

LEGAL NOTICE NO. 177

THE UNIVERSITIES ACT

(No. 42 of 2012)

THE KOITALEL SAMOEI UNIVERSITY COLLEGE ORDER, 2018

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IN EXERCISE of the powers conferred by section 20(3) of the Universities Act, 2012, the Cabinet Secretary for Education makes the following Order —

THE KOITALEL SAMOEI UNIVERSITY COLLEGE ORDER, 2018

PART I – PRELIMINARY

1. This Order may be cited as the Koitalel Samoei University College Order, 2017. Citation.

2. In this Order, unless the context otherwise requires— Interpretation.

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

“Act” means the Universities Act, 2012;

“alumni association” means the alumni association of the University College established under paragraph 16;

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

“Chancellor” means the Chancellor of University of Nairobi;

“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 19;

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

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

“institute” means an institute of the University College established under 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;

“Principal Secretary” means the Principal 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 professor of the University College;

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

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

“Senate” means the senate of the University;

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

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

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

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

“University College” means the Koitalel Samoei University College established under paragraph 3;

“University” means the University of Nairobi; and

“Vice-Chancellor” means the Vice-Chancellor of the University.

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

3. (1) There is established a university college to be known as the Koitalel Samoei University College which shall be a constituent college of the University of Nairobi.

Establishment of the University College.

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

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

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

Functions and objects of the University

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya; College.
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) conduct examinations for such academic awards as may be provided in the Statutes pertaining to the University College;
- (e) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) contribute to industrial and technological developments through innovations and technology transfer;
- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) participate in commercial ventures and other activities for the benefit of the institution, the community and stakeholders;
- (j) contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) 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) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) 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. (1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the University of Nairobi,

Conferment of Degrees and Award of Certificates and Diplomas.

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

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

Award of Scholarships, Bursaries and other Awards.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

7. The members of the University College shall be—

Membership of the University College.

- (a) the Chancellor of the University of Nairobi;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni 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. (1) There shall be a Principal of the University College who shall be appointed through a competitive process in accordance with section 35 (1) (a) (v) of the Act. The Principal.

(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 of five years and shall be eligible for re-appointment for a further term of five years.

(4) Notwithstanding sub-paragraph (1), the Cabinet Secretary may appoint the first Principal of the University College in an acting capacity for a period of six months on the recommendation of the Council of the University of Nairobi, after which the appointment process shall be conducted in accordance with sub paragraph (1).

9. (1) 1 There shall be a Deputy Principal of the University College who shall be appointed through a competitive process in accordance with Section 35 (1) (a) (v) of the Act. The Deputy Principal.

(2) The Deputy Principal shall hold office for a term of five years and shall be eligible for further term of five years.

10. (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. Deans, Directors and Chairpersons of Departments.

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

11. (1) There shall be a Council of the University College which shall be appointed by the Cabinet Secretary in accordance with section 36 of the Act. 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 reappointment for one further term.

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

- (a) if, not being an *ex-officio* member, the member resigns from office in writing addressed to the Principal;

- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- (c) upon death of the member.

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

(6) The Procedure, conduct and regulation of the affairs of the Council shall be in accordance with the Order and the Statues.

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

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

Functions of the Council.

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

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

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

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

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

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

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

The Academic Board.

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

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

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

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

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

(4) Notwithstanding any of the provision 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. (1) There shall be established a Management Board which shall consist of —

Management Board.

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

(2) The functions of the Management Board shall include assisting 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, resources, programmes, facilities and finances of the University College;
- (b) planning for the development and needs of the University College;
- (c) developing strategies for the generation of revenue to secure adequate financial support for the University College;
- (d) making proposals to the Council and the Academic Board on policies that have University-wide application;
- (e) the coordination of the University College strategic and development plans; and
- (f) any other matters related to the management of the University College.

15. There shall be a students' Association which shall be established in accordance with the Statutes.

Students' Association.

16. (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.

Alumni
Association.

(2) The functions of the Alumni Association shall be—

- (a) to bring together graduates and former students of the University College;
- (b) to engage in fundraising activities to assist the University College; and
- (c) to promote the welfare and image of the University College

17. (1) The academic staff of the University College shall consist of—

Staff of the
University
College.

- (a) the Principal;
- (b) the Deputy Principals;
- (c) Deans and Directors;
- (d) Chairpersons of Departments;
- (e) the Librarian; and
- (f) all members of staff who are engaged in teaching, research and outreach.

(2) The administrative staff of the University shall consist of—

- (a) the Principal;
- (b) the Deputy Principals;
- (c) the Registrars;
- (d) the Chairpersons of Departments;
- (e) the Finance Officer;
- (f) the Deans;
- (g) the Directors; and
- (h) such other members of staff, not engaged in teaching or research, as the Council may from time to time determine.

(3) The technical staff of the University College shall consist of the 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.

(4) 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.

(5) 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.

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

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

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

18. (1) In the event of the incapacity of the Principal, the Council may appoint one of the Deputy Principals to carry out the functions of the Principal for a period of up to three months.

Performance of Functions on the Event of Incapacity of an Office Holder.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairman of the Council in consultation with the Chancellor may appoint any member of the academic staff of the University College to perform the functions of the Principal for a maximum of three months.

(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 for a period of up to three months.

PART V – FINANCIAL PROVISIONS

19. 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.

Financial Year.

20. (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.

Investment of Funds.

(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.

21. (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.

Annual Estimates.

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

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

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

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

(4) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after such approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

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

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

Accounts and
Audit.

(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 Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act, 2003 shall apply to any report made under this paragraph.

PART VI – MISCELLANEOUS PROVISIONS

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

The Common Seal and Signification of Documents.

(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.

24. (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—

Statutes.

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

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

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

Cap. 2

25. (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 "Koitalel Somoei" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

Protection of
Name.

(2) Any person who except with the written consent of the Council, uses the words "Koitalel Somoei" 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.

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

Conversion into a
Fully-Fledged
University.

27. This Order may be varied or revoked in accordance with the Act.

Variation and
Revocation of
Order.

Dated the 18th July, 2018.

AMINA MOHAMED,
Cabinet Secretary for Education.