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LEGAL NOTICE NO. 200

**THE UNIVERSITIES ACT**

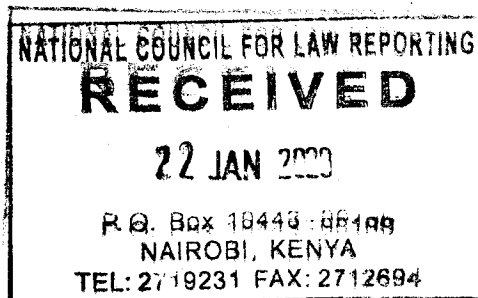
(No. 42 of 2012)

**CHARTER FOR UMMA UNIVERSITY**

IN EXERCISE of the powers conferred by Section 19 of the Universities Act, 2012, the Cabinet Secretary for Ministry of Education certifies that the Charter set out in the Schedule hereto has been granted to Umma University in accordance with the provisions of the Act.

Dated the 18th October, 2019.

**GEORGE A. O. MAGOHA,**  
*Cabinet Secretary, Ministry of Education.*



SCHEDULE  
THE UNIVERSITIES ACT  
(No. 42 of 2012)  
UMMA UNIVERSITY CHARTER

PREAMBLE

WHEREAS Africa Muslims Agency wishes to establish a university in the name of Umma University situated in Kajiado County in the Republic of Kenya;

AND WHEREAS the said Umma 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, 2012;

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

AND WHEREAS the Commission for University Education is also satisfied that Umma University has complied with the provisions of the Universities Act, 2012;

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education on the said institution, and the Cabinet Secretary is satisfied that Umma University should be granted this Charter;

AND WHEREAS the Cabinet Secretary for Education has submitted this Charter to me with recommendations thereon;

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

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 19 of the Universities Act, 2012, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Umma University.

Dated the 18th October, 2019.

*President.*

UHURU KENYATTA

CHARTER FOR UMMA UNIVERSITY

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UMMA UNIVERSITY CHARTER

PART I: PRELIMINARY

1. Short Title

This Charter may be cited as the Umma University Charter 2019.

2. Interpretation

In this Charter, unless the context otherwise requires:

“academic staff” means any person appointed to teach, train or to do research at the University, and any other appointee designated as such by the Council under this Charter.

“Act” means the Universities Act, No. 42 of 2012;

“Alumni Association” means the Association of Umma University graduates established under section 24 of this Charter;

“annual budget” means the estimates prepared in respect of any financial year under section 33 of this Charter;

“Chairperson of Council” means the Chairperson of the Umma University Council appointed under section 19 of this Charter;

“Chancellor” means the Chancellor of Umma University appointed under section 17 of this Charter;

“Charter” means the Umma University Charter 2019;

“College” means an academic unit comprising of faculties, schools or institutes.

“Commission” mean the Commission for University Education established under the Act.

“common seal” means an instrument of authority under section 35 of this Charter;

“constituent college” means a semi-autonomous academic unit of the university, established under section 10 of this Charter;

“Dean” means an officer elected or appointed to head a Faculty, School, Institute, or Dean of Students of the University;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor of Umma University under section 27 of this Charter;

“faculty” means an academic unit within the University;

“financial year” means financial period for the University as provided under section 31 of this Charter;

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

“Institute” means a unit within the University;

“Registrar” means an officer appointed as an assistant to the Deputy Vice-Chancellor within a division of the University;

“School” means an academic unit within the University;

- “Senate” means the Senate of Umma University under section 21 of this Charter;
- “Statutes” means a set of regulations formulated by University Council under the Charter;
- “student” means a person registered by the University for the purposes of obtaining a qualification of the University, or any other person who is determined by the Senate to be a student;
- “Students Association” means an association of the students recognised by the Council as being representative of the students of Umma University under section 23 of this Charter;
- “Trustees” means the Board of Trustees of Umma University established under the Trustee (Perpetual Succession) Act, *Cap* 164;
- “University” means Umma University established under section 3 of this Charter;
- “University Council” means the governing body of the University established under section 18 of this Charter;
- “University Management Board” means a management board of the University established under section 25 of this Charter;
- “Vice-Chancellor” means the Vice-Chancellor of Umma University appointed under section 26 of this Charter.

## PART II - ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

### 3. Establishment and Incorporation of the University

- (1) There is hereby established a private university to be known as “Umma University” which shall be constituted according to 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;
  - (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 provisions of this Charter, which may be done by a body corporate
- (3) The University is the successor to the Thika College for Sharia and Islamic Studies established in 1998, and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Thika College for Sharia and Islamic Studies existing at the commencement of this Charter shall be automatically and fully transferred to the University.

### 4. Vision

The Vision of Umma University shall be “To be excellent in higher education and innovative technology based on high moral values”.

### 5. Mission:

The Vision of Umma University shall be “To provide quality university education and training through nurturing and promoting creative and innovative transmission and integration of knowledge and technology in order to produce wholesome graduates of high value and integrity”.

**6. Core Values:**

Umma University shall uphold the following core values:

**(a) Integrity:**

The University strives to uphold the Islamic values of honesty, trustfulness and sincerity, while remaining ethical and fair in all its activities. The University seeks to maintain a professional outlook while conducting business. The time and effort put into every programme and activity is true to the mission of providing quality university education and training in a professional manner.

**(b) Partnership:**

The success of the University is dependent upon the partnerships forged. The intellectual capacity and passion of all staff are the key drivers in achieving partnerships with relevant customers/clients.

**(c) Respect:**

The University recognizes and values all individuals' unique talents, respects their dignity and strives to foster their commitment to excellence.

**(d) Stewardship:**

The University endeavours to foster a spirit of service to employ its resources effective and efficiently both for the development of the University and community towards the realization of its mission.

**(e) Morality:**

The University strives to uphold the highest possible moral competency and responsibility.

**(f) Innovativeness:**

The University aims to be creative, effective and efficient to help develop inspired, visionary graduates for the labour market.

**7. Philosophy**

The philosophy of the University is based on values that emphasize on the total development of individual talent, moral rectitude, hard work and competitiveness so as to encourage excellence in all spheres of life.

It is also based on dedication to the furtherance of principles that promote peaceful co-existence between people professing different faiths.

**8. Aims and Objects**

**(1) The aims of the University shall be-**

- (a) to enhance access to University education for communities in Kenya and beyond;**
- (b) to provide, directly or in collaboration with other institutions of higher learning, facilities for quality university education including technological,**

scientific and professional education, the integration of teaching, research, outreach and effective application of knowledge and skills to the life, work, and welfare of all students and stakeholders from Kenya and beyond;

- (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 may from time to time determine, and in so doing contribute to the realisation of sustainable national economic and social development;
  - (d) to provide programmes, products, and services in ways that reflect the principles of equity and social justice;
  - (e) to produce and advance applied artistic, scientific, technological and professional graduates for the changing labour markets and developmental challenges;
  - (f) to provide a scholarly environment for the advancement, transmission and preservation of knowledge, sustaining intellectual life in Kenya and beyond;
  - (g) to promote languages as a tool for integration of local and international cultures;
  - (h) to mould students to be able to live in an increasingly complex society by helping them develop critical management skills, competencies and attitudes;
  - (i) to provide corporate social responsibility to the communities neighbouring the University.
- (2) The objectives of the University shall be-
- (a) to mobilize financial resources to support achievement of the vision, mission, aims and objectives of the University;
  - (b) to be a centre of excellence for the study of the theory and practice of Islamic *sharia*, Islamic studies, sciences, business, management, languages engineering and others;
  - (c) to recruit and retain an adequate number of competent employees to support the needs of the University;
  - (d) to provide holistic quality education to qualified students of all backgrounds;
  - (e) to produce Arabic and Islamic Religious education teachers for educational institutions in Kenya and beyond;
  - (f) to produce competent leaders and scholars with capacity to offer guidance and also able to deal with contemporary issues facing communities in Kenya and the world at large;
  - (g) to produce qualified judicial officers (advocates, kadhis, magistrates and judges) who are able to competently handle disputes and administer justice;
  - (h) to disseminate research findings through teaching, seminars, conferences, public lectures, publications and other appropriate means;
  - (i) to provide consultancy services to government, industry, private sector and the community at large;



- (j) to promote research and innovation to generate knowledge and to collaborate with other academic, professional, technical and research institutions in training, research and management of education;
- (k) to utilise Information Communication and Technology (ICT) and other technologies to enhance performance in all University activities;
- (l) to provide adequate library holdings to support the University's academic and research programmes;
- (m) to undertake continuous admission and examination of qualified students while closely monitoring industry expectations, demand, entry qualification and gender balance.

## 9. Functions

### (1) The functions of the University shall be-

- (a) to provide resources for university level education, training and research;
- (b) to develop and implement new academic programmes including those that culminate in degrees, diplomas and certificates;
- (c) to establish schools, institutes, departments, centres, recreational and sports facilities, and such other units as the University Council may deem necessary;
- (d) to foster the general welfare of students and staff;
- (e) to facilitate teaching, training, research, community service and other scholarly works;
- (f) to participate in the discovery, transmission and preservation of knowledge and to stimulate spiritual and intellectual life;
- (g) to undertake resource mobilisation for funds and provide financial and other assistance to needy students through University scholarships and other financial aid;
- (h) to conduct examinations and to grant academic awards as may be provided for in the Statutes, and to syndicate examinations for award at other institutions as may be approved by Senate;
- (i) to engage 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;
- (j) inculcate a culture of life-long learning, responsible citizenry and innovation in technology, engineering, and mathematics within the university and society;
- (k) participate in technological innovation as well as in the discovery, transmission, preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development in Kenya;
- (l) to establish academic partnerships and linkages with other universities, research institutions and industry;

- (m) to determine who may teach, what may be taught and how it may be taught in the University under the educational philosophy and objects of the University;
  - (n) to carry out any other functions as may be permitted and approved by the University Council and the Senate to further the vision and mission of the University.
- (2) The University shall have the right and responsibility to preserve and promote the tradition of academic freedom in the conduct of its internal and external affairs.
- (3) The University shall admit any person for degree, diploma, certificate and any other awards as may be prescribed by the Senate and no person shall be discriminated on the basis of race, ethnicity, place of origin or residence, political connection, creed or gender.

#### 10. Establishment of Constituent Colleges

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

#### 11. Establishment of Colleges and Campuses

- (1) The University Council may on the advice of the Senate establish Colleges or Campus Colleges, to offer training and courses of instruction consistent with its mission and objects whose functions and powers shall be as provided by the Statutes.
- (2) A college or campus which is established under this section shall consist of such faculties, schools, institutes or centres as may be provided by the Statutes.

#### 12. Conferment of Degrees, Diplomas, Certificates and other Awards

- (1) Subject to this Charter, the University shall-
  - (a) grant degrees (Bachelors', Masters', Doctorate and other awards), diplomas, certificates and other academic awards as may be provided for by the Statutes;
  - (b) 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 may award fellowships, scholarships, bursaries and prizes and make other awards as may be provided for in the Statutes.

#### 13. Withdrawal of Degrees, Diplomas, Certificates and other Awards

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

### PART III - MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

#### 14. Membership

- (1) The members of the University shall be-
  - (a) the Board of Trustees;

- (b) the Chancellor;
  - (c) the Members of the University Council;
  - (d) the Vice-Chancellor;
  - (e) the Deputy Vice-Chancellors;
  - (f) the Principals of Colleges and Campus Colleges;
  - (g) the Registrars;
  - (h) the Deans of Faculties, Schools or Institutes or other specified functional divisions;
  - (i) the Students;
  - (j) the Dean of Students;
  - (k) the professors of the University;
  - (l) the University Librarian;
  - (m) the Chief Legal Officer;
  - (n) the Finance officer;
  - (o) the University *Imam*;
  - (p) the members of the Alumni Association;
  - (q) the academic staff;
  - (r) the non-teaching staff; and
  - (s) all other Staff of the University;
- (2) The University shall have such other members of staff or any other body formally admitted into association with the University or with any of its constituent colleges, as the Council may determine from time to time.

#### 15. Governance

- (1) The governance of the University shall be vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter-
- (a) the Board of Trustees;
  - (b) the Chancellor;
  - (c) the University Council;
  - (d) the Senate;
  - (e) the University Management Board;
  - (f) the Vice Chancellor;
  - (g) the Deputy Vice Chancellors;
  - (h) the Principals of colleges;
  - (i) the Deans of Schools and faculties;
  - (j) the Chairpersons of Departments;

(k) the Alumni Association; and

(l) the Students Association.

(2) The governance organs may set up committees to perform such functions as may be stipulated by the Statutes.

#### 16. Board of Trustees

(1) The Board of Trustees of the University shall be appointed by the sponsor of the University.

(2) The Board of Trustees shall be a body corporate with perpetual succession established by the Trust Deed under the Trustees (Perpetual Succession) Act, Chapter 164 of the Laws of Kenya.

(3) The Board of Trustees is vested with-

(a) the ownership of the University on behalf of the sponsor;

(b) all moveable and immovable assets of the University, which it shall hold in trust for the University;

(c) the function of safeguarding the foundational object of the University, and

(d) the powers to appoint or remove from office the Chancellor or members of the University Council.

#### 17. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the Board of Trustees and who shall hold office in accordance with the provisions of the Act and the Statutes.

(2) The Chancellor shall hold office for a term of five years but shall be eligible for re-appointment for one further term.

(3) The Chancellor-

(a) shall be the titular head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;

(b) may from time to time, recommend to the Board of Trustees a visitation of the University;

(c) may from time to time give to the Council advice which the Chancellor considers necessary for the betterment of the University;

(d) shall enjoy such powers and privileges and perform such other functions as may be provided in this Charter.

#### 18. The University Council

(1) There shall be a University Council, which shall be appointed by the Board of Trustees in accordance with the Act, this Charter and the Statutes.

(2) Membership of the Council shall consist of-

(a) a Chairperson, being the holder of an earned doctorate degree from a recognised institution, who shall be elected by the Council members

- appointed under subsection (1) from among themselves, at their first meetings;
- (b) a Vice-Chairperson who shall be elected by Council members appointed under subsection (1) from amongst themselves at their first meeting;
  - (c) two persons nominated by the sponsor, one of whom must have an earned doctorate degree from a recognized institution;
  - (d) three senior academicians, not being employees of the University, appointed by the Board of Trustees, by virtue of their experience in higher education;
  - (e) three prominent persons appointed by the Board of Trustees, from public and private sectors in Kenya;
  - (f) one prominent Islamic scholar appointed by the Board of Trustees, who must have at least a Master's degree from a recognized institution;
  - (g) the Vice-Chancellor who shall be the Secretary to the Council and an *ex-officio* member with no voting rights at Council meetings.
- (3) The term of office of the members of the Council, other than an *ex-officio* member, shall be a period of four (4) years, which shall be renewable for one further term subject to performance.
- (4) The office of a member of the University Council shall become vacant-
- (a) if, not being an *ex-officio* member, the member resigns his or her office by notice in writing to the Vice-Chancellor;
  - (b) if the Board of Trustees is satisfied that the member is, by reason of physical or mental infirmity or otherwise, unable to discharge his or her duties as required;
  - (c) if the member is adjudged bankrupt by a competent court of law;
  - (d) if the member is found guilty of gross misconduct; or
  - (e) upon the death of the member.
- (5) Where the office of a member of the Council becomes vacant under subsection 14 above, the Vice-Chancellor shall notify the vacancy to the Board of Trustees, who shall appoint another member to fill the vacancy for the remainder of the term of such member.
- (6) Unless the Council otherwise determines, a meeting of the Council shall be held at least once every quarter in a calendar year at such time and place as the may determine;
- (7) At all meetings of the Council a quorum shall be the nearest whole number above half the membership of the Council;
- (8) The decisions of the University Council shall be by a simple majority vote of those present and eligible to vote:
- Provided that the Chairperson or Vice-chairperson of the Council shall have a casting vote in case of an equality of votes.
- (9) The functions of the University Council shall be as described in the Statutes.

**19. Chairperson of the University Council**

- (1) The Chairperson shall preside over all meetings of the University Council at which he is present, but in the absence of the Chairperson, the Vice-Chairperson shall preside.
- (2) The Chairperson shall perform such other functions as may be provided in the Statutes.

**20. Functions of the University Council**

- (1) The functions of the University Council shall be to-
  - (a) promote the aims and objectives of the University;
  - (b) set the strategic direction for the University;
  - (c) formulate, in consultation with the University Management Board, rules and regulations for the proper governance of the University;
  - (d) develop the infrastructure of the University and ensure that quality and integrity of academic programs and professional courses of the University are maintained;
  - (e) appoint, manage and discipline all officers of the University;
  - (f) approve the Statutes and other policies and regulations of the University;
  - (g) approve the annual budget of the University;
  - (h) authorise the use of income and expenditure of funds outside the approved annual budget;
  - (i) approve the establishment of constituent campuses, colleges, faculties, schools, institutes, departments, divisions, and centres to offer training, research and courses of instruction consistent with the mission and objectives of the University;
  - (j) approve, upon recommendations by the University Management Board, terms and conditions of service for employees of the University;
  - (k) authorise the purchase, lease or hire or otherwise acquisition and holding of any land, buildings, easements or inheritances of any tenure and any other freehold or leasehold property and construction or provision of any buildings, works, stores, plant and things which may from time to time be deemed requisite for any of the purposes of the University;
  - (l) receive and accept, on behalf of the University, donations, endorsements, and gifts of money, land, inheritances and any other assets;
  - (m) authorise the investment of any money of the University;
  - (n) establish, on the recommendation of the Senate and the University Management Board, fellowships, scholarships, studentships, bursaries, prizes and other awards for study and research;
  - (o) act as the highest instance of appeal of decisions made by the University Management Board;
  - (p) to ensure that the University complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;

- (q) perform such other functions as may be prescribed by the Universities Act and the Statutes.
- (2) The University Council may, by statutes, establish committees for the efficient discharge of the functions of the University.
- (3) The Council may in the exercise of its functions under this Charter, borrow or raise money with or without security for any of the purposes of the University, in consultation with the University Management Board.

#### 21. The Senate

- (1) There shall be Senate of the University as provided for in the Act and the Statutes.
- (2) The membership of the Senate shall be-
  - (a) the Vice-Chancellor, who shall be the Chairperson;
  - (b) the Deputy Vice-Chancellors, of whom the Deputy Vice-Chancellor (Academics and Student Affairs) shall serve as Secretary;
  - (c) the Principals of Colleges and Campus Colleges;
  - (d) the Deputy Principals of Colleges and Campus Colleges;
  - (e) the Registrars;
  - (f) the Chief Finance Officer;
  - (g) the Dean of Students;
  - (h) the Deans of Faculties and Schools;
  - (i) the Directors of Institutes and Directorates;
  - (j) the Chairpersons of Departments;
  - (k) the Professors of the University;
  - (l) two members elected by the Academic Board of each College from among the members of that Board;
  - (m) the University Librarian;
  - (n) the Associate Deans of Faculties;
  - (o) two members elected by the Students' Association, except that such members shall not be entitled to attend deliberations of the Senate on matters relating to examinations; and
  - (p) such other member as may be identified from time to time by Senate.

#### 22. Functions and powers of the Senate

- 1) Subject to this Charter and the Statutes, the Senate shall have the following powers and duties-
  - (a) to recommend to the Council, through the University Management Board, the establishment or abolition of academic programmes and titles of certificates, diplomas, degrees and other awards of the University;
  - (b) to approve all syllabi and curricula of the University;

- (c) to propose to the Council, through the University Management Board, regulations governing methods of assessing and examining the academic performance of students;
- (d) to regulate the conduct of examinations and approve all examination results;
- (e) to determine the procedures to be followed in the conferment of the degrees and other awards;
- (f) to ensure integrity and quality of learning at the University;
- (g) to approve the award of degrees, diplomas and certificates, including the award of honorary degrees, higher doctorates and other academic distinctions;
- (h) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards, and submit recommendations to the University Management Board and the Council for approval;
- (i) to propose regulations and procedures for the conduct and discipline of students and make recommendations thereof to the University Council through the Management Board;
- (j) to promote the professional and academic welfare of students and academic staff of the University;
- (k) to establish operational committees, including the Library Committee, the scholarship committee, the disciplinary committee, the curriculum and review committee, the deans committee;
- (l) to recommend to the Council appropriate criteria for appointment and promotion of the academic staff of the University;
- (m) to determine general policy matters relating to the library, laboratory facilities, teaching technologies, workshops and such other services as are in its view necessary for the furtherance of the educational aims of the University and report to the Council;
- (n) to review the Statutes from time to time and to present recommendations thereon to the Council, provided that all Statutes shall be reviewed at least once every three years;
- (o) to establish, subject to this Charter, the Statutes and other regulations, committees consisting of such members of Senate or any other persons as it may deem fit;
- (p) to exercise such other powers as are, or as may be conferred on it by the Act, this Charter or the Statutes; and to do such other acts as the University Council may authorize;
- (q) perform such other functions as may be prescribed by the Universities Act and Statutes.

### 23. The Students Association

- (1) There shall be a Students' Association which shall serve and represent the students of the University and act as the main forum through which students may express their views and grievances concerning their academic and social life.



- (2) The Students Association shall elect a Student Council which shall have the following functions-
- (a) to oversee and plan, in consultation with University Management Board, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being.
  - (b) to draw the attention of the appropriate authorities, where necessary, to the special needs of the students.
  - (c) to undertake such other functions as may be provided in its governance instruments approved by the Senate.

**24. The Alumni Association**

- (1) There shall be an Alumni Association of the University which shall consist of graduates and such other persons as may be prescribed by the Statutes.
- (2) The Alumni Association of the University shall participate in the process of appointment of the Chancellor within the provisions of the Act and the Statutes.
- (3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit its resolutions thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the Statutes and in its Constitution.

**PART IV - MANAGEMENT OF THE UNIVERSITY**

**25. The University Management Board**

- (1) There shall be a University Management Board as provided for in the Act and the Statutes.
- (2) The membership of the University Management Board shall be-
  - (a) the Vice-Chancellor who shall be the Chairperson;
  - (b) the Deputy Vice-Chancellors, of whom the Deputy Vice-Chancellor (Planning, Administration and Finance or the equivalent) shall serve as Secretary;
  - (c) the Principals of Colleges and Campus Colleges;
  - (d) the Registrar (Academics and Student Affairs);
  - (e) the Registrar (Research, Innovation and Outreach);
  - (f) the Registrar;
  - (g) the Chief Finance Officer;
  - (h) the University Librarian;
  - (i) the University Legal Officer; and
  - (j) such other senior officers of the university as the University Management Board may from time to time co-opt.
- (3) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for the following functions-

- (a) overseeing the day-to-day running of the University;
- (b) proposing rules and regulations to the University Council for the administration of the University;
- (c) preparation of master and strategic development plans, formulation of development priorities, and submission of proposals to the Senate and University Council;
- (d) formulation and monitoring of the effectiveness of the University's financial management, control systems, regulations and strategy, and submission of proposals or reports to the University Council;
- (e) review of the methods of instruction and teaching, promotion of research within the University in coordination with the Senate and requesting reports on such research from time to time;
- (f) authorising the initiation of legal proceedings or defence thereof in the name of and on behalf of the University;
- (g) establishing university charges and fees after considering the recommendations of the Senate on all fees payable to the University; and
- (h) performing such other functions as may be prescribed by the Universities Act and Statutes.

#### 26. The Vice-Chancellor

- (1) There shall be a Vice-Chancellor of the University who shall be competitively recruited by the Council.
- (2) The Vice-Chancellor shall be the Chief Executive Officer of the University and, in this regard, 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 chairperson of the University Management Board and the Senate;
  - (d) have such other powers and duties as may be provided in the Statutes.
- (3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term based on his or her satisfactory performance;
- (4) The terms and conditions of service of the Vice-Chancellor shall be as may be prescribed in the Statutes and the instrument of engagement.

#### 27. Deputy Vice-Chancellors

- (a) The University Council shall appoint two or more Deputy Vice-Chancellors to assist the Vice-Chancellor in matters pertaining to academics, research and collaboration, and administrative functions of the University.
- (b) The Deputy Vice-Chancellors shall be answerable to the Vice-Chancellor.
- (c) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for a further one term, subject to satisfactory performance.

- (d) The terms and conditions of service of the Deputy Vice-Chancellor shall be as provided in the Statutes.

**28. Principals of Colleges and Campuses**

- (1) The Principal of a College or Campus shall be appointed competitively by the University Council and shall be the academic and administrative head of the respective College or Campus.
- (2) The Principal shall hold office upon such terms and for such period as may be provided for by the Statutes and shall be eligible for re-appointment for one further term subject to satisfactory performance.

**29. Deans of Faculties/Schools/Institutes**

- (1) There shall be Deans of faculties, schools and institutes who shall be appointed by the Vice-Chancellor in consultation with the University Management Board.
- (2) The duties, responsibilities and terms of office of the Deans shall be as prescribed by the Statutes.

**30. Performance of Duties during the incapacity of an office holder**

- (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 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 Council shall appoint one of the Principals of Colleges within the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.
- (3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges within the University, the Council shall appoint a member of the academic staff at the level of a professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum of one hundred and eighty calendar days.
- (4) In this section "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

**PART V - FINANCIAL PROVISIONS**

**31. University Financial Year**

- (1) The financial year of the University shall be the period of twelve (12) months commencing and ending as prescribed by the Statutes more specifically January to December;
- (2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year because of this change, the transitional period, whether more or less than twelve (12) months, shall be regarded as a financial year for the purposes of this Charter.
- (3) The Vice-Chancellor shall submit quarterly financial reports to the University Council within a financial year.

**32. Sources of Funds**

- (1) Funds and Resources of the University shall be derived from-
  - (a) tuition and other fees;
  - (b) donations and grants;
  - (c) endowments;
  - (d) gifts and trusts;
  - (e) income from auxiliary activities, including consultancy; and
  - (f) such other sources as the University may from time to time identify.

**33. Annual Budget**

- (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 Vice-Chancellor shall submit a proposed budget to the University Council two (2) months before the start of the financial year.
- (3) The proposed budget shall make provision for all the estimated expenditure of the University for the fiscal year concerned.
- (4) The Annual budget shall be approved by the Council before the commencement of the fiscal year to which they relate.
- (5) No expenditure shall be incurred for the purposes of the University except in accordance with the annual approved budget under subsection (4) or in pursuance of an authorization by the Council.

**34. Accounts and Audit**

- (1) The University Management Board shall cause all proper books and records of account of the income, expenditure and assets of the University to be kept.
- (2) A firm of external auditors appointed by the Board of Trustees shall audit the accounts of the University.
- (3) The University Management Board shall submit the accounts of the University to the Auditors within a period specified by the Statutes from the end of every financial year.
- (4) Within a period specified by the Statutes, the external auditors shall report on the examination and audit of the accounts of the University to the Board of Trustees through the University Council.

**PART VI - MISCELLANEOUS PROVISIONS****35. Common Seal and the Signification of Documents**

- (1) The symbols of authority shall be the Common Seal, the Mace, and the Logo.
- (2) The Common Seal of the University shall be kept in the custody of the Vice-Chancellor or as the University Council directs, and shall be used upon the order and direction of the University Council, or the Vice-Chancellor.

- (3) The Common Seal of the University shall be authenticated by the signature of the Chairperson of the University Council, or in the absence of the Chairperson, by the Vice Chairperson or one other member of the Council duly authorized by the Council, or the Vice-Chancellor, and countersigned by one of the Deputy Vice-Chancellors.
- (4) The Common Seal of the University when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and any necessary order or authorisation of the University Council or the Vice-Chancellor under this section shall be presumed to be duly given, unless the contrary is proved.
- (5) The University mace shall be the symbol of power and shall be stored, displayed, and used as provided in the Statutes.

### 36. Statutes

- (1) In the performance of its functions under this Charter, the University Council shall subject to this Charter, approve Statutes and regulations for the management of the affairs of the University and in particular-
  - (a) the establishment of constituent colleges, faculties, institutes, schools, centers and departments of the University;
  - (b) the description of degrees, diplomas and certificates;
  - (c) the defining the requirement for the conferment of degrees, and award of diplomas and certificates;
  - (d) the conduct of examinations;
  - (e) prescribing fees and boarding charges;
  - (f) setting the terms and conditions of service, and schemes of service including the appointment, dismissal, and recommendation of retiring benefits of the members of staff of the University;
  - (g) describing the constitution and procedures of the meetings of the Council, and the establishment, composition and terms of reference of the Committees of the Council;
  - (h) prescribing the rules and regulations for the Students Association.
- (2) Notwithstanding subsection (1), the University Council shall not enact, amend or revoke any Statutes without reference to the Senate.
- (3) Statutes shall only be enacted by a resolution passed by two-thirds majority of all members present and entitled to vote at a University Council meeting specifically convened for that purpose unless the enactment, amendment or revocation is *ultra vires* that provisions of the Charter.

### 37. Protection of the Name

- (1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names shall accept for registration any name that includes the word "Umma" together with the word "University" or "College".

- (2) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade or profession, without the consent of the University Council.
  - (3) Any person who, except with the written consent of the Council, uses the word "Umma" together with the word "University" or "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or imprisonment for a term not exceeding three (3) years or both.
  - (4) Notwithstanding the foregoing, nothing in this section shall be construed as preventing the *bona-fide* use of the name of the University by staff, students and Alumni of the University in pursuance of the functions of the University.
38. Variation, Transition and Revocation of the Charter
- (a) This Charter may be varied, amended or revoked in accordance with the provisions of section 22 of the Act.
  - (b) The Students of Umma University pursuing diploma and certificate programmes as at the commencement of this Charter shall complete their courses and shall be awarded diplomas and certificates of the University.
  - (c) Subject to the provisions of this Charter, if on the winding up or the dissolution of the University, there shall remain, any funds, assets, and property after the satisfaction of all its debts and liabilities, the same shall be transferred to the Board of Trustees of Umma University.

Given under my hand and the public seal of the Republic of Kenya on the 18th day of October, 2019.

UHURU KENYATTA,  
*President and Commander-in-Chief  
of the Defence Forces of the Republic of Kenya.*

Dated the 18th October, 2019.

GEORGE A. O. MAGOHA,  
*Cabinet Secretary, Ministry of Education.*