LEGAL NOTICE No. 64

THE UNIVERSITIES ACT, 2012
(No 42 of 2012)

CHARTER FOR THE UNIVERSITY OF EMBU

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

Dated the 7th October, 2016.

DR. FRED MATIANG’I,
Cabinet Secretary, Ministry of Education.

SCHEDULE

CHARTER FOR THE UNIVERSITY OF EMBU

PREAMBLE

WHEREAS the Government of Kenya established University of Embu situated in Embu County in the Republic of Kenya;

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

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

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

AND WHEREAS Commission for University Education has submitted a draft charter of the said University of Embu, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education, Science and Technology and the Cabinet Secretary is satisfied that the said university should be granted the Charter;
AND WHEREAS the Cabinet Secretary, Ministry of Education, Science and Technology has submitted the Charter to the President of the Republic of Kenya with recommendations thereon;

AND WHEREAS the President of the Republic of Kenya is satisfied that granting the University of Embu a Charter will promote the advancement of university education in Kenya;

NOW WHEREFORE, by these submissions and the powers conferred upon me by section 19 of the Universities Act, 2012, I, Uhuru Kenyatta, President and Commander-In-Chief of the Defense Forces of the Republic of Kenya, grant the Charter annexed hereto to the University of Embu.
CHARTER FOR THE UNIVERSITY OF EMBU

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PART I—PRELIMINARY

Short Title

1. This Charter may be cited as the University of Embu Charter, 2016.

Interpretation

2. In this Charter, unless the context requires otherwise—

“Academic Staff” means any person appointed to teach, train or to do research at the University of Embu and any other employee designated as such by the University Council;

“Act” means the Universities Act, 2012;

“Administrative Staff” means any employee of the University of Embu serving on administrative terms of service and such other members of staff, not being engaged as academic members of staff, as the Council may from time to time determine.

"Alumni" means a member of the convocation of the University of Embu;

“Alumni Association” means association of all graduates and former students of the University of Embu;

“Chancellor” means the Chancellor of the University of Embu appointed according to Section 14 of the Charter;

“Charter” means the Charter of the University of Embu granted under section 19 of University’s Act, 2012;

“Common Seal” means the common seal of the University of Embu;

“Convocation” means the convocation of the University of Embu established under Section 10 of the Charter;

“Council” means the Council of the University of Embu;

“Dean” means the Dean of a School appointed under the Statutes;

“Ordinary Resolution” means a resolution passed by a simple majority present at a meeting of the Council/Senate;

“Senate” means the Senate of the University of Embu;

“Special Resolution” means a resolution passed at a meeting of the Council, provided that notice of the meeting setting out the proposed resolution in full, is given to each member of the Council not less than fourteen days before the meeting and that the resolution is passed by a majority of not less than two thirds of the members of the Council present;

“Statutes” means the Statutes of the University of Embu;

“Staff Association” means an association of staff recognized by the Council as being representative of the staff of the University of Embu;
"Student" means a person registered to pursue a programme offered by the University of Embu or any person determined by Senate to be a student;

"Students Association" means an association of the University of Embu students as provided for under Section 17 of the Charter

"University" means the University of Embu as established under Section 3

"University Management Board" means the University Management Board of the University provided for under Section 19 of the Charter.

PART II—ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY OF EMBU

Establishment and Incorporation of the University

3. (1) There is hereby established a university known as the University of Embu in accordance to the provisions of the 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 corporate body.

(3) The University shall be the successor of Embu University College constituted under the Embu University College Order 2011.

(4) All rights, liabilities and assets held by Embu University College or by anybody on behalf of the Embu University College existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

Vision, Mission and Philosophy

Vision

4. A dynamic epicenter of excellence in training and research for service to humanity.

Mission

5. To generate, advance and disseminate knowledge through training, research and innovation for the development of humanity.

Philosophy

6. Enhancing human capacity for societal development
1. **Objects and Powers**

(a) **Objects of the University**

To advance education, knowledge and wisdom by research, knowledge exchange, scholarship, learning and teaching, for the benefit of individuals and society at large.

(b) **Powers of the University**

The University of Embu shall have all the powers of a natural person to do all lawful acts and things that are conducive to or incidental to the furtherance of the objects of the University.

2. **Establishment of University Campuses**

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

(b) A campus established within the University shall consist of such faculties, schools, departments, directorates or centres as may be provided for by the Statutes.

3. **Establishment of Colleges within the University**

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

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

4. **Establishment of Constituent Colleges**

The Cabinet Secretary may, on the advice of the University 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.

5. **Conferment of Degrees, Diplomas, Certificates and other Awards**

Subject to this Charter, the University may:

(a) Grant Diplomas or Certificates or other awards;

(b) Confer the degrees of Bachelor, Master and Doctor 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.
6. **Convocation**

(a) There shall be Convocation of the University, which shall consist of such members as may be prescribed by the Statutes.

(b) The convocation shall be convened for purposes of conferment of awards and for such other functions as may be outlined in the Statutes.

7. **Withdrawal of Degrees, Diplomas, Certificates and other Awards**

Subject to this Charter, the University Senate may 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 OF EMBU**

8. **Membership of the University**

(a) The members of the University shall be:

(i) the Chancellor;

(ii) the Chairman of University Council;

(iii) the Vice-Chancellor;

(iv) the Deputy Vice-Chancellors;

(v) the Principals of Colleges within the University;

(vi) the Registrars of the University;

(vii) the Finance Officer of the University;

(viii) the Librarian;

(ix) the Legal Officer of the University;

(x) the Professors of the University;

(xi) the Dean of Students;

(xii) the Directors of Institutes and Centres;

(xiii) the Deans of Schools;

(xiv) the members of the University Council;

(xv) the members of the Senate;

(xvi) the Lecturers of the University;

(xvii) the Students of the University;

(xviii) the Convocation;

(xix) the Alumni

(xx) members of staff of the University; and
(xxi) such other members of staff of the University or any other body formally admitted into association with the University, as the University Council may from time to time determine.

(b) The members of staff of the University shall, be appointed either:

(i) in the manner and upon the terms and conditions of service prescribed by the Act and Statutes; or

(ii) 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 University Council and the seconding body.

(c) The University 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.

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

(i) be subject to the general authority of the University Council and of the Vice-Chancellor; and

(ii) 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.

9. Governance

(a) There shall be the following governance organs in the University:

(i) Chancellor

(ii) The University Council

(iii) The Senate

(iv) Management Board

(v) Students’ Association

(vi) The Alumni Association

10. Chancellor

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

(b) The Chancellor of the University shall hold office for a term of five years and shall be eligible for re-appointment for one further term of five years.

(c) The following nomination procedure shall apply:
(i) An advertisement shall be placed in the University website and in at least two national daily newspapers of wide circulation and readership inviting members of senate and the alumni association of the university to nominate persons for appointment as Chancellor;

(ii) The senate shall seek clearance by reference to:

(1) the Criminal Investigations Department;
(2) the Credit Reference Bureau;
(3) the Higher Education Loans Board;
(4) the Kenya Revenue Authority;
(5) the Ethics and Anti-corruption Commission; and
(6) the any other relevant authority;

(iii) Letters of notification shall be written to those who satisfy the above requirements to confirm their willingness or otherwise to take up the appointment if nominated;

(iv) The names of those who have responded positively shall be published in two national newspapers of wide circulation and readership inviting the public to give any information adversely touching on the moral character and integrity of the listed nominees;

(v) Any adverse information shall be forwarded to the nominees for response which shall be placed before Senate for consideration;

(vi) Five names of nominees deemed to be most suitable shall be forwarded by the Senate to the alumni association for ranking in order of preference;

(vii) The Senate shall forward the names of the top three applicants respectively ranked by the alumni association to the Cabinet Secretary for onward transmission to the President, who shall pick one of the persons so ranked for appointment as Chancellor.

(a) The Chancellor:

(i) 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.

(ii) may from time to time, recommend to the Cabinet Secretary a visitation of the University.

(iii) may from time to time give advice to the University Council which the Chancellor considers necessary for the betterment of the University.
(iv) shall enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.

(b) The office of the Chancellor shall become vacant:

i) if the Chancellor resigns his or her office by writing under his or her hand addressed to the President;

ii) if the Chancellor is, by reasons of physical or mental infirmity, unable to exercise the functions of his or her office;

iii) if the Chancellor is adjudged bankrupt by a court of competent jurisdiction;

iv) if Chancellor is found by a competent court of law to be guilty of a criminal offence or if he/she contravenes the provisions of Chapter Six of the Constitution of Kenya, 2010; and

v) upon death of the Chancellor.

11. The Council

a) There shall be a Council of the University appointed in accordance with the Act, which shall consist of:

i) the Chairperson of Council, who shall be appointed in accordance to the provisions of the Act, and who shall hold office for a period of three years and shall be eligible for re-appointment for a further one term of three years;

ii) the Principal Secretary for the time being responsible for university education;

iii) the Principal Secretary for the time being responsible for finance;

iv) the Vice-Chancellor who shall be the secretary to the Council; and

v) five other members as provided by the Act.

b) A person shall only qualify for appointment to the Council if he/she meets the requirements stipulated under Chapter 6 of the Constitution of Kenya, 2010 on integrity and leadership.

c) Subject to this Section, a member of the Council, other than the Vice-Chancellor, shall hold office for a period of three years, but shall be eligible for re-appointment for a further one term.

d) The office of a member of the Council shall become vacant:

i) if the member resigns his/her office by writing under his/her hand addressed to the Vice-Chancellor;
ii) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his/her office;

iii) if the member fails to attend three (3) consecutive Council meetings;

iv) if the member is adjudged bankrupt by a court of competent jurisdiction;

v) if he/she is found by a competent court of law to be guilty of a criminal offence or if he/she contravenes the provisions of Chapter 6 of the Constitution of Kenya, 2010; and

vi) upon death of the member.

e) Notwithstanding the generality of the foregoing, any member of the Council suspected of having contravened Chapters 6 or 13 of the Constitution shall vacate office to pave way for investigations.

f) Where a person who has vacated office under subsection (e) is not found culpable of any unlawful act by a competent legal authority, the person shall be reinstated to the position of a Council Member.

g) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to the appropriate appointing authority.

h) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance with the Charter and the Statutes.

i) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always act in the best interest of the University.

j) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council shall be signed by the Vice-Chancellor or any other member of the University specifically authorized by the Council on that behalf.

k) The Council shall have the following functions:

i) be ultimately responsible for oversight of the affairs of the University;

ii) set and approve the University's strategic direction;

iii) ensure the effective management and control of the University's affairs, property and finances through the establishment of systems of internal control;

iv) ensure the effective management and administration of the University's Staff and Students;
v) determine the structure, staffing and overall composition of the University;
vi) make and approve Statutes for gazettlement in accordance with the Act;

vii) determine the method of recruitment, appointment and promotion of all staff of the University;

viii) appoint and determine the terms and conditions of service for all staff of the University;

ix) approve the budget;

x) promote and make financial provisions and facilities for execution of the functions of the University;

xi) determine, after considering the recommendations of the Senate, all fees payable to the University;

xii) approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as University Council may from time to time deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties, including rents and subject to the Act with the powers of varying such investment from time to time by sale or re-investment or otherwise;

xiii) subject to the laid down government procedures, to approve sale, purchase, exchange, take on, lease movable and immovable property on behalf of the University;

xiv) subject to the laid down government procedures, to approve the borrowing of money on behalf of the University; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovable property or otherwise as the University Council may deem fit;

xv) on the recommendation of the Senate to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centers or other bodies of learning, research and production in the University, whether formed by the sub-division of any one or more than one of any such new body or otherwise, and for the abolition from time to time of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;

xvi) empower committees to act jointly with any Committees appointed by the Senate, provided that the
University Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the University Council the annual estimates of expenditure;

xvii) approve regulations governing the conduct and discipline of the students of the University;

xviii) approve regulations governing the recruitment, conduct and discipline of the staff of the University;

xix) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements therefrom;

xx) approve the constitution of the Students' Association and so far as is reasonably practicable, to ensure that the Students' Association operates in a fair and democratic manner and is accountable for its finances;

xxi) provide for the welfare of the staff and students of the University;

xxii) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;

xxiii) constantly review the viability and financial sustainability of the University;

xxiv) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards;

xxv) perform such other duties as may be contained in the Statutes and exercise such other powers as may be provided for in the Act.

12. The Senate

a) There shall be a Senate of the University which shall, as provided in this Charter and the Statutes, be responsible for the academic programmes of the University both in teaching and research and for the regulation and superintendence of the education and discipline of the Students of the University. It shall be constituted as follows:

i) the Vice-Chancellor, who shall be the Chairperson;

ii) the Deputy Vice-Chancellors;

iii) the Principals of Constituent Colleges;

iv) the Principals of Colleges of the University;

v) the Deans of the Schools and Faculties in the University;

vi) the Directors of Institutes and Centres;
vii) the Registrars of the University;

viii) the Chairpersons of Departments;

ix) the Professors of the University;

x) one member elected by the Academic Board or equivalent body (if any) of each Constituent College from among the members of such board or body;

xi) the Librarian;

xii) the Dean of Students;

xiii) two members elected by the Students' Association, 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

xiv) such other member as the University Council may determine in accordance with the Statutes.

b) The Deputy Vice-Chancellor for the time being in charge of Academic Affairs shall be the Secretary to the Senate.

c) The Senate shall have the following powers and duties:

i) recommend to the University Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may from time to time deem necessary;

ii) set the dates of the academic year and to determine the schedule of academic programmes within the academic year;

iii) approve all syllabi of the University;

iv) make regulations governing methods of assessing and examining the academic performance of students;

v) evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;

vi) regulate the conduct of examinations;

vii) appoint internal and external examiners;

viii) approve the examination results;

ix) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;

x) determine which qualifications or credits from other Universities or Institutions shall be acceptable as
equivalent to particular qualifications of the University;

xi) determine the procedure to be followed in the conferment of degrees and other awards;

xii) determine the design of academic dress and prescribe its use;

xiii) evaluate research, teaching, staffing and general work of any body or section of the University and if it so wishes to report and make recommendations thereon to the University Council;

xiv) promote and administer the extra-mural, external and extension work of the University;

xv) promote research and innovation work in the University;

xvi) promote co-operation and linkages with other institutions of higher learning and industry;

xvii) make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;

xviii) develop, implement and promote quality assurance systems and structures in all University operations;

xix) to promote the welfare of students and staff in the University;

xx) propose regulations and procedures for the discipline of students and make recommendations thereof to the University Council;

xxi) discontinue a student from a programme of study on academic grounds;

xxii) receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;

xxiii) recommend to the University Council appropriate criteria for appointment and promotion of all academic staff of the University;

xxiv) review the Statutes from time to time and to present recommendations thereon to the University Council provided that all Statutes shall be reviewed at least once every five years;

xxv) determine general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.
d) The Senate shall exercise such other powers as may be conferred to the Senate by the Act, the Statutes or by the regulations and to do such other acts as the University Council shall authorize.

13. **Students' Association**

a) There shall be a Students' Association whose officials shall be elected by the student body as provided for in the Statutes.

b) The functions of the Students' Association shall be to:

   i) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being of all students;

   ii) draw to the attention of the appropriate authority, where necessary, special needs from particular students;

   iii) offer suggestions to the Senate or its equivalent on matters affecting the well-being of students; and

   iv) undertake such other functions as provided in its governance instrument as approved by the University Council.

14. **Alumni Association**

a) There shall be an Alumni Association of the University, which shall consist of alumni and graduates of the University and such other members as may be prescribed in the Alumni Association Regulations and the Statutes.

b) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the University Council or to the Senate, as may be appropriate.

c) The Alumni association may exercise such other functions as may be prescribed in the Alumni Association Regulations and the Statutes.

d) The Senate shall propose rules for the promotion of the Alumni Association and make recommendations thereof to the University Council.

**PART IV—MANAGEMENT OF THE UNIVERSITY OF EMBU**

15. **The University Management Board**

a) There shall be a University Management Board which shall function as the Management Board as provided for in this Charter and the Statutes, whose membership shall be:

   i) the Vice-Chancellor, who shall be the Chairperson;

   ii) the Deputy Vice-Chancellors;
iii) the Principals of Colleges within the University
iv) the Registrars of the University;
v) The Finance Officer of the University;
vi) Such other member of senior management as the University Council may determine in accordance with the Statutes; and
vii) the Vice-Chancellor’s Office shall provide the secretariat to the Board.

b) The Chairperson of the Management Board may invite other officers of the University to attend Management Board meetings when specific matters pertaining to their departments or offices are being discussed and such officers shall be in attendance but shall not be eligible to vote.

c) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall:

i) encourage the rationalization and efficiency of the University services;
ii) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
iii) set the terms and conditions for the appointment of internal and external examiners
iv) submit proposals to the University Council concerning annual budgets, development priorities, staff development plans, terms and conditions of service, fund raising strategies, student welfare, public relations policies, academic partnerships and linkages with other universities, collaborations with industry, as well as any policies and any matters related to the development, management and administration of the University;
v) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;
vii) advise the University Council on the management, administration, and academic affairs of the University;
vii) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
viii) establish any University charges and fees; and
ix) perform any other duties related to the management of the University.
16. **The Vice-Chancellor**

a) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the provisions of the Act.

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

   i) be the academic and administrative head of the University;
   
   ii) have overall responsibility of the direction, organization, administration and programmes of the University; and
   
   iii) have such powers and duties as may be provided for under the Charter and by the Statutes.

c) The Vice-Chancellor shall hold office for a period of five (5) years and shall be eligible for reappointment for one further term.

17. **The Deputy Vice-Chancellors and other Senior Officers**

a) Deputy Vice-Chancellors

   i) The Cabinet Secretary shall, upon the recommendation of the University Council, appoint Deputy Vice-Chancellors recruited through a competitive process.

   ii) The Deputy Vice-Chancellors shall, under the general direction of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for by the Statutes.

   iii) A Deputy Vice-Chancellor shall hold office for a term of five years and upon expiration may be eligible for a further one term.

b) Principals of Colleges within the University

   i) The University 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.

   ii) The Principal shall be appointed and hold office upon such terms and for a period of five years and upon expiration of that period, shall be eligible for re-appointment for one further term.

c) Principals of Constituent Colleges

   i) Principals of Constituent Colleges shall be appointed in accordance with the provisions of the Act.

   ii) The Cabinet Secretary shall, upon the recommendation of the University College Council, appoint the Principal recruited through a competitive process.
iii) The Principal shall be the academic and administrative head of the Constituent College.

iv) The Principal shall hold office for a term of five years and upon expiration may be eligible for a further one term.

18. **Performance of duties during incapacity of an office holder**

a) In the event of the incapacity of the Vice-Chancellor, the University 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.

b) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the University 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 period of one hundred and eighty calendar days.

c) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges within the University, the University Council shall appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

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

e) In this section, “incapacity” means absence from the office 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**

19. **University Fiscal Year**

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

b) In the event of any change in the fiscal year, and for the purposes of the transition from the old fiscal 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.

20. Sources of Funds

a) The funds of the University shall comprise of:

i) such sums as may be provided by Parliament;
such monies or assets as may accrue to or vest in the University in the course of the exercise of its powers or the performance of its functions under this Charter or under any other written law; and

all monies from any other source provided for or donated or lent to the University.

b) the University may appeal to the general public for subscriptions, donations or bequests for the benefit of the University.

21. Annual Budget Estimates

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

b) The annual estimates shall make provisions for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide for:

i) the payment of the salaries, allowances and other charges in respect of the staff of the University;

ii) the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;

iii) the proper maintenance of the buildings and grounds of the University;

iv) the proper maintenance, repair and replacement of equipment and other movable property of the University;

v) the funding of the cost of teaching, research and outreach activities of the University;

vi) development purposes; and

vii) 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 University Council may deem fit.

22. Accounts and Audit

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

b) Within a period of three months from the end of each Fiscal Year, the Council shall submit to the Auditor General, the Accounts of the University together with:

i) a statement of the income and expenditure during that year, and
ii) a statement of the assets and liabilities of the University on the last day of that year, within the time frame stipulated by the Auditor-General.

c) The accounts of the University shall be audited by the Auditor-General in accordance with the provisions of the Public Audit Act.

23. Vesting of Property

All immovable property, shares, funds and securities as may from time to time become the property of the University shall be in the name of the University and shall be dealt with in such manner as the University Council may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purposes connected with the University.

24. Investment of Funds

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

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

PART VI—MISCELLANEOUS PROVISIONS

25. The Common Seal and Signification of Documents

a) The University shall possess a Mace, the Seal and Logo as instruments of authority.

b) The Seal of the University shall be kept in such custody and used only as the Vice-Chancellor shall direct.

c) The Seal of the University shall be authenticated by the signatures of the Vice-Chancellor together with any other person duly authorized by the University Council.

d) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the University:

i) where they are required to be under Seal, if sealed with the Seal of the University and authenticated as provided for subsection (c) above.

ii) where they are not required to be under seal, if executed on behalf of the University by a member authorized by the Vice-Chancellor in accordance with the provisions of this Charter or Statutes.

e) The 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 University Council under this section shall be presumed to have been duly given.

26. Statutes

a) In the performance of its functions under this Charter, the University Council shall, subject to this Charter, make Statutes generally for the governance, control and administration of the University and for the better carrying into effect of the purposes of this Charter, and in particular for the:

i) establishment of Colleges, Faculties, Schools, Institutes and Centres of the University;

ii) description of degrees, diplomas, certificates and other academic qualifications;

iii) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;

iv) conduct of examinations;

v) prescribing fees and other charges;

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

vii) 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;

viii) constitution and procedure of meetings of the University Council, and the establishment, composition and terms of reference of committees of the University Council; and

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

b) Notwithstanding subsection (a), the University 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.

c) Statutes shall only be made by a resolution passed at a meeting of the University Council supported by a majority of not less than two-thirds (2/3) of the members present and voting, being not less than half of the total membership of the University Council.

d) Without prejudice to the foregoing, the University Council of Embu University College immediately at the pronouncement of the University of Embu shall have the powers to make Statutes for the University under this Charter.
27. **Protection of Name**

a) 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 "Embu" or "University" together in any order, unless the application for the registration is accompanied by the written consent of the University Council.

b) Any person who except with the written consent of the University Council, uses the word "Embu" or "University", 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.

c) 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 him/her of a degree, diploma or certificate by the University.

28. **Repeal and Savings: Legal Notice No. 65 of 2011**

a) The Embu University College Order, 2011 herein after referred to as the former order is repealed.

b) Notwithstanding the repeal of the Embu University College Order, 2011, 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 Notice, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

c) Notwithstanding the provisions of this Charter, the persons constituting the University Council of Embu University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Notice until the University Council of the University of Embu is appointed.

29. **Transition**

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

b) During the transition period the following shall take place:
the University Council of the Embu University College shall continue to be in place and shall function as the University Council of the University of Embu until such time that the substantive University Council shall have been appointed but not exceeding a period of six months;

the University Council of Embu University College shall make Statutes for the University of Embu under this Charter and the Statutes so made shall be deemed to have been made under this Charter;

the persons occupying the positions of Principal and Deputy Principals of Embu University College shall continue to discharge their responsibilities and exercise such powers as Acting Vice-Chancellor and Acting Deputy Vice-Chancellors respectively as set out in the Act, Charter and Statutes of Embu University College until the Vice-Chancellor and other officers of the University are appointed and assume office;

all the students of Embu University College who were pursuing diploma and certificate programmes as at the commencement date of the Charter, shall be allowed to complete their courses and shall be awarded diplomas and certificates of the University; and

all persons who were members of staff of Embu University College shall be members of staff of the University and shall be deemed to have been appointed under this Charter on the same Terms and Conditions of Service.
30. **Variation and Revocation of the Charter**

a) The University Council may vary, revoke or in any other way amend the provision of this Charter if it is in the opinion of the University Council that the revocation, variation or amendment is in the best interest of the University and/or for purposes of introduction of such mechanisms as shall enable the University to better carry out its functions.

b) The revocation, variation and/or amendment in subsection (a) shall be in accordance with the provisions of the Act.

Given under my hand and the public seal of the Republic of Kenya on Dated the 7th October, 2016.

UHURU KENYATTA,
President.

FRED MATIANG’I,
*Cabinet Secretary for Education, Science and Technology.*