LEGAL NOTICE NO. 213

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

KARATINA UNIVERSITY CHARTER

IN EXERCISE of the powers conferred by section 19 of the Universities Act No. 42 of 2012, the Minister for Higher Education, Science and Technology certifies that the Charter set out in the Schedule hereto has been granted to Karatina University in accordance with the provisions of the Act.

SCHEDULE

Preamble

WHEREAS the Government of Kenya wishes to establish Karatina University situated in Nyeri County in the Republic of Kenya;

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

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

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

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

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

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

NOW 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, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Karatina University.
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PART I – PRELIMINARY

1. This Charter may be cited as “KARATINA UNIVERSITY CHARTER, 2013”

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

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

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

   “Administrative Staff” means a member of staff of the University who is appointed for purposes of performing duties related to management and/or administration of the University and any other employee designated as such by the University Council;

   “Alumni Association” means the organization established in accordance with Section 29 of this Charter;

   “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for university education.

   “Chairman of Council” means the Chairman of the Council established under Section 21(1) (a) of this Charter;

   “Chancellor” means the Chancellor of the University established under Section 16 of this Charter;

   “Charter” means the charter granted to the University under Section 19 of the Act;
“College” means a College established within the University pursuant to the provisions in Section 9 of this Charter but does not include a constituent College;

“Commission for University Education” means the Commission for University Education established under Section 4 of the Act;

“Constituent College” means a Constituent College of the University established under Section 10 of this Charter;

“Constitution” means the Constitution of Kenya, 2010;

“Convocation” means the convocation of the University established under Section 25 of this Charter;

“Council” means the Council of the University established under Section 21 of this Charter;

“Course” means the smallest unit in which a student can receive an assessment and normally taught over a semester, and may comprise one or more units of study;

“Dean” means a person appointed by the Council to be designated as a dean in the University;

“Department” means a department of the University established under the Statutes;

“Deputy Vice Chancellor” means the Deputy Vice Chancellor appointed by the Council of the University under Section 18 of this Charter;

“Director” means the person appointed by the Council to be designated as a director in the University;

“Faculty” means a faculty of the University established under the Statutes;

“Financial Year” means the financial year of the University as provided for in Section 30 of this Charter;

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

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

“Lecturer” means a member of the staff of the University who is, in terms of appointment, a professor, an associate professor, senior lecturer, lecturer, tutorial fellow, graduate assistant, or a person who holds any other teaching or research post which the Council has recognized as a post having academic status in the University;

“Legal Counsel” means an officer of the University who is for the time being in charge of the legal affairs of the University;

“Management Board” means the Management Board of the University established under Section 24 of this Charter;
"Moi University" means the University as was established under the repealed Moi University Act (Chapter 210A), Laws of Kenya;

"Principal of a Constituent College" means the Principal appointed under Section 20 of this Charter;

"Principal of a College within the University" means a Principal appointed in accordance with Section 19 of this Charter;

"Professor" means a full Professor of the University;

"Programme" means the curriculum prescribing the study to be taken by a student that will have satisfied all the requirements and or conditions leading to the conferment and or award made in accordance to Section 12 of this Charter;

"Registrar" means the Registrar appointed by the Council;

"School" means a school of the University established under the Statutes;

"Senate" means the Senate of the University established under Section 23 of this Charter;

"Staff Association" means an association of the staff recognized by Council as being representative of the staff of the University;

"Statutes" means Statutes of the University made by the Council under Section 36 of this Charter;

"Student" means a person registered by the University for the purposes of receiving instructions in a particular area of study with a view to 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 recognized by the Council as being an organization representative of the students of the University and as provided by Section 28 of this Charter;

"University" means "Karatina University" established under Section 3 of this Charter;

"University Librarian" means the person appointed to be the librarian in charge of the University Library Services; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under Section 17 of this Charter.

PART II - ESTABLISHMENT, AIMS, OBJECTS AND FUNCTIONS OF THE UNIVERSITY

3. (1) There is hereby established a university to be known as Karatina University 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, possessing, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property and;
(c) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University shall be the successor to the Karatina University College established under Karatina University College Legal Order, 2010 made pursuant to the Legal Notice no. 163 of 2010 as a constituent College of Moi University.

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

4. (1) The vision for the University is to be a university of global excellence, meeting the dynamic needs and development of society.

(2) The mission of the University is to conserve, create and disseminate knowledge through training, research, innovation and community outreach.

5. Karatina University seeks to create networks that provide an environment that integrates disparate disciplines to conserve, create and disseminate knowledge that promotes development in a dynamic and developing society passionate in community outreach, research and innovation.

The University shall strive to develop programmes that will nurture leadership skills and innovation in all its graduates as well as enable them interact with the world wide community and contributing towards the development of solutions to a broad range of environmental, economics, entrepreneurial, social and scientific issues. This shall be facilitated by encouraging intellectual rigor that shall respect the academic freedom and provide the necessary capacity needed by capacity needed by the members of the University.

6. The aims of the University shall include but shall not be limited to:-

(a) Offering quality and value-driven academic programmes that meet the needs of the local, national, regional and global community;

(b) Generating and promoting integrated and disparate disciplines including but not limited to natural resources, agriculture, engineering, entrepreneurship, management, social and applied science theories and practices in both the public and private sector through training, research and consultancy;
(c) Focusing on the promotion of innovative and creative skills needed to transform the economy through development of human resources capable of mobilizing, reshaping and redirecting a nation’s resources for faster socio-economic development;

(d) Moulding students to live in an increasingly complex society by helping them to develop the essential knowledge, skills, attitudes and competencies in their diverse disciplines;

(e) Providing a scholarly environment for advancement, transmission and preservation of knowledge sustaining intellectual life in the local, national, regional and global arena;

7. The objects of the University shall include but shall not be limited to:

(a) Establishing a university of excellence offering programmes based on integrated and disparate disciplines including but not limited to natural resources, agriculture, engineering, entrepreneurship, management, law, medicine, social and applied science theories and practices;

(b) Mobilising financial resources to support achievement of the vision, mission, aims and objectives of the University;

(c) Recruiting and retaining students who support the vision, mission, philosophy, aims and objectives of the university;

(d) Producing quality graduates of high intellectual depth and breadth in research, innovation and leadership;

(e) Developing students to be independent, proactive, creative, innovative and bold citizens;

(f) Developing and maintaining a learner-centred environment focusing on academic programmes, policies and procedures;

(g) Recruiting and retaining competent employees to support the needs of the university;

(h) Providing adequate library holdings to support the university’s academic programmes;

(i) Providing current and relevant education and training to keep abreast with local, national, regional and global developments;

(j) Promoting applied research on cutting edge issues;

(k) Developing and implementing a systematic process of continuous quality assurance in training and best practices;

(l) Implementing a continuous admission and examination of qualified students while closely monitoring industry expectations, demand, entry qualification and gender
Functions of the University

8 (1) The functions of the University shall include but shall not be limited to—

(a) Provide and advance university education and training to appropriately qualified graduates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and
Senate shall from time to time determine and in so doing contribute to national development and humanity;

(b) Assemble and provide resources for university level education, training and research, scholarship, and for the establishment of facilities, institutes, divisions, departments, centres and such other units as the University Council may deem necessary;

(c) Determine who may teach, what may be taught, to whom it may be taught and how it may be taught in the University;

(d) Establish colleges, schools, institutes, centres, departments, and such other institutions as may be deemed necessary by the University Council;

(e) Conduct both applied and basic research geared towards local, national, regional and global development;

(f) Establish and maintain an Information Resource Centre including the collection of literature, films, information data bases and other materials relating to natural resources, agriculture, engineering, entrepreneurship, management, law, medicine, social and applied science theories and practices;

(g) Enter into collaborations, linkages, and consultancy network in promoting excellence meeting the dynamic needs and development of society;

(h) Provide balanced programmes and experiences including participation in natural and cultural conservation, commercial ventures and other activities to the benefit of the University, the community and stakeholders;

(i) Facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;

(j) Foster the general welfare of all staff and students; and

(k) Carry out any other functions as may be permitted and approved by the University Council to further the vision, mission and philosophy of the University.

(2) In performing the functions mentioned in subsection (1) the University shall be guided by the following, that:

(a) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer,
graduate or student of the University, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction:

(b) Every person admitted as a student or holding any office in the University shall have the freedom of expression including the freedom to seek, receive or impart information or ideas, the freedom of artistic creativity, academic freedom and freedom of scientific research to the extent allowed in the Constitution.

(c) Whenever the University is exercising its functions in relation to an allegation in which rights of any person are likely to be affected, it shall:
   (i) Inform the person concerned of the nature of the allegations made against the person.
   (ii) Afford that person adequate time to prepare and make a defence;
   (iii) Afford the person the opportunity of being heard in person but the person shall not be entitled to legal representation within the institutional hearing;
   (iv) Expeditiously dispose of all and any matters referred to it and in any event, not exceeding six (6) months.

(d) The University may act on general evidence on statements relating to the character or conduct of the person concerned and shall not be bound by the rules of evidence as set out in the Evidence Act.

(e) The University shall abide to the national values and principles of governance binding all public organs.

(f) The University shall give recognition to the fact that culture is the foundation of the nation and as the cumulative civilization of the Kenyan People and nation shall further:-
   (i) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;
   (ii) recognize the role of science and indigenous technologies in the development of the nation; and
   (iii) promote the intellectual property rights of the people of Kenya.

(g) The University shall manage any land and other natural resources under its control in a manner that is equitable, efficient, productive and sustainable whilst ensuring sound conservation and protection of ecologically sensitive areas surrounding it and strive to cooperate with other state organs in the protection and conservation of the
environment and ensuring ecologically sustainable development and use of natural resources.

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

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

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

11. Subject to any written law, the University shall collaborate with such other institutions and organizations in pursuance of its aims, objects and functions.

12 (1) Subject to this Charter, the University may

(a) Award 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 distinction.

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

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

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

14. (1) The members of the University shall be the:

(a) Chancellor;

(b) Chairman of Council;

(c) Vice-Chancellor;

(d) Deputy Vice-Chancellors;

(e) Principals of Constituent Colleges;

(f) Principals of Colleges within the University;

Establishment of Colleges within the University

Establishment of Constituent Colleges

Collaborations.

Conferment, Award, Cancellation and/or Withdrawal of Degrees and other awards

Award of Scholarships

Membership of the University
(g) Members of the Council;
(h) Members of the Senate;
(i) Professors
(j) Deans and Heads of Departments
(k) Registrars;
(l) Lecturers;
(m) University Librarian
(n) Finance Officer
(o) Directors;
(p) Dean of Student;
(q) Students;
(r) Alumni and
(s) Such other members of staff of the University or any other body formally admitted into association with the University, as the Council may from time to time determine.

(2) The members of the University shall enjoy such rights and privileges as may be outlined in the Statutes.

15. (1) Subject to the provisions of the Act, governance of the University shall be in accordance with this Charter, the Statutes together with the rules, regulations, guidelines and/or policies made pursuant to this Charter and or Statutes.

(2) The governing organs of the University shall be:-

(a) Council;
(b) Senate;
(c) Management Board

(3) The governing organs shall perform such functions and or duties as are prescribed in the Act, this Charter and or Statutes and or any other prescribed in the rules, regulations, guidelines and or policies made pursuant to this Charter and or Statutes.

(4) In the event of any ambiguity and or conflict between the Act, Charter and Statutes, the provisions in the Act, Charter and Statutes shall prevail in that order and any rules, regulations, guidelines and or policies made pursuant to this Charter shall be rendered null and void to the extent that the same conflict with the Act, Charter and or Statute and in that order.
16. (1) There shall be a Chancellor of the University who shall be appointed in accordance with the procedure set out in the second schedule of the Act.

(2) In considering the applications and nominations received in accordance with the procedure set out in the second schedule of the Act, Senate may delegate and/or appoint a recruitment agency to assist in the vetting process.

(3) The Statutes shall prescribe such other procedures for vetting and ranking of applicants and nominees for the post of Chancellor in accordance with the procedure set out in the second schedule of the Act.

(4) The Chancellor shall serve for a term of five years subject to re-appointment in accordance with the procedure set out in the second schedule to the Act.

(5) The powers of the Chancellor are as follows:-

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

(b) May from time to time, recommend to the Cabinet Secretary for a visitation of the University;

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

(d) May from time to time direct an inspection of the University or an inquiry into the teaching, research or any other work of the University.

17. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the Cabinet Secretary on the recommendation of Council as provided for in the Act.

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

(a) be the academic and administrative head of the University;

(b) have the overall responsibility of the direction, organization, administration and programmes of the University;

(c) be the chairperson of the Senate;

(d) be the chairperson of the Management Board;

(e) be responsible to Council for the general conduct and discipline of staff and students;

(f) have such powers and duties as may be provided for by the Statutes and or conferred upon him or her by the Council from time to time;

(3) The Vice-Chancellor shall hold office for a period of five
years and shall be eligible for re-appointment for one further term in accordance with the provisions of this Section.

(4) The Vice-Chancellor shall hold office upon such terms and conditions of service provided for in the Statutes.

(5) No person shall be appointed as the Vice-Chancellor unless the person demonstrates moral and integrity values in accordance with the Constitution and adheres to principles of professionalism.

18. (1) The Council shall, in consultation with the Chancellor, competitively appoint at least two Deputy Vice-Chancellors who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for by the Statutes.

(2) A Deputy Vice-Chancellor shall hold office upon such terms and for such period as may be provided for by the Statutes.

(3) No person shall be appointed as a Deputy Vice-Chancellor unless the person demonstrates moral and integrity values in accordance with the Constitution and adheres to principles of professionalism.

19. (1) The Council shall, for each College and Campus of the University, competitively 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.

(2) The Principal shall hold office upon such terms and for such period as may be provided for by the Statutes.

20. (1) The Principal of a Constituent College shall be appointed competitively by the Cabinet Secretary on the recommendation of the University Council and shall be the academic and administrative head of the Constituent College.

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

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

(a) Chairman of Council appointed in accordance with the Act;

(b) Principal Secretary for the time being responsible for University Education;

(c) Principal Secretary for the time being responsible for Finance;

(d) the Vice-Chancellor who shall be the secretary to the Council and an ex-officio member;

(e) Five (5) members appointed in accordance to the provisions in the Act.
(2) Subject to this Section, a member of the Council, other than the ex-officio member, shall hold office for a period of three years, and shall be eligible for re-appointment for a further one term.

(3) The Council shall be the governing body of the University.

The office of a member of the Council shall become vacant—

(a) if, not being an ex-officio member, the member resigns his/her office by writing under his/her hand addressed to the Vice-Chancellor;

(b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of her/his office;

(c) if committed to a prison sentence for more than six months without the option of a fine;

(d) if convicted of fraud;

(e) if adjudged bankrupt or makes any declaration of insolvency or suspends payment or compromises with his or her creditors;

(f) if absent for three consecutive meetings of the University Council without leave of absence where leave shall not be unreasonably withheld by the University Council;

(g) upon death of the member.

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

(5) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council and/or in accordance to the Statutes.

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

22. (1) Subject to this Charter, the Council shall be the governing body of the University through which the University as a corporate body shall act and:

(a) subject to the provisions of the Act and after consultation with the Senate, to make regulations;

(b) to make and approve Statutes for gazettement in accordance with the Act;

(c) to determine the method of recruitment, appointment and promotion of all staff of the University;

(d) to appoint and determine the terms and conditions of service for all staff of the University;

(e) to confer after receiving a report from the Senate, the title
of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;

(f) to approve the budget.

(g) to promote and to make financial provisions and facilities for execution of the functions of the University.

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

(i) to approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as 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;

(j) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovable property on behalf of the University.

(k) 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 Council may deem fit;

(l) 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;

(m) to institute on the recommendation of the Senate fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;

(n) to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;

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

(p) to approve regulations governing the conduct and
discipline of the students of the University;

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

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

(s) to provide for the welfare of the staff and students of the University;

(t) to approve regulations governing the recruitment, conduct and discipline of the staff of the University;

(u) to monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;

(v) to constantly review the viability and financial sustainability of the University, and shall do so once every year;

(w) to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;

(x) to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

(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 signified under the hand of the Chairman, the Vice-Chancellor 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 make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

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

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

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

(7) The Council shall direct the affairs of the University in accordance with the national values and principles of governance as set out in the Constitution.

23. (1) There shall be Senate of the University as provided for in Senate.
the Statutes whose membership shall be:-

(a) The Vice-Chancellor, who shall be the Chairman;
(b) The Deputy Vice-Chancellors;
(c) The Principals of each Constituent Colleges of the University;
(d) The Principals of each College and Campus of the University;
(e) The Deans of Schools, Associate Deans, Directors of Institutes, Centres and other academic units;
(f) The Registrars
(g) The Heads of Departments;
(h) Two members elected by the Academic Board or equivalent body (if any) of each Constituent College from among the members of such board or body;
(i) Professors of the University
(j) The University Librarian;
(k) The Dean of Students;
(l) Finance Officer;
(m) The Director of Information, Communication and Technology services of the University;
(n) subject to the Statutes, two members elected by the students' organization, who shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters;
(o) Such other member as Council may determine in accordance with the Statutes.

(2) The Registrar for the time being in charge of Academic Affairs shall be the Secretary to the Senate.

(3) The Senate shall have the following powers and duties:-

(a) to recommend to the 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;
(b) subject to the Act, to make recommendations to the Council for the establishment or abolition/supervision, degree and other academic programmes and their titles in the University;
(c) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
(d) to approve all syllabi of the University;
(e) to make regulations governing methods of assessing and examining the academic performance of students;
(f) to evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
(g) to regulate the conduct of examinations;
(h) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
(i) to approve the examination results;
(j) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
(k) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
(l) to determine the procedure to be followed in the conferment of the degrees and other awards;
(m) to determine the design of academic dress and prescribe its use;
(n) to 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 Council;
(o) to promote and administer the extra-mural, external and extension work of the University;
(p) to promote research and innovation work in the University;
(q) to promote co-operation and linkages with other institutions of higher learning and industry;
(r) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
(s) to develop, implement and promote quality assurance systems and structures in all University operations;
(t) to promote the welfare of students and staff in the university;
(u) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
(v) to discontinue a student from a programme of study on academic grounds;
(w) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
(x) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the University;

(y) 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 five years;

(z) to 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.

(4) 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 Council shall authorize.

(5) Notwithstanding the provision of this Charter, the Council shall not initiate any action in respect of academic matters except upon receipt of a report or proposal, and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to Senate.

24. (1) There shall be a University Management Board which shall consist of the:-

(a) Vice-Chancellor, who shall be the Chairperson;

(b) Deputy Vice-Chancellors;

(c) Principals of Colleges within the University;

(d) Registrars;

(e) Finance Officer;

(f) University Legal Counsel and;

(g) such other member of senior management as the Council may determine from time to time.

(2) The Registrar for the time being in charge of Administration shall be the Secretary to the University Management Board.

(3) The University Management Board shall:-

(a) be responsible for implementation of the University’s policies;

(b) assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for:

(i) the efficient management of the human, physical, and financial resources of the University;

(ii) making proposals to the Council and Senate on policies that have a University wide application;
(iii) the coordination of the University strategic and development plans, and

(iv) any other matters related to the management of the University.

(4) The University Management Board shall undertake such other functions as shall be set out in the Statutes

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

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

26 (1) The staff of Karatina University College existing prior to the commencement of this Charter, including those on secondment and or contract, shall be deemed to be employees of the University subject to appraisal by the Council in accordance with the Statutes and further subject to the terms of service upon which they have been engaged by Karatina University College.

(2) The academic staff shall consist of persons appointed to teach, train or do research at a University and any other employee designated as such by the University Council.

(3) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, the Registrars, the Deans, Directors of Schools and or Institute and such other members of staff as the Council may from time to time determine

(4) The administrative staff of the University shall consist of the Registrars, the directors and such other members of staff engaged in general administration as the Council may, from time to time determine.

(5) The technical staff of the University shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(6) The support staff of the University shall consist of those staff engaged in general duties and as the Council may from time to time determine

(7) All members of staff of the University shall, subject to this Charter, be appointed either:-

(a) In the manner and upon the terms and conditions of service prescribed by the Statutes; or

(b) In the case of a person seconded to the service of the University from the service of another institution, the
Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

(9) All members of staff of the University shall.

(a) be subject to the general authority of the Council through the Vice-Chancellor;

(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 and

(c) Conform to the values and principles of public service as set out in the Constitution.

27. (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.

(1) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor after consultation with the Chairman of the Council may appoint one of the Principals of the Colleges of the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Chancellor after consultation with the Chairman of the Council may 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

(3) In the event of the incapacity of any member of staff of the University, 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.

(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 and whereupon at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in the Act, Statutes, and or regulations shall commence.

28. (1) There shall be a students’ association of the University

(2) The functions of the students’ association shall be to:

(a) oversee and plan, in consultation with the Senate, student’s activities which promote academic, spiritual, moral,
harmonious communal life and social well-being of all students;

(b) draw to the attention of the appropriate authority, where necessary, special needs in relation to particular students;

(c) offer suggestions to the senate on matters affecting the well being of students; and

(d) undertake such other functions as provided for in the governance instrument approved by council.

(3) There shall be Students Council elected by the students association and not more than one-third of the Council shall be of the same gender.

(4) Representation of the students in the Senate and or any other body or committee constituted shall be in accordance with the provisions in the Statutes provided that any student being a representative of any of the students’ association shall not be entitled to attend any meetings where the deliberations thereof have been declared by the Chairperson to be confidential and or to be reserved business and which shall not at any time be made available to the student.

29. (1) There shall be an alumni association of the university consisting of graduates of the University and such other persons as may be declared to be members by the Statutes.

(2) The alumni association shall act as an interactive forum for the members specified under subsection (1) and shall have the right to convene accordingly and discuss any matter relating to the University and transmit resolutions thereon to the Council and or Senate.

(3) The alumni association shall perform such other functions as may be specified in the Statutes.

PART IV—FINANCIAL PROVISIONS

30. (1) The financial year of the University shall be the period of twelve months ending on the thirtieth day of June in each year.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial year 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 financial year.

31. The funds of the University shall comprise of:-

(a) such appropriation as may be granted to the University by Parliament;

(b) 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 objects and functions under the Act, this Charter or under any written law;

(c) all monies provided from any other source provided for or donated to the University;
32. (1) The Council may invest any of the funds of the University in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time, approve.

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

33. (1) Before the commencement of a financial year, the Council shall cause to be prepared and submit annual estimates of revenue and expenditure of the University to the Cabinet Secretary for approval in such form and at such times as the Cabinet Secretary shall from time to time prescribe.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University 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;

(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;

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

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

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

(f) for development purposes; and

(g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

(3) No expenditure shall be incurred for the purposes of the University except in accordance with the annual estimates approved by the Cabinet Secretary, and any approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Council.

(3) The University may, subject to any other written law, regulations and guidelines, appeal to the general public for subscriptions, donations or bequests for the benefit of the University.

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

(2) Within a period of four months from the end of each financial year, the Council shall submit to the Auditor-General, the accounts of
the University together with:

(a) a statement of income and expenditure during that year; and

(b) a statement of the assets and liabilities of the University on the last day of that year.

(3) The accounts of the University shall be audited by the Auditor General in accordance with the Public Audit Act, 2003 and or any other subsequent law replacing and or repealing the same.

PART V—MISCELLANEOUS PROVISIONS

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

(2) The common seal of the University shall be authenticated by the signatures of the Chairman of Council together with the signature of the Vice-Chancellor.

(3) The common seal of the University when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this section shall be presumed to have been duly given.

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

(a) establishment of colleges, faculties, schools, directorates, institutes, campuses and centers of the University;
(b) description of degrees, diplomas, certificates and other academic qualifications;
(c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
(d) conduct of examinations;
(e) prescribing fees and other charges;
(f) prescribing the rules and regulations for the conduct and organization of student affairs;
(g) 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;
(h) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;
(i) constitution and procedure of meetings of Senate, and the establishment, composition and terms of reference of
committees of the Senate; and

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

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

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths (3/4) of the members present and voting, being not less than half of the total membership of the Council.

(4) Provided that the Council of Karatina University College immediately at the pronouncement of “Karatina University” shall have the powers to make Statutes for the University under this Charter.

(5) Notwithstanding the generalities of paragraph (4) the Statutes made hereof shall not be in force before the commencement of “Karatina University”.

37. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words “Karatina University” the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word “Karatina University” or the words “Karatina” together with the word “University” 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 and in the case of a continuing offence, to sum of fifty thousand shillings per day for every day on which the offence continues, or to imprisonment for a term not exceeding two years, or to both.

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

38. (1) The Karatina University College, Legal Order, 2010 referred to as “the Order” is repealed.

(2) Notwithstanding the repeal of the Karatina University College Legal Order, 2010, all Charters, directions, orders, appointments, requirements, authorizations, actions taken or done under, and all funds, assets and other property acquired in virtue of, that Order, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

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

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

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

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

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

(c) Subject to the respective terms and conditions of service applying in respect to the persons occupying the positions of Principal, Deputy Principals and Deans of Karatina University College, the said persons shall continue to discharge their responsibilities in acting capacity as the Vice Chancellor, Deputy Vice Chancellors and Deans respectively and exercise such powers as set out in the Act, this Charter and Statutes of Karatina University College until the Vice-Chancellor, Deputy Vice-Chancellor, Deans the and other officers of the University are appointed and assume office accordingly.

(d) The Statutes of Karatina University College shall continue to be in force until such time as Statutes made in accordance to this Charter shall come into force provided that where the same are inconsistent with any of the provisions in this charter, the provisions of this Charter shall prevail.

(e) All policies, rules and regulations governing the conduct and affairs of Karatina University College in force shall continue to govern the conduct and affairs of "Karatina University" until such time as shall be determined by Council of "Karatina University".

40. This Charter will be revoked, varied and or amended in accordance with Section 22 of the Act.

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

MWAI KIBAKI,
President.

Dated the 1st March, 2013

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