster the general welfare of staff and students;

(t) provide opportunities for development and further training for staff of the institution;

(u) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
(v) provide programs, products, and services in ways that reflect the principles of equity and social justice;

(w) conduct examinations for, and grant such academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;

(x) generally facilitate the development and provision of appropriate and accessible academic and other programs.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter 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, 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.

6. (a) The Colleges specified in the Statutes are declared to be colleges established within the University.

(b) The Council may, on the advice of the Senate, establish colleges within the University whose functions and powers shall be provided for in the Statutes.

(c) A College established within the University shall consist of such Campuses, schools, faculties, directorates, institutes or centres as may be provided for by the Statutes.

(d) The Colleges set out in the Statutes shall be deemed to be the Colleges of the University established in accordance with this Charter, provided that the Council may amend the Statutes from time to time on recommendation of Senate.

7. The Cabinet Secretary may, on the advice of the Council and the recommendation of the Commission for University Education, by order published in the Gazette, establish or declare an institution of learning or higher education or any other training establishment to be a constituent college of the University.

8. (1) Subject to this Charter, the University may:

   (a) grant Diplomas or Certificates or other awards

   (b) confer the degrees of Bachelor, Master and Doctorate and such other degrees as may be provided for by the Statutes; and

   (c) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human
endeavour worthy of such a degree or academic distinction.

(2) Subject to this Charter, the University Council on the recommendation of Senate may cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

9. Subject to this Charter, the University 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

10. The members of the University shall be:-
(a) the Chancellor;
(b) the Chairman of Council;
(c) the Vice-Chancellor;
(d) the Deputy Vice-Chancellors;
(e) the Members of the Council;
(f) the Members of the Senate;
(g) the Principals of Constituent Colleges;
(h) the Principals of Colleges within the University;
(i) the Registrars;
(j) the Chief Finance Officer;
(k) the Chief Legal officer;
(l) the Hospital Director;
(m) the Chief University Librarian;
(n) the Executive Deans;
(o) the Director of University Enterprises;
(p) the Directors of University Centres and Units;
(q) the Professors and Lecturers;
(r) the students;
(s) the Alumni;
(t) the convocation; and
(u) Such other members of 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. (a) Instruments of Governance
Subject to the provisions of the University Act, the University shall be governed in accordance with the provisions of this Charter granted under the Act and the Statutes made by the council.

(b) The governing organs of the university shall be:

(a) The University Council;
(b) The Senate of the University;
(c) The University Management Board.

The governing organs of the University may set up such committees as may be appropriate to perform such functions and discharge such responsibilities as either organ may determine provided that the organs shall not delegate their principal mandate to the committees.

12. There shall be a Chancellor of the University who shall be appointed and hold office in accordance to the provisions of the Act;

13. (1) There shall be a Chairperson of Council of the University who shall be appointed according to the provisions of the Act;

The Chairperson of Council shall hold office for a period of three years, provided that the person so appointed shall be eligible for re-appointment for a further one term.

14. (1) There shall be a Vice-Chancellor of the University who shall be appointed according to the provisions of the Act.

(2) The Vice-Chancellor shall be the Chief Executive of the University and as further provided for in this Charter and shall:-

(a) be the academic and administrative head of the University;
(b) have the overall responsibility for the direction, organization, administration and programmes of the university;
(c) be the accounting and authorized officer of the University; and
(d) have such powers and duties as may be provided for by the Statutes.

(3) The Vice-Chancellor of the university shall hold office for a term of five years and shall be eligible for a further term of five years.

(4) The terms and conditions of service of the Vice-Chancellor shall be provided for by the Statutes as determined by the Council.

15. (1) The Council shall appoint two or more Deputy Vice-Chancellors, who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for by the Statutes.

(2) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for one further term.
16. (1) The Council shall, for each college within the University, appoint a Principal who shall be the academic and administrative head of the college and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the Statutes.

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

17. (1) There shall be a Council of the University appointed in accordance to the Act, which shall consist of:

(a) the Chairperson of Council;
(b) Principal Secretary in the Ministry for the time being responsible for university education
(c) Principal Secretary in the Ministry for the time being responsible for Finance
(d) Five members appointed by the Cabinet Secretary through an open process as provided for by the Act.
(e) the Vice-Chancellor who shall be the secretary to the Council and an ex-officio member; and

(2) Subject to this Section, 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 once.

(3) The members of the Council other than the ex-officio member, and Principal Secretaries shall at the first meeting after their appointment determine by lot which two of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council as provided for in the Act;

(4) The office of a member of the Council shall become vacant:
(a) if, not being an ex-officio member, the member resigns his/her office by writing under his/her hand addressed to the Cabinet Secretary and copy to Vice-Chancellor;
(b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of her/his office;
(c) upon death of the member.

(5) Where the office of a member of the Council becomes vacant, the Vice-Chancellor 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 in accordance to the Act, Charter and Statutes.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always Charter in the best interest of the University.
(8) Subject to this Charter, the Council shall be the governing body of the University through which the University:

(a) shall administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University; but the Council shall not charge or dispose of immovable property of the University except in accordance with the procedures laid down by the Government of Kenya;

(b) shall receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements there-from to the University or other bodies or persons;

(c) shall provide for the welfare of the staff and students of the University;

(d) may enter into association with other universities, or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;

(e) may after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University;

(f) may after consultation with the University Management Board make regulations governing the conduct and discipline of the staff of the University; and

(g) any other power and duties as may be provided for in the Statutes.

(9) 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 Vice-Chancellor or any other members of the Council generally or specifically authorized by the Council in that behalf.

(10) 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.

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

(12) The Council shall review the viability and financial sustainability of the University, and shall do so at least once every year.

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

18. (1) There shall be Senate of the University, as provided for in the Statutes, whose membership shall be:-
(a) the Vice-Chancellor, who shall be the Chairperson;
(b) the Deputy Vice-Chancellors;
(c) the Principals of each constituent college;
(d) the Principals of each college within the University;
(e) Registrars;
(f) Executive Deans;
(g) Directors of Campuses;
(h) Chairpersons of Departments;
(i) One Professor representing each college;
(j) The Chief University Librarian;
(k) Chief Finance Officer;
(l) Director of Student Affairs;
(m) Director Information, Communication and Technology services (ICT);
(n) two members elected by the students’ organization, who shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters; and
(o) such other member as Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor in charge of Academic affairs shall be the secretary to the Senate.

(3) The Senate 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;
(b) to propose regulations to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
(c) to propose regulations to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other awards of the University;
(d) to decide which persons have attained such standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
(e) to make regulations governing such other matters as are within its powers in accordance with this Charter or the Statutes.
(4) The Senate may, subject to the Act, the Charter, Statutes and Regulations, establish committees consisting of such members of Senate or any other persons as it may deem fit and may delegate any of its powers or duties to the chairperson or any of its committee(s).

(5) Notwithstanding any of the provision of this Charter, Senate shall not initiate any action in respect of paragraph (a), (b) or (c) of subsection (3) except upon receipt of a report or proposal there-under, and the Council shall not reject any such report, or reject or amend any Regulations as proposed without further reference to Senate.

19. There shall be a students’ organization as provided for in the Statutes.

20. (1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other persons as may be declared by the Statutes;

(2) An Alumni Association shall act as an interactive forum for the members specified under subsection 20 (1) and perform such other functions as may be specified in the Statutes.

21. (1) There shall be a Kenyatta University Foundation whose mandate shall be to fundraise in support of the University’s Vision and Mission;

(2) The University may establish other Foundations to cater for specific programmes as shall be provided for in the Statutes.

22. (1) There shall be a University Management Board, whose membership shall be:

(a) the Vice-Chancellor, who shall be the Chairperson;
(b) the Deputy Vice-Chancellors;
(c) Registrars;
(d) Chief Finance Officer;
(e) Chief Legal Officer;
(f) Such other member of senior management as the Council may determine and as provided for in the Statutes.

(2) The University Management Board shall assist the Vice-Chancellor in:

(a) the management of urgent day-to-day academic, administrative, research, developmental and outreach issues;
(b) the efficient management of the human, physical, and financial resources of the University;
(c) coordination of University and colleges strategic and development plans;
(d) make proposals to Senate and Council on issues that have University-wide application.
(e) receive proposals from different sectors of the University for recommendation for Council consideration;

(f) the implementation of Council and Senate approved policies;

(g) Any other matters related to the management of the University.

23. (1) There shall be Convocation of the University which shall consist of graduates of the University and such other persons as may be prescribed by the Statutes.

The Convocation shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the Statutes may prescribe.

24. (1) The staff of the Kenyatta University existing prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of the University immediately upon the effective date of the University Charter subject to the Statutes and the provisions of the Act.

(2) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, Registrars, the Principals of colleges within the University and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, Registrars, Chief Finance Officer and such other members of staff as the Council may from time to time determine.

(4) The Non-teaching staff is any member of staff of the University who is not engaged as a teaching staff under his/her terms of appointment.

(5) The technical staff of the University 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 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 shall, subject to this Charter, 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 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.

(1) 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.

(2) All members of staff of the University shall:

be subject to the general authority of the Council and of the Vice-Chancellor; and

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.

25. (1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum continuous period of one hundred and eighty calendar days.

(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 the Council may appoint one of the Principals of the colleges within the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum continuous period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the Chancellor after consultation with the Chairperson of the Council may appoint a member of the Teaching staff at the level of professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum continuous period of one hundred and eighty calendar days.

(4) In the event of the incapacity of any Deputy Vice-Chancellor, the Vice-Chancellor, in consultation with the Chairperson of Council may appoint a member of the Teaching staff at the level of Associate Professor and above to perform the functions of the said officer during the incapacity for a maximum continuous period of one hundred and eighty calendar days.

(5) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor and Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the incapacity for a maximum continuous period of one hundred and eighty calendar days.

(6) In this Section, “incapacity” means absence or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes and whereupon at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position shall be as provided for in the Act, Statutes, and or regulations shall commence.
PART IV—FINANCIAL PROVISIONS

26. (1) The fiscal year of the University shall be the period of twelve months commencing on the 1 July and ending on 30 June in the following year.

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

27. (1) The Council may invest any of the funds of the University 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.

28 (1) Before the commencement of a fiscal 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 provisions for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide:

(a) or 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 but of the funds of the University;

(c) for the proper maintenance of the buildings and grounds of the University;

(d) for the proper maintenance, repair and replacement of equipment and other movable property of the University;

(e) for the funding of the cost of teaching, research and outreach activities of the University;

(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 fiscal year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purpose 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 Cabinet Secretary.

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

(2) Within a period of four months from the end of each fiscal year, the Council shall submit to the Controller and Auditor-General, 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 that year.

(3) The accounts of the University shall be audited and reported upon in accordance with the provisions of the Public Audit Act No. 12 of 2003.

(4) The Auditor-General may transmit to the Cabinet Secretary for the time being responsible for university education a special report on any matters incidental to his powers under this Charter, and Section 229 of the Constitution and Section 24 of the Public Audit Act, 2003 shall apply to any report submitted.

PART V—MISCELLANEOUS PROVISIONS

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

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

The common seal of the University 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 Section shall be presumed to have been duly given.

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

(a) establishment of colleges, campuses, schools, faculties, institutes, directorates, foundations and centres of the University;

(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) prescribing the rules and regulations for the conduct and organisation of student affairs;

(g) setting the terms and conditions of service, including the appointment, staff development, dismissal and recommendation of retirement benefits of the members of staff of the University;

(h) constitution and procedure of meetings of the Council and Senate, the establishment, composition and terms of reference of committees of the Council and the Senate; and

(i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

(2) Notwithstanding subsection (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Chancellor, Vice-Chancellor or 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 (3/4) of the members present and voting, being not less than half of the total membership of the Council.

(4) Provided that the Council of the Kenyatta University immediately at the pronouncement of the Kenyatta University Charter 2013 shall have the powers to make Statutes for the University under the Charter.

(5) Notwithstanding the generalities of paragraph (4) the Statutes made hereof shall not be in force before the commencement of the Kenyatta University Charter 2013.

32. (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 “University”, or “Kenyatta” together in any order, 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 “University”, or “Kenyatta” together in any order and 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 three years, or to both.

(3) Notwithstanding the foregoing, nothing in this Section shall be construed as preventing the bona-fide use by any person of any title in pursuance of the grant to her/him of a degree, diploma or certificate by the University.

33. (1) The Kenyatta University Act No. 10 of 1985 (and as amended by Act No. 6 of 1991) referred to as the former Act is repealed by Section 71 (i) (c) of the Universities Act 2012.

(2) Notwithstanding the repeal of the Kenyatta University Act of 1985, all Charters, directions, orders, appointments, requirements,
authorizations, other things given, taken or done under, and all funds, assets and other property acquired in virtue of, that Act, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

(3) Notwithstanding the provisions of this Charter, the persons constituting the Council of Kenyatta University shall continue to discharge responsibilities and exercise such powers and functions as set out in the Act until the Council of Kenyatta University under this Charter is appointed.

(4) The Kenyatta University Act of 1985 in force immediately prior to the commencement of this Charter shall continue in force but may be amended or revoked by a statute or regulations made under this Charter.

34. (1) There shall be a transition period to provide for the full implementation of the Charter and appointment by the Cabinet Secretary of the Council of Kenyatta University upon the commencement of this Charter.

(2) During the transition period the following shall take place:

(a) the Council of Kenyatta University shall continue to be in place and shall function as the Council of the University until such time that the substantive Council shall have been appointed;

(b) the Council of Kenyatta University may make Statutes for the University under this Charter and the Statutes so made shall be deemed to have been made under this Charter;

(c) the persons who immediately before the commencement of this Act is a Chancellor, Vice Chancellor, Principals of constituent colleges and members of council of Kenyatta university shall continue to discharge their responsibilities and exercise such powers as provided for in the Act.

Notwithstanding the foregoing, the provisions of Sections 79, 80 and 81 of the Universities Act 2012 shall apply mutatis mutandis to the provisions of this Charter.

35. This Charter may be varied or revoked in accordance with Section 22 of the Universities Act 2012.

Given under my hand and the public seal of Kenya on the 1st March, 2013.

MWAI KIBAKI,
President.

Dated the 1st March, 2013.

MARGARET KAMAR,
Minister for Higher Education, Science and Technology.