

NO. 42 OF 2012

THE UNIVERSITIES ACT

SUBSIDIARY LEGISLATION

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**THE UNIVERSITIES (ESTABLISHMENT OF UNIVERSITIES)
(STANDARDIZATION, ACCREDITATION AND SUPERVISION) RULES**

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THE UNIVERSITIES (ESTABLISHMENT OF UNIVERSITIES) (STANDARDIZATION, ACCREDITATION AND SUPERVISION) RULES

[Legal Notice 56 of 1989]

PART I – PRELIMINARY

1. Citation

These Rules may be cited as the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules.

2. Interpretation

In this Rules, unless the context requires otherwise—

"accreditation" means public acceptance and confirmation evidenced by grant of charter under section 12 of the Act that a university meets and continues to meet the standards of academic excellence set by the Commission;

"certificates and diplomas" means post-graduate certificates and diplomas;

"Commission" means the Commission for Higher Education established under section 3 of the Act;

"operating a university" includes conducting courses or programmes of study by any method of delivery, whether residential or distance, electronic or print, satellite or similar form of transmission;

"private university" means a university established with funds other than public funds;

"public university" means a university maintained or assisted out of public funds;

"secretariat" means the Secretary to the Commission appointed under section 5 of the Act;

"university" means any institution or centre of learning by whatever name called, or however designated, having as one of its objects the provision of post-secondary education which intends to offer or is in fact offering courses of instruction leading to the grant of certificates, diplomas and degrees, and the expression "university education" shall be construed accordingly.

3. Application

(1) These Rules shall apply to—

- (a) any private university;
- (b) any public university other than a public university established by an Act of Parliament;
- (c) any university established outside Kenya; and
- (d) any agent or agency of such a university as is specified in paragraphs (a), (b) and (c) operating or intending to operate as or on behalf of such university within Kenya.

(2) Except as may be expressly enacted to the contrary or otherwise provided, no university shall—

- (a) advertise or continue to advertise or in any manner hold itself out to the public as a university; or
- (b) admit or continue to admit students to or conduct courses or programmes of instruction leading to the award of certificates, diplomas or degrees; or
- (c) otherwise embark upon or continue with any activity preparatory to the establishment of facilities for university education,

[Subsidiary]

after the commencement, of these Rules without the authority of the Commission or of any other person competent to grant such authority under the Act.

(3) Authority to operate in any of the ways specified in the paragraph (2) or to perform any other function consistent therewith shall not be issued except in the manner specified in these Rules.

PART II – REGISTRATION OF EXISTING UNIVERSITIES

4. Registration procedure

All universities which had on the 1st August, 1985 graduated at least one class of students shall, within six months of the commencement of these Rules, or within such extended period as the Commission may in writing permit, submit to the secretariat an application for registration in Form ACC/CHE 1 set out in the First Schedule, duly completed and certified by the administrative authority of that university.

5. Preparation and effect of the register

(1) As soon thereafter as the period of the submission of Form ACC/CHE 1 is over, the Commission shall prepare and publish, in the *Gazette*, a register of all universities to which rule 4 applies and in respect of which details have been received, and shall in that publication, indicate in respect of each such university whether or not all particulars set out in the Form have been supplied.

(2) Any university which does not appear in the register prepared under paragraph (1) or whose particulars are incomplete in any respect whatsoever, or to which rule 4 does not apply shall, from the date of publication of that register, cease to operate, or to perform functions consistent with those of a university.

(3) Notwithstanding paragraph (2), the Commission may, where good cause is shown, the onus whereof shall lie upon the applicant, permit a university whose particulars as entered in Form ACC/CHE 1 are incomplete, to operate for a further period of three months whereupon the university shall, unless all particulars are supplied cease to operate.

(4) All universities appearing in the register whose particulars are complete in terms of paragraphs (1) or (3) shall be issued with a certificate of registration in Form ACC/CHE 2 set out in the First Schedule bearing the seal of the Commission and such certificate shall constitute authority to continue operations until such time as it is suspended or revoked or until accreditation is granted in the manner set out in Part V.

(5) The provisions of rule 10(1)(b) shall apply, *mutatis mutandis*, in respect of the suspension or revocation of a certificate of registration under this rule as they apply to the suspension or revocation of a letter of interim authority under that rule.

(6) Subject to Part III it shall be an offence for any person to administer or otherwise perform any function in furtherance of the aims and objects of a university whose operations have ceased in terms of paragraphs (2) and (3) of this rule.

PART III – ESTABLISHMENT OF NEW UNIVERSITY

6. Eligibility and application procedure

(1) The following shall be eligible to apply to the Commission for authority to establish a university or, as the case may be, to constitute itself into a university in terms of this Part—

- (a) any person who—
 - (i) intends to be or is a sponsor of a university not being a university to which rule 3 applies; or
 - (ii) is a corporate body having as one of its objects the provision of university education;
- (b) any post-secondary institution intending to provide university education.

(2) Any person or institution eligible to apply for authority to establish or constitute itself into a university under this rule shall do so by submitting to the secretariat an application in

Form ACC/CHE 3 set out in the First Schedule, duly completed and certified by him or on its behalf by a person competent to do so.

7. Proposal as to particulars and resources

- (1) An application under rule 6(2) shall be accompanied with a proposal setting out—
- (a) the proposed name, location and academic character of that university;
 - (b) the aims and objects consistent with the needs of university education in Kenya for which the university is to be established;
 - (c) the form of governance through which the academic and administrative affairs of the university are to be conducted;
 - (d) in outline, the academic programme or programmes intended to be conducted at that university;
 - (e) the academic resources (including finances, staff, library services and equipment) appropriate to and adequate for the proposed academic programme or programmes to be conducted at that university which have been or can be procured and the manner in which these will be maintained on a long term basis; and
 - (f) a timetable indicating the steps expected to be taken in the next three years towards the realization of the aims and objects for which the university is to be established.

(2) The Commission shall not process any application under rule 6(2) unless the requirements of paragraph (1) of this rule are complied with.

8. Inspection and verification of resources

(1) The Commission shall schedule a meeting or series of meetings with all applicants whose proposals are received at which examination of the available documentation or evidence in respect of the resources indicated therein shall be made and verified.

(2) The Commission may, if it is not satisfied with the documentation presented by an applicant, order a detailed and independent evaluation of the resources expected to be made available and shall, in that connection have power to order the production of such further information or documentation as would enable it to make a proper assessment of the matter.

(3) All costs associated with the verification and evaluation of resources under this rule shall be borne by the applicant.

9. Issue and effect of interim authority

(1) Where after a full deliberation on the merits of each application the Commission is satisfied that—

- (a) the particulars given under rule 7(1) do not in any way reproduce or otherwise duplicate those of an existing or prospective university;
- (b) the resources declared under rule 7(1)(e) are available or are likely to be available;
- (c) the applicant is following realistic plans to achieve the aims and objects for which the university is to be established;
- (d) the university when established is like to attain and maintain standards, set out in Part IV on a long-term basis; and
- (e) the establishment of the university is in the interest of university education in Kenya,

it may accept the proposal and issue a letter under seal In Form ACC/CHE 4 set out in the First Schedule canningness an interim authority to operate in the manner specified in paragraph (2) until such time as it is suspended or revoked, or ten is granted in the manner set out in Part V.

[Subsidiary]

(2) A letter in Form ACC/CHE 4 shall authorize the person or institution named therein to make preparation towards the implementation of the proposal accepted under rule 9 paragraph (1) and, in particular to—

- (a) set up a governing body for the university intended to be established;
- (b) commence or continue the development of physical facilities;
- (c) commence or continue assembly of academic resources;
- (d) advertise the programme or programmes of instruction expected to be conducted at that university; and
- (e) admit students to such programme or programmes as the Commission may specify.

(3) The name and particulars of every university in respect of which a letter of interim authority is issued under this rule shall be published in the *Gazette*.

10. Refund, suspension or revocation of interim authority

(1) The Commission may—

- (a) refuse to issue a letter of interim authority if it is satisfied that the person or institution who has applied for it is unlikely to procure the academic, physical and other resources necessary for the establishment of a viable university;
- (b) by notice published in the *Gazette*, suspend or revoke such a letter if—
 - (i) the person or institution named therein has not within two years of issue made substantial progress in respect of the matters set out in rule 9(2) or notifies the Commission of his or its intention not to proceed with the establishment of a university, or is, in any event, patently incapable of complying with the standards set out in Part IV; or
 - (ii) in the opinion of the Commission such fundamental changes have since occurred that had such changes been in existence at the time of its deliberations under rule 9(1) the letter would not have been issued:

Provided that the Commission shall, in all cases of suspension, indicate the steps which the holder of that letter must take before interim authority can be restored.

(2) In all cases where a letter of interim authority is refused or revoked under this rule, the Commission shall not entertain any subsequent application by the same person or institution, or in respect of the same or substantially similar proposal within two years of that refusal or revocation unless good cause is shown, the onus whereof shall lie upon the applicant.

(3) The provision of rule 5(6) shall apply, *mutatis mutandis*, in the event of a refusal to issue or revocation of an interim authority under this rule as they apply in respect of universities whose operations have ceased under that rule.

PART IV – PREPARATION OF INSTITUTIONAL STANDARDS

11. Preparation of standards

(1) The Commission shall prepare and publish in the *Gazette* a set of standards (herein referred to as "institutional standards") governing the performance, operations and general conduct of all universities authorized to operate under these Rules and copies thereof shall be made available at cost to any member of the public desirous of obtaining one.

(2) Notwithstanding the generality of paragraph (1), the institutional standards shall, in particular, set out—

- (a) the minimum entry requirements for admission to any certificate, diploma or degree programmes being or to be offered at such university;
- (b) the minimum number and duration of programmes at the certificate, diploma or degree level that ought to be offered;
- (c) the minimum and maximum number of students which must be enrolled in each programme before it can be offered or efficiently maintained;

- (d) the standards of proficiency assessed in terms of content and contact hours, which students are expected to attain in respect of a certificate, diploma, or degree programme;
- (e) the level of academic training which persons seeking recruitment into the teaching staff of the university at the certificate, diploma or degree level should possess;
- (f) detailed specifications concerning the space requirements and concomitant services for each size class and for the absolute number of students expected to be enrolled in, or activity to be carried out in an institution providing university education and services; and
- (g) the basic ethical standards that should regulate the conduct of all members of the university.

(3) The Commission may, at the request of each university, indicate the specific steps to be taken towards the attainment of the standards referred to in paragraph (2).

12. Evaluation of performance and supervision

(1) Every university authorized to operate under these Rules shall, as long as such authority is in force, prepare and submit to the Commission—

- (a) an annual report of its activities in each year of operation; and
- (b) a detailed evaluation every three years of the steps it has taken towards the achievement of the aims and objects for which it was established.

(2) The Commission shall discuss all reports submitted pursuant to paragraph (1) and may make such comments or give such other instructions thereon for action by the university concerned.

(3) Comments made or instructions given by the Commission in accordance with paragraph (2) shall specify whether or not the institutional standards published under rule 12 (1) are being complied with.

13. Declaration of institutional standards

(1) The institutional standards contained in the Second Schedule are declared to have been prepared and published in accordance with rule 11 (1).

(2) The Commission may add to, delete or otherwise amend the contents of the Second Schedule provided, however, that any amendment made in accordance with this paragraph shall be published in the *Gazette*.

PART V – THE PROCESS OF ACCREDITATION

14. Criteria for accreditation

(1) Any university, being the holder of a certificate of registration or letter of interim authority issued in accordance with these Rules, may apply to the Commission for accreditation in the manner set out in these Rules provided that—

- (a) the certificate or letter—
 - (i) has been held for at least three years or for such other period as the Commission may in particular cases determine, whichever is the shorter period; and
 - (ii) has not been suspended or revoked; and
- (b) the most recent assessment of the universities self-evaluation conducted under rule 12(1)(b) indicates that the Commission is satisfied with the progress so far made in the design, implementation, or maintenance of an academic and administrative system acceptable in terms of the institutional standards prescribed under these Rules, and relevant to the needs of university education in Kenya.

(2) An application for accreditation shall, in addition to any other details the Commission may in each case specify, be accompanied with—

[Subsidiary]

- (a) a draft charter containing the particulars required to be supplied by private universities under section 13 of the Act;
- (b) and—
 - (i) a list and academic qualifications of all members of staff on or expected to be on full-time employment with the university;
 - (ii) a list of the total number of students that have been enrolled in each programme of instruction being offered at the university;
 - (iii) a statement of the size and quality of the library and equipment which have been developed for each programme being and to be offered at the university;
 - (iv) a statement of the financial resources that are available for the exclusive use of the university, certified by a person qualified to practise under the Accountants Act (Cap. 531); and
 - (v) an inventory of the physical facilities including land that are available for the exclusive enjoyment of the university.

15. Appointment of an Inspection committee

(1) The Commission shall, before considering any application under rule 14, appoint an inspection committee with the power—

- (a) to make enquiry into and for the purposes of ascertaining the veracity or otherwise of the particulars submitted under rule 14(2)(b);
- (b) to make enquiry into the general academic, administrative and social affairs of the university; and
- (c) make such other investigations of relevance to the application as it may deem necessary.

(2) The inspection committee shall submit a factual and evaluative report to the Commission within six months of the date of its appointment.

16. Deliberations of the Commission

(1) As soon as the report of the inspection committee appointed under rule 15(1) is received, the Commission shall consider all the documentation relevant to the application and shall indicate what revisions or amendments, if any, the university concerned should be required to make before the merits thereof are assessed.

(2) Where after a full deliberation on the merits of each application the Commission is—

- (a) satisfied that—
 - (i) the draft charter as submitted or amended forms a sound basis for the academic and administrative organization of the university; and
 - (ii) the university has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya,

it shall recommend to the Cabinet Secretary that the university be accredited.

- (b) not satisfied in the manner indicated in subparagraph (a), it shall refuse to recommend accreditation.

(3) The provisions of rule 10(2) shall apply, *mutatis mutandis*, in respect of the refusal to recommend accreditation under this rule as they apply to the refusal or revocation of interim authority under that rule:

Provided that the Commission shall not accept or entertain any application under this paragraph if that application has twice been considered and refused.

17. Effect of accreditation

(1) In addition to the status conferred by reason of publication under section 14 of the Act, the certificates, diplomas and degrees conferred in respect of programmes of instruction offered in or by a university to which accreditation has been granted under these Rules and the Act shall be recognized as of comparable and equivalent merit to similar certificates, diplomas, and degrees awarded in respect of programmes offered in and by public universities in Kenya.

(2) The provisions of paragraph (1) shall extend and apply to all certificates, diplomas and degrees conferred by any university before the grant of accreditation as aforesaid provided that authority to operate under any of the provisions of these Rules had at no time been revoked or suspended before such grant.

(3) The Commission shall, in respect of all certificates, diplomas and degrees not covered by the provisions of paragraphs (1) and (2) establish a committee to advise on whether or not the same should be recognized in terms of those sections.

(4) Where after a full deliberation on the merits of each case transmitted to it under subparagraph (3), the Commission is satisfied that the certificates, diplomas or degrees in issue ought to be recognized, it shall publish a notice to that effect in the *Gazette* and such notice shall be irrevocable.

PART VI – INSTITUTIONAL RIGHTS AND OBLIGATIONS

18. Rights of accredited universities

(1) Subject to rule 19, every university to which accreditation is granted under these Rules and the Act shall have full autonomy in the administration of its academic affairs and shall, so long as the same is not suspended or revoked, be under no obligation to accept instructions from any person or authority unless the same is expressly stipulated in its charter.

(2) Notwithstanding the generality of paragraph (1) but subject thereto, an accredited university shall have the right—

- (a) to determine who may teach and what may be taught and how it may be taught; and
- (b) to decide which persons have attained such standards of proficiency as make them fit to be granted a certificate, diploma, degree or other award of the university.

19. Obligation of accredited universities

Every accredited university shall—

- (a) ensure—
 - (i) that the institutional standards prescribed under Part IV are, at all times, maintained;
 - (ii) that all lawful instructions issued by the Commission or any other authority empowered to do so under the Act are complied with; and
 - (iii) that no new programmes of instruction are mounted and regulations in respect thereof effected without the prior consent of the Commission.
- (b) submit to such other modes of supervision including inspection and visitation and at such intervals as may be determined by the Commission.

20. Variation of charter

(1) A charter issued as evidence of accreditation to any university may be varied or revoked in the manner specified in section 16 of the Act.

(2) Subject to section 16(3) of the Act, the provisions of rule 10(1)(b) shall apply, *mutatis mutandis*, in the event of a revocation of a charter under the Act as they apply in respect of universities whose operations have ceased under that rule.

[Subsidiary]

PART VII – MISCELLANEOUS PROVISIONS

21. Imposition and payment of fees

(1) The fees specified in the second column of the Third Schedule shall be paid in respect of matters specified in the corresponding entry in the column of that Schedule.

(2) Unless the Commission otherwise agrees, fees in all cases shall be paid in cash.

(3) Fees once paid shall not be refunded.

22. Offences and penalties

Any person found guilty of an offence under these Rules shall be liable to a fine not exceeding six thousand shillings or imprisonment for a term not exceeding twelve months or to both.

23. Appeals

(1) Any person or institution who or which is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Rules, who desires to question that act or decision, or any part of it may, within thirty days of the date of such act or decision, appeal to the Cabinet Secretary who may give such orders or instructions as he may consider necessary.

(2) Notwithstanding the provisions of paragraph (1) the Cabinet Secretary shall not act on any appeal under this rule without further reference to the Commission.

(3) Any order, instruction or other decision made or issued by the Cabinet Secretary in accordance with this rule shall be final

FIRST SCHEDULE

FORMS

Form ACC/CHE 1

APPLICATION FOR REGISTRATION OF AN EXISTING UNIVERSITY

[Rules 4 and 5.]

- 1. Name of university Location(s)
- 2. Address Telephone
- 3. Name and designation of chief administrator
- 4. Governing body
- 5. Address of governing body
- 6. Principal academic focus or discipline
- 7. Number and type of programmes (i.e. certificates, diplomas, degrees):
 - (a)
 - (b)
 - (c)
- 8. Principal research focus
- 9. Names and qualifications of staff employed:
 - Permanent
 - Part-time
- 10. Number of students

Universities

[Subsidiary]

- 11. Residential capacity for students
 - 12. Physical facilities: (a) buildings: Permanent
 - Temporary - (b) Land: Owned (hec.)
 - Leased (hec.)
 - Other (specify) (hec.)
13. Library capacity (volumes)
14. Other facilities (specify)
- 15. Present budget: Capital Sh.
 - Recurrent Sh.
 - 16. Primary source(s) of funding (a)
 - (b)
 - (c)

I hereby make application for the registration of the above university under rule 4 of the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989:

Name

Designation

Signature

Full postal address.....

.....

.....

.....

FORM ACC/CHE 2

[Rule 5.]

CERTIFICATE OF REGISTRATION OF AN EXISTING UNIVERSITY

This is to certify that—

Name of university

Administered or governed by

Postal address Telephonebeing a university which had on 1st August, 1985, graduated at least one class of students is hereby registered and, by virtue thereof, authorized by the Commission to continue operations in accordance with and subject to the Universities Act (Cap. 210A), and the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989.

Registration Number

Gazette Notice Number

Date

Dated this day of 19.....

[Subsidiary]

COMMISSION SECRETARY



FORM ACC/CHE 3

[Rules 6 and 7.]

APPLICATION TO ESTABLISH A UNIVERSITY

- 1. Name of applicant
- 2. Address Telephone
- 3. Name of proposed university
- 4. Proposed location(s)
- 5. Proposed principal academic focus or discipline
- 6. Proposed programmes (i.e. certificates, diplomas, degrees):
 - (a)
 - (b)
 - (c)

- 7. Available resources: Finance Sh.
 - Land (hec.)
 - Buildings
 - Other
- 8. Prospective resources: Finance Sh. source(s)
 - Land (hec.)
 - Buildings
 - Other

I hereby make application for authority to establish a university under rule 6 and attach herewith the proposal required by rule 7 of the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989.

Name

Designation

Authorized signature

Full postal address

.....

.....

.....

FORM ACC/CHE 4

[Rule 9.]

LETTER OF INTERIM AUTHORITY TO ESTABLISH A NEW UNIVERSITY

Interim Authority is hereby given to—

Name

AddressTelephone.....

to commence preparations for the establishment of a new university in accordance with rule 9 of the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989.

Application No.

Gazette Notice No.

Date

Dated this day of 19

COMMISSION SECRETARY



SECOND SCHEDULE

STANDARDS FOR PHYSICAL FACILITIES

[Rules 11 and 13.]

PART I - PRELIMINARY

- 1. These Standards may be cited as the Physical Facilities Standards.
- 2. In these Standards, unless the context otherwise requires—

"a recognized water laboratory" means a laboratory registered with or belonging to the Public Health Department of the Ministry of Health, Ministry of Water Development, or any other public institution, person or organization duly authorized by the Government of Kenya to undertake water analysis;

"adequate" means sufficient in relation to any set guidelines or requirements;

"adequate water supply" means water in such quantities as would permit maintenance of a reasonable level of personal and environmental hygiene;

"Building Code" means the Local Government (Adoptive By-laws) (Building) Order, 1968, and the Local Government (Adoptive By-laws) (Grade II Building) Order, 1968;

"classroom" means a room accommodating several students for the purposes of instruction;

"departmental areas" means offices occupied by teaching, administrative and secretarial staff of a teaching department of a university;

"full time students equivalent" (FTSE) means a number of hours of teaching required by one student to fulfil the requirements of the course in an academic year;

"masterplan" means a programme of a university showing the order of development of physical and academic aspects for a given period of time;

[Subsidiary]

"physical facilities" means any structure fixed or movable or of whatever kind and any part thereof used or intended to be used for teaching, lecturing or instructing or as a dwelling house or for recreational and all ancillary facilities thereto including drainage works, services installations and road works;

"reader station" means space occupied by a student in a library;

"relevant local authority" means a city council, county council, municipal council or such local authority under whose jurisdiction a university is situated;

"research" means an investigative study of any physical, biological or social phenomenon through a systematic approach;

"research area" means a facility where research is carried out;

"residential area" means a facility where research is carried out;

"residential university" means a university in which ten or more students are boarded;

"safe water supply" means a supply of water free from any contamination;

"sewage" means spent water emanating from toilets;

"student" means a person enrolled to pursue a degree, diploma or certificate course;

"site works" means a place where construction activities are carried out;

"surface water" means any ground water, subsoil water, storm water or rain water which discharges on the ground surface;

"utility services" means any service that is connected to any building or living space through pipe or wire network for helping to convey fluids, energy and messages, in and out of any building or living space;

"waste water" means any water after it has been fouled by a variety of uses and which constitutes a combination of liquid and water carried wastes, emanating from residences, toilets, kitchens, laundries, laboratories and workshops.

3. These Standards shall apply to—

- (a) all buildings or parts of buildings purposely designed and constructed for university use;
- (b) any alterations and extensions of university buildings or parts of the buildings;
- (c) all buildings undergoing material change of use into university buildings; and
- (d) all related utility services installations, and site works for a university.

4. These Standards are prescribed in respect of the following factors—

- (a) *Public health*—
 - (i) application of by-laws, the Building Code and the Public Health Act (Cap. 242);
 - (ii) materials used in the building;
 - (iii) building lighting, ventilation and sound proofing;
 - (iv) building hygiene and sanitation;
 - (v) water supply and waste disposal.
- (b) *Public safety*—
 - (i) structural soundness and stability;
 - (ii) fire safety—fire resistance, fire protection and safety precaution, fire fighting and fire escape.
- (c) *Physical facilities*—
 - (i) building facilities including classrooms and lecture theatres, staff offices, research areas, seminar rooms, laboratories, workshops,

- studios, clinics, libraries, students residences, staff residences, communal and social services areas such as worship, kitchen, dining, common rooms, recreational facilities;
- (ii) utility and other services including water supply, power, telephone, external drainage and waste water services, access roads, parking and appropriate landscaping;
- (iii) land including requirements and location ownership and tenure.
- (d) *Spatial requirements*—
- (i) the minimum size and floor areas for various buildings;
- (ii) the minimum unit numbers of various types of buildings;
- (iii) the locational relationship of various facilities.

PART II - MINIMUM STANDARDS

5. Every university shall provide the following physical facilities to accommodate its activities

-
- (a) classrooms or lecture rooms;
- (b) departmental areas, staff offices and seminar rooms;
- (c) central administration offices;
- (d) library;
- (e) auditorium or lecture theatre,
- (f) staff common rooms;
- (g) student common rooms with indoor recreation facilities;
- (h) outdoor recreation facilities in form of games or sports facilities;
- (i) drainage system, proper sanitation and water supply;
- (j) dispensary.

6. Every residential university, shall, in addition to facilities to be provided under paragraph (4) provide the following physical facilities—

- (a) kitchen and dining facilities;
- (b) student accommodation, including adequate laundry and storage facilities.

7. Every building used or intended to be used as part of the university physical facility shall comply with the requirements of the Building Code and provisions of the Public Health Act (Cap. 242), in particular—

- (a) the minimum requirements for health and safety of the public to which the premises of every university shall conform shall be those prescribed by the Local Government (Adoptive By-laws) Order, 1968, Group I or any amendments thereof, the Public Health Act and the requirements prescribed in the Schedule;
- (b) any building designed and constructed for use as university building or any building altered or extended so as to be used as a university building or any building which has undergone material change of use into university building must be approved by the relevant local authority;
- (c) all buildings and other physical facilities used by a university evidence of—
- (i) approval of drawings of the proposed buildings;
- (ii) approval of alterations or extensions, if any; or
- (iii) approval of proposed change of user if any; and
- (iv) a certificate of occupation for the newly constructed or altered buildings.

[Subsidiary]

PART III - PUBLIC SAFETY

8. Every university shall operate in physical facilities that are safe for the public and in particular—

- (a) all buildings and other physical facilities used by a university to accommodate university activities shall be serviceable and functional;
- (b) the buildings shall be kept in a good state of repair and maintenance and shall be free from structural failures, excessive deflection, cracking or dilapidation of building material fabric and components.

9. Every university which erects or causes to be erected a building or any other structure intended to accommodate university activities shall employ, for the purposes of architectural design a registered architect and for the purposes of structural design thereof, a registered structural engineer, and shall retain the services of such architect or structural engineer for the purposes of supervising the erection of such building and in particular—

- (a) on completion of construction of such building the architect or structural engineer shall provide a certificate that the work or works have been carried out in accordance with the design and that it complies in all respects with the provisions of the building code and the appropriate codes of practice;
- (b) all drawings in respect of the structural framework of steel buildings, reinforced concrete buildings or structural timber buildings and calculations connected therewith, shall be signed by the registered structural engineer responsible for their design;
- (c) where a university causes the erection of a building or structure of the type described in this paragraph it shall, in addition, employ on the site throughout the period of the construction a resident engineer who is capable of reading and interpreting the relevant project working drawings showing details of the design and of ensuring that the work is carried out in accordance with drawings and with the requirements of Building Code.

10. The standards specified in paragraph 8 shall apply to—

- (a) any building or structure of two storeys or more or in which provision may be made for future development of such number of storeys;
- (b) any building or structure of whose storey height from ground floor to eaves level or ceiling is over 6 metres and with roof span greater than 10 metres;
- (c) any building or structure in which any suspended structural floor panel beam or frame exceeds 6 metres in span;
- (d) any building or structure in which a balcony is provided for purposes of public assembly.

11. (1) All buildings and other physical facilities used by a university to accommodate university activities shall provide adequate fire safety.

(2) All buildings and other physical facilities shall conform to the requirements of the Building Code, the Public Health Act and other standard practices with regard to fire resistance, means of fire escape, access from fire escape and fire fighting equipment.

12. (1) All buildings used for university activities shall be provided with adequate, reasonable and easily accessible means of escape in the event of fire.

(2) All means of fire escape shall be properly maintained and kept free from any obstruction.

(3) For the purposes of this paragraph the guidelines given for Building Groups (I), (II) and (III) and (VI) specified in the appendix to the Sixth Schedule of the Building Code shall apply.

13. In every building used by a university as a classroom, lecture theatre, seminar room, auditorium, laboratory, library, dormitory or residential hall, there shall be provided adequate

fire fighting equipment such as hoses, portable fire extinguishers, fire buckets, dry risers, fire hydrants, sprinklers, and water storage tanks.

14. Where a university is located outside the area covered by Government or local authority fire station, a central fire fighting unit shall be located in a purpose built station forming part of the university service area; and the equipment for the fire station shall be provided by the university for its use.

15. Every university shall be provided with a water supply system for fire fighting; and the water supply needs for emergency fire fighting purposes shall be drawn through the main water supply distribution system via a series of underground hydrants located at regular intervals throughout the site of the university.

PART IV - ACADEMIC BUILDING FACILITIES

16. Every university shall provide classrooms which are adequate in number and shall be of adequate size; and in establishing the adequacy of classrooms, the minimum floor area per student specified in Table 1 shall be provided.

Table 1. Minimum classroom floor area per student

<i>No. of students</i>	<i>Space in square metres with desk and chair</i>	<i>Space in square metres with chairs only</i>
0-29	1.9	1.9
30-39	1.9	1.4
40-59	1.7	1.3
60-99	1.7	1.2
100-149	1.7	1.0
150-299	1.5	0.9

17. The total usable space provided for classrooms shall be at the minimum rate of 0.65 square metre per full time students equivalent; and the university shall have enough classrooms for every course, provided that there shall be a minimum of two classrooms to each three year course of study.

18. Every room used as a classroom shall be of sound construction and shall be provided with windows the effective area of which shall not be less than 20 per cent of the floor area of the room and 75 per cent of the window area shall be openable to the external air.

19. No room used as a classroom shall have a height of less than 2.60 metres from floor to ceiling, or where there is no ceiling to the wall plate.

20. Every room used as a classroom shall be provided with adequate, well illuminated writing surface at each seat and a place to set books and papers.

21. Every university shall provide adequate room to accommodate academic and non-academic staff offices and seminar rooms and in determining the adequacy of departmental areas, the following factors shall be taken into consideration—

- (a) the total usable space provided for use as departmental areas shall be not less than those specified in the following Table 2—

Table 2 — Minimum departments usable areas per FTSE

Universities

[Subsidiary]

<i>Course</i>	<i>Usable space in square metres per FTSE</i>
Arts and Humanities based courses	2.8
Biological and Physical Sciences based courses	9.0
Human and Veterinary Medicine and related courses	15.0
Engineering, Surveying and related courses	10.0
Architecture, Planning, Building Technology, Design and related courses	10.0
Social Science based courses	2.8

- (b) the departmental offices shall comprise of the following minimum number of offices—
 - (i) one departmental office;
 - (ii) one head of department office;
 - (iii) one secretary's office;
 - (iv) one general office for a staff secretary;
 - (iv) one office for every member of academic staff;
- (c) academic and non-academic member of staff offices shall have the following minimum floor areas—
 - (i) head of department and professors: 18 square metres,
 - (ii) academic staff: 13 square metres,
 - (iii) non-academic staff: 7 square metres.

22. A university shall provide adequate central administration offices to accommodate the head administrator and support staff of the university and each constituent college; and in assessing the adequacy of administration offices the following factors shall be taken into account—

- (a) the total office care provided for use by administrative staff shall not be less than 0.55 square metre of usable office square for every full time student equivalent enrolled, provided the minimum total office space provided for the university's central administrative is 50 square metres;
- (b) no room used as an administrative office shall be less than seven (7) square metres in area;
- (c) the administrative offices shall be conveniently accessible from the main entrance to the campus so as to serve as the logical reception point for special guests as well as general visitors arriving at the campus.

23. Every university shall provide the following functional library areas whose adequacy shall be assessed on the basis of the following floor area criteria—

- (a) the main reader area shall be equal to 30 per cent of FTSE and each reader station shall not be less than 1.90 square metres;
- (b) each stack area shall be at least 10.75 square metres in extent per 1,000 volumes;
- (c) the periodicals and reference section entail be 10.75 square metres in extent per 1,000 volumes;
- (d) the minimum collection for university shall be 30 volumes per full time student for the first 5,000 full time students plus 20 per full time student for every student above 5,000 per constituent college library and 100 volumes per full time student for first 10,000 full time students for a university library;

- (e) the library staff and services areas shall constitute between 18 per cent to 25 per cent of the combined stack and reader floor area;
- (f) the library shall have adequate natural lighting and ventilation and in particular, the library shall be provided with windows, the effective areas of which shall not be less than 20 per cent of the floor area of the room and 75 per cent of the window area shall be openable to the external air;
- (g) from a functional point of view the minimum ceiling heights of various user spaces in the library shall conform to the specifications contained in the following Table 3—

Table 3 — Minimum ceiling heights

<i>Functional area</i>	<i>Minimum ceiling heights in metres</i>
Reading areas under 10 square metres total floor area ...	2.3
Reading areas over 10 square metres total floor area ...	2.9
Stack area ...	2.3

- (h) the library shall conform to the requirements for buildings in Group 1B, of the Sixth Schedule of the Building Code;
- (i) every building used as a library shall provide sufficient doorways to ensure rapid exit in case of fire or other emergency.

24. Every university shall provide a building facility for public lectures or general assembly which shall be in form of an auditorium, a large lecture theatre or an assembly hall conforming to the following specifications—

- (a) the assembly hall or auditorium shall provide adequate seating capacity for 50 per cent of the total student population enrolled, provided that the assignable space per seat shall conform to the specifications contained in the following Table 4—

Table 4 — Minimum space per seat in auditorium, lecture theatre and assembly hall

<i>No. of Seats</i>	<i>Assignable space per seat in square metres</i>
60–100 ...	0.9
100–150 ...	0.8
150–300 ...	0.7
300 ...	0.6

- (b) the assembly hall or auditorium shall conform to the requirements for buildings in Groups IV and V in the Sixth Schedule of the Building Code.

PART IV - TEACHING LABORATORIES, HOSPITALS, WORKSHOPS AND STUDIOS

25. A university conducting courses requiring the use of laboratories as part of instructional facilities shall, in addition to providing classrooms and lecture theatres provide adequate laboratory facilities.

26. In assessing the adequacy of laboratory facilities the following shall be taken into account—

- (a) the provision of adequate laboratory facilities in close proximity to classroom or other teaching facilities;
- (b) the provision of room for instructional workstations and each workstation per student conforming, where possible to the specifications contained in the following Table 5—

[Subsidiary]

Table 5 — Laboratory assignable space per FTSE

<i>Laboratory Speciality</i>	<i>Assignable space per FTSE in square metres</i>
Agriculture Science Laboratory	2.80–3.70
Building Science Laboratory	3.70–4.60
Biological Health and Veterinary Science Laboratory	2.70–4.60
Business Management Laboratory	1.90–2.80
Communication Laboratory	2.40–3.70
Education Laboratory	2.40–4.60
Engineering Laboratory (excluding mechanical)	3.70–6.50
Engineering Laboratory (Mechanical)	6.50–9.30
Fine Art, Architecture and Design Studio	2.80–4.60
Home Economics Laboratory	2.80–4.60

- (c) the provision of storage, and preparatory rooms and a laboratory office;
- (d) proper location in relation to other facilities such that the laboratory is easily accessible;
- (e) the provision of the following service facilities—
 - (i) adequate windows which open to outside air in order to provide proper ventilation;
 - (ii) fume cupboards and fume hoods in the preparation and storage rooms;
 - (iii) standard table top electrical service outlets for the instructor's table and for each pair of students workstation;
 - (iv) adequate lighting free of glare from exterior sunlight,
 - (v) surface treatment of floors, walls and ceiling to reduce noise;
 - (vi) a sink with hot and cold water service installation for the instructor's table and for each pair of students workstation;
 - (vii) gas for the instructor's table and for each pair of students workstation;
- (f) the provision of the built-in furniture and equipment—
 - (i) at least one Instructor's table measuring 2000 x 300 x 760mm. high,
 - (ii) at least one student table of minimum size 1500 x 560 x 760mm. high for each pair of students workstation with adequate bench or stools or chairs,
 - (iii) chalkboard or tackboard, wall mounted,
 - (iv) at least one corrosion resistant sink and eye-wash fountain.

27. A university offering medical courses shall have the necessary basic pre-clinical sciences together with the laboratory requirements specified in paragraphs 24 to 25 plus any specialized provisions for anatomy and pathology; and the university shall also have or secure access to a teaching hospital easily accessible to students and equipped with the usual outpatient and inpatient facilities covering all specialization in medicine, surgery, obstetrics and gynaecology, paediatrics, community health, as well as support facilities such as X-ray, radiotherapy, anaesthetics and pathology, accessible to medical students:

Provided that where the hospital is not the property of the relevant university, adequate legal and administration arrangements shall be made in respect of such access.

28. The hospital shall have the necessary resources (human, physical, technical and financial) to meet professional and academic requirements.

29. The design of the teaching hospital shall conform to the requirements of the Ministry of Health in providing relevant health services; and in addition, the hospital buildings shall conform to the requirements for buildings under Group II of the Sixth Schedule of the Building Code.

30. A university offering Fine Art shall have a studio for drawing from life, general drawing, basic design painting, ceramic and film room; and it shall also have graphic photography print making studio, life painting, composition/still life studios; textile design and weaving, and sculpture studios and the university shall also have—

- (a) a ceramic glazing and testing laboratory, glass design and technology, silver sniffing and jewellery and museology laboratory;
- (b) workshop space for modelling casting and woodcarving;
- (c) space for sculpture, garden, outdoor wood burning kilns and such other facilities as may be specified by the Commission;
- (d) studio spaces and drafting room with adequate lighting;
- (e) photogrammetric laboratory;
- (f) remote sensing laboratory;
- (g) computing laboratory;
- (h) hydrographic laboratory workshop;
- (i) cartographic workshop;
- (j) photographic laboratory or workshop.

31. A university offering Urban and Regional Planning shall have adequate studio space for every year of study and the university shall also have a model making workshop.

32. A university offering Building or Building Technology shall have studio space for every year of study and the university shall also have—

- (a) for every year of study, workshops for carpentry and joinery, mechanical works and welding, masonry and concrete works and electrical wiring and building services;
- (b) laboratory space for each course of study for materials sciences, structures and services;
- (c) spaces for demonstration units in various building construction techniques.

33. The facilities specified in paragraphs 29 and 31 may be shared between years of study and between courses or they may be assigned on the basis of faculties.

34. A university offering Architecture shall have design studios for each class with adequate individual workspace at the rate of 2.5 square metres per work station and the university shall also have—

- (a) a modelling workshop with equipment enough for at least two class years;
- (b) an architectural science laboratory with sufficient equipment;
- (c) a photographic laboratory;
- (d) one material testing workshop;
- (e) one wood working workshop;
- (f) spaces within the overall premises of the department for external activities such as those required for workshops fabrication and for erection of building components and for testing their exposure of weather activities.

35. A university offering Home Economics shall have laboratories consisting of the following user areas—

- (a) food analysis to the extent of 5 square metres per student workstation;
- (b) food storage and preparation to the extent of 1.5 square metres per student workstation;

[Subsidiary]

- (c) sewing and crafts to the extent of 4 square metres per student workstation;
- (d) sewing and craft storage and dressing to the extent of one square metre per student workstation;
- (e) child development with its own storage room, office, open play, cleaning up and observation rooms.

36. Every food laboratory shall be provided with installations adequate for instructions in food preparation, cooking and services using a variety of cooking energy sources: electricity, gas and wood. Home care laboratories shall also be equipped with laundry and ironing facilities.

37. A university offering Agriculture shall, in addition to the laboratory specifications specified in paragraph 25; have at least ten hectares of land set aside as a university farm over and above that stipulated for an ordinary university.

PART VI - CATERING AND ACCOMMODATION

38. A residential university shall provide adequate, well lighted and ventilated accommodation for cooking, serving and eating meals.

39. In assessing the adequacy of these facilities the following factors shall be taken into account—

- (a) the provision of the following functional areas—
 - (i) food preparation of not less than 0.50 square metre per student;
 - (ii) dish washing and serving areas, of not less than 0.50 square metre per student;
 - (iii) kitchen storage of not less than 0.50 square metre per student;
 - (iv) kitchen staff and services area of not less than 0.50 square metre per student;
 - (v) a dining hall of not less than 1.25 square metre of floor area per student;
- (b) the provision of adequate facilities for cleaning utensils, and of suitable and sufficient washing and sanitary facilities in form of lavatories, shower rooms, changing and cloakrooms for kitchen staff;
- (c) the provision of sufficient doors to ensure rapid exit in case of fire or other emergency.

40. Every university shall provide common rooms with adequate recreational facilities for staff and students.

41. Every residential university shall provide adequately lighted and ventilated student accommodation facilities and in particular—

- (a) no open rooms used as student accommodation shall accommodate more than four students;
- (b) the total floor area of the rooms shall not be less than the following per student—
 - (i) single room, 8.00 square metres;
 - (ii) double student room or cubicle, 7.00 square metres;
 - (iii) three or four student room 6.00 square metres;
- (c) every living room in the hall shall be located so as to get maximum benefit of outside light and air;
- (d) every room or hall shall be provided with vents in the walls in such a manner as to provide permanent ventilation;
- (e) sufficient doorways shall be provided in every student hall to ensure rapid exit in case of fire or other emergencies;

PART VII - UTILITY SERVICES

42. Every university shall have adequate water supply installed in accordance with the requirements of the Building Code and these Standards.

43. In assessing the adequacy of the water supply for the university the following shall also be taken into account—

- (a) the wholesomeness of the water and in particular the fact that it is free from any contamination that may cause disease or injury to health, has no objectionable taste and odour, is aesthetically acceptable and has been certified as such by a recognized water laboratory;
- (b) the extent to which the quality of the water provided conforms to the requirements of the Kenya National Drinking Water Standards set out in the latest edition of the Water Supply Design Manual issued by the Ministry of Water Development;
- (c) the availability of a cold water storage facility in each building for domestic purposes taken from the main supply to the buildings or a cold water storage tank in each building with sufficient capacity to meet not less than twenty four hours demand from the building's users or a minimum water demand of 150 litres per day per person;
- (d) the availability of a central cold water storage facility from the main water supply to the university or of a storage facility with sufficient capacity to meet not less than three days demand, from the university community or a minimum water demand of 150 litres per day per person;
- (e) the availability of extra additional storage facility under subparagraph (d) in every university where animals are kept;
- (f) the provision and maintenance of an adequate cold water storage facility for fire fighting purposes at the rate of 10 litres per second continuous flow for two hours.

44. Every university shall provide appropriate and adequate waste water collection, treatment and disposal system.

45. In assessing the adequacy of the waste water system the following shall be taken into account—

- (a) the availability of a satisfactory drainage system for water;
- (b) the availability of an adequate means of sewage and waste water disposal by means either of the relevant local authority main sewer or of septic tanks, conservancy tanks or stabilization ponds or cesspool constructed to specifications contained in the Building Code;
- (c) in the absence of adequate means of sewage and waste disposal the extent to which the quality of effluent of natural water bodies conforms to the National Standards for Effluent Discharge to Natural Streams;
- (d) evidence of approval by the relevant local authority or Ministry of Water Development or the Ministry of Health for all disposal systems other than those connected to a local authority's sewage system.

46. Notwithstanding the provisions of paragraphs 43 and 44 a university not connected to a local authority's sewage system shall have at least two hectares of land set aside for the construction of a sewage plant and the land shall be so situated as to ensure public health and safety from effluent originating from the plant.

47. Every university shall provide an adequate surface water collection and disposal system.

48. In assessing the adequacy of the disposal system the following factors shall be taken into account—

- (a) the capability to drain and dispose of surface water in such a manner as to cause the least inconveniences or nuisance to the public;

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- (b) the absence of surface run-off or stormwater from university buildings and related infrastructure such as roads, parking areas, and playing fields.

49. Every university shall provide, keep clean and maintain adequate and suitable sanitary conveniences, which conform in all respects to the requirements of the Building Code, for the students and all persons working in the university and where students or other persons of both sexes are accommodated or are expected to be accommodated the conveniences shall afford proper separate facilities for, persons of each sex.

50. In a day university, the following well lighted and ventilated closets, urinals, wash hand basins and drinking water fountains shall be provided—

- (a) one W.C. for every 8 female students;
- (b) one W.C. for every 10 male students;
- (c) one urinal stall for every 25 male students;
- (d) one wash hand basin for every 16 students;
- (e) one drinking water fountain for every 12 students;
- (f) a sanitary disposal facility.

51. In a residential university the following well lighted and ventilated closets, urinals, wash hand basins, bathrooms and drinking water fountains shall be provided—

- (a) one W.C. per every 15 male students;
- (b) one W.C. per every 10 female students;
- (c) one urinal per every 10 students;
- (d) one wash hand basin per every 10 students;
- (e) one bath or shower per every 10 male students;
- (f) one bath or shower per every 8 female students;
- (g) one drinking water fountain for every 20 students;
- (h) a sanitary disposal facility.

PART VIII - LAND REQUIREMENTS

52. Every university shall produce evidence of owning land capable of supporting a student population of at least 500 students and for the purposes of this paragraph the land area required to support a student population of 500 shall be 20 hectares.

53. Every university shall show evidence of owning land on freehold terms, or for a leasehold term of not less than 45 years; and the land shall, in addition—

- (a) be free from, all encumbrances other than those of a statutory nature;
- (b) be vested in a trusteeship of the university, which shall own such land as non-profit making body and in perpetual succession.

54. Each university shall be built on land parcels which are either a continuous holding or on individual land parcels that are contiguous to one another or in dose proximity to each other:

Provided that in all cases where land parcels are not contiguous to one another—

- (i) they shall, in cases where the student population does not exceed 500, be situated at a distance not exceeding two kilometres from one another and be connected by a motorable road;
- (ii) the main university campus shall be built on a parcel of land not less than half the area required to house 500 students.

55. All parcels of land designated for university use shall be at least two hectares in size and all university buildings and facilities thereon shall conform to the minimum space and compound requirements stipulated in these Standards, the Building Code, the Public Health Act or any other legislation relating to the safeguarding of public safety and educational standards.

56. Land at the main campus and at all the other non-contiguous parcels shall be used only for university purposes, and for only such other uses as are necessary for supporting university activities; and the use shall, in addition, conform to a master plan prepared in accordance with these Standards and all applicable laws and designed in such a way that all building facilities and proposed developments are functionally related and compatible and all academic buildings, classrooms, libraries, laboratories, assembly halls, auditoriums, audiovisual centre and other facilities are in close proximity to one another.

57. The masterplan shall, in addition to any other details required by law to be included, indicate—

- (a) the location of the existing and proposed university buildings;
- (b) the layout of all roads and pathways serving all buildings, which shall be such that the health and safety of the occupants and user of the university is not endangered;
- (c) the layout of all waste and soil drain pipes, sewers, culverts, septic tanks, stormwater drains, and run-off catchment drains so laid that the health and safety of all occupants and users of the university is not endangered;
- (d) the location of all areas to be used by all other activities related to the university such as sports fields, university farms, forests, arboreta and sewage treatment;
- (e) the layout of all telephone and electricity service lines shall be laid in a safe manner.

58. All administrative buildings shall be located on the main campus and must be so situated as to be clearly visible from the road approach.

59. The minimum total area set aside for open space and cat park shall not be less than two hectares which area shall not incorporate land set aside for sporting facilities.

60. A university shall have or shall have access to at least one standard athletics track enclosing a football pitch, at least one standard lawn tennis pitch, one standard volleyball pitch, one standard badminton or tennis pitch and one standard netball court.

61. For the purpose of paragraph 60 a university shall set aside at least five hectares of land for outdoor sports for the first five hundred students and at least two hectares for every additional two hundred students.

THIRD SCHEDULE

Fees

[Rule 21.]

(1)	(2)
	Sh.
On application for registration or establishment of a university	1,000
On issue of certificates of registration	5,000
On issue of a letter of interim authority	5,000
On issue of charter	10,000

**THE CHARTER OF THE UNIVERSITY
OF EASTERN AFRICAN, BARATON**

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THE CHARTER OF THE UNIVERSITY OF EASTERN AFRICAN, BARATON

[Legal Notice 111 of 1991]

SCHEDULE

WHEREAS the Seventh-day Adventist Church, the current sponsors of the University of Eastern Africa situated in the Republic of Kenya, wishes to establish an institution in the name of University of Eastern Africa, Baraton;

AND WHEREAS the said University of Eastern Africa, Baraton, has applied to the Commission for Higher Education for the grant of a charter in the manner prescribed under the Universities Act;

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

AND WHEREAS the Commission for Higher Education is also satisfied that the University of Eastern Africa, Baraton, has complied with the provisions of the Universities Act (Cap 210), and the Universities Rules (L.N. 56/1989);

AND WHEREAS the Commission for Higher Education has submitted a draft charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution and the Cabinet Secretary is satisfied that the University of Eastern Africa, Baraton, be granted the charter;

AND WHEREAS the Cabinet Secretary has submitted the charter to me with recommendations thereon;

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

Now wherefore, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to the University of Eastern Africa, Baraton.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the University of Eastern Africa, Baraton, Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"Act" means the Universities Act (Cap. 210);

"affiliated College" means a tertiary institution that has a formal academic linkage with the University of Eastern Africa, Baraton;

"Board of Regents" means the supreme international academic accreditation body of the Seventh-day Adventist Church;

"Business Manager" means the chief financial officer of the University;

"Chancellor" means the Executive Director of the Eastern Africa Division of Seventh-day;

"Chairperson" means the head of a Department;

"Charter" means this Charter;

"Conference" means a subdivision of a Union that is financially self-supporting;

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"Constituency" means the executive committee of the Eastern Africa Division whose membership is enlarged every five years for the purpose of electing regional leaders, deliberating on division-wide issues and matters relating to the University of Eastern Africa, Baraton;

"Dean" means the head of a School;

"Dean of Students" means the officer in charge of student affairs other than financial matters;

"Deputy Vice-Chancellor" means an administrative associate of the Vice-Chancellor;

"Department" means a subdivision of a School;

"Director of Education" means the supervisor of education in a church territorial unit;

"Eastern Africa Division (E.A.D.) of Seventh-day Adventist" means the territorial unit of the Seventh-day Adventist Church which comprises the following countries the following countries: Ethiopia, Djibouti, Somalia, Kenya, Uganda, Tanzania, Zambia, Malawi, Zimbabwe and Botswana;

"Executive Director" means the chief administrative officer of a territorial unit of the Seventh-day Adventist Church;

"Field" means a subdivision of a Union that is not financially self-supporting;

"General Conference of Seventh-day Adventists" means the worldwide organization of the Seventh-Day Adventist Church head-quartered in Silver Springs, Maryland, U.S.A;

"General Faculty Assembly" means a body composed of the administrators, senior staff, and all lecturers in the University;

"Registrar of Admissions and Records" means the officer who directs admission of students and the academic record-keeping processes;

"Public university" means a university established by an Act of Parliament of the Republic of Kenya;

"Secretary" means the administrator who is second in command of a church territorial unit;

"School" means the major academic subdivision of the University which is made up of constituent departments;

"Statutes" means the rules enacted by the University Council for the governance of the University;

"Treasurer" means the administrator Who is third in command of a church territorial unit;

"Union" means the major regional territorial unit of the E.A.D.;

"University" means the University of Eastern Africa, Baraton;

"Vice-Chancellor" means the chief academic and administrative officer of the University of Eastern Africa, Baraton.

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and incorporation

(1) There shall be established a university at Baraton to be known as the University of Eastern Africa, Baraton which shall be constituted in accordance with this Charter.

(2) The University shall be a body corporate by the name of the University of Eastern Africa, Baraton, with perpetual succession and common seal, and shall in that name be capable of—

- (a) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable;

- (b) borrowing or lending money;
- (c) suing and being sued;
- (d) doing or performing all such other transactions or acts for the furtherance of the provisions of the Charter which may be lawfully done or performed by a body corporate;
- (e) entering into contracts with the Government of Kenya, with other institutions and with individuals;
- (f) receiving bequests and gifts which shall be used only for the purposes stated by the person or persons making such bequests or gifts.

(3) The University is the successor to the University of Eastern Africa formerly affiliated to Andrews University in the U.S.A., and subject to this Charter all rights, duties, obligations, assets and liabilities of the University of Eastern Africa existing at the commencement of this Charter shall be automatically and fully transferred to the University and any reference to the University of Eastern Africa in any contract or document shall for all purposes be deemed to be a reference to the University established under subsection (1).

4. The common seal and signification of documents

(1) The common seal of the University of Eastern Africa shall be kept in such custody as the University Council directs and shall not be used except as ordered by the University Council.

(2) The common Seal of the University shall be authenticated by the signature of the Vice-Chancellor or of his designee and of a Deputy Vice-Chancellor and in the absence of the Vice-Chancellor, the Chairperson of the University Council may authenticate the seal with his signature.

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

5. Affiliated Colleges

The University may enter into various types of academic linkage or affiliation as approved by the University Council.

6. Philosophy and objectives of the University

(1) The University is a christian institution and as such espouses and expects all its students, staff and workers to also espouse a christian philosophy of life and to conduct themselves in accordance with such of the tenets and principles of that philosophy as are part of the basic affirmation of the Seventh-day Adventist Church.

(2) The foregoing philosophy gives rise to the following objectives—

- (a) to provide a balanced educational programme that gives each student the opportunity to develop spiritually, mentally, physically and socially;
- (b) to encourage the student to understand, appreciate and adopt a christian lifestyle and value through appropriate religious instruction in the classroom, a variety of religious services and activities and the development of an atmosphere on campus where christian principles find practical expression in all relationships;
- (c) to help the student to strive for mental excellence by maintaining a faculty of well-qualified teachers who can guide the student in the pursuit of knowledge, assisting the student to develop intellectual curiosity, and an intense desire to reach the highest level of professional skill; and helping the student to refine his or her analytical abilities, thus promoting individuality and a proper measure of self-reliance.
- (d) to assist the student to achieve and maintain physical health by guiding to a fuller understanding of healthful living, helping him to appreciate the

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dignity of labour and to recognize the value of manual work, providing appropriate sports activities and encouraging the adoption of a personal exercise programme, and providing healthful food and living quarters;

- (e) to prepare the student to become a useful member of society by promoting understanding and acceptance of persons from various backgrounds in the University community, helping to develop social skills that make for harmonious human relationships, emphasizing christian service as the goal of life encouraging the application of knowledge within the student's societal context, and showing sensitivity to environmental concerns;
- (f) to prepare the student for an active role in the mission of the Seventh-day Adventist church and a service-centred vocation and profession which would contribute to the betterment of society;
- (g) to provide adequate equipment and facilities for a high quality education, such as library resources, laboratories, research facilities, classrooms and buildings to support various curricula.

7. Functions

(1) The functions of the University shall be—

- (a) to formulate rules and procedures for its own government and financial support;
- (b) to provide for the establishment of affiliated colleges, Schools, Department and such other institutions and facilities as the University Council might designate;
- (c) to provide for the appointment and job descriptions of personnel to assist in the governance of the University;
- (d) to maintain a record of its proceedings;
- (e) to provide facilities for university education, including technological and professional education, and for research either directly or through the medium of affiliated colleges, schools or department;
- (f) to assist in the preservation, transmission and increase of knowledge and in the stimulation of the intellectual life and cultural development of the students;
- (g) to conduct examinations for, and to grant degrees, diplomas, certificates and other awards of the University;
- (h) to determine the curriculum to be taught by and the qualifications of lectures;
- (i) to co-operate with the Ministry of Education of the Republic of Kenya, in the development of higher education;
- (j) to revise or discontinue existing programmes as well as to examine and approve proposals for school, departments, degree courses, or subjects of study; and
- (k) to provide for the harmonious development of the whole man through a balanced programme of mental, spiritual, and social studies, activities and experiences.

(2) Subject to the Act and this Charter the criteria for admission to the University shall be such minimum criteria including those relating to mature age candidates from other countries or its equivalent time be for those coming from other countries as may from time to time be determined in respect of public universities.

(3) The University shall be open to any student irrespective of background, religion, sex or socio-economic status who desires a high quality education and who is willing to co-operate with the University and be comfortable within its atmosphere:

Provided that nothing herein shall preclude the University from exercising a special responsibility towards its constituency, the Seventh-day Adventist Church.

8. Degrees, diplomas, certificates and other awards

(1) Subject to the provisions of this Charter, the University of Eastern Africa, Baraton, may—

- (a) confer the degree of Bachelor, Master, Doctor and such other degrees as may be provided for in the statutes; and
- (b) grant diplomas or certificates or other awards.

(2) The provision of subsection (1) shall apply to any degree, *honoris causa*, which the University may wish to confer upon a person who has rendered, distinguished service in the advancement of any branch of learning.

(3) A graduation ceremony at which degrees are conferred shall be held on the campus of the University at least once a year be conducted in accordance with the following procedure—

- (a) the presiding officer shall be the Vice-Chancellor, or in his absence the Deputy Vice-Chancellor;
- (b) it shall be the responsibility of the Registrar of admissions and records to certify that each candidate for a special degree has satisfied all the requirements for that degree and has paid prescribed fees;
- (c) the certified list of candidates for degrees shall be subject to the review and approval of the administration and faculty meeting in convocation for this purpose; and
- (d) the procedure for conferring degrees, the academic regalia to be worn and other necessary details shall be prescribed in the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership

The members of the University shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) the Business Manager;
- (e) the Dean of Students;
- (f) the Registrar of Admissions and Records;
- (g) the Principal, of each Affiliated College;
- (h) the Members of the University Council;
- (i) the Professors and Lecturers of the University;
- (j) the Librarian;
- (k) the Students;
- (l) such other members of staff of the University, the alumni, or any other body formally admitted into association with the University.

10. Governance

The governance and control of the University shall rest in the following bodies—

- (a) the Chancellor;
- (b) the Constituency;
- (c) the University Council;
- (d) the Administrative Board;
- (e) the General Faculty Assembly; and
- (f) staff committees.

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11. The Chancellor

(1) The Executive Director of the East Africa Division of the Seventh-day Adventist Church shall be the Chancellor.

(2) The Chancellor shall, unless he is unable to do so, chair all meetings of the University Council.

12. The Constituency

The Constituency of the University shall have and exercise the following functions—

- (a) to appoint quinquennially the non *ex officio* members of the University Council;
- (b) to outline and enact the general policies controlling the University in harmony with the standards and policies of the Seventh-day Adventist church, and this Charter;
- (c) to receive reports on the operation and progress of the University from the Vice-Chancellor and to determine whether the purpose and objectives for which the University was established are being met.

13. The University Council

(1) The University Council shall consist of not less than 19 and not more than 25 members as follows—

- (a) the Chancellor;
- (b) the Secretary of the Eastern Africa Division as first vice-Chairperson;
- (c) the Executive Director of the East African Union as second vice-Chairperson;
- (d) the Vice-Chancellor of the University as secretary;
- (e) the Treasurer of the Eastern Africa Division;
- (f) the Director of Education of the General Conference or his representative;
- (g) the Director of Education of the Eastern Africa Division;
- (h) the Executive Directors of all Unions in the Eastern Africa Division;
- (i) the Director of Education of the East African Union;
- (j) the Directors of Education of the Ethiopian Union, and Uganda Union, and the Tanzania Union on annual rotation;
- (k) the Executive Director of the field where the University is located; and
- (l) such number of lay persons not exceeding six and not being church employees as may be appointed by the Constituency from the local community and the Republic of Kenya at large and within the region served by the University of Eastern Africa, Baraton.

(2) The Council of the University shall have and exercise the following functions—

- (a) to appoint the Vice-Chancellor as and when a vacancy arises;
- (b) to ensure the operation of the University as a whole and all its departments severally and in harmony with the general policies outlined by the Constituency, and to establish operational policies which will assure that the purposes of the University are being realized;
- (c) to provide facilities and to maintain a physical entity adequate to meet the needs of the planned enrolment in the various academic and vocational programmes which shall be adopted;
- (d) to appoint, transfer, or dismiss administrative officers, faculty and staff members of the University and to prescribe the duties, terms and conditions that shall apply to these appointments;
- (e) to make such other appointments, paid or honorary, as may be necessary for the operation of the University;

- (f) to determine the various faculty ranks and staff positions which shall apply in the University and to adopt the conditions of promotion within the ranks and positions;
- (g) to set the salary and wage rates for administrative, faculty, staff and support personnel;
- (h) to set the rates for tuition, board, room, fees and governing financial and scholarship relationships of the students to the University of Eastern Africa;
- (i) to require and adopt an annual operating budget for the University of Eastern Africa, Baraton, which shall govern the financial activities and decisions in the operation of the University;
- (j) to approve the financial record system of the University and to require an audit of these accounts annually by independent auditors;
- (k) to receive, review and approve periodical financial statements of the University's operation;
- (l) to administer the property and funds of the University both movable and immovable in a manner and for purposes which shall promote the best interest of the University;
- (m) to receive on behalf of the University donations, endowments and grants;
- (n) to signify the acts of the University by use of a common seal;
- (o) to approve the composition of the major staff committees of the University;
- (p) to perform such other functions as may be conferred upon it by this Charter and the Statutes.

14. The Administrative Board

(1) The members of the Administrative Board shall be the Vice-Chancellor; who shall be Chairperson; the Deputy Vice-Chancellor; Secretary; the Business Manager; the Dean of Students; and the Registrar of Admissions and Records.

(2) The function of the Administrative Board shall be to make decisions regarding the day-to-day operations of the University.

15. The General Faculty Assembly

(1) The General Faculty Assembly of the University shall consist of—

- (a) the Vice-Chancellor who shall be the Chairperson;
- (b) the Registrar of Admissions and Records who shall be the Secretary;
- (c) the Deputy Vice-Chancellor;
- (d) the Business Manager;
- (e) the Principal of each affiliated college;
- (f) the Dean of Students;
- (g) the Librarian;
- (h) all professors and representatives of schools and colleges of the University; and
- (i) any other persons as may be invited by the Vice-Chancellor.

(2) The Assembly shall have and exercise the following functions—

- (a) to consider and set policies on board educational issues;
- (b) to consider plans for continued professional growth;
- (c) to propose statutes on social, disciplinary and academic policies, and to receive reports on the operation of any aspect of the University;
- (d) to receive reports from Members who are engaged in research projects;
- (e) to approve such candidates for degrees, diplomas and other awards as may be recommended by the Academic Standards Committee;

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- (f) to consider such other problems that issues as may be of interest to the faculty, or as may be delegated to it by the University Council.

16. Committees

The University Council may, by statute, establish such Committees as are necessary for the efficient discharge of the educational functions of the University.

PART IV – ADMINISTRATION OF THE UNIVERSITY

17. The Vice-Chancellor

The Vice-Chancellor shall be the administrative and academic head of the University.

18. The Deputy Vice-Chancellor

The Deputy Vice-Chancellor shall have such functions and powers as the University Council may, by statute define.

19. The Registrar of Admissions and Records

The Registrar of Admissions and Records shall have such functions and powers as the University Council may, by statute, define.

20. The Business Manager

The Business Manager shall be the chief financial officer of the University.

21. The Dean of Students

The Dean of Students shall be responsible for all student affairs other than those related to finances.

22. Performance of duties during incapacity of office holder

(1) The functions of the Vice-Chancellor may be performed by the Deputy Vice-Chancellor in the event of the incapacity of the Vice-Chancellor.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellor, the functions of the Vice-Chancellor may be performed by the Business Manager.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellor and the Business Manager, the functions of the Vice-Chancellor may be performed by the Dean of Students.

(4) In the event of the simultaneous incapacity of the above named officers, the functions of the Vice-Chancellor may be performed by the Registrar for Administration and Records.

(5) In the event of the incapacity of any University staff member other than the Vice-Chancellor, the Vice-Chancellor may appoint a person to perform that member's functions.

(6) In this section "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned.

PART V – FINANCIAL PROVISIONS

23. Funds and resources

The funds and resources of the University shall be derived from the following sources—

- (a) annual grants and appropriations from the Eastern Africa Division of the General Conference;
- (b) endowments, gifts and trusts;
- (c) tuition and fees;
- (d) income from University auxiliary enterprises and investments;
- (e) such other sources as the University may from time to time identify.

24. Budgeting

(1) Before the commencement of a financial year the Vice-Chancellor shall, through the office of the Business Manager, and in consultation with the Deputy Vice-Chancellor and other personnel, prepare a budget detailing the estimated revenues and expenditure during the financial year.

(2) The annual budget shall be presented to the University Council for approval.

25. Accounts and audit

The financial records of the University shall be audited annually by the auditing service of the Seventh-day Adventist Church.

PART VI – MISCELLANEOUS PROVISIONS

26. Statutes

(1) The University Council shall have power, subject to the provisions of the Act and of this Charter, to make statutes generally for the governance, control and administration of the University, for the better carrying into effect of the purposes of this Charter, and for all purposes connected therewith, and in particular for—

- (a) the establishment of schools, institutes, affiliated colleges of the University;
- (b) the description of degrees;
- (c) the requirements for the awarding of degrees;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;
- (f) settling the terms and conditions of service, including appointments, dismissals, remuneration and retiring benefits of members of the staff of the University;
- (g) the composition and procedures of the University Council, and the establishment, composition and terms of reference of the committees of the Council;
- (h) prescribing the rules and regulations for the student form;
- (i) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the Statutes.

(2) Notwithstanding the provisions of subsection (1) of this section, the Council shall not make, amend, or revoke any provisions relating to the functions or privileges of the Chancellor, the Vice-Chancellor, or the General Faculty Assembly without first ascertaining the opinion of the General Faculty Assembly thereon.

(3) Statutes shall only be made by a resolution passed at one meeting of the University Council by at least three-fourths of the members present and voting such majority being not less than half of the total membership of the Council and confirmed at a subsequent meeting not less than one, nor more than twelve months thereafter.

(4) Statutes made under this Charter may be published by the Council in the *Kenya Gazette* but Section 27, 31(e) and of the Interpretation and General Provision Act (Cap. 2) shall not apply to the Statutes made under this Charter.

(5) Any Statute under this Charter may be revoked by a two-thirds of the total membership of the Council.

27. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names shall accept for such registration any name which includes together with the word "University", the words "Eastern Africa", and/or "Baraton", unless the application for such registration is accompanied by the written consent of the Council.

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(2) Any person who, except with the written consent of the Council, uses the word "University" together with the words "Eastern Africa, Baraton" in furtherance of, or as, or in connection with, any advertisement for, any trade, business, calling or profession, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding one month or to both such fine and imprisonment. Provided that nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of any degree, diploma, or certificate by the University.

THE CHARTER FOR THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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SCHEDULES

THE CHARTER FOR THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

[Legal Notice 397 of 1992]

SCHEDULE

WHEREAS the Catholic Association of the Members of the Episcopal Conferences of Eastern Africa, the current proprietors of the Catholic Higher Institute of Eastern Africa situated in the Republic of Kenya, wishes to establish an institution in the name of Catholic University of Eastern Africa;

AND WHEREAS the said Catholic University of Eastern Africa has applied to the Commission for Higher Education for the grant of a charter in the manner prescribed under the Universities Act;

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

AND WHEREAS the Commission for Higher Education is also satisfied that the Catholic University of Eastern Africa has complied with the provisions of the Act and the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules (L.N. 56/1989);

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution and the Cabinet Secretary is satisfied that the Catholic University of Eastern Africa, be granted the charter;

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

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

Now wherefore, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I, Daniel Toroitich arap Moi, President, and Commander-in-Chief of the Armed Forces, of the Republic of Kenya, hereby grant the Charter annexed hereto to the Catholic University of Eastern Africa.

A Charter to provide for the establishment, control, governance and administration of the Catholic University of Eastern Africa, and for connected purposes.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Catholic University of Eastern Africa Charter.

2. Interpretation

(1) In this Charter, unless the context otherwise requires—

"Act" means the Universities Act (Cap. 210);

"Affiliated Institutions" means those institutions which have an academic linkage with the Catholic University of Eastern Africa for the purpose of being able to grant bachelors degrees in accordance with *Sapientia Christiana* Article 62.

"AMECEA" means the Association of the Members of the Episcopal Conferences of Eastern Africa Trustees (Registered);

"Chancellor" means the Chancellor of the University referred to in Section 16;

"Charter" means this Charter;

"Chairperson" means the head of a Department;

"Charter" means this Charter;

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"Congregation for Catholic Education" means the commission of the Roman Catholic Church established by His Holiness the Supreme Pontiff which has competence over ecclesiastical institutions established by the authority of the Vatican, Catholic colleges and universities;

"Constituent College" means an academic institution which though autonomous administratively, is conceptually an integral part of the main University for academic purposes;

"Council" means the Council of the University established under Section 14;

"Eastern Africa" means Ethiopia, Kenya, Malawi, Sudan, Tanzania, Uganda and Zambia;

"Episcopal Conference" means a collegial entity, or association of Bishops of a given territorial region;

"*Ex Corde Ecclesiae*" means the Apostolic Constitution on Catholic Universities promulgated by His Holiness Pope John Paul II, the Supreme Pontiff on the 15th August, 1990 and any instrument(s) amending or replacing the same from time to time;

"Faculty" means a faculty of the University established by the statutes;

"Financial year" means the financial year of the University determined under Section 28;

"Institute" means an institute of the University established by the statutes;

"Principal" means the principal of a college appointed under Section 21;

"Public University" means a university established by an Act of Parliament of the Republic of Kenya;

"Rector" means an officer appointed under Section 19;

"Registrar" means an officer appointed under Section 22;

"*Sapientia Christiana*" means the Apostolic Constitution on Ecclesiastical Universities and Faculties promulgated by his Holiness Pope John Paul II, the Supreme Pontiff, on the 29th April, 1979 and any instrument(s) amending or replacing the same from time to time;

"School" means a school of the University established by statutes;

"Secretary to the Council" means a person appointed as Secretary to the Council;

"Senate" means the Senate of the University established under Section 17;

"Statutes" means the rules enacted by the University Council for the governance of the University;

"Student" means a person registered by the University for the purposes of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

"Students' Organization" means an association of students recognized by the Council as being an organization representative of the students of the University;

"University" means the Catholic University of Eastern Africa.

(2) References in this Charter to offices or authorities of a constituent college shall be construed by reference to the legislation or other instruments by which that college is established or governed.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation

(1) There shall be established a university at Langata, Nairobi, to be known as the Catholic University of Eastern Africa which shall be constituted in accordance with this Charter.

(2) The University shall be a body corporate by the name of the Catholic University of Eastern Africa, with perpetual succession and common seal, and shall in that name be capable of—

- (a) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable;

- (b) borrowing or lending money;
- (c) suing and being sued;
- (d) doing or performing all such other transactions or acts for the furtherance of the provisions of the Charter which may be lawfully done or performed by a body corporate;
- (e) entering into contracts with the Government of Kenya, with other institutions and with individuals;
- (f) receiving bequests and gifts which shall be used only for the purposes stated by the person or persons making such bequests or gifts.

(3) The University is the successor to the Catholic Higher Institute of Eastern Africa, and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Catholic Higher Institute of Eastern Africa existing at the commencement of this Charter shall be automatically and fully transferred to the University and any reference to the Catholic Higher Institute of Eastern Africa in any contract or document shall for all purposes be deemed to be a reference to the University established under subsection (1).

4. Common seal and signification of documents

(1) The common seal of the University shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.

(2) The common seal of the University shall be authenticated by the signature of the Rector and of the Vice-Rector, and, in the absence of the either, the vice-Chairperson of the Council.

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

5. Constituent colleges

(1) The constituent colleges in the Appendix are declared to be constituent colleges of the University and the constituent colleges are autonomous in administrative matters but are subject to the University in academic matters.

(2) The Chancellor may, on a resolution of the Council, without prejudice to *Sapientia Christiana* by notice published in the *Kenya Gazette*—

- (a) establish any college in Eastern Africa as a constituent college of the University;
- (b) declare an institution of higher learning or education or any training establishment in Eastern Africa to be a constituent college of the University.

6. Affiliation of institutions

The University may enter into various types of academic linkages or affiliations within the AMECEA region as provided far in the Statutes and approved by the Council, subject to the norms of *Sapientia Christiana*.

7. Philosophy and objects

- (1) The University is dedicated to the Holy Trinity.
- (2) The motto of the University is "*Consecrate them in the Truth*".

(3) In its search for the Truth, the University is essentially guided by Christian inspiration and values; reflects on human knowledge in the light of the Word of God and Catholic Tradition; fidelity to the Christian message found in the Word of God, Catholic Tradition and the Teaching of the Catholic Church; commitment to the service of the human family by playing a radical transcendental role in the liberative, inculturative, and transformative process for the fulfilment of the human family; commitment to Christ and his message, assistance to the members of the University and society to achieve wholeness as

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human persons in truth, dialogue and participation in decisions which affect the University community, individual members and society at large.

(4) Besides imparting useful knowledge, the University is distinguished by its holistic approach about nature, humanity, and God and by means of a universal humanism the University is completely dedicated to the research of all aspects of truth in their essential connection with the supreme Truth, who is God.

(5) In its scientific and technological research the University opts for the very meaning of the human person and its centrality in the universe.

8. Functions

The functions of the University shall be—

- (a) to be a centre of creativity and dissemination of knowledge and a community made up of both teachers and learners, which in a rigorous and critical fashion assists in the protection and advancement of human dignity, human-divine values, and of cultural heritage; through research, teaching and other various services offered to the AMECEA local churches, peoples in the region, international academic communities and the universal Church;
- (b) to provide facilities and opportunities to scholars as a forum where, on scientific level, aspects of reality, and particularly the African reality are critically examined, the various sciences and disciplines are taught and persons educated in an adequate manner in order to promote continuous development of self-awareness of men and women, of their potentials, resources, cultural values and of their environment;
- (c) to be actively involved in confronting and solving the great problems of society and cultures, as a Church organ in her complex task of evangelization;
- (d) to provide a forum and facilities where academic autonomy of each discipline is respected and promoted;
- (e) to be an organ of the Catholic Church in its prophetic mission. That is, to discern in the events of life the needs and aspirations of the people, the signs of the times and to have courage to speak truths which are necessary to safeguard the authentic good of the society and to promote social justice;
- (f) to provide instruction through teaching and research in an African environment to all those admitted to the University and to make provision for the advancement, transmission and preservation of knowledge both in ecclesiastical studies and other areas of human knowledge and to stimulate academic life in Eastern Africa;
- (g) to prepare the clergy, religious, lay women and men of the Catholic Church as well as people of other religious denominations with a Christian attitude in order to serve the Church in its various institutions and human family at large, in their growth, understanding and solidarity;
- (h) to assume responsibility for university education within the Catholic Church of Eastern Africa and to work with other appropriate bodies, including ecclesiastical authorities, and to examine and make proposals to the Commission for Higher Education for new faculties, new departments, new degree courses or new subjects of study, in accordance with the Universities Act and *Sapientia Christiana*, prepare the clergy, religious, lay women and men of the Church;
- (i) to become a centre of encounter and research where the various branches of ecclesiastical studies and of other forms of human knowledge continuously make dialogue or interact for their mutual enrichment in the light of the Gospel message and African values;
- (j) to provide facilities for continuing education;

- (k) to collaborate with other institutions of higher learning, particularly with those located in the AMECEA region for the integral development, understanding, and for the promotion of cultures and ecological situation;
- (l) to be a forum for ecumenical dialogue and collaboration with other Christian denomination and non-christian theological and religious studies in Eastern Africa, the whole of Africa and the world at large;
- (m) to conduct examinations for, and to grant degrees, diplomas and other awards of the University;
- (n) to participate in the discovery, transmission and preservation of knowledge and to stimulate the intellectual, cultural and economic development of the AMECEA region;
- (o) to determine who may teach, what may be taught and to whom it may be taught in the University;
- (p) without prejudice to *Sapientia Christiana*, to admit students without distinction of race, colour, creed or sex.

9. Degrees, diplomas, certificates and other awards

(1) Subject to this Charter and to *Sapientia Christiana* and *Ex Corde Ecclesiae* the University may in the name of the Supreme Pontiff or *sede vacante* the Holy See—

- (a) confer the degrees of bachelor, master and doctor and such other degrees as may be provided for in the statutes; and
- (b) grant diplomas or certificates or other awards.

(2) Subsection (1) shall apply to an honorary degree or academic distinction which the University may wish to confer or award to a person who has rendered distinguished service in the advancement of any branch of learning or cultural accomplishment or who has otherwise rendered himself worthy of such a degree or academic distinction.

(3) Graduation ceremonies at which degrees are conferred shall be held at places and dates to be determined by the University Council and shall be conducted in accordance with procedure prescribed by a resolution of the Council.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

10. Membership

The members of the University shall be—

- (a) the Roman Pontiff or the Holy See;
- (b) the AMECEA;
- (c) the chancellor;
- (d) the Rector;
- (e) the Vice-Rector;
- (f) the Principal of each college within the University;
- (g) the Principal of each constituent college;
- (h) the Academic Dean of each Faculty;
- (i) the members of the Council;
- (j) the members of the Senate;
- (k) the members of the Council or other governing body of each constituent college or college within the University;
- (l) the professors and lecturers of the University;
- (m) the Registrar, the Bursar and the Librarian;
- (n) the Secretary to the Council or other governing body of each constituent college or colleges within the University;
- (o) the registered students;

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- (p) such other members of staff of the University or any other body formally admitted into association with the University or with any of its constituent colleges or colleges within the University as the Council may from time to time determine.

11. Governance

The governance and control of the University shall vest in the following persons and bodies—

- (a) the Roman Pontiff or the Holy See;
- (b) the AMECEA;
- (c) the Council;
- (d) the Chancellor;
- (e) the Senate;
- (f) the constituent colleges.

12. The Roman Pontiff

(1) The University is under ecclesiastical authority of the Roman Pontiff, and therefore it is under the Congregation for Catholic Education, Vatican City.

(2) The University is founded by the AMECEA which has full responsibility over it, its government and future development.

13. AMECEA

The AMECEA shall appoint—

- (a) the Chancellor;
- (b) the Rector from names proposed by the Council and submit the same to the Congregation for Catholic Education for confirmation;
- (c) the Vice-Rector from names proposed by the Council.

14. The Council

(1) There shall be a Council of the University which shall be the governing body that assumes full responsibility over the University. It represents AMECEA. It is therefore, responsible for the doctrine, the morals and the discipline of the University as well as for its integral development.

(2) The Council shall comprise of—

- (a) the Chancellor of the University who shall be the *ex officio* Chairperson of the Council;
- (b) one member elected by each national Episcopal Conference;
- (c) the Diocesan Bishop where the University is located who shall be an *ex officio* member of the Council;
- (d) the Chairperson of the AMECEA who shall be an *ex officio* member of the Council;
- (e) the Secretary-General of the AMECEA, who shall be an *ex officio* member;
- (f) the Rector of the University, who, by virtue of his office, shall be Secretary to the Council. He shall have the right to vote, except in matters directed to himself;
- (g) two members to be elected by the Senate;
- (h) not more than two members with specific contribution to offer to be co-opted at the discretion of the AMECEA. Such members may come from within or outside the AMECEA region.

(3) (a) The members of the Council shall be appointed for a term of 3 years, and shall be eligible for re-appointment:

Provided that this does not apply to the *ex officio* members who remain on the Council as long as they are in office.

- (b) In order that continuity may be maintained, at the first official election of members, some will be elected for two years and others for four years. The AMECEA shall determine these specific terms of office.
- (c) If a Bishop resigns during his term of office, he may be replaced by another one chosen by the national Episcopal Conference concerned, for the completion of the term of office. Completing the term does not affect possible reappointment for two successive terms.
- (d) Members of the Council shall elect from among themselves a vice-Chairperson of the Council.

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

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the secretary to the Council;
- (b) if the Council is satisfied that such a member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death;
- (d) if the appointing body revokes the appointment.

(5) Where the office of a member of the Council becomes vacant under section 14(4), the Secretary to the Council shall forthwith notify the vacancy to the appropriate appointing body or person.

(6) The Council shall meet at least twice a year and at any other time at the request of the Chairperson or of three members of the Council.

(7) The procedure and the conduct and regulation of the affairs of the Council shall be vested in the Council.

15. The functions and duties of the Council

(1) Subject to *Sapeinta Christiana, Ex Corde Ecclesiae* and the AMECEA, the Government control and administration of the University shall be vested in the Council.

(2) The Council shall have power to—

- (a) foster the declared objects of the University and to develop policies conducive to their attainment;
- (b) approve Statutes and recommend to the Sacred Congregation for Catholic Education any change in the norms in consultation with the AMECEA;
- (c) communicate with the government authorities on any legal matters concerning the University;
- (d) authorize the acquisition and alienation of properties, approve major structural alterations and important construction works with the approval of the AMECEA and subject to canon law;
- (e) act as a court of appeal for all claims and internal disputes in the University which the Senate or a lower body has been unable to settle;
- (f) appoint its own committees;
- (g) receive and consider proposals for opening of new faculties, institutes, schools, departments, research centres in collaboration with the AMECEA and present them to the Congregation for Catholic Education and for submission to the Commission for Higher Education in accordance with the Universities Act and Rules made thereunder;
- (h) appoint principals of colleges within the University from names proposed by the Senate;
- (i) appoint the academic deans of faculties and the Dean of Students from names presented by the Senate;

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- (j) examine and approve the annual and triennial reports as well as the financial reports and budget presented by the Rector;
- (k) establish and maintain relations, through the Chancellor, with the Congregation for the Evangelization of Peoples, and to submit regular reports thereon to the AMECEA;
- (l) appoint the Registrar, Librarian and the Bursar;
- (m) appoint full-time and part-time teaching staff, after consultation with the Senate;
- (n) appoint full-time, and part-time non-teaching staff for the proper and efficient management and administration of the University;
- (o) approve, at the recommendation of the Senate, the promotion of academic staff;
- (p) administer the property and funds of the University, other than property and funds of a constituent college, in such a manner and for such purposes as will, in the opinion of the Council, promote the best interests of the University;
- (q) receive, on behalf of the University, gifts, donations, grants or other moneys and to make disbursements therefrom;
- (r) create full and partial bursaries and determine the conditions and modalities for the granting of such bursaries;
- (s) provide for the welfare of the staff and students of the University;
- (t) enter into association with other universities, or other institutions of higher learning;
- (u) make, after consultation with the Senate, regulations governing the conduct and discipline of the students.

(3) 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 Chancellor or the Rector or any other member of the Council generally or specially authorized by the Council in that behalf.

16. The Chancellor

(1) The Chancellor shall be appointed by the AMECEA and shall represent the Holy See to the University and equally the University to the Holy See and other civil authorities.

(2) The Chancellor shall—

- (a) promote continually the University's holistic progress and advancement, ensure that the Catholic doctrine is integrally followed, and enforce the faithful implementation of the statutes and prescriptions of the Holy See;
- (b) present to the Congregation for Catholic Education for confirmation the name of the one appointed by AMECEA as Rector, as well as the names of lecturers for whom a *Nihil Obstat* is required;
- (c) inform the Congregation for Catholic Education about important matters pertaining to the University and its constituent colleges and to send to that Congregation every three years a detailed report on the academic, moral and economic condition of the University;
- (d) help ensure collaboration among all the different ranks and members of the University and the community and of its constituent colleges;
- (e) receive the profession of faith of the Rector;
- (f) give or take away from lecturers the canonical mission or permission to teach pursuant to the provision of *Sapientia Christiana*;
- (g) confer in the name of the Supreme Pontiff and the AMECEA both ecclesiastical and non-ecclesiastical certificates, diplomas and degree to successful candidates recommended and presented by the Senate;
- (h) direct internal inspection and visitation to be carried out;

- (i) chair all meetings of the University Council; and
- (j) enjoy such powers and privileges and perform such other functions as may be provided in the statutes.

17. The Senate

- (1) There shall be a Senate of the University which shall consist of—
 - (a) the Rector, who shall be the Chairperson;
 - (b) the Vice-Rector;
 - (c) the Principal of each constituent college;
 - (d) the Principal of each college within the University;
 - (e) the Deans/Directors/Principals of all faculties, institutes and schools of the University;
 - (f) the heads of departments;
 - (g) the directors of research centres;
 - (h) all professors;
 - (i) one representative elected from among the associate professors;
 - (j) one representative elected from among the full-time lecturers;
 - (k) the Registrar;
 - (l) the Librarian;
 - (m) the Bursar;
 - (n) the Dean of Students;
 - (o) two representatives of the Student Organization.
- (2) The members of the Senate shall elect a vice-Chairperson from among themselves unless the Vice-Rector has been appointed.
- (3) The Registrar shall be the secretary of the Senate.
- (4) The Senate shall determine its quorum and make its own internal regulations.
- (5) Subject to this Charter, the Senate shall have the following powers and duties—
 - (a) to propose to the Council for approval of the short and long-term academic plans and their modifications based on a continuous evaluation;
 - (b) to develop, evaluate and propose modifications in the programme of instruction in the research and field services consistent with the objectives and policies of the University;
 - (c) to develop criteria and policies for the admission of students, their retention and promotion, the awarding of degrees, diplomas and certificates;
 - (d) to approve the academic calendar and academic programme of studies;
 - (e) to discuss and approve the annual academic reports presented by the principals and deans;
 - (f) to settle academic matters within the faculties and departments and to deal with academic disputes arising therefrom;
 - (g) to discuss, evaluate and accept affiliations to first degree programme of the constituent colleges and supervise them;
 - (h) to recommend to the Council changes in the statutes and regulations;
 - (i) to propose to the Council the financial needs of the academic life of the University;
 - (j) to recommend to the Council appointments and promotions of academic staff;
 - (k) to promote and supervise the development of the library and the archives;
 - (l) to receive and approve examination results;

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(m) to make regulations governing such matters as are within its powers in accordance with this Charter or the statutes.

(6) The Senate shall meet at least two times a year.

(7) The Senate may establish such committees as may be deemed necessary for the efficient discharge of its functions and duties.

PART IV – ADMINISTRATION OF THE UNIVERSITY

18. The University Management Board

(1) There shall be a University Management Board whose membership powers and functions are as provided for in the statutes.

(2) The University Management Board shall manage the day to day operations of the University.

19. The Rector

(1) The Rector shall be appointed by the AMECEA from the names proposed by the Council and confirmed by the Congregation for Catholic Education.

(2) The Rector shall be the academic and administrative head of the University.

(3) The Rector shall hold office for a period of four years but shall be eligible for re-appointment.

(4) The Rector shall—

- (a) direct, promote and co-ordinate all the activities of the University;
- (b) act as the representative of the University and be its spokesman in its external relations;
- (c) assume administrative responsibilities for the day to day running of the University and its management;
- (d) convoke and preside over the Senate in accordance with the norms and the statutes;
- (e) watch over the administration of the temporalities;
- (f) refer more important matters to the Chancellor;
- (g) send, every year, a statistical summary to the Congregation for Catholic Education, according to the outlines provided by the said Congregation;
- (h) work collegially with the personnel of the University for the realization of its objectives;
- (i) appoint heads of departments after consultation with relevant Faculty Dean;
- (j) perform such other functions and have such other powers as the Council may, by Statute prescribe.

20. The Vice-Rector

(1) The Vice-Rector shall be appointed by the AMECEA from names proposed by the Council.

(2) The Vice-Rector shall have such functions and powers as the Council may, by Statute, prescribe.

21. The Principals of colleges within the University

(1) The Council shall, from names proposed by the academic board 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 Rector, have such other powers and duties as may be provided by the statutes.

(2) A person appointed as a principal shall hold office upon such terms and for such period as the Council may, by re-resolution, prescribe.

22. The Registrar

The Registrar shall be appointed by the Council and shall have such functions and powers as the Council may, by resolution, prescribe.

23. Funds and resources

The Librarian shall be appointed by the Council. He shall be responsible for the care of books and periodicals and all the library property.

24. The Bursar

The Bursar shall be appointed by the Council. He shall be the chief financial officer of the University.

25. The Dean of Students

The Dean of Students shall be appointed by the Council. He shall be responsible for all students affairs other than those related to finance.

26. The Academic Dean

The Academic Dean shall be appointed by the Senate from the names proposed by the academic board of each faculty. He shall promote and co-ordinate the activities of his faculty.

27. The performance of duties during incapacity of office holder

(1) The functions of the Rector may be performed by the Vice-Rector in the event of the incapacity of the Rector.

(2) In the event of the incapacity of the Rector and the Vice-Rector the functions of the Rector may be performed, during the incapacity, by a member of the academic staff of the University designated for that purpose by the Chancellor.

(3) In the event of the incapacity of any member of the staff of the University other than the Rector, may appoint a suitable person to perform the functions of the member during the incapacity.

(4) In this section, "incapacity" means absence from Eastern Africa or inability for any other reason to perform the functions of the office concerned.

PART V – FINANCIAL PROVISIONS**28. Financial year**

(1) The financial year of the University shall be the period of twelve months commencing on such day in each year as the Council may determine.

(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.

29. Investment of funds

(1) The Council may invest any of the funds of the University in securities in which for the time being trustees may by law invest trust funds or in any other securities which the AMECEA may from time to time approve for the purpose.

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

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

30. Annual estimates

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

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- (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 the equipment and other movable property of the University;
- (e) for the funding of the cost of teaching and research activities of and in the University;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may think fit.

(2) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the AMECEA for approval.

(3) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under section 30 (2) or in pursuance of an authorization of the Council given with the prior approval of the AMECEA.

31. Audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to an auditor, to be appointed by the Council with the approval of AMECEA, 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 an auditor appointed by the Council with the approval of the AMECEA.

(4) The employment of an auditor shall not be terminated by the Council without the consent of the AMECEA.

(5) The AMECEA may give general or special directions to an auditor appointed under section 31(3), and the auditor shall comply with those directions.

(6) An auditor appointed under section 31(3) shall report directly to the AMECEA on any matter relating to the directions given under article 16.5.

(7) Within a period of six months after the end of the financial year the auditor shall report on the examination and audit of the accounts of the University to the Council and where the auditor has been appointed under section 31(3), he shall also transmit a copy of the report and accounts to the AMECEA.

(8) The fee for an auditor shall be fixed and paid by the Council.

PART VI – MISCELLANEOUS PROVISIONS

32. Statutes

(1) In the performance of its functions under this Charter, the Council shall, subject to the Universities Act and to *Sapientia Christiana*, make statutes 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—

- (a) the establishment of faculties, institutes and schools of the University;
- (b) the description of degrees;
- (c) the requirements for the award of degrees;
- (d) the conduct of examinations;

- (e) prescribing fees and other charges;
- (f) the settlement of the terms and conditions of service including the appointment, dismissal, remuneration and retiring benefits of the members of staff of the University;
- (g) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;
- (h) prescribing the rules and regulations for the students' organizations;
- (i) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the statutes.

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

33. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names shall accept for such registration any name which includes together with the word "University", the words "Catholic" and or "Eastern Africa", unless the application for such registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the word "University" together with words "Catholic" and "Eastern Africa", in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding one month or to both such fine and imprisonment:

Provided that nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of any degrees, diploma, or certificate by the University.

APPENDIX

1. Hekima College—The Jesuit School of Theology.
 2. Tangaza Theological College.
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THE CHARTER FOR DAYSTAR UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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4. The Mission of the University
5. The Philosophy of the University
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THE CHARTER FOR DAYSTAR UNIVERSITY

[Legal Notice 373 of 1994]

SCHEDULE

WHEREAS (Daystar Company Limited), the proprietors of Daystar University College situated in the Republic of Kenya, wishes to establish an institution in the name of Daystar University;

AND WHEREAS the said Daystar University College has applied to the Commission for Higher Education for the grant of a charter in the manner prescribed under the Universities Act (Cap. 210);

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

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

AND WHEREAS the Commission for Higher Education has submitted a draft charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution and the Cabinet Secretary is satisfied that Daystar University, be granted the charter;

AND WHEREAS the Cabinet Secretary has submitted the charter to me with recommendations thereon;

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

Now wherefore, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I, Daniel Toroitich arap Moi, President, and Commander-in-Chief of the Armed Forces, of the Republic of Kenya, hereby grant the Charter annexed hereto to Daystar University.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Daystar University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Affiliated Institutions" means institutions which have academic linkage with Daystar University under section 8 for the purposes of being able to grant university degrees, diplomas and certificates;

"Alumni Association" means the Alumni Association of Daystar University established under section 26;

"Chancellor" means the Chancellor of Daystar University appointed under section 14;

"Charter" means Daystar University Charter;

"Company" means the registered non-profit making Daystar Company Limited by guarantee and the body that sponsors Daystar University;

"Constituent College" means the Constituent College established under section 8;

"Council" means the Governing Council of Daystar University established under section 15(1);

"Deputy Vice-Chancellor for Academic Affairs" means Deputy Vice-Chancellor for Academic Affairs appointed under section 20(2);

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"Deputy Vice-Chancellor for Finance, Planning and Administration" means Deputy Vice-Chancellor appointed under section 20(3);

"Director" means a person appointed as Director under section 22;

"Executive Committee" means the Executive Committee of the Council appointed under section 16(5);

"Fiscal Year" means the fiscal year of Daystar University determined under section 27(1);

"Graduate" means a person upon whom a degree has been conferred by Daystar University;

"Management Board" means the Management Board established under section 18;

"Principal" means the Principal appointed under section 21;

"Senate" means the Senate of Daystar University established under section 17;

"Statutes" means the statutes of Daystar University made by the Council under section 32;

"Student" means a person registered by Daystar University for the purpose of obtaining a qualification of Daystar University, or any other person who is determined by the Senate to a student;

"Students Association" means the association of students recognized by the Council as being an organization representative of the students of Daystar University;

"University" means Daystar University;

"Vice-Chancellor" means the Vice-Chancellor of Daystar University appointed under section 19.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of Daystar University

(1) There is hereby established a university to be known as Daystar University which shall be constituted in accordance with this Charter.

(2) Daystar University is a non-profit making and inter-denominational Christian educational institution sponsored by Daystar Company Ltd., to provide Christian based higher education, training and research for the expansion of God's Kingdom.

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

- (a) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (b) borrowing or lending money;
- (c) suing and being sued;
- (d) doing or performing all such other things or acts for the proper performance of its functions under, and for the furtherance of the provisions of this Charter, which may lawfully be done or performed by a body corporate; and
- (e) entering into contracts with Government, other institutions and individuals;
- (f) receiving bequests and gifts which shall be used for the purposes stated by the persons making such bequests and gifts.

(4) Daystar University is the successor to Daystar University College, formerly affiliated to Messiah College, Grantham Pennsylvania and Wheaton College Wheaton, Illinois in the United States of America. Subject to this Charter, all rights, duties, obligations, assets and liabilities of Daystar University College existing at the commencement of this Charter, shall be automatically and fully transferred to Day star University, and any reference to Daystar University College in any contract or document shall for all purposes, be deemed to be a reference to Daystar University as established under section 3 of the Charter.

4. The Mission of the University

The mission of the University shall be:

- (a) to provide Christian-based higher education, training and research for the expansion of God's kingdom in the world, and especially Africa;
- (b) to provide broad biblically based education programmes that will develop men and women to serve in a variety of supportive and leadership roles in the African church and society, and through the training and extension programmes, research and advisory services, to help equip the church to effectively service the society in which it exists.

5. The Philosophy of the University

Daystar University Christian philosophy of life and conduct, teaching, training and research, is founded on Christian principles and values based on the following biblical statement of faith and practice. As a community of people who follow Jesus Christ, we:

- (a) Affirm our belief in—
 - (i) the one-eternal God in Trinity of the Father, Son and Holy Spirit, the Creator and Lord of the world, who governs all things according to the purpose of His will, calling out of the world a people for Himself and sending them back into the world to be His servants and witnesses for the extension of His kingdom, the building of Christ's church and the glory of His name;
 - (ii) the one Saviour, Jesus Christ Himself being the only God-man, who died for the sins of mankind and was raised from the dead according to the scriptures; the only ransom for sinners and mediator between God and man; who is exalted above every other name as Saviour of the world who offers forgiveness of sins and liberating gift of the Spirit to all who repent, believe and come to him personally and so be reconciled to God; and those who reject Him repudiate the joy of salvation and condemn themselves to eternal separation with God;
 - (iii) the Holy Spirit, sent by God the Father to bear witness to His Son, whose power and works among men lead to the conviction of sin, faith in Christ, new birth and Christian growth; and speaking through the scriptures illumines the minds of God's people in every culture to perceive the truth and discloses to the whole church the wisdom of God;
 - (iv) the divine inspiration, truthfulness and authority of the Old and the New Testament scriptures as the Word of God with power to accomplish His purpose of salvation; the gospel of good news for the whole world addressed to all mankind for God's revelation in Christ and the only infallible rule of faith and practice;
 - (v) the return of Jesus Christ personally and visibly in power and glory to consummate his salvation and judgement; the interim period being filled with evangelism by the people of God, who eagerly await for Christ's return, the coming of the new heaven and new earth in which righteousness will dwell and God will reign forever; and meanwhile rededicating themselves to the service of Christ and men in joyful submission to Christ's authority over the whole of life.
- (b) Acknowledge the constant spiritual warfare with principalities and powers of evil which are seeking to overthrow the kingdom of God and to frustrate the work of the church, and the need for Christians to be equipped with God's armour and to fight with spiritual weapons of truth and prayer, being watchful and discerning to safeguard the biblical gospel.
- (c) Are committed to—

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- (i) the church as the community of God's people that is not identified with any particular culture, social or political system or human ideology; being the centre of God's cosmic purpose and his appointed means of spreading the gospel to the world; and which needs to be closely united in fellowship, work, witness and functional co-operation for the furtherance of church's mission, and for mutual encouragement and the sharing of resources and experience;
- (ii) Christian churches that are deeply rooted in Christ and closely related to their cultures, always testing and judging such cultures in accordance with scripture's criteria for truth and righteousness, insisting on the moral absolutes and seeking to transform and enrich them for the glory of God;
- (iii) the freedom of thought and conscience to practice and propagate the gospel in accordance with the will of God, and to remain faithful to the gospel whatever the cost;
- (iv) the sharing in God's concern for justice and reconciliation throughout human society and for the liberation of man; evangelism and socio-economic/political involvement, without being afraid to denounce evil and injustice wherever they exist, being part of Christian duty and necessary expressions of Christian doctrines of God and man, love for one's neighbour and obedience to Jesus Christ to exhibit His kingdom and to spread its justice and righteousness in the world;
- (v) Christian education, training and research that are indigenous and developed by creative local initiatives according to biblical standards of doctrine, discipleship, evangelism, nurture and service to equip and encourage Christian leaders in church and society to provide Christian style of leadership and service.

6. The Objects of the University

The objects of the University shall be—

- (a) to provide resources for university education, training discussion, research and teaching within the context of Christian truth and commitment, spiritual sensitivity, and obedience to Christ;
- (b) to provide, with other Christians, academic leadership to the church in Africa so as to address through research, education and consultation, the economic, social and political problems of the African society and those challenges unique to the church of Christ;
- (c) to provide adequate resources for quality university education, training and research based on biblical concepts and values which reflect the African cultural heritage;
- (d) to develop in students deeper faith in Jesus Christ and greater commitment to His gospel;
- (e) to guide students to understand and accept themselves, their individual needs and talents, and to develop their potential for productive life and service;
- (f) to provide students with a balanced educational programme that helps them to develop and to broaden their perception of the inherent inter-relationship between the physical and spiritual needs, and to develop a holistic approach to life;
- (g) to equip students, to personally commit themselves to evangelism, church planting and leadership;
- (h) to develop in students a deeper understanding of traditional and modern Africa, and to equip them to effectively provide a Christian approach to socio-economic and political development of the African continent;

- (i) to play an effective role in the development and expansion of Christian university education in Africa.

7. The Functions of the University

(1) The University shall have the following functions—

- (a) to provide resources for university education, training and research and for the establishment of colleges, faculties, schools, departments, institutes, centres and such other institutions as the Council may determine;
- (b) to determine who may teach, what may be taught and how it may be taught in the University;
- (c) to conduct research and encourage the conduct of research which enlarges the province of human knowledge in general, and increases the effectiveness of the church in particular;
- (d) to assist in the preservation, processing, transmission and dissemination of knowledge and in the stimulation of the intellectual life and cultural development of the students and the African church and society;
- (e) to conduct examinations for, and grant degrees, diplomas, certificates and other awards of the University;
- (f) to provide a balanced programme and experiences for harmonious and holistic development of students and staff;
- (g) to carry out any other functions as may be permitted and approved by the Council.

(2) The University shall admit for study for degrees, diplomas, certificates or other awards of the University, such candidates as shall have been accepted by the Senate as being academically qualified, and who accept the University's Christian mission and philosophy as provided under sections 4 and 5 of the Charter, without regard or preference to gender, ethnic origin, race or physical disability being imposed as a condition for being a student.

8. Colleges and Affiliated Institutions

The University may establish as approved by the Council—

- (a) constituent colleges of the University;
- (b) colleges, faculties, schools and institutes of the University, or;
- (c) enter into various types of academic linkages or affiliations with other recognized institutions.

9. Conferment of Degrees, Diplomas, Certificates and Other Awards

(1) The University shall have power to confer degrees and grant diplomas, certificates or any other awards as may be provided for in the Statutes of the University.

(2) The University may, in accordance with such conditions as it may prescribe, confer any degree, or award any academic distinction as honorary degree, or academic distinction to a person who has rendered distinction in the advancement of any branch of learning, or who has otherwise, in the opinion of the Council, rendered himself worthy of the degree or academic distinction.

(3) The University may, under conditions which it may prescribe, award fellowships, scholarships, bursaries and prizes and make other awards which it may consider necessary or desirable.

10. The Use of the Common Seal of the University

(1) The Common Seal of the University shall be kept in such custody as the Council may direct and shall be used upon the order and direction of the Council.

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(2) The Common seal of the University shall be authenticated by the signature of the Chairperson of the Council, the Vice-Chancellor or any other person specifically appointed by the Council and duly authorized by the Council in that behalf.

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

11. Membership

(1) The members of the University shall be—

- (a) the Chancellor who is also Chairperson of the Council;
- (b) Vice-Chairperson of the Council;
- (c) Members of the Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the Principals;
- (g) the Directors;
- (h) the Deans;
- (i) the Registrars;
- (j) the Librarian;
- (k) the Finance Manager;
- (l) the Academic Staff;
- (m) the Students;
- (n) Members of Daystar Company Ltd., and
- (o) such other members of staff of the University, or of any other body, formally admitted into association with the University, as the Council may from time to time determine.

(2) A member of the University shall profess personal faith in Jesus Christ as Lord and Saviour accept the University's Christian philosophy as provided for under section 5 (1) of the Charter and satisfy the Council of his soundness in faith and practice of the Christian doctrine demonstrated through acts of justice, mercy and love in the church and society.

12. Governance of the University

The governance of the University shall be vested in the following persons and bodies—

- (a) Daystar Company Ltd.;
- (b) the Chancellor;
- (c) the University Council, and
- (d) the Senate.

13. Daystar Company Ltd

The Day Star Company Limited, which is the founder and sponsor of the University, shall have and exercise the following functions—

- (a) to oversee the mission of the University;
- (b) to appoint the Chancellor of the University;
- (c) to elect members to serve on the Council of the University;
- (d) to receive reports on the operation and progress of the University.

14. The Chancellor

(1) The Chancellor of the Daystar Company Limited shall, in consultation with the Council, appoint a Chancellor of the University who shall also serve as the Chairperson of the Council.

(2) A person who is appointed Chancellor shall hold office for a period of five years, and shall be eligible for re-appointment for one more term.

(3) The Chancellor shall—

- (a) promote continually the University's holistic progress and advancement in accordance with the University's Christian philosophy, Charter and Statutes;
- (b) be the head of the University and in name of the University confer degrees and grant diplomas, certificates and other awards of the University;
- (c) chair meetings of the Council and the Executive Committee;
- (d) direct, from time to time, an inspection and assessment of the general administration and organization, teaching and research, and any other work of the University, and
- (e) enjoy such powers and privileges and perform such functions as the Council may approve and are provided for in the Statutes.

(4) Whenever the Chancellor is, for any reason, unable to perform functions of his office, the Council shall appoint a person, from among the members of the Council, to perform those functions during the absence or incapacity of the Chancellor.

15. The Council

(1) There shall be a Council of the University which shall be the governing body with full responsibility over the University.

(2) The Council shall consist of the following—

- (a) the Chancellor elected by the Daystar Company Ltd. and who shall be the Chairperson of the Council;
- (b) Vice-Chairperson elected by members of Council from among its members;
- (c) fifteen members elected by the Daystar Company consisting of men and women from—
 - (i) Christian churches;
 - (ii) Christian agencies with which Daystar is associated;
 - (iii) para-church organizations with Christian ministries in Africa;
 - (iv) professional bodies in Africa which are involved in Christian higher education;
 - (v) academic and research institutions associated with the University.
- (d) one member representing each Daystar University Alumni Association;
- (e) one member representing each Daystar University Board registered outside Kenya;
- (f) two members co-opted by the Council;
- (g) the following members elected annually by the bodies they represent—
 - (i) two members representing the University Senate;
 - (ii) two members representing the University academic staff;
 - (iii) two members representing the Daystar University Students Association;
- (h) the Vice-Chancellor who shall be the Secretary of the Council;
- (i) the following *ex officio* members—
 - (i) Deputy Vice-Chancellors;
 - (ii) Principals of Colleges;

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- (iii) Director of Student Development;
- (iv) Executive Directors of Daystar University Boards registered outside Africa.

(3) Five members of the Council elected under section 15 2 (c) shall come from outside Kenya.

(4) A member shall hold office for a period of three years.

(5) Every year a third of the members shall retire, except that a retiring member shall be eligible for election for a maximum of two consecutive terms after which the member must retire for at least one year.

(6) A member shall comply with standards of faith, doctrine and conduct required under section 11(2) of the Charter.

(7) A member shall not vote in respect of any contract in which the member is interested, or any matter arising thereof and if the member does so vote the vote shall not be counted.

(8) The office of a member of the Council shall become vacant—

- (a) if the member fails to comply with the provisions of section 11(2) of this Charter; or
- (b) if the member resigns his office by writing a letter under his hand addressed to the Secretary of the Council; or
- (c) if the Council is satisfied that a member is, by reason of physical or mental infirmity, unable to exercise the functions of the office; or
- (d) if the member fails to perform the duties of office without valid reason as determined by the Council and approved by the members of the Company at either a special meeting or annual general meeting; or
- (e) arising from the member's gross misconduct as determined by the Council and approved by the members of the Company at either a special meeting or the annual general meeting; or
- (f) if the member is directly or indirectly interested in any contract with the University and fails to declare the nature of his interest; or
- (g) if the member becomes bankrupt or makes any arrangement or proposition with his creditors generally; or
- (h) upon the member's death.

(9) Where the office of a member of Council becomes vacant, the Secretary of the Council shall forthwith notify the vacancy to the Council.

16. Functions of the Council

(1) The governance, control and administration of the University shall be vested in the Council which shall act and exercise all legal rights, powers and privileges of the University as provided in the Charter.

(2) Notwithstanding subsection (1) of this section, the Council shall have power—

- (a) to foster the stated objectives of the University and develop policies conducive to attainment of the objectives, the mission and the Christian character of the University;
- (b) to provide and administer the property and funds of the University in a manner and for the purposes which shall promote the best interests of the University;
- (c) to receive on behalf of the University, funds, gifts, donations, grants and other monies and make disbursements thereof;
- (d) to direct the raising and securing of financial support for the University and approve the University budget;
- (e) to provide for the welfare of the staff of the University, determine staff ranks and positions and the terms and conditions of service;
- (f) to provide for the welfare of the students of the University;

- (g) to set the rates of various University fees and charges;
- (h) to create University scholarships, bursaries and other awards and to determine the conditions and modalities to govern them;
- (i) to appoint University staff upon such terms and conditions of service as may be provided for in the Statutes from time to time;
- (j) to delegate either generally or specifically, to any person or committee, the power to appoint any member of staff of the University;
- (k) to approve, in consultation with the Senate, regulations governing the conduct and discipline of the staff and students of the University;
- (l) to approve and enter into any association with other colleges or any institutions of higher learning and research or other bodies either within or outside Kenya;
- (m) to establish, in consultation with the Senate and with the approval of the Commission for Higher Education such colleges, faculties, institutes, schools, departments and any new programmes as may be deemed necessary;
- (n) to constitute the final court of appeal for the staff, students and alumni of the University.

(3) The Council may delegate any of its powers to committees of the Council consisting of such members or bodies as it may deem fit. All such committees shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed by the Council.

(4) The Council may establish any advisory body or associations as it may deem fit. All such bodies and associations shall perform their functions in accordance with the provisions of the statutes and regulations made by the Council.

(5) The Council shall establish an Executive Committee consisting of the Chairperson of the Council, as its Chairperson, and four Governors, Vice-Chancellor as its secretary, and in attendance the Deputy Vice-Chancellors and Principals. The functions of the Executive Committee shall be—

- (a) to act on behalf of the Council in between the Council meetings;
- (b) to ensure that the decisions of the Council are implemented;
- (c) to co-ordinate the activities of all committees of the Council; and
- (d) to initiate action on all matters related to the University for Council approval.

(6) The Secretary to the Council and the Executive Committee shall—

- (a) cause minutes to be kept in books provided for the purpose including the names of the members present, the proceedings and resolutions of the meetings and the appointments made by the Council;
- (b) ensure that all notices are sent or waivers executed;
- (c) be the custodian of the Common Seal.

(7) All documents, other than those required by law to be under the seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the Chairperson or the Secretary or such other persons as may be authorized by the Council.

(8) The procedure, conduct and regulations of the affairs of the Council shall be vested in the Council as provided for in the Statutes.

(9) For all meetings of the Council, the quorum shall be the nearest whole number above half the membership.

17. The Senate

(1) There shall be a Senate of the University consisting of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals;

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- (d) the Directors;
 - (e) the Deans of Faculties;
 - (f) the Chairperson of teaching and research departments of the University;
 - (g) the Librarian;
 - (h) the Registrar;
 - (i) two members elected by the academic staff;
 - (j) two students elected by the Students Association;
 - (k) any other members as may be provided for in the Statutes or co-opted by the Senate.
- (2) The Senate shall have the following powers and duties—
- (a) to propose to the Council for approval the short-term and long-term academic plans and their modifications based on a continuous evaluation;
 - (b) to develop, evaluate and propose modifications in the programmes of instruction, research and field services consistent with the objectives, policies and Christian philosophy of the University;
 - (c) to develop criteria and policies for the admission of students, their retention and progression to the next years of study, the award of degrees, diplomas and certificates;
 - (d) to approve the academic calendar and academic programme of studies;
 - (e) to discuss and approve the annual academic reports presented by the principals and deans;
 - (f) to settle academic matters within the faculties and departments and to deal with academic disputes arising therefrom;
 - (g) to receive and approve examination results;
 - (h) to discuss, evaluate and recommend to the Council, affiliations of degree programmes and other programmes leading to academic awards of the constituent colleges and supervise them;
 - (i) to recommend to the Council changes in the Statutes and Regulations;
 - (j) to propose to the Council the financial needs of the academic, training and research programmes of the University;
 - (k) to recommend to the Council appointments and promotions of academic staff;
 - (l) to promote and supervise the development of the library and the archives;
 - (m) to formulate and recommend to the Council regulations governing the conduct and discipline of the staff and students of the University;
 - (n) to act on matters related to the mass related to the mass indiscipline or unrest of staff and students of the University as provided in the Statutes;
 - (o) to make regulations governing such matters as are within its powers in accordance with this Charter or the Statutes.
- (3) The Deputy Vice-Chancellor Academic Affairs shall be the Secretary of the Senate.
- (4) The Senate shall meet at least two times a semester.
- (5) The Senate may—
- (a) establish such committees as may be deemed necessary for the efficient discharge of its functions and duties;
 - (b) delegate any of its powers to other Committees of the Senate consisting of such members or bodies as they may deem fit.
- (6) All committees established by the Senate shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed by the Senate.
- (7) The Senate shall undertake any other functions, and duties as may be provided for in the Statutes.

PART IV – MANAGEMENT OF THE UNIVERSITY

18. The Management Board

(1) There shall be a Management Board of the University consisting of:

- (a) the Vice-Chancellor who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals;
- (d) the Directors;
- (e) the Deans of Faculties;
- (f) any other members as may be provided for in the Statutes, or co-opted by the Management Board.

(2) The Management Board shall manage the day to day operations of the University and shall—

- (a) ensure efficient management of the personnel, facilities and finances of the University;
- (b) plan for the development and the needs of the University;
- (c) prepare, in consultation with the Senate, the annual plans and budgets for submission to the Council for approval;
- (d) develop strategies for generation of revenue and fund raising to secure adequate financial support for the University;
- (e) implement the rules and regulations governing the conduct and behaviour of staff or students of the University as approved by the Council and provided for in the Statutes;
- (f) recommend such policies and strategies that achieve the objectives of the University and work for the maintenance of the Christian character of the University;
- (g) undertake any other functions and duties as may be provided for in the Statutes.

(3) The Deputy Vice-Chancellor Finance, Planning and Administration shall be the Secretary of the Management Board.

(4) The Management Board may delegate any of its powers to other committees of the Management Board consisting of such members or bodies as it may deem fit. All such committees shall in the exercise of their powers so delegated conform to any regulations that may be imposed by the Management Board.

19. The Vice-Chancellor

(1) The Council shall appoint a Vice-Chancellor who shall be the academic and administrative head of the University.

The Vice-Chancellor shall—

- (a) direct, promote and co-ordinate all the programmes and activities of the University;
- (b) act as the representative of the University and be its spokesman on its external relations;
- (c) assume administrative responsibilities for the day to day running of the University and its management;
- (d) preside over the Senate and the Management Board in accordance with the Statutes;
- (e) be responsible for the general welfare, conduct and discipline of staff and students;
- (f) work collegially with the personnel of the University for the realization of its objectives;

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(g) direct the securing of financial support for the University.

(2) The Vice-Chancellor shall be appointed on such terms and conditions of service as the Council may determine from time to time, and shall hold office for such period as may be provided for in the Statutes.

20. The Deputy Vice-Chancellors

(1) The Council shall, in consultation with the Vice-Chancellor, appoint Deputy Vice-Chancellors who shall, under the direction and authority of the Vice-Chancellor, perform such duties as may be provided for in the Statutes.

(2) There shall be a Deputy Vice-Chancellor for Academic Affairs who shall be the chief academic officer of the University and shall—

- (a) be secretary to the Senate;
- (b) administer academic regulations as the Senate may from time to time adopt;
- (c) be responsible for the planning and development of the curricular and research programmes of the University;
- (d) oversee the quality and content of instruction and research programmes;
- (e) perform such other duties as may be provided for in the Statutes.

(3) There shall be a Deputy Vice-Chancellor for Finance, Planning and Administration, who shall be the chief planning, finance and administrative officer of the University and shall

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- (a) be the Secretary to the Management Board;
 - (b) co-ordinate the planning and budgeting for the University;
 - (c) be responsible for the management and administration of University finances and financial resources;
 - (d) be responsible for the maintenance of University facilities and equipment;
 - (e) be responsible for the management of personnel matters;
 - (f) perform such other duties as may be provided for in the Statutes.

(4) The Deputy Vice-Chancellors shall be appointed on such terms and conditions of service as the Council may determine from time to time, and shall hold office for such periods as may be provided for in the Statutes.

21. The Principals

(1) The Council shall, in consultation with the Vice-Chancellor, appoint Principals who under the direction and authority of the Vice-Chancellor shall—

- (a) be responsible for the administration of constituent colleges of the University, and
- (b) perform such other duties as shall be provided for in the Statutes.

(2) The Principals shall be appointed on such terms and conditions of service as the Council may determine from time to time and shall hold office for such periods as may be provided for in the Statutes.

22. The Directors

(1) The Council shall, in consultation with the Vice-Chancellor, appoint Directors who shall, under the direction and authority of the Vice-Chancellor, perform such duties as may be provided for in the Statutes.

(2) A Director shall be appointed in such terms and conditions of service as may be determined by the Council, and shall hold office for such periods as may be provided for in the Statutes.

23. The Deans

(1) The Council shall, in consultation with the Vice-Chancellor, appoint Deans who shall, under the direction and authority of the Vice-Chancellor, perform such duties as may be provided for in the Statutes.

(2) A Dean shall be appointed on such terms and conditions of service as any be determined by the Council, and shall hold office for such period as may be provided for in the Statutes.

24. The Staff of the University

(1) The academic staff shall consist of:

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals;
- (d) the Directors;
- (e) the Deans;
- (f) the Librarians;
- (g) the Registrars;
- (h) members of staff who have direct responsibility for and contact with students as teachers, counsellors or administrators recognized as holding positions on academic terms of service.

(2) The non-academic staff shall consist of other University personnel not covered under subsection (1) above.

(3) Members of staff shall be required—

- (a) to comply with the requirements of faith and doctrine as is stipulated in section 11(2) of the Charter, and the code of conduct as detailed in the Statutes;
- (b) to be subject to the general authority or the Council and of the Vice-Chancellor; and
- (c) to be deemed to be employed on a full-time basis except as otherwise specifically provided for by the Statutes.

(4) The status, privileges, procedures and responsibilities of the staff shall be as defined in the Statutes.

(5) Subject to the provisions of this Charter, it will be the duty of the staff, through discussion, study and research, to institute procedures for the efficiency and quality of instruction, guidance and advancement of students.

(6) All the staff may, through their departmental meetings, make proposals and recommendations to the Senate or the Management Board, as specified in the Statutes, and the Senate or Management Board shall make decisions on such proposals and recommendations.

25. Performance of Duties During the Incapacity of an Office Holder

(1) In event of the incapacity of the Vice-Chancellor, the functions of the Vice-Chancellor, may be performed by—

- (a) the Deputy Vice-Chancellor for Academic Affairs;
- (b) the Deputy Vice-Chancellor for Finance, Planning and Administration in the event of simultaneous incapacity of the Vice-Chancellor and Deputy Vice-Chancellor for Academic Affairs;
- (c) a member of the academic staff designated for that purpose by the Vice-Chancellor, in consultation with the Chancellor, in the event of simultaneous incapacity of the Vice-Chancellor, Deputy Vice-Chancellor Academic Affairs and the Deputy Vice-Chancellor for Finance, Planning and Administration.

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(2) In the event of incapacity of a member of the staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitable person with the relevant training and experience, to perform the functions of the member during the incapacity.

(3) In this section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned.

26. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of the graduates and such other persons as may be provided for in the Statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit resolutions thereof to the Council and the Senate.

(3) The Alumni Association shall exercise such powers and functions as may be provided for in the Statutes.

PART V – FINANCIAL PROVISIONS

27. University Fiscal Year

(1) The fiscal year of the University shall be the period of twelve months commencing on such day in each year as the Council may determine.

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

28. Sources of University Funds

The funds of the University shall be derived from—

- (a) academic fees;
- (b) boarding and catering charges;
- (c) endowments, gifts and trusts;
- (d) income from University auxiliary enterprises and investments;
- (e) such other sources as the University may from time to time identify.

29. Investment of University Funds

(1) The Council may invest any of the funds of the University in securities, bonds, trusts etc., in which for the time being, the Council may by law invest, or in such manner as the Council may from time to time approve for the purpose.

(2) The Council may place on deposit with such banks or financial institutions, as it may determine, any funds not immediately required for use by the University.

(3) The Council may create or appoint other corporate bodies to manage its investments, pensions, provident funds, properties, etc.

30. University Annual Budget

(1) Four months before the commencement of a fiscal year, the Council shall cause to be prepared an annual budget of estimates of revenue and expenditure of the University for that year.

(2) The budget shall make provision for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide for:

- (a) the payment of the salaries; allowances and other charges in respect of the staff of the University;
- (b) 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) the funding of the cost of institutional scholarships, teaching and research activities;

- (d) the development of the physical plant;
- (e) the proper maintenance of the buildings and grounds of the University;
- (f) the proper maintenance repair and replacement of the equipment and other movable property of the University;
- (g) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may deem fit.

(3) The annual budget shall be approved by the Council at least three months before the commencement of the fiscal year to which it relates.

(4) No expenditure shall be incurred for the purposes of the University, except in accordance with subsection (3) above, or in pursuance of an authorization of the Council.

31. Accounts and Audit

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

(2) The accounts of the University shall be audited annually by a reputable firm of auditors appointed by the Council.

(3) An auditor appointed under subsection (2) above, shall report directly to the Council.

(4) Within a period of three (3) months from the end of each fiscal year, the Vice-Chancellor shall submit to the Council audited accounts of the University.

PART VI – MISCELLANEOUS PROVISIONS

32. The Statutes

(1) In the performance of its functions under this Charter, the Council shall make Statutes generally for the policies, governance, control and administration of the University and for the better carrying into-effect of the purposes of this Charter, and in particular for—

- (a) the procedure and conduct and regulation of the affairs of the Council;
- (b) the establishment of faculties, departments, institutes, schools and colleges of the University;
- (c) the description of degrees;
- (d) the conduct of examinations;
- (e) the regulations for the award of degrees, diplomas and certificates;
- (f) prescribing fees and boarding charges;
- (g) determining the terms and conditions of service, including the appointment, dismissal and remuneration and retirement benefits of the staff of the University;
- (h) the constitution and procedures of the meetings of the Council, the Senate, the Management Board and Committees of the Council, and other Standing Committees of the University;
- (i) prescribing the rules and regulations for University staff, students and the Students Association;
- (j) the composition and procedures of the meetings of the academic staff and Alumni Association;
- (k) providing for or prescribing anything which under the Charter may be provided for or prescribed in the Statutes.

(2) Statutes shall only be made by a resolution passed at one meeting of the Council, supported by a majority of not less than three-fourths of the members present and voting at that meeting, and at which not less than half of the total membership of the Council are present, provided that such statutes shall not be in contravention of any provision of this Charter.

[Subsidiary]

33. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names, shall accept for such registration any name which includes together the word "University" and the word "Daystar" unless the application for such registration is accompanied by the written consent of the Council.

(2) Any person who, except with written consent of the Council, uses the word "University" and the word "Daystar" in furtherance of, or in connection with any advertisement for any trade, business, calling or profession, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings, or imprisonment for a period not exceeding one month or to both such fine and imprisonment.

(3) Provided that nothing in this subsection shall be of any construed as preventing the "*bona fide*" use by any person title in pursuance of the grant to him of any degree, diploma or certificate of the University.

THE CHARTER FOR SCOTT CHRISTIAN UNIVERSITY

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THE CHARTER FOR SCOTT CHRISTIAN UNIVERSITY

[Legal Notice 536 of 1997, Legal Notice 147 of 2023]

SCHEDULE

CHARTER

WHEREAS the Africa Inland Church, proprietors of Scott Theological College situated in the Republic of Kenya, wishes to establish an institution in the name of Scott Theological College;

AND WHEREAS the said Scott Theological College has applied to the Commission for Higher Education for the grant of a charter in the manner prescribed under the Universities Act;

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

AND WHEREAS the Commission for Higher Education is also satisfied that Scott Theological College has complied with the provisions of the Act, and the Universities Rules, 1989 (L.N. 56/1989);

AND WHEREAS the Commission for Higher Education has submitted a draft charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution and the Cabinet Secretary is satisfied that Scott Theological College, be granted the charter;

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

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

Now wherefore, by these presents, be it known that in exercise of the powers conferred upon me by Section 12 of the Universities Act (Cap. 210B), I, Daniel Toroitich arap Moi, President, and Commander-in-Chief of the Armed Forces, of the Republic of Kenya, hereby grant the Charter annexed hereto to Scott Theological College.

A Charter to provide for the establishment, control, governance and administration of Scott Theological College, and for connected purposes.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Scott Theological College Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Academic Council" means the Academic Council of Scott Theological College established in accordance with Section 20(1);

"Academic Staff" means persons defined as academic staff under Section 30(1);

"Act" means the Universities Act (Cap. 210);

"Administrative Staff" means persons defined as administrative staff under Section 30(2);

"Alumni Association" means Alumni Association of Scott Theological College established under Section 33(1);

"Annual Budget" means the annual budget of estimates of revenue and expenditure prepared under Section 37(1) in respect of any financial year;

[Subsidiary]

"Central Church Council" means the supreme governing body of the Africa Inland Church in Kenya, currently known as the Central Church Council;

"Chairperson of the Governing Council" means the Chairperson of the Governing Council of Scott Theological College appointed under Section 17;

"Charter" means Scott Theological College Charter;

"Church", unless otherwise designated, means any Christian church recognizing Jesus Christ as the only Lord and Saviour and the Holy Scriptures of the Old and New Testament as the final authority in matters of faith and practice;

"College" means Scott Theological College;

"Dean of Students", means a person appointed as Dean of Students under Section 26;

"Deputy Principal" means a person appointed as Deputy Principal under Section 23;

"Director" means a person appointed as Director under Section 25;

"Doctrinal Basis" means the Doctrinal Basis of the College as detailed in Section 7(a);

"Executive Committee" means the Executive Committee of the Governing Council established under Section 19(1);

"Finance Officer" means a person appointed as Finance Officer under Section 24;

"Financial Year" means the financial year of Scott Theological College as determined under Section 34(1);

"Governing Council" means the governing body of Scott Theological College established under Section 16(1);

"Graduate" means a person upon whom a degree or other award has been conferred by Scott Theological College under the provisions of Section 11(1);

"Institute" means an institute established by the College under Section 9(1)(b);

"Management Board" means the Management Board established under Section 21;

"Mission" means the Mission for which the College has been established under Section 5;

"Objects" means the objects of the College as stated in Section 8;

"Philosophy" means the statement of the philosophy of the College contained in Section 7;

"Principal" means the person appointed by the Governing Council as Principal under Section 22;

"Registrar" means the person appointed by the Governing Council as Registrar under Section 27;

"Statutes" means the Statutes of Scott Theological College promulgated by the Governing Council under Section 40;

"Student Council" means the body of students of the College established under Section 32;

"Student" means a person registered as such by the College;

"Supervisor of Field Education" means the person appointed by the Governing Council as Supervisor of Field Education under Section 29;

"Treasurer" means the Treasurer of the Governing Council elected under Section 16(10)(d);

"vice-Chairperson" means the vice-Chairperson of the Governing Council elected under Section 16(10)(b).

PART II – ESTABLISHMENT AND FUNCTIONS OF THE COLLEGE

3. Establishment and Incorporation of Scott Theological College

(1) There is hereby established a College to be known as Scott Theological College which shall be constituted in accordance with the Charter.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable or immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts;
- (e) receiving bequests and gifts which shall be used for the purposes stated by the persons making such bequests and gifts;
- (f) doing or performing all such other things or acts for the proper performance of its functions under, and for the furtherance of the provisions of, this Charter which may lawfully be done or performed by a body corporate.

(3) Scott Theological College is the successor to the unincorporated body known as Scott Theological College affiliated with Ontario Bible College, Ontario, Canada. Subject to the Charter, all rights, duties, obligations, assets and liabilities of the said unincorporated body existing at the commencement of this Charter shall be automatically and fully transferred to Scott Theological College in any contract or document shall for all purposes be deemed to be a reference to Scott Theological College as established under Section 3(1) of the Charter.

4. Type of Institution

(1) Scott Theological College shall be a training institution of the Africa Inland Church, which is the founder and sponsor of the College.

(2) The purpose of the College is to train divinely called Christian men and women in biblical knowledge, Christian character and effective skills for Christian ministry in order to serve the church and associated Christian ministries as pastors, teachers, evangelists, missionaries and other Christian workers.

(3) The College maintains the distinctives of being an institution that is Bible-based, church-related and having a theological position that is commonly identified as "conservative, evangelical" as stated in Section 6 and 7 of the Charter.

5. Mission of the College

The mission of the College shall be to glorify God by building the church through high quality programmes of education, training and research. This involves the training of divinely called Christian men and women in biblical knowledge, Christian character and effective ministry skills, in order to serve the church as pastors, teachers, evangelists, missionaries and other Christian workers; and to conduct research related to the growth and development of the Church and associated Christian ministries.

6. Distinctives of the College

Recognizing that the College is a training arm of the Africa Inland Church in Kenya, Scott Theological College maintains the following distinctives—

- (a) The College is an institution devoted to a specific form of professional training to prepare students for Christian ministry, in accordance with the Philosophy and Objects of the College.
- (b) The College is a Bible-based institution. Biblical values form the foundation for all aspects of the purpose, structure and programmes of the college. The selection of the students, lecturers, and administrators; requirements for graduation; lifestyle and expectations; determination of curriculum; and

[Subsidiary]

means of funding and development are based upon biblical standards. Hence candidates for admission as students or recruitment as lecturers or administrators are considered not only on the basis of meeting required academic standards, but also proven high moral and ethical standards resulting from acceptance of Jesus Christ as both Saviour and Lord. Rejection and/or dismissal of staff or students may result from failure to meet and/or maintain these standards.

- (c) The College is a church-related institution. A theological college can only retain its true identity through an integral relationship with the churches that represent the Body of Christ here on earth. Hence, while the College may have many and varied relationships, none is more fundamental to its nature and mission than its relationship to the church. For this reason, the College has direct ties of authority and responsibility to the Africa Inland Church, its founder and sponsor.
- (d) The College is not merely a Christian and a Protestant institution. It is fundamentally and unalterably committed to a distinctive theological position recognised as historical, evangelical orthodoxy. This means that the College affirms the absolute authority, inerrancy and reliability of Scripture, salvation by grace through faith in Jesus Christ alone and other articles in the Doctrinal Basis including the amplification of the Doctrinal Basis in the Statutes.

7. Philosophy of the College

Growing out of the Mission and Distinctives of the College, the following philosophy of life and conduct shall shape the education, training and research of the College—

- (a) As a community of Christians who acknowledge Jesus Christ as Lord and Saviour, we affirm our belief in the following Doctrinal Basis of the College—
 - (i) The unity and Trinity of God, eternally existing in three coequal Persons, the Father, the Son and the Holy Spirit.
 - (ii) God the Creator and Preserver of all things, who created man, male and female, in His own image and gave them dominion over the earthly creation.
 - (iii) The deity and humanity of God the Son, the Lord Jesus Christ, who being very God, also became man, being begotten by the Holy Spirit, born of the Virgin Mary, was dead and buried, was raised bodily from the dead and ascended to the right hand of the Father; whose two natures continue eternally and inseparably joined together in one Person.
 - (iv) The deity and personality of God the Holy Spirit and the necessity of His work to make the death of Christ effective to the individual sinner, granting him repentance toward God and faith in the Lord Jesus Christ; and in His ministry dwelling permanently within and working through the believer for godly life and service.
 - (v) The divine and verbal inspiration and infallibility of the Scriptures of the Old and New Testaments as originally given and their absolute and final authority in all matters of faith and conduct.
 - (vi) The universal sinfulness and guilt of human nature since the fall, rendering man subject to God's wrath and condemnation.
 - (vii) The sacrificial death of our Representative and Substitute, the Lord Jesus Christ, the incarnate Son of God, by the shedding of whose blood atonement was made for the sin of the world whereby alone men are redeemed from the guilt, penalty and power of sin and death.
 - (viii) The necessity of the new birth as the work of God the Holy Spirit, that men are saved by grace through faith, not by works.

- (ix) The eternal security of the believer, based entirely on the atoning work of the Lord Jesus Christ, whereby, as a born-again child of God, he has assurance of salvation and has the right to all the privileges of the sons of God.
 - (x) The maintenance of good works and obedience to the revealed will of God in life and service, through which eternal rewards shall be received.
 - (xi) The True Church, whose Head is the Lord Jesus Christ and whose members are all regenerate persons united to Christ and to one another by the baptism of the Holy Spirit.
 - (xii) The observance of the ordinances of Baptism and the Lord's Supper as appointed by the Lord Jesus Christ.
 - (xiii) The supreme mission of the church as being to glorify God and to preach the Gospel to every creature.
 - (xiv) The personal, visible return of the Lord Jesus Christ:
 - to catch up the Church which is the Body of Christ — I Thessalonians 4:16,17;
 - to reign a thousand years — Revelation 20:6.
 - (xv) The literal resurrection of the body. The physical resurrection of all people.
 - (xvi) The eternal blessedness of the saved and the eternal punishment of the lost.
- (b) As a community of Christians who strive to grow into maturity in the knowledge of the Lord, we are committed to theological education which helps students to grow in the following dimensions of life—
- (i) Growth in character, which involves a living relationship of faith and obedience to Jesus Christ, demonstrated through a godly lifestyle, conduct and attitude;
 - (ii) Growth in knowledge, including knowledge of the Word of God, a comprehensive grasp of theological truths and an awareness of contemporary culture and thought, all essential for effective ministry in the churches;
 - (iii) Growth in skills necessary for effective ministry including skills of preaching, teaching, evangelism and discipleship.

8. Objects of the College

The objects of the College shall be—

- (a) to provide resources for university level education, either directly or in collaboration with other institutions of higher learning, for training Christian workers, especially pastors, teachers, evangelists, missionaries and other ministers of Jesus Christ;
- (b) to conduct research and encourage the conduct of research on church related topics in order to help multiply, strengthen and renew the churches in Africa;
- (c) to preserve, produce, process, transmit and disseminate knowledge pertaining to Christian thought and the churches in Africa;
- (d) to foster and promote within the students and the churches of Africa, an African Christian world view, which is firmly rooted in the Scriptures and incarnated in African culture;
- (e) to provide leadership in the development of African Christian thought, applying the biblical principles of Scripture and the contemporary cultural; social, religious, moral and political issues in Africa;

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- (f) to stimulate missionary and evangelistic interest and involvement among the students and churches;
- (g) to promote the spiritual life of the students and churches through the study of Scripture and the exercise of prayer and worship;
- (h) to train students in their character, knowledge and skills so that they will—
 - (i) demonstrate a living relationship of faith and obedience to God;
 - (ii) manifest a character that is exemplary before all men and consistent with the Word of God;
 - (iii) practice a lifestyle that is well balanced and integrated, spiritually, physically, intellectually and socially;
 - (iv) display a complete confidence in the authority and trustworthiness of Scripture;
 - (v) relate to members of the community of Christians in a manner that is mutually edifying;
 - (vi) demonstrate a practical working knowledge of Scripture; demonstrate a knowledge of biblical, historical and systematic theology and be able to relate this to other religions in Africa;
 - (vii) identify and apply lessons of church history relevant to the African churches today;
 - (viii) express the Christian faith through the perspective of contemporary African culture;
 - (ix) display a comprehensive worldview, relating biblical truth to other areas of life and learning;
 - (x) study the Scripture exegetically, interpreting the Word of God for himself/herself and applying it to the needs of the day;
 - (xi) communicate the Word of God through preaching, teaching and other media;
 - (xii) share the Gospel with people of diverse religious backgrounds, lead them to a personal faith in Jesus Christ and nurture them in the Word of God;
 - (xiii) manifest a missionary concern and an understanding of how to plant churches in other cultures where Christ is not known.

9. Functions of the College

- (1) The functions of the College shall be—
 - (a) to provide and advance theological education to appropriately qualified candidates leading to the award of degrees, diplomas, certificates and such other qualifications as the Governing Council shall from time to time determine, and in so doing, contribute to the training of Christian workers needed in church related ministries;
 - (b) to provide such resources for university level education, training and research and for the establishment of departments, institutes and such other institutional arrangements as the Governing Council may determine for the purpose of enabling the College to fulfil its mission;
 - (c) to determine who may teach, what may be taught, how it may be taught and who may be taught in the College;
 - (d) to conduct examinations for, and grant degrees, diplomas, certificates and other awards of the College;
 - (e) to provide an atmosphere for the spiritual, intellectual and social development of the students;
 - (f) to play an effective role in the development and expansion of opportunities for those wishing to continue their theological education;

- (g) to carry out such other functions as may be permitted and approved by the Governing Council.

(2) The College shall admit for study for degrees, diplomas, certificates and other awards of the College, such candidates as shall have been accepted by the Academic Council as having met the following qualifications—

- (a) Academic qualifications as set out in the Statutes;
- (b) Personal qualifications expected of those contemplating Christian ministry, including testimony of conversion and faith in Jesus Christ, a sense of call to the Christian ministry, active involvement in Christian witness and church service. There should be evidence of recognition of these qualities and approval by the Church;
- (c) Acceptance of the College's Mission, Distinctives, and Philosophy.

(3) Where a limited number of places is available in any one year, the College, in its selection of students for admission, shall have regard to the priority needs of the churches which it serves, as expressed by those churches, and especially the priority needs of the Africa Inland Church, its founder and sponsor.

(4) Subject to subsection (3) above, the College shall be open to any student who, in the judgement of the Academic Council, meets the qualifications as stated in subsection (2) above without regard or preference to gender, ethnic origin, race or physical disability.

10. Academic affiliation

The College by decision of the Governing Council may enter into such academic affiliations, consistent with the Charter, for the purpose of advancement of the objects of the College.

11. Conferment of degrees, diplomas, certificates and other awards

(1) The College shall have power to confer degrees and grant diplomas, certificates or any other awards as may be provided for in the Statutes.

(2) The College may, in accordance with such conditions as it may prescribe, confer any degree, or award any academic distinction, as an honorary degree or academic distinction, to a person who has rendered distinguished service in the advancement of ecclesiastical or theological endeavours, or who has otherwise, in the opinion of the Governing Council, rendered himself worthy of the degree or academic distinction.

(3) The College may, under conditions it deems fit, award certificates, fellowships, scholarships, bursaries, prizes and other awards.

12. Withdrawal of degrees, diplomas, etc., in certain cases

The Governing Council in consultation with the Academic Council may withdraw any degree, diploma, certificate or other academic qualification conferred or granted under Section 11, if subsequent upon such conferment or grant the Governing Council is satisfied that—

- (a) The conferment or grant was contrary to any regulation prescribed under section 40(1)(c);
- (b) The qualification was obtained through fraudulent or other improper means.

PART III – MEMBERSHIP AND GOVERNANCE OF THE COLLEGE

13. Membership of the College

- (1) The membership of the College shall be—
- (a) Members of the Central Church Council;
- (b) Chairperson of the Governing Council;
- (c) Members of the Governing Council;
- (d) Principal;

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- (e) Deputy Principals;
- (f) Heads of Departments;
- (g) Directors;
- (h) Dean of Students;
- (i) Registrar;
- (j) Librarian;
- (k) Supervisor of Field Education;
- (l) Finance Officer;
- (m) Academic staff;
- (n) Students;
- (o) Such members of the staff of the College or of any other body formally admitted into association with the College as the Governing Council may from time to time determine.

(2) Each member of the College shall—

- (a) profess personal faith in Jesus Christ as Lord and Saviour;
- (b) maintain a faithful testimony within the church;
- (c) satisfy the Academic Council and the Governing Council of the genuine nature of his or her faith in Christ, through a life of faith and good works according to the Scripture;
- (d) accept without reservation—
 - (i) the supreme authority of Scripture as God's Word, recognizing the divine, verbal inspiration of the Scriptures of the Old and New Testaments as originally given and their absolute and final authority in all matters of faith and conduct;
 - (ii) the humanity and deity of the Lord Jesus Christ who, being God the Son, eternally existing as God in coequality with the Spirit in divine Unity and Trinity, became man, being begotten of the Holy Spirit, born of the Virgin Mary for our salvation;
 - (iii) the universal sinfulness and guilt of human nature since the fall, rendering man subject to God's wrath and condemnation;
 - (iv) the sacrificial death of our Representative and Substitute, the Lord Jesus Christ, by the shedding of whose blood, atonement was made for the sin of the world whereby alone men are redeemed from the guilt, penalty and power of sin and death;
 - (v) the necessity of new birth as the work of God the Holy Spirit, that men are saved by grace through faith, not works.
- (e) comply with the code of conduct and the Guide for Christian Living as specified in the Statutes.

(3) Members of the Governing Council shall, in addition, meet the requirements of Section 16(4) and members of the Academic Council Management Board, all academic staff and administrative staff shall meet the requirements of Section 30(3).

14. Governance of the College

The governance of the College shall be vested in the following persons and bodies—

- (a) Central Church Council of the Africa Inland Church;
- (b) Governing Council;
- (c) Chairperson of the Governing Council;
- (d) Academic Council;
- (e) Management Board.

15. Central Church Council of the Africa Inland Church

The Central Church Council shall exercise the following control over the College—

- (a) appoint members of the Governing Council as is provided for by Section 16(2)(e);
- (b) appoint the Chairperson of the Governing Council;
- (c) approve the appointment of the Principal by the Governing Council;
- (d) monitor policies adopted for governing College practice to ensure their harmony with the Charter;
- (e) ensure, through the Principal, that the Mission, Distinctives, Philosophy and Objects of the College, are upheld by all members of the College;
- (f) undertake such other functions as may be provided for in the Statutes.

16. Governing Council

(1) There shall be a Governing Council which shall be the supreme governing body with full authority to formulate and enforce policies governing the operation of the College subject to the provisions of the Charter.

(2) The Governing Council shall consist of the following members—

- (a) Chairperson of the Governing Council;
- (b) Chairperson of the Central Church Council (*ex officio*);
- (c) Principal (*ex officio*);
- (d) Deputy Principals (*ex officio*);
- (e) not less than ten and not more than fifteen members appointed by the Central Church Council as specified in the Statutes;
- (f) not more than three persons co-opted by the Governing Council for special services. A co-opted member shall serve for not more than four years.

(3) With the exception of the appointment of the first members, members of the Governing Council appointed by the Central Church Council under subsection (2)(e) of this Section, shall be appointed for a term of four years with one half of the members retiring every two years. Members shall be eligible for appointment for no more than two consecutive terms. In the case of the appointment of the first members of the Governing Council under this subsection, one half shall be appointed for a four-year term and one half for a two-year term.

(4) Each member of the Governing Council upon appointment, re-appointment or co-option, and before taking his or her place on the Governing Council, shall state in writing unconditional acceptance of the Mission, Distinctives, Philosophy and Objects of the College.

(5) The Governing Council shall hold an annual meeting during each calendar year, on a date and at a place as decided by the Governing Council. At this annual meeting they shall approve the annual budget, among other business. At least one month's written notice of this meeting shall be given to members.

(6) Ordinary meetings of the Governing Council shall be convened at least three times each year as specified in the Statutes.

(7) A special meeting of the Governing Council shall be convened by the Chairperson when requested by a petition signed by one third or more of the members of the Governing Council, to deal with such business as is specified in the petition. At least two weeks written notice shall be given for a special meeting. Only the business specified in the petition calling for the meeting shall be dealt with at a special meeting.

(8) A quorum shall ordinarily consist of half the members of the Governing Council. A quorum of at least two thirds of the members shall be required to deal with any business declared by the Chairperson, or determined by a simple majority of members present, to be a matter of policy.

[Subsidiary]

(9) At any meeting of the Governing Council, except in such special circumstances as may be prescribed in the Statutes, each member shall be entitled to one vote. The Chairperson shall be entitled to an original and to a casting vote.

(10) The officers of the Governing Council shall be—

- (a) Chairperson, appointed by the Central Church Council;
- (b) Vice-Chairperson, elected by the Governing Council from among its members;
- (c) Secretary, who shall be the person holding the office of Principal of the College in accordance with the Charter and Statutes;
- (d) Treasurer, elected by the Governing Council from among its members.

(11) The Vice-Chairperson shall be elected for a four-year term by a majority vote of the Governing Council at an annual meeting. In the event of a vacancy occurring before the term of office is expired, the Governing Council, by a majority vote at an ordinary meeting of the Governing Council, shall elect a replacement to hold office for the remainder of the term of office.

(12) The vice-Chairperson of the Governing Council shall perform such functions of the Chairperson of the Governing Council as are necessary to be performed during the absence or incapacity of the Chairperson.

(13) The Treasurer shall be elected for a four-year term by a majority vote of the Governing Council at an annual meeting. In the event of a vacancy occurring before the term of office expires, the Governing Council, by a majority vote at an ordinary meeting of the Governing Council, shall elect a replacement to hold office for the remainder of the term of office.

(14) The office of a member of the Governing Council shall become vacant—

- (a) if, in the judgement of the Governing Council, he or she fails to comply with the Doctrinal Basis;
- (b) if the member resigns his or her office by writing a letter addressed to the Principal;
- (c) if the Governing Council is satisfied that a member is, by reason of physical or mental infirmity, or any other reason, unable to exercise the functions of the office;
- (d) if the member fails to perform the duties of office without valid reason as determined by the Governing Council;
- (e) if the member is guilty of gross misconduct as determined by the Governing Council;
- (f) if the member is absent for more than three consecutive meetings of the Governing Council without having obtained leave of absence from the Governing Council;
- (g) upon the member's death.

(15) A two-thirds majority vote at a meeting attended by at least two-thirds of the membership of the Governing Council shall be required to pass a resolution declaring vacant, the office of a member of the Governing Council on the grounds stipulated in clauses (c), (d), or (e) of subsection (14) of this Section.

(16) In the event of a vacancy occurring among the members of the Governing Council appointed by the Central Church Council, the latter may appoint a person to fill the vacancy for the remainder of the term of the person originally appointed.

(17) The duties of the officers of the Governing Council are as specified in the Statutes and as may be amended from time to time.

17. Chairperson of the Governing Council

(1) The Central Church Council shall appoint a Chairperson of the Governing Council as specified in the Statutes.

(2) The Chairperson of the Governing Council shall be the presiding officer of the Governing Council with such powers, privileges and functions as are provided for in the Statutes.

(3) A person who is appointed Chairperson of the Governing Council, shall hold office for a period of four years, but shall be eligible for re-appointment subject to such terms and conditions as specified in the Statutes and as may be amended from time to time.

18. Functions of the Governing Council

(1) The Governing Council shall be the supreme governing body of the College responsible for developing and maintaining policies that ensure the fulfilment of the Mission of the College in harmony with its Philosophy, Distinctives and Objects and shall act and exercise all legal rights, powers and privileges of the College as is provided for in the Charter.

(2) Without prejudice to the generality of subsection (1), the Governing Council shall have power to—

- (a) take such action as may be needed to maintain the distinctive evangelical character of the College as expressed in the Philosophy of the College;
- (b) frame policies that will ensure the fulfilment of the Mission, Distinctives and Objects of the College;
- (c) appoint the Principal, subject to the approval of the Central Church Council;
- (d) appoint academic and administrative staff in consultation with the Principal and the Africa Inland Church, on such terms and conditions as are provided for in the Statutes;
- (e) appoint, on the recommendation of the Principal, the Deputy Principals and such other officers as may be specified in the Statutes;
- (f) appoint such committees as it deems desirable for the effective fulfilment of its function and, subject to the Charter and the Statutes, set the terms and conditions under which such committees shall operate;
- (g) approve the courses of study to be followed in the College on the recommendation of the Academic Council and subject to the approval of the Commission for Higher Education;
- (h) set and monitor the financial policy of the College;
- (i) establish, in consultation with the Academic Council, policies for the admission of students, their physical and spiritual welfare, their maintenance, and their discipline;
- (j) provide direction and approval for the expansion and development of the College;
- (k) authorise academic affiliations in consultations with the Academic Council as is provided for by the Charter and the Statutes;
- (l) subject to the approval of the Central Church Council, and in consultation with the Academic Council, establish such associations with other theological institutions, churches or other Christian organisations as will advance the interests of the College;
- (m) as individual members of the Body of Christ, assume the responsibility of supporting the College, making known the needs of the College and assisting in identifying students for the College;
- (n) receive on behalf of the College donations, endowments, gifts, grants or other monies and make disbursements thereof;
- (o) direct the raising and securing of financial support for the College in a manner
- (p) consistent with the Charter;
- (p) approve the annual budget;
- (q) set rates of College fees and charges;

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- (r) create College scholarships, bursaries and other awards and to determine in consultation with the Academic Council, the conditions and modalities to govern them;
- (s) establish, in consultation with the Academic Council and with the approval of the Commission for Higher Education, institutes, departments, faculties, schools and programmes of study or research;
- (t) establish, in consultation with the Academic Council, policies governing the conduct and discipline of the staff of the College;
- (u) nominate, in consultation with the Academic Council, persons for appointment to the Governing Council by the Central Church Council.

(3) The Governing Council may delegate any of its powers to the Academic Council, or to committees of the Governing Council consisting of such members as it may deem fit. In the exercise of such delegated powers, the Academic Council or committee shall comply with the Statutes, as well as any conditions that the Governing Council may impose and shall be at all times answerable to the Governing Council.

(4) The Governing Council may establish such advisory bodies as it deems fit to advise it in the exercise of its functions. Any such advisory body shall comply with the Statutes and any special conditions that the Governing Council may impose. It shall be answerable to the Governing Council at all times.

19. Executive Committee of the Governing Council

(1) There shall be an Executive Committee of the Governing Council which shall consist of—

- (a) Chairperson of the Governing Council, as its Chairperson;
- (b) Vice-Chairperson;
- (c) Treasurer;
- (d) Principal, as its secretary;
- (e) Deputy Principals;
- (f) Two other members elected by the Governing Council from among its own number;
- (g) Such other persons as are specified in the Statutes.

(2) The duties of the Executive Committee shall be—

- (a) act on behalf of the Governing Council on matters of policy as may be necessary between meetings of the Governing Council;
- (b) ensure that the decisions of the Governing Council are implemented; initiate proposals on all matters related to the College, for Governing Council approval.

(3) A quorum shall consist of at least one-half of the members of the Executive Committee.

(4) All decisions of the Executive Committee shall be reported to the Governing Council at the earliest opportunity and shall be subject to review by the Governing Council.

(5) The Executive Committee shall be convened by the Chairperson in consultation with the Principal. Members shall be given as much notice as is practicable for all meetings of the Executive Committee.

20. Academic Council

(1) There shall be an Academic Council which shall consist of—

- (a) Principal, as its Chairperson;
- (b) Deputy Principal for Academic Affairs, as its Secretary;
- (c) Deputy Principal for Administration;
- (d) Heads of Departments;

- (e) Directors;
- (f) Dean of Students;
- (g) Registrar;
- (h) Librarian;
- (i) Supervisor of Field Education;
- (j) other members of the academic staff or other officers of the College as specified in the Statutes.

(2) The Academic Council shall have the following functions and exercise the following powers in relation to the academic affairs of the College—

- (a) make recommendations to the Governing Council on policies relating to the day to day functioning of the College, including the conduct and discipline of the students and staff of the College;
- (b) promulgate such regulations as may be needed to ensure the implementation of policies enacted by the Governing Council;
- (c) propose to the Governing Council for approval, short term and long term academic plans and their modifications based on a continuous evaluation;
- (d) develop, evaluate and propose to the Governing Council modifications in the educational and research programmes of the College consistent with the Mission, Distinctives, Philosophy and Objects of the College;
- (e) appoint external examiners, on the recommendation of the academic departments;
- (f) receive reports from external examiners and take such action on such reports as it deems appropriate;
- (g) approve the academic calendar;
- (h) promote and supervise the development of the library and the archives;
- (i) prepare and implement plans for the professional development of academic staff;
- (j) make proposals to the Governing Council for the enactment, amendment or repeal of Statutes on academic, disciplinary, social, and other policies affecting the well-being of the College or any of its members;
- (k) receive reports on the operation of any aspect of the academic programmes of the College or related matters;
- (l) receive and approve examination results;
- (m) approve candidates for degrees, diplomas and other awards;
- (n) resolve disputes on academic matters arising within the College, in accordance with the Charter and the Statutes, or, where a dispute concerns matters of policy beyond its designated powers, to refer the matter to the Governing Council for resolution;
- (o) evaluate academic programmes of the College and to be responsible for supervising the implementation and development of such programmes;
- (p) recommend to the Governing Council appointments and promotions of academic staff;
- (q) develop regulations, consistent with the Charter and Statutes, for the admission of students, progression to the next years of study, the award of degrees, diplomas and certificates;
- (r) make submissions to the Governing Council on the financial requirements for the effective functioning of the College in its academic training, research and related activities;
- (s) make and enforce regulations governing such matters as are within its powers in accordance with the Charter and the Statutes;

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- (t) administer scholarships; fellowships and other academic awards;
- (u) appoint and delegate its powers, subject to the Charter and Statutes, to such committees and other bodies as are necessary for the achievement of the Objects of the College.

21. Management Board

- (1) There shall be a Management Board of the College which shall consist of—
 - (a) The Principal, as its Chairperson;
 - (b) Deputy Principal for Administration, as its Secretary;
 - (c) Deputy Principal for Academic Affairs;
 - (d) Registrar;
 - (e) Finance Officer;
 - (f) not more than three persons co-opted by the Management Board;
 - (g) such other members as may be provided for by the Statutes.
- (2) The Management Board shall have the following functions and duties in relation to the day-to-day management of the College—
 - (a) ensure efficient management of the personnel, facilities and finances of the College;
 - (b) plan for the development of the College's resources and facilities in close consultation with the Academic Council;
 - (c) be responsible for the preparation of the annual estimates of finance in close consultation with the Academic Council;
 - (d) recommend to the Academic Council and the Governing Council, management policies and strategies that will advance the objects of the College;
 - (e) Perform such other duties as may be prescribed in the Statutes from time to time.

PART IV – MANAGEMENT OF THE COLLEGE

22. Principal

- (1) The Governing Council shall with the approval of the Central Church Council, appoint a Principal who shall be the Chief Executive and who in that capacity, shall be the academic and administrative head of the College.
- (2) The Principal shall be appointed on such terms and conditions of service as may be determined by the Governing Council and prescribed in the Statutes and as may be amended from time to time.
- (3) The Principal shall be appointed for a period of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

23. Deputy Principals

- (1) The Governing Council, in consultation with the Principal, shall appoint a Deputy Principal for Academic Affairs and a Deputy Principal for Administration in accordance with the Statutes.
- (2) Under the direction of the Principal, the Deputy Principal for Academic Affairs shall be responsible for the academic affairs of the College as may be prescribed in the Statutes.
- (3) The Deputy Principal for Academic Affairs shall be appointed for a period of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.
- (4) Under the direction of the Principal, the Deputy Principal for Administration shall be responsible for the general administration and planning of the College and shall have such duties as may be prescribed in the Statutes.

(5) The Deputy Principal for Administration shall be appointed for a period of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(6) The Deputy Principals shall perform duties and hold office upon the terms and conditions specified in the Charter and Statutes.

24. Finance Officer

(1) The Governing Council, in consultation with the Principal, shall appoint a Finance Officer, who shall, under the direction of the Principal, be responsible for the financial management of the College.

(2) The Finance Officer shall be appointed for a period of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(3) The Finance Officer shall be appointed on such terms and conditions of service as may be determined by the Governing Council and prescribed in the Statutes as may be amended from time to time.

25. Directors

(1) In consultation with the Principal, the Governing Council shall appoint Directors for specific areas of College programmes considered significant as may be prescribed in the Statutes.

(2) A Director shall be appointed for a period of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(3) Directors shall perform such duties and hold office upon such terms and conditions of service as may be prescribed in the Statutes.

26. Dean of Students

(1) In consultation with the Principal, the Governing Council shall appoint a Dean of Students on such terms and conditions of service as may be prescribed in the Statutes.

(2) Under the direction of the Deputy Principal for Academic Affairs, the Dean of Students shall be responsible for the spiritual, physical and social welfare of the students.

(3) The Dean of Students shall be appointed for a term of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

27. Registrar

(1) In consultation with the Principal, the Governing Council shall appoint a Registrar on such terms and conditions of service as may be prescribed in the Statutes.

(2) Under the direction of the Deputy Principal for Academic Affairs, the Registrar shall be responsible for the maintenance of all student records.

(3) The Registrar shall be appointed for a term of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(4) The Registrar shall perform such duties and hold office upon such terms and conditions of service as may be prescribed in the Statutes.

28. Librarian

(1) In consultation with the Principal, the Governing Council shall appoint a Librarian on such terms and conditions of service as may be prescribed in the Statutes.

(2) Under the direction of the Deputy Principal for Academic Affairs, the Librarian shall be responsible for the management and direction of the College library.

(3) The Librarian shall be appointed for a term of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(4) The Librarian shall perform such duties and hold office upon such terms and conditions of service as may be prescribed in the Statutes.

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29. Supervisor of Field Education

(1) In consultation with the Principal, the Governing Council shall appoint a Supervisor of Field Education on such terms and conditions of service as may be prescribed in the Statutes.

(2) The Supervisor of Field Education shall be responsible for the management, planning and direction of the field education programme as may be prescribed in the Statutes.

(3) The Supervisor of Field Education shall be appointed for a term of five years and shall be eligible for re-appointment for a further period as may be prescribed in the Statutes.

(4) The Supervisor of Field Education shall perform such duties and hold office upon such terms and conditions of service as may be prescribed in the Statutes.

30. Staff of the College

(1) The academic staff of the College shall consist of the Principal, the Deputy Principal for Academic Affairs, Heads of Departments, Librarian, Directors, Dean of Students, Supervisor of Field Education and all members of staff engaged in teaching and research.

(2) The administrative staff of the College shall consist of the Principal, the Deputy Principal for Administration, Registrar, Finance Officer, and such other administrative officers who by their terms of service are designated administrative staff.

(3) Each member of the academic staff, the administrative staff, the Academic Council and the Management Board shall affirm annually—

- (a) his or her unreserved acceptance of the Doctrinal Basis and the amplification of the Doctrinal Basis as detailed in the Statutes, by signing the appropriate schedule to the Statutes. The Principal shall be responsible to ensure this is done and for reporting accordingly to the annual meeting of the Governing Council.
- (b) notwithstanding clause (a) above, a person who has reservations on one or more points about the wording of the Doctrinal Basis or its amplification in the Statutes, may elect to sign an alternative form as is provided for by the Statutes, indicating a wholehearted acceptance of the Doctrinal Basis and its amplifications in the Statutes, excepting only for such reservations as are clearly stated. The Governing Council may, at its discretion, and after consultation with the Academic Council, accept this alternative form provided that—
 - (i) the stated reservation concerns only Section 7(a)(xiv) dealing with Doctrinal Basis together with any amplification of this clause in the Statutes; or
 - (ii) in the case of reservations that concern any other clause of Doctrinal Basis or its amplification in the Statutes, the Governing Council is satisfied that the stated reservation does not contradict or diminish the intended meaning of the Doctrinal Basis and does not compromise the College's Mission, Distinctives and Objects in matters of faith;
 - (iii) the person stating such reservations undertakes in writing that he or she will not use his or her position in the College, either directly or indirectly, to propagate any teaching that is contrary to the Doctrinal Basis.

31. Performance of duties during the incapacity of an office holder

In the event of the incapacity of an office holder, the following provisions shall be made—

(1) The duties and functions of the Principal shall be performed by one of the Deputy Principals appointed by the Governing Council. In the event that the Governing Council cannot meet, then the appointment shall be made by the Executive Committee. In the case of emergency, the Chairperson of the Governing Council, or in his absence, the vice-

Chairperson, shall appoint one of the Deputy Principals to perform the duties of the Principal, subject to ratification by the Executive Committee.

(2) In the event of the simultaneous incapacity of the Principal and both Deputy Principals, the acting appointments shall be made by the Chairperson of the Governing Council, in consultation with the Central Church Council.

(3) In the event of the incapacity of any other office holder, other than the Principal, the appointments shall be done by the Principal, subject to reporting his action to the Governing Council.

(4) In this Section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned. "Incapacity" may be for long periods or short periods as defined in the Statutes.

32. Student Council

(1) There shall be a Student Council, elected annually by the student body as is provided for in the Statutes.

(2) The functions of the Student Council shall be—

- (a) to oversee and plan, in consultation with the Academic Council, student activities that promote the spiritual and social well-being of all students;
- (b) to promote harmonious communal life among the students, encouraging them to care for one another, by example as well as by word, looking to the interests of others rather than their own;
- (c) to draw to the attention of the appropriate authority, where necessary, special needs of particular students;
- (d) to offer suggestions to the Academic Council on matters affecting the well being of students.

(3) The Student Council shall be subject to the authority of the Principal and the Academic Council in all matters.

33. Alumni Association

(1) There shall be an Alumni Association of the College which shall consist of the graduates and such other persons as may be provided for in the Statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the College and to transmit resolutions thereon to the Academic Council through the Principal. If not satisfied with the response of the Academic Council, the Alumni Association may subsequently transmit a resolution to the Governing Council, after having advised the Academic Council through the Principal of its intention to do so.

(3) The Alumni Association shall exercise such other powers and functions as may be provided for in the Statutes.

PART V – FINANCIAL PROVISIONS

34. College Financial Year

(1) The financial year of the College shall be the period of twelve months commencing on such day in each year as the Governing Council may determine.

(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 the Charter to be a financial year.

35. Sources of College Funds

The College is a non-profit educational institution, which continually seeks God for the provision of its needs. The College neither seeks, nor accepts, any funds which would be for any purpose contrary to the Mission, Distinctives and Philosophy of the College.

Subject to the above provisions, the funds of the College shall be derived from—

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- (a) academic fees;
- (b) boarding and catering charges;
- (c) endowments, gifts and trusts;
- (d) income from College auxiliary enterprises and investments;
- (e) such other sources as the College may from time to time identify.

36. Investment of College funds

(1) The Governing Council may invest any of the funds of the College in securities, bonds, trusts and such other types of investment in which, for the time being, the Governing Council may by law invest, or in such manner as the Governing Council may from time to time approve for that purpose.

(2) The Governing Council may place on deposit with such banks or financial institutions as it may determine, any funds not immediately required for use by the College.

(3) The Governing Council may create or appoint other corporate bodies to manage its investments, properties, pensions etc.

37. Annual Budget

(1) Three months before the commencement of a financial year, the Governing Council shall cause to be prepared an annual budget of estimates of revenue and expenditure of the College for that financial year.

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

- (a) payment of salaries, allowances and other charges in respect of the staff of the College;
- (b) payment of any pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the College;
- (c) funding of the cost of teaching, research and extension activities of the College;
- (d) funding of the cost of scholarships payable out of the funds of the College;
- (e) funding of the development of buildings and other physical plants;
- (f) proper maintenance of the buildings and grounds of the College;
- (g) maintenance, repair and replacement of the equipment and other property of the College.

(3) The annual budget shall be approved by the Governing Council before the commencement of the financial year.

(4) No expenditure shall be incurred for the purposes of the College, except in accordance with the annual estimates approved under subsection (3) above, or in pursuance of an authorisation of the Governing Council.

38. Accounts and Audit

(1) The Governing Council shall cause to be kept proper books and records of accounts of the income and expenditure, assets and liabilities of the College.

(2) The accounts of the College shall be audited annually by a reputable firm of auditors appointed by the Governing Council.

(3) Within a period of three (3) months from the end of each financial year, the Principal shall submit to the Governing Council audited accounts of the College.

PART VI – MISCELLANEOUS PROVISIONS

39. The Common Seal and the Signification of Documents

(1) The common seal shall be kept in such custody as the Governing Council may direct and shall be used upon the order and direction of the Governing Council.

(2) The common seal shall be authenticated by the signature of the Principal, or of any other member of the Governing Council duly authorised by the Governing Council in that behalf, and one of the Deputy Principals.

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

(4) All documents other than those required by law to be under seal, made on behalf of the Governing Council, and all decisions of the Governing Council may be signified under the hand of the Chairperson and the Principal or a Deputy Principal or any other member of the Governing Council duly authorised by the Governing Council in that behalf.

40. Statutes

(1) In the performance of its functions under the Charter, the Governing Council shall, subject to the Universities Act, make Statutes generally as required for the governance, control, and administration of the College, for the better carrying into effect of the purposes of the Charter, and for all purposes connected therewith, and in particular for—

- (a) the regulation, procedure and conduct of the affairs of the Governing Council;
- (b) the establishment of departments and institutes of the College;
- (c) the regulations for awarding degrees, diplomas, certificates and other academic awards;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;
- (f) determining the terms and conditions of service, including appointments, dismissals, remuneration and other benefits, of members of the staff of the College;
- (g) the constitution and procedures of the meetings of the Governing Council, the Academic Council, the Management Board, the Executive Committee, and other committees of the Governing Council and the College;
- (h) prescribing rules and regulations for the College staff, students and the Student Council;
- (i) prescribing procedures, requirements, and responsibilities relating to staff positions;
- (j) the composition and procedures of meetings of the Alumni Association;
- (k) providing for or prescribing anything which, under the Charter, may be provided for or prescribed by the Statutes.

(2) No Statute shall be valid if it contravenes or is in conflict with any provision of the Charter.

(3) Notwithstanding the provisions of subsection (1) above, the Governing Council shall not make, amend, or revoke any Statutes relating to the functions or privileges of any officer or office established in the College without first ascertaining the opinion of the Academic Council.

(4) Statutes shall only be made by a resolution passed at one meeting of the Governing Council by at least three-quarters of the total membership of the Governing Council, and confirmed at a subsequent meeting not less than one, nor more than twelve months thereafter.

(5) The Governing Council may amend or revoke the Statutes on the vote of a three-fourths majority of those present and voting at a meeting of the Governing Council of which notice has been given in accordance with subsection (6) of this Section, such majority being not less than half of the total membership of the Governing Council.

(6) Notice of any proposed amendment to the Statutes shall be given in writing to all members of the Governing Council at least six months prior to its consideration by

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the Governing Council. The notice shall specify the time and place of the meeting of the Governing Council at which the proposed change is to be considered.

41. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies, or business names shall accept for such registration, any name which includes together with the words "Theological College", the word "Scott", unless the application for such registration is accompanied by the written consent of the Governing Council.

(2) Any person, who except with the written consent of the Governing Council, uses the words "Theological College" together with the word "Scott" in furtherance of, or as, or in connection with any advertisement for, any trade, business, calling or profession, shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment:

Provided that nothing in this subsection shall be construed as preventing the *bonafide* use by any person of any title in pursuance of the grant to him of any degree, diploma, or certificate of the College.

42. Variation and Revocation

This Charter may be varied or revoked in accordance with section 16 of the Universities Act.

THE CHARTER TO ESTABLISH UNITED STATES INTERNATIONAL UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

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5. Functions
6. Conferment of Degrees, Diplomas, Certificates and Other Awards
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13. The Faculty Senate
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18. Senate
19. The Deputy Vice-Chancellor for Academic Affairs
20. The Deputy Vice-Chancellor for Institutional Development
21. The Deputy Vice-Chancellor for Finance and Administration
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23. Performance of Duties during the Incapacity of the Vice-Chancellor and other Senior Managers

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24. Financial Year, Audit and Budget
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PART VI – MISCELLANEOUS PROVISIONS

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27. Protection of Name
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THE CHARTER TO ESTABLISH UNITED STATES INTERNATIONAL UNIVERSITY

[Legal Notice 181 of 1999, Legal Notice 51 of 2021]

SCHEDULE

WHEREAS the United States International University, San Diego, California, U.S.A., the proprietors of United States International University, situated in the Republic of Kenya, wishes to establish an institution in the name of United States International University;

AND WHEREAS the said United States International University has applied to the Commission for Higher Education for the grant of charter in the manner prescribed under the Universities Act (Cap. 210);

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

AND WHEREAS the Commission for Higher Education is also satisfied that the United States International University has complied with the provisions of the Act, and the Universities Rules, 1989;

AND WHEREAS the Commission for Higher Education has submitted a draft charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution, and Cabinet Secretary is satisfied that United States International University be granted the charter;

AND WHEREAS the Cabinet Secretary has submitted the charter to me with recommendations thereon;

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

NOW WHEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, grant the charter annexed to United States International University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the United States International University Charter.

2. Interpretation

In this Charter—

"Academic employees" means all employees on academic terms of service and includes faculty;

"Act" means the Universities Act (Cap. 210);

"Board" means the Board of Directors of USIU established under section 11;

"Chancellor" means the Chancellor of USIU referred to in section 12;

"Charter" means the Charter of USIU;

"Commission" means the Commission of Higher Education, which is the accrediting body for higher education institutions in Kenya, established by the Universities Act (Cap. 210);

"Faculty" means all teaching staff of USIU;

"Faculty Senate" means the institution established under section 13;

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"Satellite Campus" means an extension centre established by USIU after approval of the Board and the Commission;

"Statutes" means the operating rules and procedures enacted by the Board for the governance of USIU;

"Student" means the person registered for the purpose of obtaining a qualification of USIU;

"Student Affairs Council" means the institution established under section 16;

"Trustees" means the Board of Trustees established under section 10;

"USIU" means the United States International University established under section 3;

"Vice-Chancellor" means the chief academic and administrative officer of USIU as is established under section 18.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of United States International University

(1) There is established a university to be known as United States International University, hereinafter referred to as USIU, which shall be constituted in accordance with this Charter.

(2) The USIU shall, through the Board and in consonance with this Charter, exercise overall responsibility over its governance and future development.

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

- (a) taking, purchasing or otherwise acquiring, holding, charging, and disposing of movable and immovable property;
- (b) borrowing or lending money;
- (c) suing and being sued;
- (d) entering into contract with the Government of Kenya, other institutions and individuals.
- (e) receiving bequests and gifts which shall be used only for the purposes stated by the person or persons making such bequests or gifts; and
- (f) doing or performing all such other transactions or acts for the furtherance of the provisions of this Charter, which may be lawfully done or performed by a body corporate.

(4) Upon the coming into effect of this Charter the agreement of January, 1970, executed between USIU on the one part and the Government of the Republic of Kenya on the other part shall cease to have effect:

Provided that any rights and liabilities accruing thereunder shall continue to have full force and effect to the extent consistent with this Charter to bind USIU and the said Government, respectively.

(5) The business and property of the body corporate shall be managed and controlled by the Board, who shall exercise all the powers of the body corporate as may be provided by this Charter or permitted by applicable law in Kenya.

4. Mission, Philosophy and Objectives

(1) The University's philosophy is based on the concept of global understanding and co-operation through education. As such, its mission is to promote the discovery and application of knowledge, the acquisition of skills, and the development of intellect and character in a manner, which prepares students to contribute effectively and ethically as citizens of a changing and increasingly technological world.

(2) The mission is achieved through selected high quality under-graduate and graduate programmes that result in the following objectives:

- (a) Higher Order Thinking – The ability to collect, analyse, and evaluate information and to formulate conclusions. Students develop and demonstrate the ability to think critically, analytically, and creatively through active participation in learning, qualitative and quantitative analysis and research.
- (b) Literacy - Competence in oral, written, quantitative, and technological skills. Students develop and demonstrate competence in oral and written communication as well as scientific, quantitative and technological literacy through written and verbal assessments
- (c) Global Understanding and Multicultural Perspective - Awareness, knowledge and appreciation of both the diversity and commonality of cultures. Students acquire these perspectives through formal study of language, history, literature, and the arts through working, study and living co-operatively in a racially, ethnically and culturally diverse environment. Further, students acquire an understanding of economic, historical, political, geographical and environmental relationships on a global basis.
- (d) Preparedness for Career - Mastery of a field of knowledge and its multicultural and multinational application. Such mastery is accomplished through both formal study and various experiential forms of learning such as internships and field experiences. As part of their growth and development, students formulate and articulate the ethical standards which will guide their professional and personal lives.
- (e) Community service – A sense of being a part of a community and desire to be service to it. Students are given opportunities to participate in community service, citizenship, or social action projects or activities.

(3) This mission is carried out in an environment which encourages intellectual and scholarly development; fosters an openness to a wide range of ideas, cultures and people; and enhances personal growth.

5. Functions

(1) The functions of USIU shall be—

- (a) to establish and maintain an educational institution offering courses of instruction beyond secondary schools and conduct courses of study, laboratory school, extension courses and ancillary services as found in universities;
- (b) to determine the qualifications and eligibility of persons from the Republic of Kenya or elsewhere for baccalaureate and graduate studies;
- (c) to determine who may teach, what may be taught and how it may be taught;
- (d) to conduct examinations for, and to grant degrees, diplomas and other awards of USIU and its seal pursuant to approval of the Board;
- (e) to provide adequate equipment and facilities for a high quality education, such as library resources, laboratories, research facilities, classrooms and buildings to support various curricula;
- (f) to formulate rules and procedures for execution of USIU's programmes and plans which have been approved by the Board;
- (g) to divide the courses of instruction of USIU into departments, divisions, schools or colleges for the better presentation of specialized subject matter to students;
- (h) to maintain a record of its proceedings;
- (i) to revise or discontinue existing programmes as well as to examine and approve proposals for colleges, schools, departments, degree courses or subjects of study subject to necessary review by appropriate academic committees and approval by the Chancellor, the Board and the Commission for Higher Education; and

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(j) to establish academic linkages.

(2) USIU shall be open to any student irrespective of background, nationality, race, religion, sex or socio-economic status who desires a high quality education, meets the criteria for admission as established by the University, and who is willing to co-operate with the policies of USIU and be comfortable within its atmosphere.

(3) USIU may, with the approval of the Board and the Commission, establish satellite campuses. Satellite campuses are subject to the direction and supervision of USIU and the Board.

6. Conferment of Degrees, Diplomas, Certificates and Other Awards

Subject to the provisions of this Charter, USIU shall have power to—

- (a) confer the degrees of bachelor, master, doctor and such other degrees as may be provided for in the statutes following approval by the Board and the Commission;
- (b) grant diplomas, certificates and other awards;
- (c) confer an honorary degree or academic distinction which the University may wish to confer or award upon a person who has rendered distinguished service in the advancement of any branch of learning or cultural accomplishment or who has otherwise rendered himself worthy of such a degree or academic distinction; and
- (d) revoke the degree of bachelor, master, doctor and such other degrees and awards as may be provided for in the statutes for appropriate reasons upon approval of the Board.

7. The Common Seal

(1) The common seal of USIU shall be kept in such custody as the Board may direct and shall be used upon the order and direction of the Board, the Chancellor or the Vice-Chancellor.

(2) The common seal of USIU shall be authenticated by the signature of the Chancellor, the Vice-Chancellor or a nominee of the Chancellor.

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

8. Membership

The members of the University shall be—

- (a) the Trustees;
- (b) the Board of Directors;
- (c) the Chancellor;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellor for Academic Affairs;
- (f) the Deputy Vice-Chancellor for Finance and Administration;
- (g) the Deputy Vice-Chancellor for Institutional Development;
- (h) the Deputy Vice-Chancellor for Student Affairs;
- (i) the Academic Dean of each School or College;
- (j) the Faculty of the University;
- (k) the Librarian;
- (l) the Students; and
- (m) such other members of staff of the University, the alumni, or any other body formally admitted into association with the University.

9. Governance

The governance of the University shall be vested in the following persons and bodies—

- (a) the Trustees;
- (b) the Board of Directors;
- (c) the Chancellor;
- (d) the Vice-Chancellor;
- (e) the Management Council;
- (f) the Faculty Senate;
- (g) the Student Affairs Council; and
- (h) the Staff Council

10. The Trustees

(1) USIU shall have a Board of Trustees consisting of all members of the Board of Trustees of the University known as the United States International University being a company incorporated with limited liability in accordance with sections 5110 and 5111 of the Corporations Code of the State of California in the United States of America.

(2) The Trustees shall from time to time appoint a Board of Directors to exercise powers specified in section 11 of this Charter.

(3) The Board of Trustees shall be incorporated and registered under the Trustees (Perpetual Succession) Act (Cap. 164).

Provided that the Board of Trustees shall not exercise any of its functions under this Charter unless it is, and continues to be, so registered.

11. The Board of Directors

(1) There shall be a Board of Directors consisting of at least seven, and at most fifteen members, one third of whom shall be residents of Kenya.

(2) The Chancellor and the Vice-Chancellor of the University shall be *ex officio* members of the Board.

(3) Board members shall be appointed by the Trustees and shall serve for a term of three (3) years and shall then retire but shall be eligible for re-election.

(4) Officers of the Board will include a Chairperson, and vice-Chairperson, who shall be elected for annual terms by the Board from among the Board and may be re-elected at the expiry of their term of office. Elections will be held at the official annual meeting of the Board.

(5) The Board may, by statutes, establish such as committees as are necessary for the efficient discharge of the education functions of the University.

(6) In lieu of committees, the Board shall act as a committee of the whole.

(7) In addition to the annual meeting which shall be held in Nairobi at a time and place determined by the Board, the Board may meet at other times upon request by the Chairperson. The specific time and place of the meetings will be determined by the Chairperson with the concurrence of a majority of the Board members. Meetings may be conducted by means of electronic communications if a quorum is present and the members may hear each other.

(8) The quorum necessary for the transaction of the business of the board shall be a simple majority.

(9) The Chairperson of the Faculty Senate, Staff Council, Student Affairs Council, and Alumni Association may attend Board meetings and be on the agenda for the purpose of reporting to the Board the activities and interests of their respective organizations. The Board may, however, go into executive session when, in their judgement, that is necessary. The Chairperson will not participate in the executive sessions.

(10) The Board of Directors shall have and exercise the following functions—

- (a) be responsible for the quality and integrity of the University;

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- (b) establishing broad institutional policies and delegating the implementation and management of such policies to the administration;
- (c) approval of the University's mission and academic programmes;
- (d) approval of an annual budget for the University;
- (e) assuring that the type, and level of degrees offered are consistent with institutional purpose and are of satisfactory quality;
- (f) selection of an external audit firm and review of the annual fiscal audit of the University by such firm;
- (g) approving faculty recommended by the Vice-Chancellor for tenure;
- (h) acting as the final appeal body for any tenured faculty member who is terminated from the University for cause;
- (i) approval, upon recommendation of the Vice-Chancellor, of terms and conditions of service of employees of USIU; and
- (j) approval, upon recommendation of the Chancellor, of the terms and conditions of service of the Vice-Chancellor.

PART III – MEMBERSHIP OF THE UNIVERSITY

12. The Chancellor

The Chancellor shall be appointed by the Board of the Trustees of USIU and shall also serve as the Chief Executive "(officer)" of the University responsible for its overall management subject to the terms of service set out by the Board.

13. The Faculty Senate

(1) There shall be a Faculty Senate of the University which shall consist of all members of the academic staff.

(2) The Faculty Senate shall have and exercise the following functions—

- (a) oversee all the academic programmes, quality and character of the institution and continuously review academic policy and performance;
- (b) conduct periodic reviews of the financial policies of the University and formulate recommendations for the Vice-Chancellor as to their adequacy in support of the educational needs of the institution;
- (c) review any changes by the Vice-Chancellor or the Board of Directors in the educational and financial policies of the University;
- (d) promote the general welfare of the University, its students, staff and faculty;
- (e) assure a sense of responsibility among the faculty for maintaining a superior level of instruction, research and professional activities;
- (f) address academic and instructional issues within the framework of the University's educational direction and policy;
- (g) conduct studies and make recommendations on matters of policy and procedure pertaining to the faculty.

(3) The members of the Faculty Senate shall elect an executive committee from among its members to include a chairperson, vice-chairperson, secretary and treasurer.

(4) The Faculty Senate shall have the right to meet and discuss any academic matters relating to the University and to transmit any resolutions to the Vice-Chancellor.

(5) The following shall be the Standing Committees of the Faculty—

- (a) Academic and Research;
- (b) Personnel;
- (c) Grievance;
- (d) Planning and Policy;
- (e) Budget and Finance;

- (f) Ethics;
 - (g) Student Life and Activities; and
 - (h) Administrative Performance Evaluation.
- (6) The Faculty Senate shall meet at least once a month.

14. The Management council

(1) There shall be a Management Council consisting of the Vice-Chancellor, who shall be the chairperson: the Deputy Vice-Chancellor for Academic Affairs; the Deputy Vice-Chancellor, for Finance and Administration, the Deputy Vice-Chancellor for Institutional Development, the Deputy Vice-Chancellor for Student Affairs and any other senior officers appointed to the Management Council by the Vice-Chancellor in consultation with the Chancellor.

(2) The Management Council shall manage the day-to-day operations of the University and shall—

- (a) ensure efficient management of the personnel, programmes, facilities and finances of the University;
- (b) plan for the development and the needs of the University;
- (c) prepare the annual plans and budgets for submission to the Chancellor and the Board;
- (d) develop strategies for generation of revenue and fund raising to secure adequate financial support for the University;
- (e) implement rules and regulations governing the conduct and behaviour of students and staff of the University; and
- (f) perform any other functions or duties as may be prescribed by the Vice-Chancellor.

15. The Staff Council

(1) There shall be a Staff Council of the University which shall consist of all non-academic employees of the University except the senior management staff.

(2) The members of the Staff Council shall elect an Executive Committee from among its members, to include a chairperson, vice-chairperson, secretary and treasurer.

(3) The Staff Council shall have the right to meet and discuss any staff matters relating to the University and to transmit any resolutions to the Vice-Chancellor.

16. The Student Affairs Council

(1) There shall be a Student Affairs Council of the University which shall consist of all students and other such persons as may be provided by its Constitution subject to the approval of the Chancellor and the Board upon recommendation of the Vice-Chancellor.

(2) The members of the Student Affairs Council shall elect an Executive Committee from among its members, to include a Chairperson, Vice-Chairperson, Secretary and Treasurer.

(3) The Student Affairs Council shall have the right to meet and discuss any student matters relating to the University and to transmit any resolutions to the Vice-Chancellor.

(4) The Student Affairs Council shall represent students on social and academic issues, and shall exercise its powers and functions as may be provided for in its Constitution.

(5) The Standing Committees of the Student Affairs Council are—

- (a) Academic Committee; and
- (b) Welfare Committee.

(6) Meetings of the Council shall be determined by the Executive Committee of the Student Affairs Council.

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17. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of all the graduates and such other persons as may be provided for in its constitution.

(2) The members of the Alumni Association shall elect an Executive Committee from among its members to include a chairperson, vice-chairperson, secretary and treasurer.

(3) The Alumni Association shall have the right to meet and discuss any matters relating to the University and to transmit any resolutions to the Vice-Chancellor.

(4) The Alumni Association shall exercise such powers and functions as may be provided for in its constitution which powers and functions shall include—

- (a) bringing together graduates and former students of the University;
- (b) planning non-political, social and education activities;
- (c) engaging in fund raising activities to assist the University and its students;
- (d) assisting in the development of the University and community at large;
- (e) promoting the University's welfare, image and academic standards;
- (f) promoting co-operation between the University and industry in general;
- (g) promoting academic and professional excellence;
- (h) providing services and developing skills usable by a graduate of the University to further his or her career; and
- (i) forming branches.

(5) Meetings of the Alumni Association shall be held annually or as determined by the Executive Committee of the Association.

18. Senate

(1) There shall be a Vice-Chancellor of USIU who shall be appointed by the Board upon recommendation of the Chancellor and who shall serve in accordance with the terms of service set by the Board upon recommendation by the Chancellor.

(2) The Vice-Chancellor shall—

- (a) direct, promote and co-ordinate all the activities of the University;
- (b) serve as the secretary to the Board;
- (c) act as the representative of the University and be its spokesperson in its external relations;
- (d) assume administrative responsibility for the day-to-day running of the University and its management;
- (e) have the authority to hire, discharge and fix salaries of all employees based on recommendations of appropriately established University committees within the overall budget by the Board on recommendation by the Chancellor, except that the Chancellor and the Board will be consulted and must grant approval of the appointment and salaries of Deputy Vice Chancellors and before any individual on the academic staff can be granted tenure; and
- (f) recommend to the Board through the Chancellor the rates for tuition, room and board following consultation with the Management Council.

19. The Deputy Vice-Chancellor for Academic Affairs

(1) The Deputy Vice-Chancellor for Academic Affairs shall be appointed by the Vice-Chancellor, after consultation with an appropriately established University committee and approval of the Board upon recommendation of the Chancellor, to head the academic division of the University.

(2) The Deputy Vice-Chancellor for Academic Affairs shall report to the Vice-Chancellor and shall oversee all academic programmes and academic staff.

20. The Deputy Vice-Chancellor for Institutional Development

(1) The Deputy Vice-Chancellor for Institutional Development shall be appointed by the Vice-Chancellor, after consultation with an appropriately established University committee and approval of the Board upon recommendation of the Chancellor, to head the development division of the University.

(2) The Deputy Vice-Chancellor for Institutional Development shall report to the Vice-Chancellor and shall oversee all income generating projects and development activities.

21. The Deputy Vice-Chancellor for Finance and Administration

(1) The Deputy Vice-Chancellor for Finance and Administration shall be appointed by the Vice-Chancellor, after consultation with an appropriately established University committee and approval of the Board upon recommendation of the Chancellor, to head the division of finance and administration.

(2) The Deputy Vice-Chancellor for Finance and Administration shall report to the Vice-Chancellor and shall be the chief financial officer of the University.

22. The Deputy Vice Chancellor for Student Affairs

(1) The Deputy Vice-Chancellor for Student Affairs shall be appointed by the Vice-Chancellor, after consultation with an appropriately established University committee and approval of the Board upon recommendation of the Chancellor, to head the student affairs division of the University.

(2) The Deputy Vice-Chancellor for Student Affairs shall report to the Vice-Chancellor and shall oversee all non-academic student related matters excluding finance.

23. Performance of Duties during the Incapacity of the Vice-Chancellor and other Senior Managers

(1) In the event of the incapacity of the Vice-Chancellor, the functions of the Vice-Chancellor may be performed by one of the Deputy Vice-Chancellors as shall be designated by the Chancellor.

(2) In the event of incapacity of a Deputy Vice-Chancellor or other member of the staff, the Vice-Chancellor may appoint a suitable person with the relevant training and experience, to perform the functions of the member during the incapacity.

(3) "Incapacity" means absence from Kenya or the inability for any other reason to perform the functions of the office held.

PART V – FINANCIAL PROVISIONS**24. Financial Year, Audit and Budget**

(1) The financial year of the University shall be the period of twelve months commencing on such day in each year as the Board may determine.

(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 purposes of this Charter to be a fiscal year.

(3) The Vice-Chancellor shall submit a proposed budget to the Chancellor two (2) months before the start of each financial year. After review, the Chancellor will recommend a budget for consideration and approval of the Board.

(4) USIU shall submit monthly financial reports to the Board.

(5) The accounts of USIU shall be audited by an auditor appointed by the Board.

(6) Within a period of six months after the end of the financial year, the auditor shall report the examination and audit of the accounts USIU to the Board.

25. Funds and Resources

The funds and resources of the University may be derived from the following sources:

[Subsidiary]

- (a) endowments, gifts and trusts;
- (b) tuition and fees;
- (c) income from the University's auxiliary enterprises and investments; and
- (d) such other sources as the University may from time to time identify.

PART VI – MISCELLANEOUS PROVISIONS

26. Performance of Duties during the Incapacity of an Office Bearer

(1) The Board of Directors shall have power, subject to the provisions of the Act and this Charter, to make statutes, generally for the governance, control and administration of the University, for the better carrying into effect of the purposes of this Charter, and for all purposes connected therewith, and in particular for—

- (a) the establishment of colleges, institutes and schools of the University;
- (b) the description of degrees, diplomas, certificates and other awards;
- (c) prescribing fees and other charges;
- (d) the determination of the terms and conditions of service including the appointment dismissal remuneration and retiring benefits of the employees of the University;
- (e) prescribing the rules and regulations for the students' organizations;
- (f) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the statutes.

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

27. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names shall accept for such registration any name which includes together with the word "University", the words "United States International" unless the application for such registration is accompanied by the written consent of the Trustees.

(2) Any person who, except with the written consent of the Trustees, uses the word "University" together with the words "United States International" in furtherance of, or in connection with any advertisement for any, trade, business, calling or profession shall be guilty of an offence and liable for a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding one (1) month or to both:

Provided that nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him/her of any degree, diploma or certificate of the University.

28. Variation and Revocation of Charter

In accordance with section 16 of the Universities Act (Cap. 210):

(1) The President may, at any time, vary the provisions of a charter if he is of the opinion that the variation is in the interests of University education in Kenya generally or may assist the institution concerned to carry out its functions in a more efficient manner.

(2) The President may, at any time, revoke a charter granted to a university if he is of the opinion that the university concerned is not governing, carrying out its functions in a proper manner, or is in breach of its charter, and that the revocation is in the interests of university education generally.

THE CHARTER TO ESTABLISH AFRICA NAZARENE UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

SCHEDULE

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4. Location of the University
5. Vision and Mission of Africa Nazarene University
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PART III – MEMBERSHIP OF THE UNIVERSITY

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PART IV – GOVERNANCE AND MANAGEMENT OF THE UNIVERSITY

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THE CHARTER TO ESTABLISH AFRICA NAZARENE UNIVERSITY

[Legal Notice 166 of 2002]

SCHEDULE

WHEREAS the Africa Nazarene University situated in the Republic of Kenya, wishes to establish an institution in the name of Africa Nazarene University;

AND WHEREAS the said University has applied to the Commission for Higher Education for the grant of a Charter in the manner prescribed under the Universities Act (Cap. 210);

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

AND WHEREAS the Commission for Higher Education is also satisfied that Africa Nazarene University has complied with the provisions of the Act and the Universities Rules (L.N. 56/1989);

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution, and the Cabinet Secretary is satisfied that Africa Nazarene University be granted the Charter;

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 12 of the Universities Act (Cap. 210B), I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Africa Nazarene University.

A Charter to provide for the establishment, control, governance and administration of Africa Nazarene University, and for connected purposes.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Africa Nazarene University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"alumni association" means the Alumni Association of the University established in accordance with section 12;

"associate professor" means a person appointed by the Council as an Associate Professor of the University;

"board of trustees" means the Board of Trustees of Africa Nazarene University as established by the Deed of Africa Nazarene University Trust, registered in the Republic of Kenya on 18th day of June, 1991, under the Trustees (Perpetual Succession) Act, Chapter 164 for the purpose of advancement of education and religion in Africa;

"chancellor" means the chancellor of the University appointed in accordance with Section 14;

"college" means a college of the University established by the Council in accordance with Section 9;

"constituent college" means a constituent college established in accordance with Section 9;

[Subsidiary]

"church" means the Church of the Nazarene;

"Council" means the Council of the University established in accordance with Section 15; University appointed in accordance with section 20;

"faculty" means a faculty of the University established in accordance with section 9;

"financial year" means the financial year of the University determined in accordance with section 24;

"graduate" means a person upon whom a degree has been conferred by the University;

"institute" means an institute of the University established by the Statutes in accordance with section 9;

"lecturer" means a member of the staff of the University who is designated in the letter of appointment as Senior Lecturer, Lecturer, Assistant Lecturer or who holds any other teaching post which the Council has recognized as a post having equivalent academic status in the University;

"professor" means a professor of the University but does not include an associate professor;

"school" means a school of the University established by the Statutes in accordance with section 9;

"seminary" means a seminary of the University established by the Council in accordance with section 9;

"senate" means the Senate of the University established in accordance with Section 18;

"statute" means a Statute made by Council in accordance with section 28;

"student" means a person registered by the University for the purpose of obtaining an academic qualification of the University or any other person determined by the Senate to be a student;

"student organization" means the organization of students recognized by the Council as the organization representative of students of the University;

"trustee" means a member of the board of trustees;

"university" means Africa Nazarene University established in accordance with Section 3;

"university librarian" means the person appointed by Council as the Librarian of the University;

"vice-chancellor" means the Vice-Chancellor of the University appointed in accordance with Section 17.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of Africa Nazarene University

(1) There is hereby established a University known as Africa Nazarene University which is constituted in accordance with this Charter.

(2) Africa Nazarene University is a private Christian University and an institution of the Church of the Nazarene International which follows the Wesleyan-Holiness tradition.

(3) 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) owning, purchasing, leasing or in any other way acquiring as well as transferring, selling, charging or in any other way disposing of absolute or partial rights and interests in any movable and immovable property;
- (c) borrowing or lending money;

- (d) entering into contract with other institutions, organizations, bodies corporate or individual persons;
- (e) doing or performing all such other things or acts for the proper performance of its functions for the furtherance of this Charter, as may lawfully be done or performed by a body corporate.

4. Location of the University

The Location of the University shall for the time being be situated at Land Reference Numbers Kajiado/Olekasasi/523, 524, 525 and 526 in the Republic of Kenya:

Provided the Africa Nazarene University Council may vary the location of the University and notify the Commission for Higher Education.

5. Vision and Mission of Africa Nazarene University

(1) Vision

The vision of Africa Nazarene University is to be a light to the people of Africa through higher education grounded in the Wesleyan-Holiness tradition. Africa Nazarene University, will be the University of choice for Christians desiring academic excellence, and will produce individuals of character and integrity of heart. Africa Nazarene University will be a place where lives will be transformed for service and leadership to make a difference in Africa and the world.

(2) Mission

The Mission of Africa Nazarene University is to provide a holistic education that develops individuals academically, spiritually, culturally and physically and to equip them with excellent skills, competencies and Christian values which will enable them to go into the world well prepared to meet the challenges of their time.

6. Philosophy of the University

(1) According to the *Church of the Nazarene Manual 1995*, the mandate for higher education institutions by the Church of the Nazarene is to inculcate the value and dignity of human life, and provide an environment in which people can be redeemed and enriched intellectually, spiritually and physically, that is made holy, useful to the master and prepared to do any good work (2 Timothy 2: 21).

(2) The philosophy of Africa Nazarene University is based on Christian principles, which are in harmony with the doctrine of the Church of the Nazarene. Therefore, the operations of Africa Nazarene University are guided by tenets which accept that—

- (a) a Christian philosophy of education rests upon an understanding of holy living;
- (b) education is one of the pillars of Christian life that is essential for discipleship;
- (c) education is the process of enabling a student to be transformed into an integrated, intelligent individual that Christ wants him or her to be;
- (d) the integration of faith and learning nurtures students toward intellectual maturity and moral integrity while at the same time instilling the desire to become life-long learners (*the Church of Nazarene Manual, 1995*).

7. Aims and objectives of the University

(1) Aims

The University shall endeavour to fulfil the following aims—

- (a) teaching, challenging and inspiring students to seize the opportunities while in the University in preparation for effective Christian living;
- (b) inculcating students with the value and dignity of human life and the need for providing an environment in which people can be redeemed and enriched spiritually, intellectually and physically.

(2) Objectives

The objectives of the University shall be to—

[Subsidiary]

- (a) develop students for effective Christian living;
- (b) develop a community of scholars;
- (c) develop students for leadership service;
- (d) develop in students, an appreciation of African culture and heritage;
- (e) equip students with the necessary knowledge and skills required in addressing the contemporary issues of both the Christian faith and sound government;
- (f) instil in the students values that will help them stand up against discrimination on the basis of race, denomination, gender or irrelevant handicaps.

8. Functions of the University

The functions of the University shall be to—

- (a) provide resources for university education, training and research and for the establishment of colleges, seminaries, schools, faculties, departments, institutes and such other institutional arrangements as the University Council may determine;
- (b) participate in the discovery, transmission and preservation of knowledge, thereby stimulating and encouraging continued ethical, intellectual and cultural development in Africa;
- (c) conduct examinations and award degrees, diplomas, certificates, and other awards of the University;
- (d) train and produce teachers for various educational institutions and by life examples uplift the general quality of life of students and those whom they will serve;
- (e) create and maintain an environment conducive to mental, spiritual, physical and social development;
- (f) determine who may teach, who may be taught, what may be taught and how it may be taught;
- (g) carry out such other functions as may be permitted and approved by the Council.

9. Establishment of Colleges, Seminaries, Faculties, Schools and Institutes

(1) The Council may, with the approval of the Commission for Higher Education, and upon such conditions as shall be prescribed in the Statutes, establish or convert an existing institution as a constituent college or seminary of the University.

(2) Reference in this Charter to offices or authorities of a constituent college or seminary shall be construed by reference to the Charter or other instruments by which such college or seminary is established or governed.

(3) The Council may establish colleges, seminaries, faculties, schools and institutes within the University, upon such conditions as shall be prescribed in the Statutes.

10. Conferment and Withdrawal of Degrees and Other Awards

(1) Subject to this Charter, the University may confer any degree or award any diploma, certificate or any other form of recognition of academic or other achievement which it is for the time being authorized by a Statute of the University to confer or award.

(2) Subject to this Charter, the University may confer a degree "*honoris causa*" upon any person who has rendered distinguished service in the advancement of any branch of learning or who has rendered distinguished service to humanity or to Africa Nazarene University.

(3) The University may, under conditions which it deems fit, award certificates, prizes, fellowships, scholarships, bursaries and make other awards which it may consider necessary or desirable.

(4) The University Council, on the recommendation of the Senate, may withdraw any degree, diploma, certificate or other academic qualifications conferred or awarded by the University, if subsequent upon conferment or award, the Council is satisfied that—

- (a) such conferment or award was contrary to any regulations prescribed in the Statutes; or
- (b) the qualification was obtained through fraudulent or other improper means.

PART III – MEMBERSHIP OF THE UNIVERSITY

11. Membership of the University

The members of the University shall be—

- (a) the Trustees;
- (b) the members of the Council;
- (c) the Chancellor;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the members of the Senate;
- (g) the heads of colleges, seminaries, schools and institutes;
- (h) the professors, associate professors, lecturers and the University Librarian;
- (i) other full-time employees of the University;
- (j) the members of the governing body of each constituent college;
- (k) the students;
- (l) the Alumni of the University; and
- (m) such other persons, bodies or members of the staff of other institutions as may be admitted as members, as the Council may, from time to time, determine.

12. Alumni Association

(1) There shall be an alumni association of the University which shall consist of graduates of the University and such other persons as may be specified by the Statutes.

(2) The alumni association shall have to meet and discuss any matters which may help to further the objectives of the University and transmit resolutions thereon to the Council and the Senate, and may exercise such other powers or discharge any duties as the Statutes may prescribe.

PART IV – GOVERNANCE AND MANAGEMENT OF THE UNIVERSITY

13. Organs of Governance

The University shall be governed by the following bodies and officers—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Senate.

14. Chancellor of the University

(1) There shall be a Chancellor of the University, appointed by the board of trustees, who shall be a member of the Church of the Nazarene in good standing.

(2) The Chancellor shall be the titular head and patron of the University.

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

(4) The Chancellor, shall among other qualifications, be a holder of at least a masters degree and shall have had wide experience in the management of institutions of higher education, public service, church or community service.

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15. University Council

(1) There shall be a University Council which shall consist of not less than eighteen and not more than twenty-five members, all of whom shall be members of the Church of the Nazarene in good standing.

(2) The membership of the Council shall be—

- (a) the Chairperson, Vice-Chairperson and Honorary Treasurer who shall be appointed by the board of trustees;
- (b) at least nine members representing various fields of the Church of the Nazarene, elected by the board of trustees;
- (c) the Chancellor;
- (d) the Vice-chancellor;
- (e) the Regional Director of the Africa Region of the Church of the Nazarene;
- (f) the Africa East Field Director of the Church of the Nazarene; and
- (g) the Educational Services Co-ordinator for the Africa Region of the Church of the Nazarene.

(3) The Council may co-opt into its membership such other persons as it may deem necessary for its functions.

(4) The Chairperson, Vice-Chairperson and Honorary Treasurer of the Council shall hold office for a term of five years but shall be eligible for re-appointment.

(5) The University shall be governed by the Council as constituted under this Charter.

(6) The term of office for elected or appointed members of the Council except for the Chairperson, the Vice-Chairperson and the Honorary Treasurer shall be three years and they shall continue to hold such office until their successors shall be elected or appointed and installed in office, but shall be eligible for re-election or re-appointment provided that any member elected or appointed by virtue of his or her office shall cease to be a member on vacating such office.

(7) The procedure, rules and regulations of meetings of the Council shall be prescribed in the Statutes.

(8) The quorum for transacting any business at a meeting of Council shall be not less than half of the membership of the Council.

(9) The Vice-Chancellor shall be the Secretary to the Council.

16. Functions of the University Council

The Functions of the Council shall be—

- (a) to formulate policies and make plans to enable the University to achieve its stated purposes and objectives;
- (b) to develop and support policies that will facilitate the administration of the University;
- (c) to promote the advancement of education and religion in Africa of persons who are residents of Africa and elsewhere;
- (d) to solicit, receive and disburse any moneys, property or any other assets which may be donated or bequeathed to the University for the purpose of advancing the objectives of the university;
- (e) to purchase, sell, lease or mortgage any property:
Provided that the Council shall not charge or dispose of immovable property without prior approval of the Board of Trustees;
- (f) to invest funds and other assets on behalf of the University;
- (g) to make the rules for the administration and management of the University;

- (h) to formulate and approve the rules and regulations relating to the management, activities and governance of student organizations and to exercise such control thereon as shall be provided in the Statutes;
- (i) to approve academic programmes on recommendation of the Senate and subject to the approval of the Commission for Higher Education;
- (j) to approve the rules and regulations relating to the management, activities and governance of the alumni association and to exercise such control thereon as shall be provided in the Statutes;
- (k) to establish and maintain records and other documents in connection with the financial and legal matters of the University and to ensure such proper execution as may be necessary;
- (l) to develop and conserve the financial resources of the University;
- (m) to plan for, raise and manage the funds of the University in accordance with this Charter and the Statutes.

(2) The Council may establish such committees as it may deem necessary for the effective operation of the University, and the chairperson of the Council shall, unless he or she delegates his or her authority to any other person, chair any committees which shall be set up by the Council.

(3) The Council shall carry out other functions in accordance with this Charter and the Statutes.

17. Vice-Chancellor of the University

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the board of trustees.

(2) The Vice-Chancellor shall be the Chief Executive Officer of the University.

(3) The Vice-Chancellor shall be a holder of doctorate degree and a member of the Church of the Nazarene in good standing.

(4) The Vice-Chancellor shall be the chief administrative, academic and accounting officer of the University and shall be answerable to the board of trustees through the Council and shall carry out all his or her functions in accordance with the terms of this Charter, the Statutes, the Rules and Regulations of the University.

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

(6) The Vice-Chancellor shall be appointed on such other terms and conditions as the board of trustees may determine.

(7) The Vice-Chancellor shall be Secretary to the Council and its committees, and shall be chairperson of the Senate, the Administrative Board and all Senate Committees.

(8) The Vice-Chancellor shall preside over and confer degrees and award diplomas and certificates during graduation ceremonies.

18. Senate

(1) There shall be a Senate of the University which shall consist of—

- (a) the Vice-Chancellor who shall be Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of constituent colleges and constituent seminaries of the University;
- (d) the Principals of the colleges and heads of seminaries;
- (e) the Deans of faculties and Directors of institutes and schools;
- (f) the Chairpersons of teaching departments;
- (g) the Professors of the University;
- (h) the Academic Registrar;

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- (i) the University Librarian;
- (j) the Dean of Students;
- (k) one representative of each faculty, institute or school board, appointed by that board from among its members;
- (l) not more than two students of the University co-opted by the Senate to sit in the Senate meetings as it may in its discretion deem appropriate; and
- (m) such other members as may be provided for in the Statutes.

(2) The Deputy Vice-Chancellor responsible for academic affairs shall be the Secretary to the Senate.

(3) The functions of the Senate shall be—

- (a) to plan and formulate courses of study for the University and to satisfy itself concerning the curriculum development, the content and the academic standard of such courses;
- (b) to formulate and implement the admission criteria for the University;
- (c) to institute, implement and supervise all matters relating to the academic affairs of the University;
- (d) to formulate for approval by the Council rules, regulations and procedures for University examinations;
- (e) to determine persons qualified to be awarded degrees diplomas, certificate or other awards;
- (f) to formulate and recommend to the Council regulations governing the conduct and discipline of staff and students of the University;
- (g) to recommend to the Council appointments and promotions criteria of academic staff;
- (h) to recommend to the Council changes in the Statutes and regulations;
- (i) to approve the academic calendar;
- (j) to propose to the Council the financial needs of the academic, training and research programmes of the University;
- (k) to promote the development of the library, archives, and information services;
- (l) to recommend to the Council affiliation, collaboration and co-operation with other universities and institutions of higher learning;
- (m) to recommend to the Council for approval, academic programmes of the constituent colleges and constituent seminaries and other institutions, and to supervise such programmes;
- (n) to administer scholarships, fellowships and other academic awards;
- (o) to propose to the Council short-term and long-term academic plans and their modifications based on continuous evaluation.

(4) Notwithstanding any other provision of this Charter, the Council shall not initiate any action in respect of any of the matters mentioned in paragraphs (a), (b), (c), (d) and (e) of subsection (3) except upon receipt of a report or proposal from the Senate thereunder and the Council shall not reject any such report or amend any regulations so proposed without further reference to the Senate.

(5) The Senate may establish a committee or committees and delegate any of its responsibilities to such a committee or committees.

(6) Subject to this Charter, the Senate may regulate its own procedures and the conduct of its business.

19. Administrative Board

(1) There shall be an Administrative Board of the University whose membership shall be as follows—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of colleges and seminaries;
- (d) any other person co-opted by the Administrative Board as it shall deem necessary.

(2) The Deputy Vice-Chancellor in charge of administration shall be the Secretary to the Administrative Board.

(3) The function of the Administrative Board shall be to assist the Vice-Chancellor in overseeing the implementation of policies and management of the University and in particular but not limited to matters relating to—

- (a) financial operations;
- (b) personnel management;
- (c) capital development;
- (d) academic affairs;
- (e) student and staff welfare.

(4) Subject to this Charter, the Administrative Board shall regulate its own procedures and the conduct of its own business.

20. Deputy Vice-Chancellors

The Council shall, on the recommendation of the Vice-Chancellor, appoint Deputy Vice-Chancellors who shall be responsible to the Vice-Chancellor for all matters within their areas of operation.

21. Staff of the University

(1) The academic staff of the University shall consist of the Deputy Vice-Chancellors, Professors, Associate Professors, University Librarian, the Academic Registrar and all teaching staff.

(2) The Administrative Staff of the University shall consist of the Deputy Vice-Chancellors, Finance Officer, Administrative Registrar, Director of Personnel, Director of Institutional Services, Dean of students and such other members of staff not engaged in teaching as the Council may, from time to time, determine.

(3) The staff of University shall be appointed by the Council.

(4) The Council may delegate, either generally or specifically to the Vice-Chancellor, the power to appoint any member of staff of the University.

(5) All members of the 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 on a full-time basis except as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

22. Performance of Duties during the Incapacity of an Office Bearer

(1) In the event of the incapacity of the Vice-Chancellor, the duties of the Vice-Chancellor may be performed by a Deputy Vice-Chancellor during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor, after consultation with the Council, may appoint from among the senior staff of the University, any person to perform the duties of the Vice-Chancellor during the period of incapacity.

(3) In the event of the incapacity of a member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitably qualified person to perform the duties of the member of staff during the period of incapacity.

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(4) "Incapacity" includes illness, bankruptcy, absence from Kenya, and such other causes as may be stipulated in the Statutes, which render the office-holder unable to perform the functions of

PART V – FINANCIAL PROVISIONS

23. Funds of the University

(1) The sources of the funds of the university shall be—

- (a) tuition fees, boarding and catering charges and other fees charged by the University;
- (b) income from the university's auxiliary enterprises and investments;
- (c) Such other sources as the University Council may from time to time determine.

(2) The University may, from time to time, invite, and with or without such invitation, may receive contributions or funds by way of donations or otherwise for the support and for the benefit or purpose of the University.

(3) All the funds of the University shall be deposited in the name of the University at a bank or banks approved by the Council.

(4) The funds of the University shall be deposited in—

- (a) a capital funds account designated for the development of movable or immovable property; and
- (b) an operational funds account and such other accounts as may be established for the day-to-day management and administration of the University.

(5) The funds in the above accounts shall not be combined without the written approval of the Council.

(6) The Council shall appoint the signatories for each of the accounts of the University in such manner as may be stipulated in the Statutes.

(7) The Council may invest any of the funds of the University in such securities and bonds as the Council may, from time to time, approve.

24. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing on such day in each year as the Council may determine.

(2) In the event of any change in the financial year, and for the purpose 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 purpose of this Charter to be a financial year.

25. Annual Budget

(1) At the beginning of each financial year, the Council shall cause to be prepared a budget for the revenue and expenditure of the

(2) The annual budget shall make provision for the following—

- (a) the payment of salaries, allowances, and other charges in respect of the staff of the University;
- (b) 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) the proper maintenance of the buildings and grounds of the University;
- (d) the proper maintenance, repairs and replacement of the equipment and other movable property of the University;
- (e) the funding of the cost of teaching and research activities in the university;
- (f) the creation of such reserve funds to meet future or contingent liabilities of the University in such matters as the Council may deem fit.

(3) The Budget shall be approved by the Council before the beginning of the financial year to which it relates.

(4) Except with the approval of the Council, communicated through the Vice Chancellor, no expenditure shall be incurred except in strict adherence to the approved budget.

26. Audit

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

(2) All funds of the University shall be audited annually, within a period of three months from the end of each financial year, by a qualified independent auditor appointed by the Council.

(3) Within a period of six months after the end of the financial year, the auditor shall report on the examination and audit of the account of the University to the Council.

(4) The Council shall forward a copy of the audited report to the board of trustees.

PART V1 – MISCELLANEOUS PROVISIONS

27. Common Seal and Signification of Documents

(1) The Common Seal of the University shall be kept in such safe custody as the Council may direct and shall not be used except upon the order of the Council.

(2) The Common Seal of the University shall be authenticated by the signature of the Vice-Chancellor and of one other person authorized by the Council.

(3) The Common Seal of the University when affixed to any document and duly executed in accordance with this Charter shall have the legal validity and unless otherwise proved, shall be deemed to have been authorized by the Council.

28. Power to make Statutes

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

- (a) the establishment of colleges, seminaries, faculties, institutes and schools of the University;
- (b) the description of degrees;
- (c) the requirements for the award of degrees;
- (d) the conduct of examinations;
- (e) prescribing fees, boarding and other charges;
- (f) setting the terms and conditions of service, including appointment, dismissal, remuneration and retirement benefits of the members of the University;
- (g) the constitution and procedure of meetings of the Council and the Senate, and the establishment, composition and terms of reference of Committees of the Council;
- (h) prescribing the rules and regulations for the students' organization.

(2) Statutes shall only be made by a resolution of a majority of not less than half of all the members of the Council.

(3) The Statutes shall commence, on the day the Charter is awarded.

(4) No Statute shall be valid if it contravenes or is in conflict with any provision of this Charter.

29. Protection of Name

(1) Notwithstanding the provision of any written law, no public officer performing functions relating to the registration of companies or business names shall accept for such registration any name which includes together with the word "University" the words "Africa

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Nazarene" unless the application for such registration is accompanied by written consent of the Africa Nazarene University Council.

(2) Any person who, except with the written consent of the Council, uses the word "University" together with the words "Africa Nazarene" in furtherance of or as, or in connection with any advertisement, trade, business, calling or profession, shall be guilty of an offence and liable for punishment in accordance with the laws of

Provided that nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title, in pursuance of the grant of a degree, diploma, or certificate or any other form of recognition of academic or other achievement by the University.

30. Variation and Revocation of the Charter

In accordance with Section 16 of the Universities Act—

- (a) the President may, at any time, vary the provisions of this Charter if he is of the opinion that such variation is in the interests of university education in Kenya generally or may assist the institution concerned to carry out its functions in a more efficient manner;
- (b) the President may, at any time, revoke this Charter if he is of the opinion that the University concerned is not carrying out its functions in a proper manner, or is in breach of its Charter, or that the revocation is in the interests of university education in Kenya.

31. Dissolution of the University

In the event of the dissolution of the University by revocation of the Charter or by any other lawful process, the funds, assets, property and any liability shall revert to the board of trustees.

**THE UNIVERSITIES (CO-ORDINATION OF POST SECONDARY
SCHOOL INSTITUTIONS FOR UNIVERSITY EDUCATION) RULES**

ARRANGEMENT OF RULES

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SCHEDULES

THE UNIVERSITIES (CO-ORDINATION OF POST SECONDARY SCHOOL INSTITUTIONS FOR UNIVERSITY EDUCATION) RULES

[Legal Notice 112 of 2004]

1. Citation

These Rules may be cited as The Universities (Co-ordination of Post Secondary School Institutions for University Education) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

“Committee” means the Inspection Committee established by rule 4;

“co-ordination” includes registration, categorization, standardization, validation, harmonisation and supervision of post secondary school institutions;

“course standards” means the standards prescribed under rule 10;

“diploma” means a qualification based on a structured course in a given discipline attained after the full cycle of secondary school education or its equivalent;

“post secondary school institution” means an institution registered or recognised under any law and which offers diploma or other courses for purposes of admission to a degree programme;

“programmes” means a course or courses of study offered by post secondary school institutions.

3. Application for validation of programmes

(1) A post secondary school institution may apply to the Commission for validation of its programmes.

(2) The application referred to in subrule (1) shall be in Form PSS1/CHE I set out in the Schedule and shall be submitted together with a detailed statement setting out the—

- (a) vision, mission, philosophy, aims and objects for which the institution is established;
- (b) particulars of incorporation or registration of the institution under any law;
- (c) form of governance through which the academic and administrative affairs of the institution shall be conducted;
- (d) curriculum of programmes offered by the institution including the—
 - (i) mechanism for curriculum design and development;
 - (ii) evaluation and assessment; and
 - (iii) quality assurance mechanism.
- (e) student support services including guidance and counselling student records and feedback mechanism;
- (f) list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;
- (g) list of the total number of students enrolled in each programme offered at the institution which list shall also specify the number of residential students;
- (h) size and quality of the library, information communication technology and equipment which have been developed for each course offered at institution;
- (i) size financial resources available for the exclusive use of the institution, including the primary sources of funding and the existing budget, certified by an accountant qualified to practise as such under the Accountants Act (Cap. 531) (*now repealed*) but who is not an employee or a sponsor of the applicant; and

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- (j) type number and size of the physical facilities including buildings and land available for the exclusive use of the institution.

4. Appointment of Committee

(1) Upon receipt of the application referred to in rule 3, the Commission shall appoint an Inspection Committee which shall have powers to—

- (a) inquire into and ascertain the veracity of the particulars submitted under rule 3;
- (b) inquire into the general academic, administrative and social affairs of the institution;
- (c) make such other investigations relevant to the validation process as it may deem necessary.

(2) The Committee shall submit a factual and evaluative report of its findings under subrule (1) to the Commission within six months of the date of its appointment.

5. Issuance of certificate of validation

(1) Upon receipt of the report under rule 4(2), the Commission shall consider the report, the application and all documentation relevant to the application and may suggest amendments to be made by the institution before the application is approved for validation.

(2) Where, after full deliberation on the merits for validation of the programmes, the Commission is satisfied that—

- (a) the programmes meet the course standards; and
- (b) the institution has adequate human, physical, financial and other resources to warrant validation of its programmes,

the Commission shall issue a certificate of validation in Form PSSI/CHE 2 set out in the Schedule upon such terms and conditions as it may deem necessary.

(3) Where the Commission declines to issue a certificate of validation, it shall inform the institution of the conditions the institution needs to fulfil in order to qualify for issuance of the certificate.

6. Register of institutions

(1) The Commission shall maintain—

- (a) a register of the institutions whose programmes have been validated; and
- (b) a register of the institutions granted authority to collaborate with other institutions.

(2) The registers under subrule (1) shall contain the—

- (a) name, postal and physical address of the institution;
- (b) programmes validated or programmes in respect of which an institution may enter into an agreement to collaborate with other institutions;
- (c) date of validation or granting authority to collaboration;
- (d) terms and conditions upon which a certificate of validation or authority to collaborate was granted; and
- (e) Such other information that the Commission may deem necessary.

7. Effect of validation

(1) The Commission shall cause the certificate of validation issued under these Rules and the particulars of the programmes validated to be published in the *gazette*.

(2) The name of the institution whose programmes have been validated shall be entered in the register of validated programmes maintained under rule 6 and such institution shall be deemed registered with the Commission as an institution offering validated programmes.

(3) Subject to these Rules, an institution whose programmes have been validated by the Commission shall be eligible to apply for authority of the Commission to collaborate with

other post secondary school institutions or universities for purposes of offering validated or degree programmes.

(4) A candidate awarded a diploma in any validated programme shall be qualified to apply for admission to a degree programme.

(5) The Commission shall, in respect of diplomas not covered by the provisions of subrule (4), establish a committee to advise on whether such diploma should be granted recognition under these Rules.

(6) Where after receipt of the report of the committee appointed under subrule (5), the Commission is satisfied that the diplomas in question ought to be recognised in terms of these Rules, it shall publish a notice to that effect in the *gazette* and such notice shall be irrevocable.

8. Variation and revocation of certificate of validation

- (1) (a) The Commission may, on application by an institution or of its own motion, vary the terms and conditions upon which a certificate of validation was granted if it is of the opinion that such variation is in the interest of education in Kenya or that such variation shall assist the institution to carry out its functions in a more efficient of manner.
- (b) The Commission may, at its discretion, not entertain an application for variation under paragraph (a) until after the expiry of four years from the date of the grant of the certificate of validation or from the date of the last variation of the terms.
- (c) In every case where there is a variation of terms and conditions under these Rules, the Commission shall publish in the *gazette* the specific variations and shall give directions as to the period of time within which the varied terms and conditions shall be implemented.

(2) The Commission may, on application by an institution or of its own motion revoke a certificate of validation granted under these Rules if it is of the opinion that—

- (a) the institution has failed to comply with directions for variation of terms given under subrule (1) of this rule;
- (b) the institution is in breach of the terms and conditions upon which the certificate of validation was issued;
- (c) the institution is no longer offering the validated programmes for which the certificate was issued;
- (d) the institution has ceased being a post secondary school institution;
- (e) such changes have occurred which if they were in existence at the time of application for the certificate of validation, the certificate would not have been granted; or
- (f) the revocation is in the interest of education in Kenya.

(3) The Commission shall not revoke a certificate of validation unless it has issued a notice to the institution in Form PSSI/CHE 3 set out in the Schedule, and the institution has, within twelve months from the date of the notice, failed to comply with the notice.

(4) Where the Commission revokes a certificate of validation, it shall issue a notice of the revocation in Form PSSI/CHE 4 set out in the to be taken by the post secondary school institution and such comments or instructions shall specify whether or not the course standards are being complied with.

(5) The Commission may visit any institution to verify any of the matters raised in the reports under sub-rule (1).

12. Application for Authority to collaborate

(1) No person or post secondary school institution shall, without the Commission's authority, enter into collaboration with another institution or university for the purposes of offering the programmes of that institution or university.

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(2) A post secondary school institution which has been awarded a certificate of validation in respect of any of its programmes may apply to the Commission for authority to collaborate with another institution or university for the purposes of offering such programmes of that institution or university as the Commission may authorize.

(3) The application referred to in subrule (2) shall be made in Form PSSI/CHE 5 set out in the Schedule and shall be submitted together with a copy of the proposed contract setting out the—

- (a) terms of the contract;
- (b) mode of teaching;
- (c) mode of conducting examinations, assessment and meriting in relation to issuance of academic awards in respect of the programme offered;
- (d) rights and obligations of the post secondary school institution;
- (e) right and obligations of the collaborating institution or university;
- (f) resources devoted to the programme; and
- (g) management and administration of the programme;
- (h) the accreditation status of the institution or university in its country of origin and the accreditation status of the programmes in the institution or university, provided that the programme must be on offer at the university with which the post secondary school institution proposes to collaborate with.

(4) The Commission, upon confirmation that the parties to the contractual agreement referred to in subrule (3) meet the qualifications set out in the Act and that the contractual agreement meets the conditions set out under these Rules, shall approve the application and grant its authority to collaborate in Form PSSI/CHE 6 set out in the Schedule upon such terms and conditions as it may deem fit.

13. Effects of grant of authority to collaborate

(1) The Commission shall by notice in the *gazette* publish name of the institution granted authority to collaborate and the particulars of the programme in respect of which the authority is granted.

(2) The name of the institution which has been granted authority to collaborate shall be entered in the register maintained under rule (6).

(3) It shall be an offence for any person or post secondary school institution to collaborate with another institution or university for purposes of offering programmes without the authority of the Commission.

14. Variation and revocation of authority to collaborate

(1) The Commission may, on application of any of the collaborating parties or of its own motion vary the terms and conditions upon which the authority to collaborate was granted or revoke such authority before the expiry of the term of the collaboration contract if it is of the opinion that such variation or revocation is in the interest of education in Kenya, or may assist the institution concerned to carry out its functions in a more efficient and professional manner.

(2) In the event of variation or revocation of authority to collaborate, the provisions of rule 8 of these Rules shall apply *mutatis mutandis*.

15. Obligations of institutions

(1) A post secondary school institution, which has been granted a certificate of validation or has been authority to collaborate shall—

- (a) ensure that course standards are maintained at all times;
- (b) ensure that all instructions issued by the Commission under these Rules are complied with;
- (c) ensure that no new degree programme is offered or regulations in respect thereof effected without the prior approval of the Commission; and

- (d) submit to supervision by the Commission including inspection and visitation at such intervals as may be determined by the Commission.

(2) The Commission may inspect a post secondary school institution at such times as it may deem necessary.

16. Fees

The Commission may from time to time prescribe fees payable for any application made under these Rules.

17. Penalties

(1) A person who commits an offence under any provisions of these Rules shall be liable to a fine exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) A person who, without the written consent of the Commission, uses the name of the Commission in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

18. Appeal

(1) A person who is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Rules, may within thirty days of the date of the decision, apply to the Commission for a review of the decision.

(2) Any person aggrieved by the decision of the Commission on review under subrule (1) may, within fourteen days from the date of the decision, appeal to the High Court whose decision shall be final.

19. Transitional

Any post secondary school institution which at the commencement of these Rules is providing programmes in collaboration with other institutions or universities shall, within six months from the date of commencement of the Rules, apply to the Commission for recognition under these Rules.

SCHEDULE

FORM PSSI/CHE 1

[r. 3(2)]

APPLICATION FOR VALIDATION OF PROGRAMMES

1. Name of Institution
2. Postal and Physical Address
3. Telephone
 - (a) Date of incorporation or registration (attach copy of certificate of incorporation)
 - (b) Name and designation of chief administrator
 - (c) Governing body
 - (d) Principle or proposed academic focus or discipline
 - (e) Principle research focus
5. Number and type of programmes (i.e. certificates, diplomas, degrees).
 - (a)
 - (b)
 - (c)

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6. Programme to be considered for purposes of validation—

- (a) name of the programme
- (b) minimum admission qualification
- (c) number of students enrolled in the programme
- (d) the period of time that the programme has been offered by the institution since incorporation

7. Envisaged benefits of validation of programme for education in Kenya generally

.....

I hereby apply for validation of the programme here in before mentioned

Dated at this day of

Name

Designation

Signature

Full postal address

FORM PSSI/CHE 2

[r. 5(2)]

CERTIFICATE OF VALIDATION

This is to certify that—

The programme referred to as offered by

situated at of Postal Address

Telephone is a programme that has met the academic excellence set by the Commission for Higher Education.

Dated this day of 20

COMMISSION SECRETARY

SEAL

FORM PSSI/CHE

[r. 8(3)]

NOTICE OF INTENTION TO REVOKE

To:

Postal Address

Physical Address

TAKE NOTICE that the Commission for Higher Education makes the following complaints against you

You are hence required to take the following steps and or measure to remedy the situation

TAKE FURTHER NOTICE that if you do not comply with this Notice to the satisfaction of the Commission within twelve months from the date of this Notice, the certificate of validation/authority to collaborate issued on the day of in respect of the programme referred to as shall be revoked forthwith.

Dated this day of 20

COMMISSION SECRETARY

SEAL

FORM PSSI/CHE 4

[r. 8(4)]

NOTICE OF REVOCATION

To:

Postal Address

Physical Address

TAKE NOTICE that the certificate of validation/authority to collaborate issued by the Commission on day of in respect of the programme known as offered by the institution known as situated at and care of Post Office Box Number has been revoked with effect from day of 20

Dated this day of 20

COMMISSION SECRETARY

SEAL

FORM PSSI/CHE 5

[r. 15(3)]

APPLICATION FOR AUTHORITY TO COLLABORATE

1. Name of institution
2. Postal and physical address
3. Telephone
4. Name of programme to be offered under the collaboration contract
5. Date of validation of programme
6. Term of the contractual period
7. Name, postal and physical address of the collaborating partner
8. Details of the accreditation status of the collaborating partners
9. Current status of programme offered in collaboration (state whether the programme is currently being offered or otherwise)
10. Any additional resources particularly developed for the use of the validated programme
11. Principle academic focus or discipline

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[Subsidiary]

- 12. Number of student enrolled for the programme since it was validated:
.....
- 13. Principle research focus
- 14. Name and qualifications of staff employed on a full time basis to offer the programme
.....
- 15. Changes in the library capacity and resources made since the date of validation that are particularly designed to accommodate the collaboration programme
.....
- 16. Other facilities (specify)
.....
- 17. Present budget:
 - (a) capital (in Kshs.)
 - (b) recurrent (in Kshs.)
- 18. Primary source(s) of funding
- (a)
 - (b)
 - (c)
- 19. Envisaged benefits of the collaboration in the education in Kenya generally
.....

I hereby apply for the Commission's authority to collaborate with the institution known as of Post Office Box Number Physical Address for purposes of offering the programme known as that will lead to an award of (academic qualification) and attach hereto a copy of certificate of validation of programme issued on day of and a statement of the terms of the contractual agreement together with documents of accreditation of the collaborating partner

Name

Designation

Signature

Full postal address

FORM PSSI/CHE 6

[r. 15(3)]

LETTER OF AUTHORITY TO COLLABORATE

The Commission for Higher Education hereby grants authority to collaborate to:-

Name

Postal Address

Physical Address

Telephone

To collaborate with (name of institution)

Postal Address

Universities

[Subsidiary]

Physical Address

Telephone

To offer the programme known as

For the award of

Dated this day of 20

COMMISSION SECRETARY

SEAL

THE CHARTER TO ESTABLISH KENYA METHODIST UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

SCHEDULE

PART I – PRELIMINARY

1. Short title
2. Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University
4. Affiliation of Institutions
5. Vision, Mission, Philosophy and Objectives
6. Functions of the University
7. Conferment and revocation of degrees, diplomas, certificates and other awards
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PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership
10. Governance
11. Chancellor
12. Board of Trustees
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14. Senate
15. Alumni Association

PART IV – ADMINISTRATION OF THE UNIVERSITY

16. Vice-Chancellor
17. Management Board
18. Deputy Vice-Chancellors
19. Principals of constituent colleges
20. Registrars
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PART V – FINANCIAL PROVISIONS

26. Financial year, estimates and budget
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PART VI – MISCELLANEOUS PROVISIONS

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31. Protection of name
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THE CHARTER TO ESTABLISH KENYA METHODIST UNIVERSITY

[Legal Notice 130 of 2006]

SCHEDULE

WHEREAS the Methodist Church in Kenya, the sponsor of Kenya Methodist University, situated in the Republic of Kenya, wishes to establish an institution in the name of Kenya Methodist University;

AND WHEREAS the Kenya Methodist University has applied to the Commission for Higher Education, for the grant of a Charter in the manner prescribed under the Universities Act;

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

AND WHEREAS the Commission for Higher Education is also satisfied that the Kenya Methodist University has complied with the provisions of the Act, and the Universities (Accreditation, Standardization and Supervision) Rules 1989;

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution and the Cabinet Secretary is satisfied that the Kenya Methodist University, be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap 210B), I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Kenya Methodist University.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Kenya Methodist University Charter.

2. Interpretation.

In this Charter, unless the context otherwise requires—

"academic staff" means all persons employed by the University on academic terms of service;

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means the alumni association of the University established by section 15;

"Board of Trustees" means the Kenya Methodist University Board established under the Deed registered on 11th April, 1991, under the Trustees (Perpetual Succession) Act (Cap. 164) and any amendment to the Trust Deed shall be deemed to be an amendment to this Charter;

"Chancellor" means the Chancellor of the University referred to in section 11;

"Commission" means the Commission for Higher Education established under the Act;

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"constituent college" means a constituent college of the University established in accordance with section 4;

"Council" means the University Council established under section 13;

"Management Board" means the University Management Board established by section 17;

"Senate" means the Senate of the University established by section 14;

"Statutes" means the rules made by the Council in accordance with section 30;

"student" means a person registered by the University for the purpose of obtaining an academic qualification of the University or any other person determined by the Senate to be a student;

"University" means the Kenya Methodist University established under section 3;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 16.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is established a university, to be known as Kenya Methodist University which shall be constituted in accordance with this Charter.

(2) The University shall, through the Council and in consonance with this Charter, exercise overall responsibility over its governance and future development.

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

- (a) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (b) borrowing or lending money;
- (c) suing and being sued;
- (d) receiving bequests and gifts for the furtherance of the objects and functions of the University;
- (e) entering into contracts; and
- (f) doing or performing all such other transactions or acts for the furtherance of the provisions of this Charter, which may be lawfully done or performed by a body corporate.

(4) Unless otherwise specified by the Statutes, the main campus of the University shall be located at Land Reference Number Nyaki/Mulathankari/1605 in Meru.

(5) The University is the successor to the Methodist Training Institute and Kaaga Rural Training Centre, and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Methodist Training Institute and of Kaaga Rural Training Centre existing at the commencement of this Charter or held by any other body on behalf of the Methodist Training Institute or of Kaaga Rural Training or any assets or liabilities held by the Board of Trustees on behalf of the University shall be automatically and fully transferred to the University and any reference to the Methodist Training Institute or Kaaga Rural Training Centre in any contract or document shall for all purposes be deemed to be a reference to the University.

4. Affiliation of Institutions

(1) The University may, subject to approval by the Commission, enter into affiliations or academic linkages with any individual, group or institution as provided for in the Statutes.

(2) Upon resolution of the Council and approval by the Commission, the Chancellor may, by notice in the Kenya *Gazette*—

- (a) establish any college as a constituent college of the University;

- (b) declare an institution of higher learning or any training establishment to be a constituent college of the University.

5. Vision, Mission, Philosophy and Objectives

(1) Guiding Principles

- (a) The University shall be dedicated to the furtherance of the Christian Faith and promotion of the activities required for the restoration of relationship between human beings and God the Creator and shall strive to apply Christian principles and practical evangelism in all its endeavours.
- (b) The University shall admit any student irrespective of nationality, race, religion, sex or socio-economic background who desires higher education, meets the admission requirements and is willing to abide by the policies and procedures of the University and its religious, social and cultural atmosphere.

(2) Philosophy

The University's philosophy is to foster the intellectual, spiritual and physical development of the wholesome individual in order to recognise and utilise the available opportunities for enhancement of human development with the appropriate recognition and respect for other creations.

(3) Mission

The mission of the University is to provide a setting for development of intellect, skills, attitudes and values through quality teaching and learning, to promote discovery and application of knowledge through research and to provide service and stewardship to others.

(4) Objectives

The University's mission is achieved through the following objectives—

- (a) providing quality training through provision of scholarship, advancement of knowledge, research and development of specialised activities in the University;
- (b) producing effective graduates with the appropriate practical and specialised skills, attitudes and values required for personal growth and advancement of responsible citizens in the global environment;
- (c) participating in community service.

6. Functions of the University

The functions of the University shall be to—

- (a) promote and maintain an institution of higher learning offering high quality education through courses of instruction, studies, research and services to individuals, groups and the community;
- (b) participate in discovery, collection, processing and dissemination of knowledge for the betterment of humankind and to provide opportunity for development of intellectual activities, academic freedom and scholarly acumen;
- (c) determine what may be taught, how it may be taught and who may teach at the University;
- (d) establish divisions, colleges, schools, campuses, institutes, faculties, departments, sections or any other administrative units and to provide facilities and equipments to support academic programmes, research and services;
- (e) conduct examinations and award degrees, diplomas, certificates and other awards of the University;
- (f) establish linkages, affiliations or collaborative ventures with individuals, groups or institutions, private or public, in support of research, teaching or service activities of the University;

[Subsidiary]

- (g) foster development of good neighbourliness and promote intellectual and social interaction between the University, other institutions and members of the public;
- (h) strive to acquire knowledge and skills that enhance the global understanding and co-operation among people, improve the human environment and conserve nature for the benefit of human beings and all creation.

7. Conferment and revocation of degrees, diplomas, certificates and other awards

(1) Subject to the provisions of this Charter, the University shall have power to—

- (a) confer the degrees of such kind as may be provided for in the Statutes;
- (b) award diplomas, certificates and other awards;
- (c) confer an honorary degree (*honoris causa*) or academic distinction which the University may wish to confer or award upon a person who has rendered distinguished service in the advancement of any branch of learning or cultural accomplishment or who has otherwise rendered himself worthy of such a degree or academic distinction.

(2) The University, on recommendation of the Senate, may revoke any degree or other awards of the University, if subsequent upon conferment or award, the University is satisfied that—

- (a) such conferment or award was contrary to any regulations prescribed in the Statutes; or
- (b) the qualification was obtained through fraudulent or other improper means.

(3) Graduation ceremonies at which degrees or other awards of the University are conferred shall be held and conducted in accordance with the procedures prescribed by the Senate.

8. Common seal

(1) The common seal of the University shall be kept in such custody as the Council shall direct and shall not be used except as the Council shall authorise.

(2) The common seal of the University shall be authenticated by the signature of the Vice-Chancellor and one other person authorised by the Council.

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership

The membership of the University shall consist of—

- (a) the Chancellor;
- (b) the Board of Trustees;
- (c) the members of the Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the Principals of constituent colleges;
- (g) Registrars;
- (h) Deans;
- (i) Financial Controller;
- (j) Librarian;
- (k) Chaplain;

- (l) staff of the University;
- (m) students;
- (n) an association recognised by the Council whose primary objective is to support the development of the University; and
- (o) such other persons as may be determined by the Council.

10. Governance

The governance and control of the University shall vest in the following persons and bodies—

- (a) the Chancellor;
- (b) Board of Trustees;
- (c) the Council;
- (d) the Vice-Chancellor;
- (e) the Senate; and
- (f) the Alumni Association.

11. Chancellor

(1) The Chancellor shall be the titular head of the University.

(2) The Presiding Bishop of the Methodist Church in Kenya shall be the Chancellor of the University, and shall hold office for as long as he remains the Presiding Bishop of the Methodist Church in Kenya.

(3) The Chancellor shall—

- (a) promote the corporate image of the University;
- (b) preside over graduation ceremonies of the University and confer degrees, grant diplomas, certificates and other awards;
- (c) provide pastoral and spiritual oversight over the University;
- (d) direct internal inspections and visitations of the University; and
- (e) enjoy such powers and privileges and perform functions as provided for in the Statutes.

12. Board of Trustees

The Board of Trustees shall—

- (a) promote the interests of the Methodist Church of Kenya;
- (b) raise funds for the University;
- (c) promote the aims and objectives of the University;
- (d) appoint members of the council and their allowances and honoraria.

13. Council

(1) There shall be a University Council, which shall have the overall responsibility over the governance and operations of the University.

(2) The total membership of the Council shall be at least eleven and not more than fifteen members appointed by the Board of Trustees.

(3) The Council shall consist of—

- (a) not more than two Ministers of the Methodist Church in Kenya with university experience;
- (b) one person representing the academic staff;
- (c) one prominent academician either in education, business or any other relevant profession;
- (d) not more than two ecumenical representatives;
- (e) one representative of any associations established under the Statutes;

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- (f) one representative of affiliated institutions;
- (g) two members of the Board of Trustees;
- (h) one person as the Board of Trustees may deem appropriate;
- (i) such other persons as the Council may co-opt provided that the total number of members of the Council shall be odd numbers.

(4) The Board of Trustees shall appoint a chairperson of the Council from any of the persons set out in subsection (3).

(5) The Vice-Chancellor shall be an *ex officio* member and secretary to the Council.

(6) The Deputy Vice-Chancellors and Principals of constituent colleges shall be *ex officio* members of the Council.

(7) A member of the Council shall hold office for a period of three years and shall be eligible for re-appointment.

(8) The functions of the Council shall be—

- (a) to promote aims and objectives of the University;
- (b) ensure quality, integrity and smooth operations of the University;
- (c) approve academic policies and procedures of the University;
- (d) approve administrative, financial and development policies of the University;
- (e) determine fees and other charges payable at the University;
- (f) receive reports from the Senate;
- (g) ensure prudent management of the University;
- (h) approve annual budgets for the University on recommendation of the Management Board;
- (i) ensure accountability of the University funds;
- (j) approve tenders for expenditure by the University;
- (k) make policy guidelines relating to terms and conditions of service of the staff and their welfare;
- (l) provide for the welfare of students;
- (m) receive, on behalf of the University, gifts, donations, grants or other money and to make disbursements therefrom;
- (n) appoint senior officers of the University;
- (o) promote discipline among staff and students of the University;
- (p) formulate or approve rules, regulations or Statutes of the University;
- (q) approve affiliations, collaborations and co-operation with other universities and other institutions.

(9) The Council may appoint committees that shall carry out specific functions as it shall deem fit.

(10) The Council shall administer the property and funds of the University, in such manner and for such purposes as shall, in its opinion, promote the best interests of the University.

(11) The Council shall meet at least two times per year and shall maintain records of its deliberations.

(12) The quorum for a meeting of the Council shall be half of all the members.

(13) The Council shall govern the conduct of its proceedings.

14. Senate

(1) There shall be a Senate of the University which shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;

- (c) the Principals of the constituent colleges;
 - (d) the Registrars;
 - (e) the Deans;
 - (f) the Financial Controller;
 - (g) the University Librarian;
 - (h) the University Chaplain;
 - (i) the Heads of Departments;
 - (j) two representatives of the student association;
 - (k) one representative of the staff association;
 - (l) one representative of faculties or schools; and
 - (m) such other person as the Senate may co-opt.
- (2) The Vice-Chancellor shall be the chairperson of the Senate.
- (3) The Registrar for the time being in charge of academic affairs shall be secretary to the Senate.
- (4) The functions of the Senate shall be to—
- (a) develop, approve and implement academic programmes;
 - (b) propose to the Council academic and development policies and plans of the University;
 - (c) develop policies and criteria for the admission of students;
 - (d) approve nomenclature of degree, diploma, certificate and other awards;
 - (e) receive and approve examinations results;
 - (f) institute, implement and supervise all matters related to the academic affairs of the University;
 - (g) formulate for approval by the Council rules, regulations and procedures for university examinations;
 - (h) determine persons qualified to be awarded degrees, diplomas, certificates and other awards;
 - (i) formulate and recommend to the Council regulations governing the conduct and discipline of staff and students of the University;
 - (j) recommend to the Council appointments and promotions criteria of academic staff;
 - (k) recommend to the Council changes in the Statutes and certificates;
 - (l) approve the academic calendar;
 - (m) promote the development of the Library, guidelines and information services;
 - (n) recommend to Council affiliations, collaborations and co-operation with other universities and institutions of higher learning; and
 - (o) administer scholarships, fellowship and other academic awards.
- (5) The Senate shall recommend to the Council any amendments to the Statutes and make regulations governing such matters as are within its powers in accordance with this Charter.
- (6) The Senate shall establish such committees as it deems necessary for efficient and effective discharge of its functions.
- (7) The Senate shall receive and deliberate on the reports from the committees and constituents colleges.
- (8) The Senate shall govern the conduct of its meetings.

15. Alumni Association

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

[Subsidiary]

- (2) The functions of the Alumni Association shall be to—
 - (a) bring together graduates and former students of the University;
 - (b) engage in fund raising activities to assist the University; and
 - (c) promote the University's welfare and image.
- (3) The Alumni Association shall govern the conduct of its proceedings.

PART IV – ADMINISTRATION OF THE UNIVERSITY

16. Vice-Chancellor

- (1) There shall be a Vice-Chancellor appointed by the Council who shall be the chief executive of the University.
- (2) The Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for another term of five years.
- (3) The Vice-Chancellor shall report to the Council and shall—
 - (a) direct, promote and co-ordinate the activities of the University;
 - (b) be responsible for academic, administrative, financial and development policies, procedures and functions;
 - (c) be the accounting officer of the University;
 - (d) act as the representative of the University and be its spokesman in its external relations; and
- (4) The Vice-Chancellor shall have such other powers and duties as may be provided for in the Statutes.

17. Management Board

- (1) There shall be a Management Board of the University consisting of—
 - (a) the Vice-Chancellor, who shall be the chairperson;
 - (b) the Deputy Vice-chancellors;
 - (c) the Registrars;
 - (d) the Financial Controller;
 - (e) the University Librarian;
 - (f) the University Chaplain;
 - (g) the Principals of colleges and schools; and
 - (h) any other persons co-opted by the University Management Board as it may deem necessary.
- (2) The Registrar for the time being in charge of administrative matters shall be the secretary to the Management Board.
- (3) The functions of the Management Board shall be to assist the Vice-Chancellor in overseeing the implementation of policies and management of the University and in particular but not limited to matters relating to—
 - (a) financial operations;
 - (b) preparation of budget;
 - (c) personnel management;
 - (d) capital development; and
 - (e) students and staff welfare.
- (4) Subject to this Charter, the Management Board shall regulate its own procedure and the conduct of its own business.

18. Deputy Vice-Chancellors

- (1) There shall be such number of Deputy Vice-Chancellors as may be determined and appointed by the Council in accordance with the Statutes.

(2) A Deputy Vice-Chancellor shall report to the Vice-Chancellor and shall exercise such powers and perform such duties as may be provided for in this Charter and in the Statutes.

(3) A Deputy Vice-Chancellor shall hold office for a period of three years and shall be eligible for re-appointment.

19. Principals of constituent colleges

(1) There shall be such number of Principals of constituent colleges as may be determined and appointed by the Council.

(2) A principal of a constituent college shall serve as the executive head of the constituent college and perform other duties as may be conferred by the Statutes.

(3) A principal of a constituent college shall hold office for a period of three years and shall be eligible for re-appointment.

20. Registrars

(1) There shall be such number of registrars as may be determined and appointed by the Council.

(2) The registrars shall serve in accordance with the Statutes.

21. University Librarian

(1) There shall be a University Librarian who shall be appointed by the Council.

(2) The terms of service and duties of the University Librarian shall be provided for in the Statutes.

22. Deans

(1) There shall be such number of Deans of the University as may be determined and appointed by the Council in accordance with the Statutes.

(2) A Dean shall hold office for a period of three years and shall be eligible for re-appointment.

(3) A Dean shall perform such duties as shall be provided for in the Statutes.

23. Financial Controller

(1) There shall be a Financial Controller who shall be appointed by the Council.

(2) The terms of service and duties of the Financial Controller shall be provided for in the Statutes.

(3) The Financial Controller shall report to the Vice-Chancellor.

24. University Chaplain

(1) There shall be a University Chaplain who shall be appointed by the Council on recommendation of the Methodist Church in Kenya.

(2) The terms of service and duties of the University Chaplain shall be provided for in the Statutes.

(3) The University Chaplain shall report to the Deputy Vice-Chancellor for time being in charge of academic affairs.

25. Performance of duties during the incapacity of an office bearer

(1) In the event of incapacity of the Vice-Chancellor, the functions of the office of the Vice-Chancellor shall be performed by one of the Deputy Vice-Chancellor as designated by the Vice-Chancellor or such other senior officer as the Vice-Chancellor shall appoint and in the event that the Vice-Chancellor is incapable of designating, by the Council.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellor, the Council may appoint from among the senior staff any person to perform the duties of the Vice-Chancellor during the period of incapacity.

[Subsidiary]

(3) In the event of the incapacity of a member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitably qualified person to perform the duties of the member of staff during the period of incapacity.

(4) In this section, "incapacity" means the inability to perform duties of an office for whatever reasons including physical or mental infirmity, bankruptcy and absence from office.

PART V – FINANCIAL PROVISIONS

26. Financial year, estimates and budget

(1) The financial year of the University shall be the period of twelve months commencing on such day in each year as the Council may determine.

(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.

(3) Before the commencement of a financial year the Vice-Chancellor shall, through the Management Board, cause to be prepared a budget detailing the estimated revenues and expenditure during the financial year and these estimates shall be presented to the Council for approval at least three months before the commencement of the financial year.

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

- (a) payment of salaries, allowances and other charges in respect of the staff of the University;
- (b) payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
- (c) proper maintenance of the buildings and grounds of the University;
- (d) proper maintenance, repair and replacement of the equipment and other movable property of the University;
- (e) funding of the cost of teaching and research activities of and the University;
- (f) development and expansion of buildings, equipment and programmes; and
- (g) creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may consider appropriate.

27. Audit

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

(2) The accounts of the University shall be audited annually by a qualified auditor appointed by the Council.

(3) Within a period of six months after the financial year the auditor shall report on the examination and audit of the accounts of the University to the Council.

28. Funds and resources

(1) The funds and resources of the University shall be derived from—

- (a) tuition, fees and other charges;
- (b) income from University auxiliary enterprise and investments;
- (c) endowments, gifts, trusts and bequests; and
- (d) such other sources as the University may from time to time identify.

(2) The Council may invest any of the University funds in securities in which for the time being the Board of Trustees may by law invest in trust funds or in any other securities which the Board of Trustees may from time to time approve for the purpose.

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

PART VI – MISCELLANEOUS PROVISIONS

29. Interpretation of Charter

This Charter shall be valid and effectual in law according to its true intent and meaning and shall be construed, subject to the provisions of the Act, in the best interest of the University and the promotion of its objectives.

30. Statutes

(1) The Council shall, subject to the provisions of the Act and this Charter, make Statutes, generally for the governance, control and administration of the University, for the better carrying into effect of the purposes of this Charter, and for all purposes connected therewith, and in particular for—

- (a) the establishment of colleges, faculties, schools, institutes, and departments for the University;
- (b) the description of degrees, diplomas, certificates and other awards;
- (c) the determination of the terms and conditions of service including the appointment, dismissal, remuneration and retiring benefits of the employees of the University;
- (d) prescribing the rules and regulations for the students' organisations;
- (e) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the Statutes.

(2) Statutes shall only be made by a resolution of the Council supported by a majority of not less than half of the members present and voting being not less than half of the total membership of the Council.

31. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing the function relating to the registration of companies or business names shall accept for registration any name which includes together with the word "University", the words "Kenya Methodist" unless the application for such registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the word "University" together with the words "Kenya Methodist" in furtherance of, or in connection with any advertisement for any, trade, business, calling or profession, shall be guilty of an offence and punishable in accordance with the Act.

(3) 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 such person of any degree, diploma, certificate or other award of the University.

32. Dissolution of the University

In the event of the dissolution of the University, the funds, assets, property and any liability shall be vested in the Board of Trustees.

33. Variation and revocation of Charter

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

THE CHARTER FOR PAN AFRICA CHRISTIAN UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

SCHEDULE

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2. Interpretation

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment
4. Mission and Philosophy of the University
5. The objectives and functions of the University
6. Powers of the University
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PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

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Universities

[Subsidiary]

- 35. Protection of Name
 - 36. Dissolution of the University
-

THE CHARTER FOR PAN AFRICA CHRISTIAN UNIVERSITY

[Legal Notice 45 of 2008]

SCHEDULE

WHEREAS Pentecostal Assemblies of Canada, Nairobi, the proprietors of the Pan Africa Christian University, situated in the Republic of Kenya, wishes to establish an institution in the name of Pan Africa Christian University;

AND WHEREAS the said Pan Africa Christian University has applied to the Commission for Higher Education, for the grant of a 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 Higher Education has visited and inspected the said institution, and is satisfied that the objects of the Pan Africa Christian University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for Higher Education is also satisfied that the Pan Africa Christian University has complied with the provisions of the Act, and the Universities Rules, 1989;

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution, and the Cabinet Secretary is satisfied that Pan Africa Christian University be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of the power conferred upon me by section 12 of the Universities Act, (Cap. 201B) I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, grant the Charter annexed hereto to Pan Africa Christian University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Pan Africa Christian University Charter.

2. Interpretation

In this Charter—

"alumni" means the Association of graduates of the University established under section 28;

"auditor" means a representative of the auditing firm appointed by the Council to audit the accounts under section 31;

"board" means Executive Board established under section 14;

"chancellor" means the Chancellor of the University appointed under section 11;

"commission" means the Commission for Higher Education established under the Universities Act;

"council" means the Council of Governors of the University established under section 12;

"dean" means the person appointed to head a faculty, school or an institute of the University;

[Subsidiary]

"faculty" means an academic subdivision of the University established under the Charter;

"registrar" means a person appointed under section 24;

"senate" means the Senate of the University established under section 16;

"staff" means the staff of the University as set out in the Charter;

"statutes" means statutes made by the University Council under section 34;

"student" means a person who is registered by the University for the purposes of obtaining a qualification of the University or any other person regarded as a student by the Senate;

"trustees" means the Board of Trustees of Pentecostal Assemblies of Canada established under the Trustee (Perpetual Succession) Act (Cap. 164);

"university" means Pan Africa Christian University;

"vice-Chancellor" means the person appointed by the Council to be the Vice-Chancellor of the University under section 18.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment

(1) There is established Pan Africa Christian University.

(2) The University is a body corporate which—

- (a) is to have a Seal;
- (b) may sue and be sued; and
- (c) has the functions and powers set out in this Charter.

(3) The University is the successor to Pan Africa Christian College and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Pan Africa Christian College existing at the commencement of this Charter are transferred to and vest in the University.

4. Mission and Philosophy of the University

(1) The mission of Pan Africa Christian University is to develop Godly Christian leaders, growing disciples of Jesus Christ who are thoroughly equipped to serve God, the church, and their communities as they strengthen, and actively multiply believers in Africa and around the world.

(2) Pan Africa Christian University's philosophy is predicated upon the fact that it is an expression of the evangelical Christian church, with specific ties to Pentecostalism. It is theologically and thus ideologically rooted in historic Christian orthodoxy. It seeks to foster beliefs and practices in its students consistent with this background as it endeavours to produce leaders for the church who follow specifically the Christian pattern of servant-hood.

5. The objectives and functions of the University

(1) The objectives of the establishment of the University are—

- (a) to prepare mature, committed, and conscientious Christian leaders to serve with competence in society and in the ministries of the Church;
- (b) to further preserve, develop, produce and process, transmit and disseminate knowledge and thereby stimulate the spiritual, religious and intellectual life and cultural development of Kenya and Africa at large;
- (c) to play an effective role in the development and expansion of the African Church and its leadership;
- (d) to provide university level instruction in higher education for Christian faith and practice;
- (e) to equip students for Christian service in positions of leadership and activity in various Christian ministries; and

- (f) to develop and transmit knowledge and skills through research and training;
- (2) The functions of the University are—
- (a) to promote and maintain an institution of higher learning offering high quality education through courses of instruction, studies, research and services to individuals, groups and the community;
 - (b) to participate in discovery, collection, processing and dissemination of knowledge for the betterment of humankind and to provide an opportunity for development of intellectual activities, academic freedom and scholarly acumen;
 - (c) to determine what may be taught, how it may be taught and who may teach at the University;
 - (d) to provide adequate facilities and equipment necessary for carrying out academic and research programmes;
 - (e) to conduct examinations and award degrees, diplomas certificates and other awards of the University;
 - (f) to establish linkages, affiliations or collaborative ventures with individuals, groups or institutions, private or public, in support of research, teaching or service activities of the University;
 - (g) to foster development of good neighbourliness and promote intellectual and social interaction between the University, other institutions and members of the public; and
 - (h) to strive to acquire knowledge and skills that enhances the global understanding and co-operation among people, improve the human environment and conserve nature for the benefit of human beings and all creation.

6. Powers of the University

The University may do all things necessary or convenient to be done in connection with the performances of its function, and in particular may—

- (a) establish divisions, colleges, constituent colleges, schools, campuses, institutes, faculties, departments, sections or any other administrative units;
- (b) confer honorary degrees or academic distinction awards upon person or persons who have rendered—
 - (i) distinguished services in the advancement of knowledge; or
 - (ii) themselves worthy of such awards;
- (c) revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to a person;
- (d) enter into contracts;
- (e) acquire, hold and dispose of real or personal property;
- (f) erect buildings and structures and carry out work's;
- (g) appoint agents; and
- (h) engage persons to perform services for the University.

7. The Seal

- (1) The Seal of the University is—
- (a) to be kept in a custody as the University Council may direct and is to be used upon the order and direction of the University Council, or the Vice-Chancellor; and
 - (b) authenticated by the signature of the Vice-Chancellor and countersigned by one other University officer as authorised by the Council.

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(2) When affixed to any document and duly authenticated, the Seal is to be judicially and officially noticed and, any necessary order or authorization of the University Council or the Vice-Chancellor under this section is presumed to be duly given, unless the contrary is proved.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

8. Membership

The members of the University are—

- (a) Trustees;
- (b) the Chancellor;
- (c) the Members of the University Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the University Secretary;
- (g) the Principals of Colleges;
- (h) the Deans of Faculties/Schools/Institutes;
- (i) the Students;
- (j) the Staff of the University;
- (k) the Dean of students;
- (l) the University Librarian;
- (m) the University Chaplain;
- (n) the Registrars; and
- (o) any other members of staff of the University, the Alumni, or other person or body formally admitted into association by the University.

9. Governance

The governance of the University is vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Board of Trustees;
- (b) the Chancellor;
- (c) the Council of Governors;
- (d) the Executive Board;
- (e) the Senate; and
- (f) Board of Trustees.

10. Board of Trustees

The Board of Trustees is vested with—

- (a) the function of promoting the university interests, and in furtherance of this function—
 - (i) raise funds; and
 - (ii) promote its objectives.
- (b) the powers to appoint members of the University Governing Council and approve their allowances and *honoraria*.

11. The Chancellor

(1) The Chairperson of the Board of Trustees is the Chancellor, unless the Trustees decide otherwise.

(2) The Chancellor is—

- (a) the titular head of the University and is to, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) from time to time, to direct an inspection of the University or an inquiry into the teaching, research or any other work of the University, if necessary;
- (c) to arrange for visitation into the general administration and organization of the University as provided for under the Statutes;
- (d) to enjoy such powers and privileges and perform such other functions as may be provided for in the Statutes; and
- (e) to give advice to the Council which he considers necessary for the betterment of the University.

12. The Council of Governors

- (1) There is established a University Council of Governors to consist of—
 - (a) the Chairperson appointed by the Board of Trustees after consultation with the Council;
 - (b) the Vice Chancellor, who shall be the Secretary;
 - (c) the Deputy Vice-Chancellor for the time being in charge of Academics;
 - (d) the Deputy Vice-Chancellor for the time being in charge of Finance and Administration;
 - (e) a person nominated by faculties as a representative;
 - (f) a prominent academician appointed by the Trustees;
 - (g) a person nominated by the staff as a representative;
 - (h) two members appointed by the Board of Trustees;
 - (i) two members appointed by the Pentecostal Assemblies of God of Kenya;
 - (j) two members appointed by the Christ is the Answer ministries;
 - (k) two members appointed by the Pentecostal Assemblies of God of Africa; and
 - (l) not more than three persons with expertise in church leadership co-opted by the Council.
- (2) In absence of the Chairperson, the Council is to appoint any other person from among members to serve as the Chairperson in acting capacity.
- (3) The term of office of a member of the Council, other than *ex officio*, is two years.
- (4) A member of the Council is eligible for re-appointment upon expiry of his term for three consecutive terms.
- (5) The office of a member of the Council is to fall vacant—
 - (a) if, not being an *ex officio* member, he resigns in writing addressed to the Chairperson;
 - (b) if the Council is satisfied that a member is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required;
 - (c) if he absents himself for three consecutive Council meetings without good reason;
 - (d) if appointed to represent a particular body, is dismissed by his appointing body; and
 - (e) upon death.
- (6) Where the office of a member of the Council becomes vacant under subsection (5), the Chairperson or the secretary to the Council is to notify the vacancy to the appointing body or person.
- (7) The procedure, conduct and regulation of the affairs of the Council is vested in the Council.
- (8) The Council may appoint committees to carry out specific functions as it may direct.

[Subsidiary]

(9) For all meetings of the Council, the number and the quorum is to be determined in the Statutes.

13. Functions of the Council

The functions of the Council are—

- (a) to promote the objectives of the university;
- (b) to administer, through the Executive Board, the property, funds, and budget of the University in a manner and for purposes that promotes the best interests of the University
- (c) to receive, on behalf of the University, donations, endorsements, gifts, grants or other monies and authorize disbursements;
- (d) to provide for the welfare of the faculty, staff and students of the University through the functioning of the appropriate committees;
- (e) to provide direction and approval for the expansion and capital development of the University;
- (f) to approve affiliations, collaborations and cooperation with other universities, or other institutions of learning;
- (g) to determine fees and other charges payable at the university;
- (h) to approve academic policies and procedures of the university;
- (i) to receive reports from the senate and the Executive Boards;
- (j) to approve regulations governing the academic affairs and discipline of the students of the University on consultation with the senate;
- (k) to ensure prudent management of the university;
- (l) to higher university staff upon recommendation of the Executive Board;
- (m) to make policy guidelines relating to terms and conditions of service of the staff;
- (n) to make necessary appointments to the Executive Board under this Charter;
and
- (o) to determine a person to be a member of the University;

14. The Executive Board

- (1) There is an Executive Board of the University to consist of—
 - (a) the Vice-Chancellor, as the Chairperson;
 - (b) the Deputy Vice-Chancellor for the time being in charge of Academics, as the Secretary;
 - (c) the Chairperson of the Council;
 - (d) the Deputy Vice-Chancellor for the time being in charge of Finance and Administration;
 - (e) the Dean of Students; and
 - (f) not more than three members of the University, outside the administration, co-opted by the Board upon consultation with the Council.
- (2) The term of office of a member of the Board, other than *ex officio*, is two years.
- (3) A member of the Board is eligible for re-appointment upon expiry of is term for three consecutive terms.
- (4) The procedure, conduct and regulation of the affairs of the Board is vested in the Board.
- (5) For all meetings of the Board, the number and the quorum is determined in the Statutes.

15. Functions of the Executive Board

The functions of the Board are—

- (a) to be responsible for administration of University finances and in furtherance of that function—
 - (i) to prepare, review, and recommend annual budgets and monthly financial statements;
 - (ii) to collect fees;
 - (iii) to invest; and
 - (iv) to facilitate annual audit of the University Accounts.
- (b) to establish and maintain efficient and adequate policies and procedures in all areas of financial management;
- (c) to make recommendations to the Council concerning capital development;
- (d) to be responsible for the hiring, promotion, and release of staff and employees;
- (e) to oversee the preparation of all university publications;
- (f) to advise the Council on the matters pertaining to government and legal requirement; and
- (g) to take care of all matters necessary for the successful functioning of the university when the Council is not in session.

16. Senate

- (1) There is a Senate of the University to consist of—
 - (a) the Vice-Chancellor, as the Chairperson;
 - (b) the Deputy Vice-Chancellor for the time being in charge of Academics;
 - (c) the Principals of the Constituent Colleges;
 - (d) the dean of Students;
 - (e) the financial controller;
 - (f) the University Librarian;
 - (g) the University Chaplain;
 - (h) the Registrar, for the time being in charge of academic as the Secretary;
 - (i) two representatives of the Student organisation;
 - (j) one representative of faculty; and
 - (k) one representative of staff.
- (2) The office of a member of the Senate is vacant—
 - (a) if he ceases to be a member of the University;
 - (b) if his membership contravenes any of the membership requirements;
 - (c) if by majority vote of the members of the Council present and voting, his membership in
- (3) The functions of the Senate are—
 - (a) to develop, approve and implement academic programmes in consultation with the Council;
 - (b) to satisfy itself regarding the content and academic standard of any course of study in respect of a degree, certificate or other award by the University, and to report its findings to the Council;
 - (c) to propose regulations to be approved by the Council regarding the eligibility of persons for admission to a course of study;

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- (d) to propose regulations to be approved by the Council regarding the standard of proficiency to be gained in each examination for a degree, certificate, or other award of the University;
- (e) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, certificate or other award of the University;
- (f) to recommend to the Council, policies or actions that it regards beneficial to the academic programs of the University;
- (g) to make regulations governing academic matters for approval by the Council;
- (h) to appoint committees to serve the Senate as regarded appropriate;
- (i) to recommend to the Council appointments and promotion criteria of a faculty;
- (j) to approve the academic calendar;
- (k) to formulate and recommend to the Council regulations governing the conduct and discipline of faculty and students of the university;
- (l) to recommend to the Council changes in the statutes;
- (m) to recommend to the Council with regard to affiliations, collaborations and co-operations with other universities and institutions of higher learning;
- (n) to administer scholarships, fellowships and other academic awards;
- (o) to recommend to Council the establishment of schools, campuses, colleges, constituent colleges or other divisions as regarded necessary; and
- (p) to recommend for approval by Council persons to be members of the university.

(4) Despite any other provision of this Act, the Council shall not initiate any action in respect of the matters mentioned in paragraphs (a), (b), (c), (d) and (e) of this section 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 the Senate.

PART IV – ADMINISTRATION OF THE UNIVERSITY

17. Officers of the University

(1) The University is to have the principal and senior officers with authority, in the name of the University, to perform the functions conferred on the University under this Charter.

(2) The principal officers are—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors; and
- (c) principals of Constituent Colleges.

(3) The senior officers are—

- (a) deans of faculties, schools and institutes;
- (b) the University librarian;
- (c) the dean of students;
- (d) registrars;
- (e) financial controller; and
- (f) officers of equivalent grade.

18. Vice-Chancellor

(1) There is a Vice-Chancellor appointed by the University Council.

(2) The Vice-Chancellor is—

- (a) to have the overall responsibility for the direction, organisation, development, administration and programmes of the University;
- (b) the Chairperson of the Executive Board and the Senate;

- (c) responsible to the University Council for the general conduct and discipline of the students and staff of the University; and
- (d) the secretary to the Council.

(3) The Vice-Chancellor is appointed upon the terms and conditions of service prescribed by the Statutes.

19. The Deputy Vice-Chancellor

(1) The University Council, in consultation with the Senate, is to appoint a Deputy Vice-Chancellor or Deputy Vice-Chancellors to assist the Vice-Chancellor in matters pertaining to the academic and administrative functions of the University.

(2) The Deputy Vice-Chancellor or Deputy Vice-Chancellors is or are appointed upon the terms and conditions of service prescribed by the Statutes

20. Principals of constituent colleges

(1) There are Principals of Colleges appointed by the University Council, as may be required.

(2) The duties, responsibilities and terms of office of the Principals of Colleges are prescribed by the Statutes.

(3) Principals of Colleges are answerable to the Vice-Chancellor.

21. Deans of faculties, schools or institutes

(1) There are deans appointed by the University Council in consultation with the Executive Board.

(2) The duties, responsibilities and terms of office of the Deans are prescribed by the Statutes.

22. University Librarian

(1) There is a University librarian appointed by the University Council in consultation with the Senate.

(2) The duties and responsibilities of the University librarian are prescribed by the Statutes.

23. Dean of Students

(1) There is a Dean of Students appointed by the University Council in consultation with the Executive Board.

(2) The duties and responsibilities of the Dean are prescribed by the statute.

24. Registrars

(1) There are Registrars appointed by the University Council in consultation with the Executive Board.

(2) The duties and responsibilities of the Registrars are prescribed by the Statute.

25. Financial controller

(1) There is a financial controller, who reports to the Vice-Chancellor, appointed by the Council.

(2) The terms and conditions of service of the financial controller are provided for in the Statutes.

26. Staff of the University

(1) The University is to have academic and administrative staff.

(2) The academic staff is to consist of—

- (a) the Deputy Vice-Chancellor or Deputy Vice-Chancellors responsible for academic affairs and research;
- (b) The University librarian; and

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(c) members of staff engaged in teaching or research work.

(3) The Administrative staff is to consist of—

(a) the Deputy Vice-Chancellor or Deputy Vice-Chancellors;

(b) the Registrars;

(c) the Dean of students; and

(d) members of staff, not engaged in teaching or research work, determined by the University Council.

(4) Members of University staff are subject to the authority of the University Council through the Executive Board and the Vice-Chancellor.

27. Students' council

(1) There is a Students' Council to represent the student community and act as the main forum through which students may express their views.

(2) The Council is to operate under the general direction of the Academic Council, as may be prescribed by the Statutes.

28. Alumni Association

(1) There is an Alumni Association of the University.

(2) The Alumni is to consist of graduates of—

(a) Pan Africa Christian University,

(b) former Pan Africa Christian College; or

(c) other institutions, as the statutes may prescribe.

(3) The functions of the Alumni are—

(a) to bring together graduates who qualify to be members to provide services that contribute to the university's development;

(b) to engage in fundraising activities for the University;

(c) to promote the University's welfare and image; and

(d) to provide suggestions to the University leadership with regard to development.

29. Performance of Duties during the incapacity of the Vice-Chancellor and other Senior Officers

(1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor are to be performed by—

(a) a Deputy Vice-Chancellor; or

(b) a University senior officer.

(2) In the event of the incapacity or absence of the Vice-Chancellor and Deputy Vice-Chancellor the Council may appoint a senior officer to perform the duties of the incapacitated or absent principal officer.

(3) In the event of incapacity of any other member of staff, the Vice-Chancellor may appoint a suitably qualified person to perform the duties of the incapacitated or absent member.

(4) For the purposes of this section—

(i) "absence" means absence from Kenya; and

(ii) "incapacity" means the inability for any reason to perform the functions of the office held.

PART V – FINANCIAL PROVISIONS

30. Financial Year and Budget

(1) The Financial Year of the University is the period of twelve (12) months commencing 1 September of 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 the new Financial Year because of this change, the transitional period, whether more or less than twelve (12) months, is regarded as a Financial Year for the purposes of this Charter.

(3) The Executive Board is to propose and submit annual estimates to the Council two months before the start of the financial year.

(4) The annual estimates are to make provision for all the estimated expenditure of the University for the financial year, and in particular provide—

- (a) for the payment of salaries, allowances, and other charges in respect of the University
- (b) for the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;
- (c) for the proper maintenance and development of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of the equipment and other moveable property of the University;
- (e) for the funding of the cost of teaching and research activities of and in the University;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Council may think fit;
- (g) for the funding of student scholarships; and
- (h) for the operating costs of the university.

31. Accounts and Audit

(1) The Council is to cause all proper books and records of account of the income, expenditure and assets of the University to be kept.

(2) A firm of External Auditors appointed by the University Council is to audit the accounts of the University.

(3) The Council is to submit the accounts of the University to the Auditors within a period of one month from the end of every Financial Year.

(4) Within a period specified by the Statutes the External Auditors are to report on the examination and audit of the accounts of the University to the University Council.

32. Funds and Resources

(1) Funds and Resources of the University may be derived from—

- (a) tuition and other fees;
- (b) donations and grants;
- (c) endowments;
- (d) gifts, bequests and trusts;
- (e) income from auxiliary activities such as consultancy; and
- (f) other sources as the University may from time to time identify.

(2) The University shall not accept funds which may limit or compromise its freedom or theological position.

[Subsidiary]

33. Investment of funds

The Executive Board, with approval of the Council, may—

- (a) invest; or
- (b) deposit with a bank,

the University funds as it may determine.

PART VI – MISCELLANEOUS PROVISIONS

34. Statutes

(1) The affairs of the University are to be managed and regulated under Statutes and Regulations made.

(2) Statutes may from time to time be enacted, amended or revoked by a resolution passed by two-thirds majority of all the members present and entitled to vote at a University Council meeting specifically convened for that purpose, unless the enactment, amendment or revocation is *ultra vires* the provisions of the Charter.

35. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names is to accept for the registration any name that includes the word "Pan Africa Christian" together with the word "University" or "College".

(2) A person shall not use the name of the University as established by this Charter for the purposes of—

- (a) advertisement;
- (b) publication;
- (c) business;
- (d) trade;
- (e) profession; or
- (f) without the consent of the University Council.

36. Dissolution of the University

Subject to the provisions of this Charter, if on the winding up or the dissolution of the University, there remains, after the satisfaction of all its debts and liabilities, any funds, assets and property, are to be transferred to the Board of Trustees of Pentecostal Assemblies of Canada.

THE CHARTER TO ESTABLISH STRATHMORE UNIVERSITY

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-

THE CHARTER TO ESTABLISH STRATHMORE UNIVERSITY

[Legal Notice 86 of 2008]

SCHEDULE

WHEREAS Strathmore Educational Trust, Nairobi, the proprietors of Strathmore University, situated in the Republic of Kenya, in collaboration with Kianda Foundation Educational Trust, Nairobi wishes to establish an institution in the name of Strathmore University;

And whereas the said Strathmore University has applied to the Commission for Higher Education, for the grant of a 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 Higher Education has visited and inspected the said institution, and is satisfied that the objects of Strathmore University are consistent with the advancement of the university education in Kenya;

And whereas the Commission for Higher Education is also satisfied that Strathmore University has complied with the provisions of the Act, and the Universities Rules, 1989;

And whereas the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Education on the said institution, and the Cabinet Secretary is satisfied that Strathmore University be granted the Charter;

And whereas the Cabinet Secretary for Education has submitted the Charter to me with recommendations thereon;

And whereas I am satisfied that the granting of the Charter will be of benefit to the advancement of university education in Kenya;

Now wherefore, by these presents, be it known that in exercise of the power conferred upon me by section 12 of the Universities Act (Cap. 210B), I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, grant the Charter annexed hereto to Strathmore University.

1. Short title

This Charter may be cited as the Strathmore University Charter.

2. Interpretation

In this Charter—

"academic council" means the Academic Council of Strathmore University under section 16 of this Charter;

"academic staff" means employees of the University under section 28(2) of this Charter;

"administrative staff" means employees of the University under section 28(3) of this Charter;

"alumni" means the organization established under section 30 of this Charter;

"chancellor" means the Chancellor of the University appointed under section 10 of this Charter;

"college" means an academic unit made up of faculties, schools or institutes, and includes a constituent college;

"commission" means the Commission for Higher Education under the Act;

"constituent campus" means an extension campus established by Strathmore University;

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"constituent college" means a semi-autonomous academic unit of the University, established under section 6(a) of this Charter;

"dean" means a person appointed to head a faculty, school or institute of the University;

"faculty" means an academic sub-division of the University established under this Charter;

"graduate" means a person upon whom a degree or other award has been conferred by the University;

"institute" means an institute established by the University;

"Kianda Foundation" means the Kianda Foundation Educational Trust;

"lecturer" means a member of the University teaching staff and includes a counsellor or a researcher;

"management board" means the management board of the University established under section 15 of this Charter;

"school" means a school established by the University;

"statutes" means the Statutes made by the University Council under the Charter;

"student" means a person registered by the University for the purpose of obtaining a qualification of the University and includes person who is determined by the Academic Council to be a student;

"trustees" means the Board of Trustees of Strathmore Educational Trust established under the Trustee (Perpetual Succession) Act (Cap. 164);

"university" means Strathmore University established under section 3 of this Charter;

"university council" means the governing body of the University established under section 13 of this Charter;

"vice-chancellor" means the Vice-Chancellor of the University appointed under section 20 of this Charter.

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and Incorporation of Strathmore University

(1) There is established Strathmore University.

(2) The University is a body corporate which—

- (a) is to have a seal;
- (b) may sue and be sued;
- (c) has the functions and powers set out in this charter.

(3) The University is the successor of Strathmore College and Kianda College, and subject to this Charter, all rights, duties obligations, assets and liabilities of Strathmore College and Kianda College existing at the commencement of this Charter are transferred to and vest in the University.

4. Mission and Philosophy

(1) The mission of Strathmore University is the advancement of education through teaching, scholarship and service to society by *inter alia* providing an all-round quality education in an atmosphere of freedom and responsibility; creating a culture of continuous improvement; fostering high moral standards; and developing a spirit of service and respect for others.

(2) The University shall operate as a non-profit organization.

(3) The educational philosophy of the University is as follows:

- (a) A university must strive to serve society through the provision of quality academic and professional training, as well as human and moral training.
- (b) A university should provide the most suitable means to improve the moral, social and economic conditions of the person and of society as a whole.
- (c) There are two orders of knowledge, faith and reason, and these orders of knowledge complement one another and can develop without opposing each other.
- (d) Modern development trends are fully dependent on emerging technologies and universities have a role to play in such trends.

5. Objects and functions of the University

(1) The objects of the establishment of the University is to provide an all-round quality education to qualified students of all backgrounds and to achieve excellence in research and academics.

(2) The functions of the University are—

- (a) to develop and offer courses of instruction beyond secondary school level, and in furtherance of that function—
 - (i) to devise and implement academic programmes;
 - (ii) to conduct student attachments and internships;
 - (iii) to promote research and innovation; and
 - (iv) to provide ancillary services;
- (b) to determine the qualifications and eligibility of persons from the Republic of Kenya and elsewhere for certificate, diploma, undergraduate and graduate studies at the University;
- (c) to determine who may teach, what may be taught and how it may be taught in the University under the educational philosophy and objects of the University;
- (d) to conduct examinations for and to grant and confer degrees, diplomas, certificates and other awards of the University;
- (e) to provide adequate equipment and facilities necessary for providing a high quality education, for carrying out research and innovation, and for extracurricular activities;
- (f) to maintain a record of its proceedings and provide an archive of all such records;
- (g) to establish academic partnerships and linkages with other universities, research institutions and industry.

6. Powers of the University

The University may do all things necessary or convenient to be done in connection with the performances of its functions, and in particular may—

- (a) establish colleges, constituent colleges or constituent campuses to offer training and courses of instruction consistent with its mission and objects;
- (b) confer honorary degrees or academic distinction awards upon person or persons who—
 - (i) have rendered distinguished services in the advancement of knowledge; or
 - (ii) are themselves worthy of such awards;
- (c) revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to a person;
- (d) enter into contracts;
- (e) acquire, hold and dispose of real or personal property;
- (f) erect buildings and structures and carry out works;

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- (g) appoint agents; and
- (h) engage persons to perform services for the University.

7. Graduation ceremony

A graduation ceremony at which a degree, diploma, certificate or an award is conferred, granted or awarded is to be officiated by the Chancellor or, in his absence, the Pro-Chancellor or his designated appointee.

8. The Seal

(1) The seal of the University is to be kept by the University Secretary in a custody as the University Council may direct and is to be used upon the order and direction of the University Council, or the Vice-Chancellor.

(2) The seal of the University is to be authenticated by the signature of the Chairperson of the University Council or the Vice-Chancellor or the University Secretary, and countersigned by one other University Officer as prescribed by the Statutes.

(3) When affixed to any document and duly authenticated, the seal is to be judicially and officially noticed, and any necessary order or authorization of the University Council or the Vice-Chancellor under this section is presumed to be duly given, unless the contrary is proved.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Members

The members of the University are—

- (1) the Chancellor;
- (2) the Members of the University Council;
- (3) the Vice-Chancellor;
- (4) the Deputy Vice-Chancellors;
- (5) the University Secretary;
- (6) the Principals of Colleges;
- (7) the Deans of Faculties/Schools/Institutes;
- (8) the Students;
- (9) the Staff of the University;
- (10) the Dean of Students;
- (11) the University Librarian;
- (12) the University Chaplain;
- (13) the Registrars; and
- (14) any other members of staff of the University, the Alumni, or other person or body formally admitted into association by the University.

10. The Chancellor

(1) The Prelate of *Opus Dei* is the Chancellor and honorary head of the University.

(2) The Chancellor may exercise his functions and powers as prescribed by this Charter through the Regional Vicar of *Opus Dei* in Kenya, who is in this capacity the designated Pro-Chancellor.

(3) The Chancellor may in the name of the University, in person or through the Pro-Chancellor or his designated appointee, confer, grant or award degrees, diplomas, certificates or awards of the University.

(4) The Chancellor has the power to do the acts and things as are or may be necessary to attain the object of the University or the exercise of its powers set out in this Charter.

(5) The Chancellor is to exercise the powers and perform the functions as may be set out in the Statutes.

11. Governance

The governance of the University is vested in the following bodies mandated to perform the functions and exercise powers conferred under the Charter—

- (a) Board of Trustees;
- (b) University Council;
- (c) Management Board;
- (d) Academic Council;
- (e) Faculty Boards; and
- (f) Board of Graduate Studies.

12. The Board of Trustees

The Board of Trustees is vested with—

- (a) the function of safeguarding the foundational object of the University; and
- (b) the powers to appoint or remove from office, members of the University Council.

13. University Council

(1) There is established a University Council to consist of—

- (a) a Chairperson appointed by the Council from among its members;
- (b) a Vice-Chairperson to be appointed by the Council from among its members;
- (c) the Vice-Chancellor, as the Secretary to the Council;
- (d) two members of the Board of Trustees;
- (e) two persons nominated by Kianda Foundation;
- (f) two senior academicians, who are not employees of the University, with experience in higher education appointed by the Board of Trustees;
- (g) two persons from the public and the private sector appointed by the Board of Trustees;
- (h) deputy vice-chancellors (*ex officio*); and
- (i) the University Secretary (*ex officio*).

(2) The term of office of the members of the Council other than *ex officio* may be provided for by the Council under the Statutes.

(3) A member of the Council is eligible for re-appointment upon expiry of his term.

(4) Despite sub-section (2), the office of a member of the University Council shall become vacant:

- (a) if not being an *ex officio* member, he resigns his office in writing addressed to the Vice-Chancellor;
- (b) if the Board of Trustees is satisfied that the member is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required; and
- (c) upon his death.

(5) Where the office of a member of the University Council becomes vacant under subsection (4), the Vice-Chancellor is to notify the vacancy to the Board of Trustees.

(6) The procedure, conduct and regulation of the affairs of the University Council is vested in the University Council.

14. Functions of the University Council

(1) The functions of the University Council are—

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- (a) to promote the objects of the University;
 - (b) to formulate, after consultation with the Management Board, rules and regulations for proper governance of the University;
 - (c) to develop the University and ensure that the quality and integrity of academic programmes and professional courses of the University are maintained;
 - (d) to approve the establishment of constituent Campuses and Colleges, Faculties, Schools, Institutes, Departments, Divisions and Centres, to offer training, research and courses of instruction consistent with the mission and object of the University;
 - (e) to approve the annual budget of the University;
 - (f) to authorise the use of income and expenditure of funds outside the approved annual budget;
 - (g) to approve, upon the recommendations of the Management Board, terms and conditions of service for employees of the University;
 - (h) to authorize the purchase, lease or hire or acquisition and holding of any land, buildings, easements or inheritances of any tenure and any other freehold or leasehold property, and construction or provision of any buildings, works, stores, plant and things which may from time to time be deemed requisite for any, of the purposes of the University;
 - (i) to approve, upon recommendation by the Management Board, major maintenance works, repairs and alterations of any buildings, works, stores, plant and things, which may from time to time be deemed requisite for any of the purposes of the University;
 - (j) to receive and accept, on behalf of the University, donations, endorsements, and gifts of money, land, inheritances, stocks, shares, securities and any other asset whatsoever;
 - (k) to borrow or raise money, after consultation with Management Board, for the purposes of the University, with or without security;
 - (l) to undertake, execute and perform, any trusts or conditions affecting any freehold or leasehold property of any description acquired by the University;
 - (m) to authorize the payment or application of monies or assets of the University for the purposes which may promote the objects of the University, or the payment or transfer of such money or assets to some other person;
 - (n) to perform any other function as may be prescribed by the Statutes.
- (2) The University Council has powers to appoint or remove from office members of—
- (a) the University Management Board;
 - (b) Academic Council; and
 - (c) any committee or body established under its direct authority.
- (3) The University Council may, by statutes, establish committees for the efficient discharge of the functions of the University.

15. Management Board

- (1) The University is to have a Management Board appointed by the University Council under section 14(2)(a).
- (2) The Board is to consist of the following—
- (a) the Vice-Chancellor as the Chairperson; and
 - (b) a number of other members determined under the Statutes.
- (3) The functions of the Board are—
- (a) to propose rules and regulations to the University Council for the administration of the University; and
 - (b) to manage and administer the daily operations of the affairs of the University.

16. Academic Council

(1) The University is to have Academic Council appointed by the University Council under section 14(2)(b).

(2) The Council is to consist of—

- (a) the Vice-Chancellor as chairperson; and
- (b) a number of other members as determined under the Statutes.

(3) The functions of the Academic Council are—

- (a) to satisfy itself concerning the academic standards and content of any course of study about a degree, diploma or certificate or an award of the University and report its findings to the University Council through the Management Board;
- (b) to propose to the University Council, through the Management Board, regulations regarding the eligibility of persons for admission to a course of study in the University;
- (c) to propose to the University Council, through the Management Board, regulations regarding the standards of proficiency to be attained in each examination for a degree, diploma or certificate or an award of the University;
- (d) to decide which persons have attained such standards of proficiency and are therefore fit to be granted a degree, diploma or certificate or an award of the University;
- (e) to oversee the implementation of all University regulations related to teaching, examinations or research;
- (f) to oversee the quality and character of all academic programmes and continuously review of academic policy and performance;
- (g) to revise or discontinue existing academic programmes as well as to examine and approve proposals for new academic programmes;
- (h) to approve the academic calendar and all teaching and examination schedules of the University;
- (i) to supervise, monitor and co-ordinate the use of all the physical facilities and equipment meant for academic usage, and the learning and teaching resources of the University;
- (j) to make recommendations to the University Council through the Management Board concerning categorisation of academic units into Colleges, Faculties, Schools, Institutes, Departments, Divisions and Centres of the University, or discontinuation or merging of such units;
- (k) to oversee the application of all rules and regulations governing the welfare, conduct and discipline of students;
- (l) to make regulations governing such other matters as are within its powers under this Charter or the Statutes; and
- (m) to perform acts as are or may be deemed connected to the exercise of all or part of its functions.

(4) The Academic Council is to have powers to constitute standing and *ad hoc* committees from time to time as specified in the Statutes, and determine their Terms of Reference, subject to approval by the Management Board.

17. Faculty Board

(1) The University is to have a Faculty Board for each faculty, school or institute, responsible for academic matters.

(2) A Faculty Board is to consist of the following—

- (a) dean of the faculty, school or institute, as Chairperson; and
- (b) a number of members of academic staff as may be prescribed by the Statutes.

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(3) A Faculty Board is to constitute itself into a Faculty Board of Examiners whenever so required and is to meet to discuss and process examination results.

(4) Members of Academic staff who have taught and examined students in a faculty, school or institute are considered qualified for the membership to the Board.

(5) A Faculty Board is to have powers to establish Departmental or Centre Boards.

(6) Terms of reference for Faculty and associated Boards is prescribed by the Statutes.

18. School of Graduate Studies

(1) There is established a School of Graduate Studies.

(2) The School is to have powers to constitute a Board of Graduate Studies whose membership, functions and procedures are prescribed by the Statutes.

PART IV – ADMINISTRATION OF THE UNIVERSITY

19. Officers of the University

(1) The University is to have principal and senior officers with authority, in the name of the University, to perform the functions conferred or imposed on the University under this Charter.

(2) The principal officers are—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;
- (c) the University Secretary; and
- (d) principals of constituent Colleges.

(3) The senior officers are—

- (a) deans of faculties, schools and institutes;
- (b) the University librarian;
- (c) the Dean of students;
- (d) registrars; and
- (e) officers of equivalent grade.

20. Vice-Chancellor

(1) There is a Vice-Chancellor appointed by the University Council.

(2) The Vice-Chancellor is—

- (a) to have the overall responsibility for the direction, organisation, development, administration and programmes of the University;
- (b) the chairperson of the Management Board and Academic Council; and
- (c) responsible to the University Council for the general conduct and discipline of the students and staff of the University.

(3) The Vice-Chancellor is appointed upon the terms and conditions of service prescribed by the Statutes.

21. The Deputy Vice-Chancellors

(1) The University Council is to appoint a Deputy Vice-Chancellor or Deputy Vice-Chancellors to assist the Vice-Chancellor in matters pertaining to the academic and administrative functions of the University.

(2) The Deputy Vice-Chancellor or Deputy Vice-Chancellors is or are appointed upon the terms and conditions of service prescribed by the Statutes; and

(3) The Deputy Vice-Chancellor or Deputy Vice-Chancellors is or are answerable to the Vice-Chancellor.

22. University Secretary

(1) There is a University Secretary appointed by the University Council.

(2) The Secretary is responsible for all the administrative and financial operations of the University and the secretary to the Management Board.

(3) The Secretary is appointed upon the terms and conditions of service prescribed by the Statutes, and is answerable to the Vice-Chancellor.

23. Principals of Colleges

(1) There are Principals of Colleges appointed by the University Council, as may be required.

(2) The duties, responsibilities and terms of office of the Principals of Colleges are prescribed by the Statutes.

(3) Principals of Colleges are answerable to the Vice-Chancellor.

24. Deans of Faculties, Schools or Institutes

(1) There are Deans appointed by the University Council in consultation with the Management Board.

(2) The duties, responsibilities and terms of office of the Deans are prescribed by the Statutes.

25. University Librarian

(1) There is a University Librarian appointed by the University Council in consultation with the Management Board.

(2) The duties and responsibilities of the University Librarian are prescribed by the Statutes.

26. Dean of Students

(1) There is a Dean of Students appointed by the University Council in consultation with the Management Board.

(2) The duties and responsibilities of the Dean are prescribed by the Statutes.

27. Registrars

(1) There are Registrars appointed by the University Council in consultation with the Management Board.

(2) The duties and responsibilities of the Registrars are prescribed by the Statutes.

28. Staff of the University

(1) The University is to have academic and administrative staff.

(2) The academic staff is to consist of—

- (a) the Deputy Vice-Chancellor or Deputy Vice-Chancellors responsible for academic affairs and research;
- (b) the University Librarian; and
- (c) members of staff engaged in teaching or research work.

(3) The Administrative staff is to consist of—

- (a) the Deputy vice-Chancellor or Deputy Vice-Chancellors;
- (b) the University Secretary;
- (c) the Registrars;
- (d) the Dean of students; and
- (e) members of staff, not engaged in teaching or research work, determined by the University Council.

(4) Members of University staff are subject to the authority of the University Council through the Management Board and the Vice-Chancellor.

[Subsidiary]

29. Students' Council

(1) There is a Students' Council to represent the student community and act as the main forum through which students may express their views.

(2) The Council is to operate under the general direction of the Academic Council, as may be prescribed by the Statutes.

30. Alumni Association

(1) There is an Alumni Association of the University.

(2) The Alumni is to consist of graduates of—

- (a) Strathmore University,
- (b) former Kianda College;
- (c) Strathmore College;
- (d) other institutions, as the Statutes may prescribe.

31. Performance of Duties during the incapacity of the Vice-Chancellor and other Senior Officers

(1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor are to be performed by—

- (a) a Deputy Vice-Chancellor; or
- (b) the University Secretary,

as the Statutes may prescribe.

(2) In the event of the incapacity or absence of any principal or Senior Officer, the Management Board may appoint a suitable person to perform the duties of the incapacitated or absent Officer.

(3) For the purposes of this section—

- (i) "absence" means absence from Kenya; and
- (ii) "incapacity" means the inability for any reason to perform the functions of the office held.

PART V – FINANCIAL PROVISIONS**32. Financial Year and Budget**

(1) The Financial Year of the University is the period of twelve (12) months commencing and ending as prescribed by the Statutes.

(2) In the event of any change in the Financial Year, and for the purposes of the transition from the old Financial Year to the new Financial Year, because of this change, the transitional period, whether more or less than twelve (12) months, is regarded as a Financial Year for the purposes of this Charter

(3) The Vice-Chancellor is to submit a proposed Budget to the University Council two months before the start of the Financial Year.

(4) The Vice-Chancellor shall submit Quarterly Financial Reports to the University Council within the Financial Year.

33. Accounts and Audit

(1) The Management Board shall cause all proper books and records of account of the income, expenditure and assets of the University to be kept.

(2) A firm of External Auditors appointed by the University Council is to audit the accounts of the University.

(3) The Management Board shall submit the accounts of the University to the Auditors within a period specified by the Statutes from the end of every Financial Year.

(4) Within a period specified by the Statutes, the External Auditors shall report on the examination and audit of the accounts of the University to the University Council.

34. Funds and Resources

Funds and Resources of the University may be derived from—

- (1) tuition and other fees;
- (2) donations and grants;
- (3) endowments;
- (4) gifts and trusts;
- (5) income from auxiliary activities such as consultancy; and
- (6) other sources as the University may from time to time identify.

PART VI – MISCELLANEOUS PROVISIONS**35. Statutes**

(1) The affairs of the University are to be managed and regulated under Statutes and Regulations made.

(2) Statutes may from time to time be enacted, amended or revoked by a resolution passed by two-thirds majority of all the members present and entitled to vote at a University Council meeting specifically convened for that purpose, unless the enactment, amendment or revocation is ultra vires the provisions of the Charter.

36. Protection of Name

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

(2) A person shall not use the name of the University as established by this Charter for the purposes of—

- (a) advertisement;
- (b) publication;
- (c) business;
- (d) trade; or
- (e) profession,

without the consent of the University Council.

37. Dissolution of the University

Subject to the provisions of this Charter, if on the winding up or the dissolution of the University, there shall remain, after the satisfaction of all its debts and liabilities, any funds, assets and property, are to be transferred to the Board of Trustees of Strathmore Educational Trust.

**THE MERU UNIVERSITY COLLEGE OF
SCIENCE & TECHNOLOGY ORDER**

ARRANGEMENT OF PARAGRAPHS

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3. Establishment of the Meru University College of Science
4. Functions and Objects of the University College
5. Degrees, diplomas and other academic awards
6. Scholarships, bursaries, prizes and other awards

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GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the Meru University College of Science and Technology
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9. The Deputy Principal
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**THE MERU UNIVERSITY COLLEGE OF
SCIENCE & TECHNOLOGY ORDER**

[Legal Notice 103 of 2008]

PART I – PRELIMINARY

1. Citation

This order may be cited as the Meru University College of Science and Technology Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"academic board" means the Academic Board of the Meru University College of Science and Technology established under paragraph 14;

"Act" means the Jomo Kenyatta University of Agriculture and Technology Act;

"chancellor" means the Chancellor of the University;

"convocation" means the Convocation of the Meru University College of Science and Technology established under paragraph 15;

"council" means the Council of the University College established under paragraph 11;

"Dean of Students" means the person appointed by the Council to be the Dean of Students of the University College;

"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under Section 9;

"director" means a person appointed by Council of the University College to be a director of the University College, and whose functions are as specified in the statutes;

"faculty" means a faculty of the University College established under the statutes;

"financial year" means the financial year of the University College as provided for under paragraph 18;

"graduate" means a person upon whom a degree has been conferred in accordance with section 5(1);

"incapacity" means inability to perform functions of the office concerned;

"institute" means an institute of the University College established by the statutes;

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

"librarian" means the person appointed to be the Librarian of the University College;

"management board" means the Management Board of the University College established under Section 13;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for technical and vocational education and training;

"Principal" means the Principal of the University College appointed by the Council under Section 8;

"professor" means a full Professor of the University College;

"registrar" means the Registrar appointed by the Council of the University College;

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

[Subsidiary]

"senate" means the Senate of the University;

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

"statutes" means statutes of the University College made by the Council under this Order;

"student" means a person registered by the University College for the purposes of obtaining education and training towards the acquisition of a particular qualification or any other person who is determined by the Academic Board to be a student within a similar context;

"students organization" means an association of the students recognized by the Council as being an organization representative of the students of the University College;

"university college" means the Meru University College of Science and Technology established under section 3(1);

"university" means the Jomo Kenyatta University of Science and Technology University of Nairobi established under section 3 of the Act;

"vice-chancellor" means the Vice-Chancellor of the Jomo Kenyatta University of Agriculture and technology appointed under section 10 of the Act.

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

3. Establishment of the Meru University College of Science

(1) There is hereby established a university college to be known as The Meru University College of Science and Technology which shall be a constituent college of the Jomo Kenyatta University of Agriculture and Technology.

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

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

(3) The University College shall be the successor to Meru College of Technology situated in Tigania, District along Meru–Maua Road.

(4) All rights, liabilities and assets of the Board of Trustees or by any other body on behalf of Meru College of Technology, existing at the commencement of this Order, shall automatically be transferred to the University College.

4. Functions and Objects of the University College

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

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education incorporating technological, professional, scientific and agricultural education which integrates teaching, research, service and effective application of knowledge and skills;
- (b) participate in technological and scientific innovation as well as in the discovery, enhancement, transmission and preservation of knowledge and to stimulate the intellectual participation of students and members of the University College in the economic, technological and socio-cultural development of Kenya;

- (c) provide and advance university education and training to appropriately qualified candidates leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to labour market needs;
- (d) play a leading role in the development and expansion of opportunities for higher education and research in agriculture, forestry, mining, energy, water and environmental sciences on arid and semi-arid lands;
- (e) contribute to industrial and technological development through innovations and technology transfer;
- (f) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research, consultancy and extension services with emphasis on dry land agriculture and farming systems and their impact and application within and outside Kenya;
- (g) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (h) conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (i) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (j) contribute to agricultural, industrial and technological development of Kenya in collaboration with industry and other institutions through transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) provide programmes, products and services in ways that reflect proper ethics founded in the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different technical training institutions, universities and industry;
- (n) foster the general welfare and development of all staff and students.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction on the basis of race, ethnicity, physical ability, place of origin or residence or other local connections, political opinion, colour, creed, 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.

5. Degrees, diplomas and other academic awards

(1) The degrees and postgraduate diplomas to be awarded by the Meru University College of Science and Technology shall for the time being be the degrees and postgraduate diplomas conferred by the Jomo Kenyatta University of Agriculture and Technology.

(2) Notwithstanding subparagraph (1), the University College shall have powers to grant diplomas and certificates or other academic qualifications as shall from time to time be authorized in accordance to the statutes of the University College.

6. Scholarships, bursaries, prizes and other awards

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

[Subsidiary]

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the Meru University College of Science and Technology

The members of the University College shall be—

- (a) the Chancellor of the JKUAT;
- (b) the Vice-Chancellor of the JKUAT;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the professors of the University College;
- (h) the lecturers of the University College;
- (i) the Registrars;
- (j) the Finance Officer of the University College;
- (k) the Librarian;
- (l) the Dean of Students;
- (m) the Director of ICT Services of the University College;
- (n) the students of the University College;
- (o) the Convocation; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Cabinet Secretary on the recommendation of the Council and in consultation with the Chancellor in accordance with the statutes.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the statutes.

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

(4) Notwithstanding subparagraph (1), the Cabinet Secretary may appoint the first Principal on the recommendation of the Council of the Jomo Kenyatta University of Agriculture and Technology and the person so appointed shall be deemed to be a Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall appoint one or more Deputy Principal who shall under the general direction of the Principal exercise such powers and perform such duties as may be provided by the statutes.

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

10. Deans and directors of faculties, schools, institutes and centres

(1) The Council shall, on advice of the Principal, appoint for each Faculty, School, Institute, or Centre, a Dean or Director, who shall be the academic and administrative head

of the School, Institute, or Centre, and shall, under the general direction of the Principal, have such powers and duties as may be provided by statutes.

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

11. The Council

(1) There shall be a Council of the University College which The Council shall consist of—

- (a) the Chairperson and vice-Chairperson, both of whom shall be appointed by the President;
- (b) the Vice-Chancellor of the Jomo Kenyatta University of Agriculture and Technology;
- (c) the Principal;
- (d) the Principal Secretary for the time being responsible for technical and vocational education and training;
- (e) the Principal Secretary of the Ministry responsible for Higher Education Science and Technology;
- (f) the Principal Secretary of the Ministry responsible for Finance;
- (g) the following persons appointed by the Cabinet Secretary—
 - (i) three people appointed by the Cabinet Secretary to represent Nchuri Ncheke Council of Ameru Leaders;
 - (ii) one person to represent special interests;
 - (iii) one person to represent professional associations;
 - (iv) one person nominated by the Academic Board from among its members;
 - (v) one person nominated by the Convocation from among its members;
 - (vi) one person nominated by the academic staff organisation from among its members;
 - (vii) one person nominated by the non-academic staff organisation from among its members; and
 - (viii) a representative of the students nominated by the Students Organization;
 - (ix) one persons co-opted by the Council;
 - (x) one person to represent the association of technical and vocational education and training institutions.

(2) The Principal shall be the Secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of four years, but shall be eligible for re-appointment.

(4) The office of a member of the council shall become vacant—

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the council is satisfied that the member is, by reasons of physical or mental infirmity or bankruptcy, unable to exercise the functions of his office;
- (c) upon his death.

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

(6) The procedure, conduct and regulation of the affairs of the council shall be determined by the Council.

[Subsidiary]

(7) The Council shall be expected to exercise prudent leadership, innovative enterprise, and good judgement in directing or conducting the affairs of the University College and shall always act in the best interest of the University College.

12. Functions of the Council

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

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

(2) The Council shall ensure that a proper management structure is in place and to make sure that the structure functions to maintain corporate integrity, reputation and responsibility.

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

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

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

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

13. The Management Board

(1) There shall be a Management Board of the University College which shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;
- (d) the Registrar(s);
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine and as provided for in the Statutes

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;

- (c) the co-ordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

(3) The Secretary of the Management Board shall be the Registrar in charge of administration.

14. The Academic Board

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

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Deans of Schools, and Directors of Institutes and Centres;
- (d) the Heads of the Teaching Departments of the University College;
- (e) the Registrar in Charge of Academic Affairs;
- (f) the Librarian;
- (g) the Dean of Students;
- (h) the Director of ICT Services of the University College;
- (i) one representative of each of the Faculty or School Boards appointed by the respective boards from among its members; and
- (j) two members elected by the Students' Organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and, with regard to the degree programmes, to report its findings thereon to the Senate;
- (b) propose regulations consideration by the Senate regarding the eligibility of persons for admission to a degree programme;
- (c) to make regulations regarding for the eligibility of persons for admission to other courses of study other than degree programmes;
- (d) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree;
- (e) to make regulations for consideration by the senate regarding the standard of proficiency to be gained in each examination for a diploma, certificate or other award of the University College other than a degree;
- (f) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a diploma, certificate or other award of the University College;
- (g) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted degrees and prescribed postgraduate awards and to report its decision thereon to the Senate; and
- (h) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(3) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b) or (d) of subsection (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

(4) The Deputy Principal for the time being in charge of academic affairs shall be the secretary to the Academic Board.

[Subsidiary]

15. The Convocation

(1) There shall be Convocation of the University College, which shall consist of graduates of the University College or 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 Meru University College of Science and Technology and transmit resolutions thereon to the Council, the Academic Board, or the Senate and may exercise such other functions as the Statutes may prescribe.

16. The Staff of the University College

(1) The staff of the Meru College of Technology existing prior to the commencement of this order including those on secondment shall be deemed to be employees of the University College subject to the Statutes.

(2) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the Deans of Schools and Directors of Institutes and such other members of staff as the Council may from time to time determine.

(3) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the Librarian and all members of staff who are engaged in teaching and research.

(4) The administrative staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College 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 College shall consist of those staff engaged in general duties and as the Council may from time to time determine.

(7) All members of the staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(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 College.

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

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

17. Performance of functions in the absence of the office holder

(1) In the event of the incapacity of the Principal, the Chairperson of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS

18. Financial year

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

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, and trust funds which for the time being, trustees may, by law, invest such 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 College.

20. Annual estimates

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

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

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

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

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

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subsection (4) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

21. Accounts and audit

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

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

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

[Subsidiary]

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

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General (Corporations) may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act (No. 12 of 2003), shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS PROVISIONS

22. Common seal and Signification of Documents

(1) The common seal of the University College shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.

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

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

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

23. The Statutes

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

- (a) establishment of Faculties, Schools, Institutes, Centres, and Departments of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) maintenance of academic standards and quality assurance mechanisms;
- (e) conduct of examinations;
- (f) prescribing fees and other charges;
- (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 College;
- (h) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (i) providing for or prescribing, anything, which, under this Order, may be provided for or prescribed by Statutes;

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

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

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions of the Act shall not apply to the statutes or to the regulations.

24. Protection of name

(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 "Meru College of Technology" together with either or all the words "University" or "College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Meru College of Technology" together with either or all the words "University" or "College" and "University" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession.

(3) Any body or person who purports to issue or award degrees, diplomas or certificates on behalf of the university college shall be guilty of an offence and liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or both to such fine and imprisonment.

(4) Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

The status accorded to the University College by this order as a constituent college of the Jomo Kenyatta University of Agriculture and Technology shall be transitional only and the University shall initiate the necessary administrative and legal measures to ensure that the University College becomes a fully fledged University within three years.

THE NAROK UNIVERSITY COLLEGE ORDER

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THE NAROK UNIVERSITY COLLEGE ORDER

[Legal Notice 101 of 2008]

1. Citation

This Order may be cited as the Narok University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"academic board" means the Academic Board of the University College established under paragraph 13;

"alumni association" means the alumni association of the University College established under paragraph 15;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for higher education;

"chancellor" means the Chancellor of the University;

"council" means the Council of the University College established under paragraph 11;

"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under paragraph 9;

"faculty" means a faculty of the University College established under the statutes;

"financial year" means the financial year of the University College as provided for under paragraph 18;

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

"incapacity" means inability to perform functions of the office concerned;

"institute" means an institute of the University College established by the statutes;

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

"librarian" means the person appointed to be the librarian of the University College;

"Principal" means the Principal of the University College appointed under paragraph 8;

"professor" means a professor of the University College;

"registrar" means the registrar appointed by the Council;

"school" means a school of the University College established under the statutes;

"senate" means the senate of the University;

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

"statutes" means Statutes of the University College made by the Council under this Order;

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

"students organization" means an association of the students recognized by the Council being an organization representative of the students of the University College;

[Subsidiary]

"university college" means the Narok University College established under paragraph 3;

"university" means the Moi University established under section 3 of the Act; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. Establishment of the university college

(1) There is hereby established a university college to be known as the Narok University College which shall be a constituent college of the Moi University.

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

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

(3) The University College shall be the successor to Narok Teachers Training College.

(4) All rights, liabilities and assets held by or by any body on behalf of Narok Teachers Training College, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

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

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (h) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (i) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;

- (j) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (k) facilitate student mobility between different programmes at different training institutions, universities and industry;
- (l) foster the general welfare of all staff and students.

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

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by Moi University.

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

6. Award of scholarships, bursaries etc.

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

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of Moi University;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer
- (l) the Dean of students
- (m) the Director of ICT services;
- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Cabinet Secretary on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

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- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

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

(4) Notwithstanding subparagraph (1), the Cabinet Secretary may appoint the first Principal on the recommendation of the Council of the Moi University and the person so appointed shall be deemed to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

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

10. Deans, directors and chairpersons of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as dean, director or chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairperson and vice-Chairperson, both of whom shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor Moi University;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Principal Secretary of the Ministry for the time being responsible for higher education;
- (f) the Principal Secretary of the Ministry for the time being responsible for finance;
- (g) one person being a member of the Academic Board;
- (h) one person appointed by the Cabinet Secretary to represent professional associations;
- (i) one person appointed by the Cabinet Secretary to represent special interest;
- (j) one person nominated by the Alumni Association from among its members;
- (k) one person appointed by the Cabinet Secretary to represent association of technical and vocational education and training institutions;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organisation;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

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

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

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

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

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

12. Functions of the Council

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

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

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

(3) The Council shall ensure that a proper management structure is in place and 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 College.

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

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

13. The Academic Board

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

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;

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- (c) the deans of the faculties, and directors of schools, institutes and centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairperson;
- (b) the Deputy Principals;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and

- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the Narok University College existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College 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 College 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 College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(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 College.

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

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

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the chairperson of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

[Subsidiary]

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS

18. Financial year

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

19. Investment of funds

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

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

20. Annual estimates

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

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

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; 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) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

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

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

21. Accounts and audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

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

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

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act (No. 12 of 2003) shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS

22. Common seal and signification of documents

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

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

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

23. Statutes

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

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

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

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

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the statutes or to the regulations.

24. Protection of name

(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 "Narok University" together with word

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"College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Narok University" together with the word "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully-fledged university

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

THE SOUTH EASTERN UNIVERSITY COLLEGE ORDER

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THE SOUTH EASTERN UNIVERSITY COLLEGE ORDER

[Legal Notice 102 of 2008]

1. Citation

This Order may be cited as the South Eastern University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"academic board" means the Academic Board of the University College established under paragraph 13;

"alumni association" means the alumni association of the University College established under paragraph 15;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for higher education;

"chancellor" means the Chancellor of the University;

"council" means the Council of the University College established under paragraph 11;

"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under paragraph 9;

"faculty" means a faculty of the University College established under the statutes;

"financial year" means the financial year of the University College as provided for under paragraph 18;

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

"incapacity" means inability to perform functions of the office concerned;

"institute" means an institute of the University College established by the statutes;

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

"librarian" means the person appointed to be the librarian of the University College;

"Principal" means the Principal of the University College appointed under paragraph 8;

"professor" means a professor of the University College;

"registrar" means the registrar appointed by the Council;

"school" means a school of the University College established under the statutes;

"Senate" means the senate of the University;

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

"statutes" means Statutes of the University College made by the Council under this Order;

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

"students organization" means an association of the students recognized by the Council being an organization representative of the students of the University College;

[Subsidiary]

"university college" means the South Eastern University College established under paragraph 3;

"university" means the University of Nairobi established under section 3 of the Act; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 10 of the Act.

3. Establishment of the university college

(1) There is hereby established a university college to be known as the South Eastern University College which shall be a constituent college of the University of Nairobi.

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

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

(3) The University College shall be the successor to Ukamba Agricultural Institute (UKAI).

(4) All rights, liabilities and assets held by or by any body on behalf of Ukamba Agricultural Institute, existing at the commencement of this Order, shall be automatically and fully transferred to the University College.

4. Functions and objects of University College

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

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) to conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College; and
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research in agriculture, forestry, mining, energy, water and environmental sciences on arid and semi-arid lands;
- (g) contribute to industrial and technological development through innovations and technology transfer;
- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research, consultancy and extension services

with emphasis on dry land agriculture and farming systems and their impact and application within and outside Kenya;

- (i) participate in commercial ventures and other activities to the benefit of the institution, the community and stakeholders;
- (j) contribute to agricultural, industrial and technological development of Kenya in collaboration with industry and other institutions through transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different technical training institutions, universities and industry;
- (n) foster the general welfare of all staff and students.

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

5. Conferment of degrees, etc.

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by University of Nairobi.

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

6. Award of scholarships, bursaries etc.

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

PART III – MEMBERSHIP AND THE GOVERNMENT OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of University of Nairobi;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer
- (l) the Dean of students
- (m) the Director of ICT services;

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- (n) the students of the University College;
- (o) the Alumni; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the Cabinet Secretary on advice of the Council, and in consultation with the Chancellor.

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

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

(4) Notwithstanding subparagraph (1), the Cabinet Secretary may appoint the first Principal on the recommendation of the Council of the University of Nairobi and the person so appointed shall be deemed to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

(1) The Council shall, in consultation with the Chancellor appoint one or more Deputy Principals, who shall, under the general direction of the Principal, exercise such powers and perform such duties as may be provided by the Statutes.

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

10. Deans, directors and chairpersons of faculties, etc.

(1) The Council shall, on advice of the Principal, appoint for each faculty, school, institute, centre, or a department, a dean, director, or a chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

(2) A person appointed as dean, director or chairperson shall hold office upon such terms and for such period as may be provided by the statutes and upon expiration of that period shall be eligible for re-appointment.

11. The Council

(1) There shall be a Council of the University College which shall consist of—

- (a) the Chairperson and vice-Chairperson, both of whom shall be appointed by the president in consultation with the Chancellor;
- (b) the Vice-Chancellor of University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the Principal Secretary of the Ministry for the time being responsible for higher education;
- (f) the Principal Secretary of the Ministry for the time being responsible for finance;
- (g) one person being a member of the Academic Board;

- (h) one person appointed by the Cabinet Secretary to represent professional associations;
- (i) one person appointed by the Cabinet Secretary to represent special interest;
- (j) one person nominated by the Alumni Association from among its members;
- (k) one person appointed by the Cabinet Secretary to represent association of technical and vocational education and training institutions;
- (l) two persons, one nominated by the academic staff and the other by the non-academic staff;
- (m) a representative of the student organisation;
- (n) not more than two persons co-opted by the Council.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

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

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office;
- (c) upon his death.

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

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined by the Council.

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

12. Functions of the Council

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

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

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

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(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 College.

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

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

13. The Academic Board

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

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

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (2) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board made up of the following persons—

- (a) the Principal, who shall be the chairperson;

- (b) the Deputy Principals;
- (c) the Deputy Principals;
- (d) the Registrar in charge of administration, who shall be the secretary;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(2) The Management Board shall assist the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) the coordination of the University College strategic and development plans; and
- (d) any other matters related to the management of the University College.

15. Alumni association

(1) There shall be an alumni association of the University College which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The alumni association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council, the Academic Board, or the Senate, and may exercise such other functions as the Statutes may prescribe.

16. Staff of the University College

(1) The staff of the South Eastern University College existing prior to the commencement of this Order including those on secondment are eligible for employment by the University College subject to appraisal by the Council in accordance with the Statutes.

(2) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(3) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of schools and directors of institutes and such other members of staff as the Council may from time to time determine.

(4) The administrative staff of the University College shall consist of the registrars, the finance officer and such other members of staff, not being engaged in teaching or research, as the Council may, from time to time, determine.

(5) The technical staff of the University College 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 College 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 College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(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 College.

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- (9) All members of staff of the University College shall—
- (a) be subject to the general authority of the Council and of the Principal; and
 - (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

17. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the chairperson of the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the chairperson of the Council may appoint any member of the academic staff of the University College to perform the functions of the Principal during the incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer during the incapacity.

PART IV – FINANCIAL PROVISIONS

18. Financial year

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

19. Investment of funds

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

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

20. Annual estimates

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

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

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; 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) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for university grants.

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

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

21. Accounts and audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24(3) and (4) of the Public Audit Act (No 12 of 2003), shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS

22. Common seal and significance of documents

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

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

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

23. Statutes

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

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates, and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (g) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and

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- (h) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by statutes.

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

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

(4) Statutes or regulations made by the Council under this Order shall not be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the statutes or to the regulations.

24. Protection of name

(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 word "South Eastern Kenya" together with either or all the words "University" or "College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "South Eastern" or "South Eastern Kenya" together with either or all the words "University" or "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine of one million shillings and imprisonment for a term of twelve months.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

25. Conversion into a fully fledged university

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

THE MOUNT KENYA UNIVERSITY CHARTER

ARRANGEMENT OF PARAGRAPHS

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THE MOUNT KENYA UNIVERSITY CHARTER

[Legal Notice 8 of 2011, Legal Notice 49 of 2016]

SCHEDULE

WHEREAS the Board of Directors of Mount Kenya University, situated in the Republic of Kenya, wishes to establish an institution in the name of Mount Kenya University;

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

AND WHEREAS the Commission for Higher Education is also satisfied that Mount Kenya University has complied with the provisions of the Act, and the Universities Rules, 1989;

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

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210), I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Mount Kenya University.

[L.N 49 of 2016, s. 1.]

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Mount Kenya University Charters 2011.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Alumni" means the Association of graduates of the University established under section 36;

"Board" means the Board of Directors of the financial owners of the university incorporated as Universal Education Group Limited under the Companies Act (Cap 486);

"Campus" means a tuition facility used wholly or partly for the conduct of university education;

"Constituent Campus" *deleted by L.N. 49 of 2016, s. 2(b)*;

"Centre" means a facility used wholly or partly for the marketing, or promotion of Online Distance Education Learning Centres (ODEL) of the University;

"Chancellor" means a person appointed as the Chancellor of the University under section 11;

"College" means a group of related schools or institutes established by the University;

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"Constituent College" means a semi-autonomous establishment of higher education established by the University;

"Council" means the University Council established under section 13;

"Dean" means the person appointed to head a faculty, school or an institute of the University under section 29 including the Dean of Students appointed under section 31;

"Faculty" means an academic sub-division of the University established under this Charter;

"financial owner" means a person or group of persons involved in the financing, development and management of the University either as sponsors or stakeholders;

"graduate" means a person whom upon a degree or other award has been conferred by the University under this Charter;

"Management Board" means the Management Board of the University established under section 15;

"non-profit making" *deleted by L.N. 49 of 2016, s. 2(e)*;

"Principal" means the head of a college or constituent college;

"Pro-Chancellor" means a person appointed as the Pro-Chancellor of the University under section 12;

"Registrar" means a person appointed as the Registrar under section 23;

"School" means a group of related programmes or departments established by the Senate;

"Senate" means the Senate of the University established under section 17;

"Staff" means the staff of the University engaged by the University Council pursuant to section 34;

"Statutes" means Statutes made by University under section 43;

"Student" means a person who is registered by the University for the purposes of obtaining a qualification of the University or any other person regarded as a student by the Senate;

"University" means Mount Kenya University; and

"Vice-Chancellor" means a person appointed as the Vice-Chancellor of the University in accordance with section 19.

[L.N. 49 of 2016, s. 2.]

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and Incorporation of Mount Kenya University

(1) There is established a university to be known as Mount Kenya University which shall be constituted in accordance with the provisions of this Charter.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, disposing or leasing of movable and immovable property;
- (c) borrowing of money, receiving of grants, gifts and donations for the purpose of furthering education;
- (d) entering into contracts; and

- (e) doing or performing such other things or acts necessary for the proper discharge of its functions under this Charter, which may be lawfully performed or done by a corporate body.

(3) Mount Kenya University shall be the successor of Thika Institute of Technology.

(4) All rights, liabilities and assets held by or by any other body on behalf of Thika Institute of Technology, existing at the commencement of this Charter, shall be automatically and fully transferred to Mount Kenya University.

[L. N 49 of 2016, s. 3.]

4. Vision, Mission and Philosophy of University

(1) The vision of Mount Kenya University is to be a role model of excellence in science and technology education and training in Africa.

(2) The mission of Mount Kenya University is to provide world class teaching, research and innovative extension services for sustainable scientific and technological development.

(3) The University's philosophy is to harness knowledge and skills in Applied Sciences and Technology for the service of humanity.

5. The Aim, Objectives and Functions of the University

(1) Mount Kenya University aims to provide high quality education with emphasis on science and technology consistent with the Vision and Mission of University.

(2) The Objectives of the University shall be—

- (a) to preserve, produce, process, transmit and disseminate knowledge and stimulate the intellectual life and culture that is relevant to development of society;
- (b) to provide students with all encompassing education and training;
- (c) to guide students to identify their individual needs and talents and to develop their potential for proactive life and service;
- (d) to admit students on basis of their qualifications irrespective of their country, tribe, race, religion, gender, colour or socio-economic status;
- (e) to produce graduates who are able to serve society with professional competence and ensuring accountability and personal responsibility;
- (f) to be at the fore-front of scientific and technological innovations and their specific applications within the local context;
- (g) to provide a conducive learning environment, adequate facilities and infrastructure for a high quality education, in form of library resources, laboratories, research facilities, lecture halls, recreational facilities and buildings to support the various curricula and syllabi;
- (h) to advance learning and knowledge by teaching, research and outreach activities, with special emphasis in science and technology, and in close association with the relevant industrial sector and other academic institutions; and
- (i) to cooperate with the Kenya Universities and Colleges Central Placement Board or its equivalent or with other universities or authorities for the admission of students into its programmes.

(3) The functions of the University shall be—

- (a) to provide directly or in collaboration with other institutions of higher learning and training, facilities including scientific, technological and professional education for research and community service;
- (b) to provide academic programmes, conduct research and innovations, and provide other services ancillary to the object and purpose for which the University is established;

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- (c) to provide human and financial resources for teaching, training, research and other connected services;
- (d) to determine who may teach, what may be taught, where it may be taught and how it may be taught in accordance with the vision and mission of the University;
- (e) to confer degrees and other academic distinctions, grant diplomas, certificates or other awards on and to persons who shall have pursued a course of study approved by the University and who shall have passed examinations or other tests approved by the University;
- (f) to affiliate with other institutions or to admit members thereof to any of its privileges, and accept attendance at courses of study in such institutions in place of such part of the attendance of course of study in the University and upon such terms and conditions and subject to such regulations as may, from time to time, be determined by the University, or to recognize any members of the teaching staff of any college or institution, whether affiliated to the University or not, as staff of the University;
- (g) to institute and award fellowships, scholarships, bursaries, prizes and other such awards to aid study, research and outreach activities;
- (h) to provide for the printing and publication of educational, research, outreach and other works which may be issued by the University;
- (i) to co-operate with Central Admissions Universities Committee or its equivalent or otherwise with other universities and authorities for the regulation and conduct of entrance and other examinations, the examination and inspection of schools and other academic institutions and for the extension of University teaching and influence in academic matters and for such other purposes as the University may, from time to time, determine;
- (j) to demand and receive fees, subscriptions and deposits and impose charges and act on behalf of financial owners, and to receive such property, legacy, endowment, bequest or gift for the purpose of education or research or otherwise for the furtherance of the work of the University, and to invest any monies representing any such property or fund not immediately required for the purpose aforesaid in accordance with the provisions of the Statutes;
- (k) to prescribe the disciplinary rules to which students and staff of the University shall be subject to; and
- (l) to pursue equity and sustainability in all of the University's activities.

[L. N 49 of 2016, s. 4.]

6. Powers of the University

The University shall do all things necessary or convenient to be done in connection with the performance of its function, and may include—

- (a) establishing divisions, constituent colleges and campuses, schools, centres, institutes, faculties, departments, sections or any other administrative unit and approving courses of study, research, community service programmes consistent with its mission and objects;
- (b) conferring certificates, diplomas, bachelors degrees, masters degrees, doctorate degrees and post-doctorate awards;
- (c) conferring honorary degrees or academic distinction or awards upon a person or persons who have rendered—
 - (i) distinguished services in the advancement of knowledge; or
 - (ii) themselves worthy of such awards.
- (d) revoking or withdrawing of a certificate, diploma, degree or an award already conferred, granted or awarded to a person;
- (e) entering into contracts and other contractual arrangements;

- (f) acquiring, holding, leasing and disposing of and preserving property and assets of the University;
- (g) erecting buildings and structures and carrying out such works;
- (h) soliciting for grants, endowments, donations and gifts for purposes of supporting the University activities;
- (i) appointing agents;
- (j) engaging persons to perform services for the University;
- (k) fronting and promoting the image of the University by all lawful means including undertaking corporate social responsibility; and
- (l) doing all other things necessary in advancing knowledge and discharge of its functions.

[L. N 49 of 2016, s. 5.]

7. The Common Seal

(1) The Common Seal of the University shall be kept in custody as the Board may direct and shall be used upon their order and direction thereof.

(2) The Common Seal of the University shall be authenticated by the signature of the Chairperson or the Secretary to the Board.

(2A) The powers under subsection (2) may when necessary be delegated to the Chairperson or Secretary of the Council.

(3) The Common Seal, when affixed to any document and duly authenticated, shall be judicially and officially noticed and, any necessary order or authorization of the Council or Board under this section is presumed to be duly given, unless the contrary is proved.

[L. N 49 of 2016, s. 6.]

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

8. Members

The members of the University may be—

- (a) the Chancellor;
- (b) the Pro-Chancellor(s);
- (c) members of the Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellor(s);
- (f) the Principal(s) of the constituent college or colleges;
- (g) the Deans/Academic Heads of Faculties, Schools, Institutes, Centres and Campuses;
- (h) Directors and Chairpersons;
- (i) Staff of the University;
- (j) Dean of Students;
- (k) a person in charge of library services;
- (l) the Registrar(s);
- (m) a person in charge of legal services;
- (n) a person in charge of finance;
- (o) a person in charge of human resource management;
- (p) a person in charge of marketing;
- (q) Chaplain(s);
- (r) members of the Senate; and

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- (s) any other members of Staff of the University, Students, the Alumni, or other person or body formally admitted or co-opted into association by the University.

[L. N 49 of 2016, s. 7.]

9. Governance

The governance of the University shall be vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Board;
- (b) the Chancellor;
- (c) the Pro-chancellor;
- (d) the Council;
- (e) the Management Board;
- (f) the Senate; and
- (g) any other bodies established by the Council.

[L. N 49 of 2016, s. 8.]

10. Board

The Board shall be the supreme organ of the University and shall be vested with powers to—

- (a) safeguard the foundational mission, aims and objectives of the University;
- (b) appoint or remove any member of the University;
- (c) purchase, lease, hire, acquire and hold the property and assets of the University;
- (d) solicit for financial resources by itself or through its agents, as the case may be; and
- (e) receive and act on matters relating to the university within the mandate of the Board as spelt out in the articles of association or certificate of incorporation, or any other legal instrument.
- (f) perform such other function or duty as may be conferred upon the Board by a recognised legal instrument.

[L. N 49 of 2016, s. 9.]

11. The Chancellor

(1) In the absence of a Chancellor appointed by the Board the chairperson of the Council may act as the Chancellor of the University.

(2) The Chancellor shall—

- (a) be the titular head of the University and, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) from time to time, in consultation with the Council, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University, if necessary, or as assigned by the Board;
- (c) arrange for visitation into the general administration and organization of the University as provided for under the Statutes;
- (d) enjoy such powers and privileges and perform such other functions as may be provided for in the Statutes; and
- (e) give advice to the Council which he or she considers necessary for the betterment of the University.

(3) The Chancellor may exercise his or her functions under this Charter in person or through another person approved by the Council, who shall, in that capacity, be the

Chairperson of the Council, or any other person assigned by the Board to act as the Chairperson of the Council.

(4) In the event of incapacity of the Chancellor, the Board shall appoint the the Chairperson of the Council or such other person as it may consider necessary to perform those functions during his or her absence or incapacity.

(5) The office of the Chancellor shall fall vacant—

- (a) upon the expiry of the term as provided under the instrument of appointment;
- (b) if, by notice in writing addressed to the Board, the Chancellor resigns;
- (c) if the Board is satisfied that the Chancellor is, by reason of physical or mental infirmity, unable to exercise the functions of his or her office;
- (d) if the Chancellor is declared bankrupt or makes any arrangements or propositions with creditors generally;
- (e) if the Chancellor fails to perform the duties of his or her office for a continuous period of six months without a valid reason; or
- (f) upon the Chancellor's death.

[L. N 49 of 2016, s. 10.]

12. Pro-Chancellor(s)

(1) The Board may appoint Pro-Chancellor(s) to exercise delegated functions and powers as may be directed by the Board or as specified under this Charter or Statutes.

(2) The Pro-Chancellor(s) may be appointed upon the terms and conditions of service, prescribed by the Statutes or the instrument of appointment.

[L. N 49 of 2016, s. 11.]

13. The University Council

(1) There is established a Council to be known as the University Council appointed by the Board, which shall consist of—

- (a) the Chairperson;
- (b) the vice-Chairperson;
- (c) the Vice-Chancellor, who shall be the secretary and an *ex officio* member;
- (d) *deleted by L. N 49 of 2016, s. 12 (a)(ii).*
- (e) not more than eleven persons appointed By the Board.

(2) *deleted by L. N 49 of 2016, s. 12 (b).*

(3) The Council once constituted and in consultation with the Board may co-opt two more persons into the Council, if it deems necessary.

(4) The Board shall, from time to time, determine and review the eligibility criteria of appointment of the members of the Council as it deems desirable in the interest of the University.

(5) In the absence or incapacity of the Chairperson and the vice-Chairperson, the Council shall appoint any other person, except an *ex officio* member, from among its members to serve as the Chairperson in an acting capacity.

(6) The term of office of a member of the Council, other than an *ex officio*, shall be determined by the Board from time to time.

(7) A member of the Council is eligible for re-appointment upon expiry of his or her term at the discretion of the Board.

(8) The office of a member of the Council shall fall vacant—

- (a) if, not being an *ex officio* member, he or she resigns in writing addressed to the Secretary of the Council;

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- (b) if the Council is satisfied, and upon approval by the Board, that a member is, by reason of physical or mental infirmity or otherwise, unable to discharge his or her duties as required;
- (c) if he or she is absent for three consecutive Council meetings without good reason;
- (d) if he or she is found to be involved in unbecoming behaviour as determined by the Council in consultation with the Board;
- (e) if found to be directly or indirectly involved in any business conflicting with the function of the University and fails to disclose the conflicting interest;
- (f) if he or she is declared bankrupt; or
- (g) upon his or her death.

(9) Where the office of a member of the Council becomes vacant under subsection (8), the Secretary to the Council shall notify the vacancy to the appointing body.

(10) The procedure, conduct and regulation of the affairs of the Council shall be as prescribed in the Statutes.

(11) The Council may appoint committees to carry out specific functions as it may direct.

(12) For all meetings of the Council, the number and the quorum shall be as prescribed in the Statutes.

[L. N 49 of 2016, s. 12.]

14. Functions of the Council

The functions of the Council shall be to—

- (a) develop concrete policies for achievement of the objects of the University;
- (b) appoint, promote or, where applicable, remove staff of the University in consultation with the Board;
- (c) receive, on behalf of the University, donations, endowments, gifts, grants or other monies and authorize disbursements;
- (d) provide for the welfare of the faculty, staff and students of the University;
- (e) provide proposals and recommendations to the Board for capital development and expansion of the University;
- (f) to promote and approve affiliations, collaborations and co-operation with other universities, or other institutions of learning;
- (g) approve the recommendations or proposals for establishment of constituent colleges, colleges, courses, institutes or change of name of the University or other university establishments, centres, campuses, schools or divisions;
- (h) determine fees and other charges payable at the University;
- (i) approve academic policies and procedures of the University;
- (j) receive reports from the Senate, Management Board and other bodies established by the Council to carry out various functions and duties on behalf of the Council;
- (k) approve regulations governing the academic affairs and discipline of the students of the University in consultation with the Senate;
- (l) ensure prudent management of the University;
- (m) make policy guidelines relating to terms and conditions of service for the staff;
- (n) determine membership of the University;
- (o) to project and promote the image of the University to the general public and other stakeholders; and
- (p) perform such other duties and responsibilities as may be assigned to it by the Board from time to time.

[L. N 49 of 2016, s. 13.]

15. The Management Board of the University

(1) The Council shall establish a management board to be known as the Management Board of the University which shall consist of—

- (a) the Vice-Chancellor, as the Chairperson;
- (b) the deputy Vice-Chancellors, one of whom may be designated as the Secretary.
- (c) not more than eleven members of the University designated by the Council in consultation with the Board.

(2) The procedure, conduct, regulation of the affairs of the Management Board shall be prescribed in the Statutes.

(3) For all meetings of the Management Board, the number and the quorum shall be prescribed in the Statutes.

(4) The Management Board may co-opt such other members, not being more than three, as it may deem necessary for the proper and effective performance of its functions.

(5) The University Council may, in consultation with the Council, establish and assign functions to such committees as it may consider appropriate, and such committees may consist partially or wholly of members of the University Management Board.

[L. N 49 of 2016, s. 14.]

16. Functions of the Management Board of the University

(1) The functions of the Management Board shall be, among others—

- (a) to administer the University finances, and in furtherance of that function—
 - (i) prepare, review, and recommend annual budgets and monthly financial statements to the Board through the Council;
 - (ii) collect fees; and
 - (iii) facilitate annual audit of the University accounts;
- (b) to establish and maintain efficient and effective policies and procedures in all areas of financial management;
- (c) to make recommendations to the Council concerning matters of capital development and University staff establishment;
- (d) to recommend for the hiring, promotion, and release of staff and employees upon approval by the Council;
- (e) to recommend prudent operational systems to the Council relating to schemes of service, salaries, benefits and other staff motivational schemes;
- (f) to oversee the preparation of all publications of the University;
- (g) to advise the Council on general matters pertaining to statutory and legal compliance; and
- (h) to be responsible of all matters necessary for the successful functioning of the University as delegated by the Council.

[L. N 49 of 2016, s. 15.]

17. The Senate

(1) There is established a Senate of the University which may consists of—

- (a) the Vice-Chancellor, as the Chairperson;
- (b) the Deputy Vice-Chancellor(s);
- (c) Principals of the Constituent Colleges;
- (d) the Legal Secretary;
- (e) the Registrar(s);
- (f) Deans, Academic Heads, Directors and Chairpersons;
- (g) the University Librarian;

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- (h) a representative of each faculty or school; and
 - (i) other members as may be provided for in the Statutes and appointed by the Council.
- (2) The office of a member of the Senate shall fall vacant—
- (a) if he or she ceases to be a member of the University;
 - (b) if his or her membership contravenes any of the membership requirements;
 - (c) if he or she is declared bankrupt;
 - (d) if, by majority vote of the members of the Senate present and voting, and with approval of the Board, his membership is revoked; or
 - (e) if he or she dies.
- (3) The functions of the Senate shall be to—
- (a) develop, approve and implement academic programmes in consultation with the Council;
 - (b) satisfy itself regarding the content and academic standards of any course of study in respect of a degree, certificate or other award by the University, and to report its findings to the Council;
 - (c) propose regulations to be approved by the Council regarding the eligibility of persons for admission to a course of study;
 - (d) propose regulations to be approved by the Council regarding the standard of proficiency to be gained in each examination for a degree, certificate, or other award of the University;
 - (e) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, certificate or other award of the University;
 - (f) recommend to the Council, policies or actions that it regards beneficial to the academic programs of the University;
 - (g) make regulations governing academic matters for approval by the Council;
 - (h) appoint committees to serve the Senate as appropriate;
 - (i) recommend to the Council appointments and promotion criteria of teaching and research staff;
 - (j) approve the academic calendar in consultation with the Management Board;
 - (k) formulate and recommend to the Council regulations governing the conduct and discipline of faculty and students of the University;
 - (l) recommend to the University Council through the Management Board changes that may be made in the Statutes for the better management of academic affairs;
 - (m) recommend to the University Council through the Management Board affiliations, collaborations and co-operations with other universities and institutions of higher learning;
 - (n) administer scholarships, fellowships and other academic awards;
 - (o) recommend to the Council for the establishment of schools, campuses, centres, constituent colleges or other divisions as may be necessary; and
 - (p) recommend to the Council persons who may be eligible to be members of the University.
- (4) Despite any other provision of this Charter, the Council shall not initiate any action in respect of the matters mentioned in paragraphs (a), (b), (c), (d) and (e) of this section except upon receipt of a report or proposal and the Council shall not reject any such report or amend any regulations as proposed without further reference to the Senate.
- (5) The Senate shall meet at least once in a quarter.

(6) The procedure, conduct, regulation of the affairs of the Senate shall be determined by the Statutes.

[L. N 49 of 2016, s. 16.]

PART IV – ADMINISTRATION OF THE UNIVERSITY

18. Officers of the University

(1) The University may have principal officers with authority, in the name of the University, to perform the functions conferred on the University under this Charter.

(2) The principal officers shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor(s);
- (c) the Legal Secretary;
- (d) Principals of Constituent Colleges;
- (e) a person incharge of legal services;
- (f) a person in charge of finance;
- (g) a person in charge of marketing;
- (h) a person in charge of library matters;
- (i) a person in charge of human resource;
- (j) Chaplain(s);
- (k) Directors; and
- (l) any other member of the University as the Council may approve.

[L. N 49 of 2016, s. 17.]

19. The Vice-Chancellor

(1) There shall be a Vice-Chancellor who shall be the chief executive officer of the University and who shall be appointed by the Board in consultation with the Council.

(2) The Vice-Chancellor shall —

- (a) have the overall responsibility for the direction, organization, development, administration and academic programmes of the University;
- (b) be the chairperson of the Management Board and the Senate;
- (c) be responsible to the Council for the general conduct and discipline of the students and staff of the University;
- (d) be the Secretary to the Council;
- (e) act as a representative of the University and its spokesperson on its external matters; and
- (f) carry out any other duties and responsibilities as may be assigned by the Board.

(3) The Vice-Chancellor shall be appointed upon the terms and conditions of service prescribed by the Statutes or the instrument of appointment.

(4) The office of the Vice-Chancellor shall fall vacant—

- (a) upon the expiry of the term of office;
- (b) if, by notice in writing addressed to the Board, the Vice-Chancellor resigns;
- (c) if the is satisfied that the Vice-Chancellor is, by reason of physical or mental infirmity, unable to exercise the functions of his or her office;
- (d) if the Vice-Chancellor is declared bankrupt or makes any arrangements or propositions with creditors generally;
- (e) if the Vice-Chancellor fails to perform the duties of his or her office without a valid reason; or

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- (f) upon the Vice-Chancellor's death.

[L. N 49 of 2016, s. 18.]

20. The Deputy Vice-Chancellor(s)

(1) The Board, in consultation with the Council, shall appoint the Deputy Vice-Chancellor(s) to assist the Vice-Chancellor in matters pertaining to academic and administrative functions of the University.

(2) The number of the Deputy Vice-Chancellors shall be determined by the Board in consultation with the Council.

(3) The Deputy Vice-Chancellor(s) shall be appointed upon the terms and conditions of service prescribed by the Statutes or the instrument of appointment.

21. Deleted by L. N 49 of 2016, s. 19.

22. Deleted by L. N 49 of 2016, s. 19.

23. Deleted by L. N 49 of 2016, s. 19.

24. Deleted by L. N 49 of 2016, s. 19.

25. Deleted by L. N 49 of 2016, s. 19.

26. Deleted by L. N 49 of 2016, s. 19.

27. Deleted by L. N 49 of 2016, s. 19.

28. Deleted by L. N 49 of 2016, s. 19.

29. Deleted by L. N 49 of 2016, s. 19.

30. Deleted by L. N 49 of 2016, s. 19.

31. Deleted by L. N 49 of 2016, s. 19.

32. Deleted by L. N 49 of 2016, s. 19.

33. Deleted by L. N 49 of 2016, s. 19.

34. Staff of the University

(1) The University shall have academic administrative and support staff, who shall be recruited subject to the policies set by the University to support the foundational mission, aims and objectives of the University.

(2) The academic staff shall consist of members of staff engaged in teaching or research work, determined by University Council.

(3) The Administrative staff shall consist of members of staff, not engaged in teaching or research work, determined by the University Council.

(4) Members of University staff are subject to the authority of the Council through the Management Board.

[L. N 49 of 2016, s. 20.]

35. Students Association

(1) There shall be a Students' Association to be known as Mount Kenya University Students Association (MKUSA) or in any other name as may be approved by the University, to represent the student community and act as the main forum through which students may express their views.

(2) The Association shall operate under the general direction of the Council, as may be prescribed by the Statutes.

36. Alumni Association

(1) There shall be an Alumni Association of the University which shall be known as Association of Mount Kenya University Alumni (AMKUA) or in any other name approved by the University.

(2) The Alumni shall consist of graduates of—

- (a) Mount Kenya University; or
- (b) other institutions, as the Statutes may prescribe, affiliated to the University.

(3) The functions of the Alumni shall be to—

- (a) bring together graduates who qualify to be members for purposes of providing services that contribute to the University's development;
- (b) engage in fundraising activities for the University;
- (c) promote the University's welfare and image; and
- (d) provide suggestions to the University leadership with regard to development.

[L. N 49 of 2016, s. 21.]

37. Performance of duties during the incapacity of the Vice-Chancellor and other Senior Officers

(1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor shall be performed by—

- (a) a Deputy Vice-Chancellor; or
- (b) a University senior officer.

(2) In the event of the incapacity or absence of the Vice-Chancellor and the Deputy Vice-Chancellor, the Council in consultation with the Board may appoint a senior officer to perform the duties of the incapacitated or absent Vice-Chancellor or Deputy Vice-Chancellor.

(3) In the event of incapacity of any other member of staff, the Vice-Chancellor shall, in consultation with the Council, appoint a suitably qualified person to perform the duties of the incapacitated or absent member for a specified period.

(4) For the purposes of this section—

- (i) "absence" means absence from Kenya; and
- (ii) "incapacity" means the inability for any reason to perform the functions of the office held.

[L. N 49 of 2016, s. 22.]

PART V – FINANCIAL PROVISIONS

38. Financial Year and Budget

(1) The Financial Year of the University shall be the period of twelve months commencing the 1st January and ending the 31st December of 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 the new Financial Year, because of this change, the transitional period, whether more or less than twelve months, shall be regarded as a Financial Year for the purposes of this Charter.

(3) The Management Board shall propose and submit annual estimates to the Council two months before the start of the financial year for onward submission to the Board for approval.

(4) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year in performance of its functions, and in particular shall provide —

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

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- (b) for the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;
- (c) for the proper maintenance, development of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of the equipment and other moveable property of the University;
- (e) for the funding of the cost of training, research and community service;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Council in consultation with the Board may think fit;
- (g) for the funding of student scholarships; and
- (h) for the operating costs of the University.

(5) No expenditure shall be incurred for the purposes of the University except in accordance with an annual budget approved by the Board.

(6) The Management Board shall submit quarterly financial reports to the Board through the Council within each financial year.

[L. N 49 of 2016, s. 23.]

39. Accounts and Audit

(1) The Board shall in consultation with the Council cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities.

(2) A firm of external auditors appointed by the Board shall audit the accounts of the University.

(3) The officer in charge of finance shall submit the accounts of the University to the auditors within a period of one month from the end of every Financial Year.

(4) Within a period specified by the Statutes, the external auditors are to report on the examination and auditor's report of the accounts of the University to the Board.

(5) The certified copy of the auditors report referred to in subsection (4) shall not be provided to any other persons or institution without the authority of the Board.

[L. N 49 of 2016, s. 24.]

40. Internal Audit Unit

(1) The Management Board shall institute an Internal Audit Unit, which shall be responsible for Internal Control and Assurance regarding the achievement of the objectives of the University and which shall report to the Board.

(2) The Internal Audit Unit shall—

- (a) ensure effective and efficient Operation of the University Financial Systems;
- (b) institute firm Internal Control for the maintenance of the integrity, ethical values and competence of Staff of the University;
- (c) identify, analyze any risks that may face the University and advise on sound management practices for handling such risks;
- (d) ensure that University Management Policies and Directives are strictly adhered to;
- (e) monitor and assess the quality of performance of all University Management Systems and to recommend corrective action whenever a System does not perform as intended;
- (f) identify, capture and communicate relevant information in a form and time-frame that enables officers of the University to carry out their responsibilities and maintain accountability for the University's Assets;

- (g) do or perform all such other transactions or acts for the proper performance of its functions, and for the furtherance of the provisions of this Charter.

[L. N 49 of 2016, s. 25.]

41. Funds and Resources

- (1) Funds and resources of the University may be derived from—

- (a) tuition and other fees;
- (b) donations and grants made to the University;
- (c) endowments;
- (d) gifts, bequests and trusts;
- (e) income from auxiliary activities such as consultancy; and
- (f) other sources as the University may from time to time identify.

(2) Any funds received by the University from any donor shall be used or channeled exclusively for the intended purpose as agreed between such donor and the University.

(3) The University shall not accept funds which may limit or compromise its freedom or integrity.

42. Investment of Funds

(1) The Board may invest any of its funds not immediately required for its purposes, as the Board may determine.

(2) All investments made under this section shall be held in the name of the University Financial Owners.

[L. N 49 of 2016, s. 26.]

PART VI – MISCELLANEOUS PROVISIONS

43. Statutes

(1) The affairs of the University shall be managed and regulated under the Statutes and Regulations made and approved by the Council in consultation with the Management Board and the Senate in accordance with the provisions of this Charter and the Act.

(2) Statutes may, from time to time, be amended or revoked by a resolution of two thirds of members present and entitled to vote at the Council meeting specifically convened for that purpose, unless the enactment, amendment or revocation is *ultra vires* to the provisions of this Charter.

(3) Despite subsection (2), the Council shall not make, revoke, amend any Statute relating to the responsibility or privileges of members of the University and specified functions of the Senate unless approved by the Board.

[L. N 49 of 2016, s. 27.]

44. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names is to accept for the registration any name that includes the word "Mount Kenya" together with the word "University".

(2) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade or profession without the consent of the Council.

(3) The Council may, whenever it deems it appropriate, make recommendations to the Board on the change of the name of the University or any of its other establishments, and the Board may on receipt of such recommendations institute the necessary legal measures for effecting such change as provided for in the Act.

[L. N 49 of 2016, s. 28.]

[Subsidiary]

45. Conversion of a Constituent College or Campus to fully fledged University

The conversion of a Constituent College or Campus into a fully fledged university shall be through necessary administrative and legal measures initiated by the Board on recommendations of the Council.

46. Dispute Resolution

In the event that a dispute arises in regard to interpretation of this Charter or between the Board and the Council or any matter, such dispute shall in the first instance be resolved amicably in accordance with procedures laid down in the Statutes and in the event that an amicable solution cannot be reached, such matter shall not be taken before a court of law unless it has first been referred to —

- (a) an arbitrator appointed by both parties; or
- (b) if the parties fail to agree on an arbitrator, the dispute, has been referred to the arbitrator with demonstrated experience in the arbitration matters appointed by the Law Society of Kenya.

47. Dissolution of the University

Subject to the provisions of this Charter, if on the winding up or the dissolution of the University and after the settlement of all its debts and liabilities, any remaining funds, assets and property, shall be transferred to University Financial owners.

[L. N 49 of 2016, s. 29.]

THE AFRICA INTERNATIONAL UNIVERSITY CHARTER

ARRANGEMENT OF PARAGRAPHS

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THE AFRICA INTERNATIONAL UNIVERSITY CHARTER

[Legal Notice 42 of 2011]

SCHEDULE

WHEREAS the Board of Trustees of Africa International University, situated in the Republic of Kenya, wishes to establish an institution in the name of Africa International University;

AND WHEREAS the said Africa International University has applied to the Commission for Higher Education, for the grant of a 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 (Cap. 210);

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

AND WHEREAS the Commission for Higher Education is also satisfied that Africa International University has complied with the provisions of the Act, and the Universities Rules, 1989;

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

AND WHEREAS the Cabinet Secretary for Higher Education, Science & Technology has submitted the Charter to me with recommendations thereon;

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

NOW WHEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces, grant the Charter annexed hereto to Africa International University.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Africa International University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"Alumni Association" means the Association of all graduates and former students of the University established under section 29;

"Board" means the Board of Trustees of Africa International University incorporated under the Trustees (Perpetual Succession) Act (Cap. 164);

"Chancellor" means a person appointed as such under section 12;

"Council" means the University Governing Council established, under section 13;

"Executive Board of the Association of Evangelicals in Africa" means the governing body of the Association of Evangelicals in Africa that is charged with exercising governance responsibilities of the Association;

"Fiscal year" means the financial year of the University referred to in section 32;

"Librarian" means the person appointed as such under section 22;

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"Management Board" means the University Management Board established under Section 16;

"Registrar" means a person appointed as such under section 21;

"School" means a constituent school of Africa International University established by the Council;

"Senate" means the Senate of the University established under section 15;

"Student" means a person registered by the University for the purpose of obtaining a qualification of the University or any other person who is determined by the Council to be a student;

"Student Association" means the body of the students of the University established under Section 28;

"University" means the Africa International University established under section 3;

"University Staff Welfare Association" means the representative body of the staff of the University established under section 30; and

"Vice-chancellor" means a person appointed as such under section 19.

PART II – ESTABLISHMENT FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is established a private non-profit making university to be known as Africa International University which shall be constituted in accordance with the provisions of this Charter.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, disposing or leasing of movable and immovable property;
- (c) borrowing of money, receiving of grants, gifts and donations for the purpose of furthering education;
- (d) entering into contracts; and
- (e) doing or performing such other things or acts necessary for the proper discharge of its functions under this Charter, which may be lawfully performed or done by a corporate body.

(3) The University shall be the successor to Nairobi Evangelical Graduate School of Theology.

(4) All rights, liabilities and assets held by or any other body on behalf of Nairobi Evangelical Graduate School of Theology, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. Common Seal

(1) The Common Seal of the University shall be kept in custody as the Council shall direct and shall not be used except as the Council shall authorise.

(2) The Common Seal of the University shall be authenticated by the signature of the Vice-Chancellor and one other person authorised by the resolution of the Council.

(3) The Common Seal, when affixed to any document and duly authenticated, shall be judicially and officially noticed and unless the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to be duly given.

5. The University Philosophy

(1) The University's philosophy seeks to participate in God's mission in the world by bringing a Christ-centred world-view to bear on knowledge, research and its relevance to

both the mission of God and the needs of Africa, and this mandates that the academic and non-academic staff are faithful to the evangelical faith and practice.

(2) The University admits primarily, though not exclusively, students who abide to this faith as well as meeting the institution's academic and character requirements and without exception, members of the University shall be faithful to the Christian ethos and code of conduct of the University.

6. The University Statement of Faith

The University is founded on the Bible and its revelation of Jesus Christ and thus its constitution enshrines the Statement of Faith of the Association of Evangelicals in Africa which reads as follows—

We believe in—

- (a) THE HOLY SCRIPTURES of the Old and the New Testament (a total of 66 Books) are the Word of God. It is divinely inspired, infallible, inerrant, and entirely trustworthy and serves as a supreme authority in all matters of faith and conduct (2 Tim. 3:16-17);
- (b) GOD IS ONE. The one God is eternally self-existent in three Persons: Father, Son and Holy Spirit (Deut. 6: 4-5; Mt. 28:19);
- (c) JESUS CHRIST is Saviour and Lord. As God, He was manifest in the flesh. We believe His virgin birth; His sinless human life; His divine miracles; His vicarious and atoning death, His bodily resurrection; His ascension; His mediatorial work; and His future personal return in Power and Glory (Lk. 1:32-33; Jn. 1:1-4; 1 Tim. 2:5-6; 6:13-16);
- (d) HOLY SPIRIT IS GOD. As the third Person in the Godhead, He indwells every believer upon conversion and enables the believer to live a holy life; to witness in power; and to work for the Lord Jesus Christ (Act. 5:3-4; Mt. 28:19; Acts. 1:8);
- (e) MAN was made in the image of God and sinless. By choice Man fell out of favour into sin. In God's mercy, SALVATION comes to every lost and sinful person freely and simply by faith in Jesus Christ who shed His blood for sin, and through regeneration by the Holy Spirit (Gen. 1:26- 28; 3:1-21; Jn. 1:11-13), 1 Cor. 12:13);
- (f) All believers in Jesus Christ are ONE BODY, the Church, of which He is the Head (1 Cor. 12:13; Eph. 2:14-22);
- (g) SATAN is a fallen angel whose intent is to supplant God and frustrate His purpose, and whose ultimate end is consignment to eternal punishment (Lk. 10:17-18; Rev. 20:10);
- (h) BODILY RESURRECTION of all the dead will take place someday. Believers in Christ will rise unto everlasting blessedness while unbelievers will rise unto judgment and everlasting punishment (Rev. 20:11-15; 2 Cor. 5:9-10).

7. The Objectives and Functions of the University

(1) The Objectives of the University shall be to—

- (a) encourage growth in Christian character for faithful service to the church and society through various professions;
- (b) promote informed, reflective and effective engagement in the major issues and challenges facing the church and society in Africa;
- (c) enable each student to develop critical and creative, analytical and innovative thinking and research skills to address the concerns and needs of African Christianity and society;
- (d) build institutional capacity for research, transmission and preservation of knowledge;

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- (e) offer undergraduate and postgraduate education and non-formal programmes that will enhance the academic and personal development of students as life-long learners; and
 - (f) stimulate and nurture Christian mission, witness and service in church and society.
- (2) The functions of the University shall be to—
- (a) provide resources for the level of education, training and research to be carried out at the University;
 - (b) determine the teaching staff and set out the curriculum and other teaching guides to be used in the University;
 - (c) conduct research;
 - (d) preserve, process, transmit and disseminate knowledge;
 - (e) conduct examinations, grant degrees, diplomas and certificates and other awards as provided in the Statutes of the University;
 - (f) train and nurture holistic development of students; and
 - (g) establish Divisions, Departments, Colleges, Schools, Institutes and Centres that may aid it in realizing its mission and objectives.

8. Powers of the University

The University shall do all things necessary or convenient to be done in connection with the performance of its function, and may—

- (a) establish colleges, divisions, departments, schools, centres, campuses or institutes of the University in a manner provided for in the Statutes;
- (b) confer certificates, diplomas, bachelors degrees, masters degrees, doctorate degrees and post-doctorate awards;
- (c) confer honorary degrees or academic distinction or awards upon a person or persons who have rendered—
 - (i) distinguished services in the advancement of knowledge; or
 - (ii) themselves worthy of such awards; and
- (d) revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to a person.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership

The members of the University shall be—

- (a) the Chancellor;
- (b) members of the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) members of the Management Board;
- (f) members of the Senate;
- (g) members of the academic staff;
- (h) the Registrar;
- (i) the Librarian;
- (j) non-academic staff; and
- (k) any other members of Staff of the University, Students, the Alumni, or other person or body formally admitted or co-opted into association by the University.

10. Governance

The governance of the University shall be vested in the following persons and bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Board of Trustees;
- (b) the Chancellor;
- (c) the Vice-Chancellor;
- (d) the Council; and
- (e) the Senate.

11. Board of Trustees

The Board of Trustees shall be vested with powers to—

- (a) safeguard and uphold the vision of the University;
- (b) appoint or remove any member of the University including the Chancellor;
- (c) receive and review reports on the development, operation and progress of the University;
- (d) receive reports on the budget performance and implementation of the University's financial management policies;
- (e) generate resources for the development of the University.

12. The Chancellor

- (1) There shall be a University Chancellor appointed by the Board.
- (2) The Chancellor shall serve for a period not exceeding six years and shall be eligible for reappointment for one further term of six years.
- (3) The Chancellor shall—
 - (a) be the titular head of the University and, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
 - (b) from time to time, in consultation with the Council, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University, if necessary, or as assigned by the Board;
 - (c) arrange for visitation into the general administration and organization of the University as provided for under the Statutes;
 - (d) enjoy such powers and privileges and perform such other functions as may be provided for in the Statutes; and
 - (e) give advice to the Board which he or she considers necessary for the betterment of the University.
- (4) In the event of incapacity of the Chancellor, the Board, in consultation with the Council, shall appoint such other person as it may consider necessary to perform those functions during his or her absence or incapacity.
- (5) The office of the Chancellor shall fall vacant—
 - (a) upon the expiry of the term as provided under this Charter;
 - (b) if, by notice in writing addressed to the Chairperson of the Board, the Chancellor resigns;
 - (c) if the Board is satisfied that the Chancellor is, by reason of physical, mental infirmity, misconduct or conflict of interest, unable to exercise the functions of his or her office;
 - (d) if the Chancellor is adjudged bankrupt or makes any arrangements or propositions with creditors generally;
 - (e) if the Chancellor fails to perform the duties of his or her office for a continuous period of six months without a valid reason; or
 - (f) upon the Chancellor's death.

[Subsidiary]

13. The University Governing Council

(1) There is established a Council to be known as the University Governing Council appointed by the Board.

(2) The Council shall consist of—

- (a) a Chairperson;
- (b) not more than a third of the total number of the members of the Board;
- (c) the Secretary-General of the Association of Evangelicals in Africa;
- (d) two representatives of the Association of Evangelicals in Africa nominated by the Executive Board of the Association of Evangelicals in Africa;
- (e) chairperson of the Alumni Association; and
- (f) the Vice-Chancellor, who shall be the secretary and an *ex officio* member.

(3) The term of office of a member of the Council, other than an *ex officio*, shall be determined by the Board from time to time.

(4) A member of the Council is eligible for re-appointment upon expiry of his or her term at the discretion of the Board.

(5) The procedure, conduct and regulation of the affairs and meetings of the Council shall be as prescribed in the Statutes.

(6) The office of a member of the Council shall fall vacant—

- (a) if, not being an *ex officio* member, he or she resigns in writing addressed to the Chairperson of the Council or holds an executive or paid office in the University;
- (b) if the Council is satisfied, and upon approval by the Board, that a member is, by reason of physical or mental infirmity or otherwise, unable to discharge his or her duties as required;
- (c) if he or she is absent for three consecutive Council meetings without good reason;
- (d) if he or she is found to be involved in unbecoming behaviour as determined by the Council in consultation with the Board;
- (e) if found to be directly or indirectly involved in any business conflicting with the function of the University and fails to disclose the conflicting interest;
- (f) if he or she is declared bankrupt or convicted in a court of law for whose crime is punishable by imprisonment for a term exceeding six months; or
- (g) upon his or her death.

14. Functions of the Council

The functions of the Council shall be to—

- (a) administer the property and funds of the University in a manner and for purposes which shall promote the best interest of the University;
- (b) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys or make disbursements from there to other bodies or persons;
- (c) provide for the welfare of the staff and students of the University;
- (d) enter into co-operation with other Universities, or other institutions of higher learning within Kenya or otherwise as the Council may deem necessary;
- (e) appoint senior administrative and teaching staff of the University;
- (f) approve, in consultation with the Senate, policies governing the academic affairs of the University;
- (g) establish investment policies and to provide for investment of any of the funds of the University in accordance with sound investment guidelines and practice;

- (h) make regulations governing the conduct and discipline of the staff and students of the University;
- (i) set up sub-committees with specific terms of reference and delegated powers, to assist Council in carrying out its governance functions in defined areas;
- (j) provide direction and approval for the expansion and capital development of the University; and
- (k) make provision for overall good governance of the University and retain the right to make policies and decisions relative to all matters not otherwise and herein specified or as may be provided in the Statutes.

15. The Senate

- (1) There is established a Senate of the University which shall consist of—
 - (a) the Vice-Chancellor – Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) Deans and Directors;
 - (d) Registrar, in charge of academic – Secretary;
 - (e) Heads of Departments/Programmes;
 - (f) full Professors of the University;
 - (g) the Librarian;
 - (h) the Chair of the Student Council;
 - (i) the Secretary of the Student Council; and
 - (j) other members as may be co-opted on the recommendation of the Vice-Chancellor or the Senate.
- (2) The office of a member of the Senate shall fall vacant—
 - (a) if he or she ceases to be a member of the University;
 - (b) if his or her membership contravenes any of the membership requirements;
 - (c) if he or she is adjudged bankrupt;
 - (d) if, by majority vote of the members of the Senate present and voting, and with approval of the Board, his membership is revoked; or
 - (e) if he or she dies.
- (3) The functions of the Senate shall be to—
 - (a) resolve all academic matters and the related budgetary proposal, and make proposals for consideration by the Council;
 - (b) manage, evaluate and review all academic programmes, courses, and the quality, instruction, research, standards, guidelines, provisions, and regulations of the University programmes;
 - (c) admit students into the relevant programmes subject to stipulated policies of the Council on admissions;
 - (d) examine and certify candidates for award of degrees and diplomas and to recommend the same to the Council;
 - (e) make recommendations to the Council on academic administration, including the establishment of Faculties, Schools, Centres, Departments, Campuses, Institutes and equivalent bodies as may be required;
 - (f) make recommendations on staff appointments for consideration by the Council; and
 - (g) regulate the discipline of the students of the University.
- (4) The Senate may, in performance of its functions, establish committees to undertake such functions as the Senate may delegate or as may be provided for in the Statutes.

[Subsidiary]

(5) The procedure, conduct, regulation of the affairs and meetings of the Senate shall be determined by the Statutes.

16. The Management Board of the University

(1) There shall be a Management Board of the University comprising the Vice-Chancellor, Deputy Vice-Chancellors and other Officers as the Council may determine.

(2) The Vice-Chancellor may appoint additional members from among senior members of the University to the Management Board upon authorization by the Council.

(3) The Management Board may co-opt any member of the staff of the University to the Management Board under such terms and conditions as the Management Board may determine.

(4) The procedure, conduct, regulation of the affairs and meetings of the Management Board shall be prescribed in the Statutes.

17. Functions of the Management Board of the University

The Management Board shall assist the Vice-Chancellor in the day to day management of the University, and in particular, shall be responsible for—

- (a) implementation of the policies of the University in consonance with good governance principles, sound administrative regulations and practice, and due diligence for all matters necessary for the effective operation of the institution;
- (b) resolving general administrative matters and making a report to the Council;
- (c) collating, resolving and finalizing the total institutional budgets with reference to all the academic and administrative departments, and presenting the same to the Council for approval;
- (d) exercising responsibility for the human resource needs of the University by making provision for the hiring, promotion, and release of staff and employees;
- (e) developing, directing and executing fund raising strategies for the University including the settling of fees and charges, within delegated authority or for reference to the Council;
- (f) preparing and submitting the annual University budget to the Council for approval.

PART IV – ADMINISTRATION OF THE UNIVERSITY

18. Officers of the University

(1) The University shall have principal officers with authority, in the name of the University, to perform the functions conferred on the University under this Charter.

(2) The principal officers shall include—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellors;
- (c) Registrar;
- (d) the University Librarian;
- (e) Deans and Directors;
- (f) Dean of students; and
- (g) any other member of the University as the Council may approve.

19. The Vice-Chancellor

(1) There shall be a Vice-Chancellor appointed by the Council.

(2) The Vice-Chancellor shall—

- (a) have the overall responsibility for the direction, organisation, development, administration and academic programmes of the University;
- (b) be the chairperson of the Management Board and the Senate;
- (c) be responsible to the Board and the Council for the general conduct and discipline of the students and staff of the University;
- (d) be the Secretary to the Council;
- (e) act as a representative of the University and its spokesperson on its external matters; and
- (f) carry out any other duties and responsibilities as may be assigned by the Board.

(3) The Vice-Chancellor shall be appointed upon the terms and conditions of service prescribed by the Statutes and shall be eligible for re-appointment upon expiration of his or her term.

(4) The office of the Vice-Chancellor shall fall vacant—

- (a) upon the expiry of the term of office;
- (b) if, by notice in writing addressed to the Council, the Vice-Chancellor resigns;
- (c) if the Council is satisfied that the Vice-Chancellor is, by reason of physical or mental infirmity, unable to exercise the functions of his or her office;
- (d) if the Vice-Chancellor is declared bankrupt or makes any arrangements or propositions with creditors generally;
- (e) if the Vice-Chancellor fails to perform the duties of his or her office without a valid reason; or
- (f) upon the Vice-Chancellor's death.

20. The Deputy Vice-Chancellors

(1) The Council shall, on recommendation of the Senate, appoint the Deputy Vice-Chancellor(s) to assist the Vice-Chancellor in matters pertaining to academic and administrative functions of the University.

(2) The Deputy Vice-Chancellor(s) shall be appointed upon the terms and conditions of service prescribed by the Statutes or as the Council may determine.

21. Registrar

(1) There shall be the Registrar of the University appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Registrar shall be prescribed by the Statutes or the instrument of appointment.

(3) The Registrar shall be answerable to the Deputy Vice-Chancellor.

22. University Librarian

(1) There shall be the University Librarian appointed by the Council.

(2) The duties and responsibilities of the University librarian shall be prescribed by the Statutes or the instrument of appointment.

23. Deans, Academic Heads and Chairpersons of the University

(1) There shall be Deans, Academic Heads and Chairpersons of schools, institutes, centres, campuses or other establishments of the University appointed by the Council.

(2) The duties, responsibilities and terms of office of the Deans of faculties, schools or institutes shall be prescribed by the Statutes or the instrument of appointment.

24. Directors

(1) There shall be office of the Directors of the University appointed by the Council.

(2) The duties, responsibilities and terms of office of the Directors shall be prescribed in the Statutes or the instruments of appointment.

[Subsidiary]

25. Dean of Students

(1) There shall be the Dean of Students appointed by the Council.

(2) The duties, responsibilities and terms of appointment of the Dean of Students shall be prescribed by the Statutes or the instrument of appointment.

26. Heads of Departments

(1) There shall be heads of departments of the University appointed by the Council.

(2) The duties and responsibilities of the heads of departments shall be prescribed by the Statutes or the instrument of appointment.

27. Staff of the University

(1) The University shall have academic and administrative staff.

(2) The academic staff shall consist of members of staff engaged in teaching or research work, determined by the Council.

(3) The Administrative staff shall consist of members of staff, not engaged in teaching or research work, determined by the Council.

(4) Members of University staff are subject to the authority of the Council and responsible to the Vice-Chancellor.

(5) Except as the Council otherwise directs, all persons who were members of the staff of Nairobi Evangelical Graduate School of Theology immediately before the commencement of this Charter shall be members of the staff of the University and shall be deemed to have been appointed under this Charter on the terms and conditions of service applicable to them immediately before the commencement.

28. Students' Association

(1) There shall be a Students' Association to be known by any other name as may be provided for under the Statutes, to represent the student community and act as the main forum through which students may express their views and in particular—

- (a) give leadership to the Students;
- (b) oversee and plan student activities that promote spiritual and social well being among all students;
- (c) promote harmonious community life; and
- (d) make suggestions to the Senate or Management Board that are felt to be in the interest of the student body.

(2) The Students' Association shall operate under the general direction of the Council, as may be prescribed by the Statutes.

29. Alumni Association

(1) There shall be an Alumni Association of the University to be known by a name to be provided for by the Statutes.

(2) The Alumni shall consist of graduates of—

- (a) Africa International University; or
- (b) other institutions, as the Statutes may prescribe.

(3) The functions of the Alumni shall be to—

- (a) bring together graduates who qualify to be members for purposes of providing services that contribute to the University's development;
- (b) promote the University's welfare and image; and
- (c) provide suggestions to the University leadership with regard to University development.

30. University Staff Welfare Association

There shall be a University Staff Welfare Association which shall cater for the welfare of the University Staff members and shall operate under the provisions of the Statutes.

31. Performance of functions in the absence of office holder

(1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor shall be performed by a Deputy Vice-Chancellor.

(2) In the event of the incapacity or absence of the Vice-Chancellor and the Deputy Vice-Chancellor, the Council shall appoint a suitable person to perform the duties of the incapacitated or absent Vice-Chancellor or Deputy Vice-Chancellor.

(3) In the event of incapacity of any other member of staff, the Vice-Chancellor shall, in consultation with the Council, appoint a suitably qualified person to perform the duties of the incapacitated or absent member for a specified period.

(4) For the purposes of this section—

- (a) "absence" means absence from Kenya; and
- (b) "incapacity" means the inability for any reason to perform the functions of the office held.

PART V – FINANCIAL PROVISIONS

32. The University Fiscal Year

(1) The fiscal year of the University shall be the period of twelve months commencing the 1st January of each year or on such other date as the Council may, by resolution, determine.

(2) 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 such change, the transitional period, whether more or less than twelve months, shall be deemed for all purposes of this Charter to be a fiscal year.

33. Annual Budget

(1) Before the commencement of the fiscal year, the Management Board shall prepare estimates of revenue and expenditure of the University for that year and submit the same to the Council for approval.

(2) The annual budget, developed from the estimates, shall make provision for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide—

- (a) for the payment of all salaries, allowances, and other charges in respect of the staff of the University;
- (b) for the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;
- (c) for the proper development and maintenance of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of the equipment and other moveable property of the University;
- (e) for the funding of the cost of teaching and research activities of and in the University;
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Council may think fit; and
- (g) for the operating and capital costs of the University.

(3) No expenditure shall be incurred for the purposes of the University except in accordance with an annual budget approved by the Council or as the Council may authorize.

[Subsidiary]

34. Accounts and Audit

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

(2) Within a period of three months from the end of each fiscal year, the Management Board, on behalf of Council, shall submit to the auditor the accounts of the University together with—

- (a) a statement of income and expenditure during the year;
- (b) a statement of the assets and liabilities of the University on the last day of such year; and
- (c) all other relevant documents and information pertaining to the financial affairs of the University.

(3) The accounts of the University shall be audited annually by an auditor appointed by the Council on such terms and conditions as the Council may determine.

(4) Within a period of six months after the end of the fiscal year, the auditor shall report on the examination and audit of the accounts of the University to the Council.

35. Funds and Resources

(1) Funds and resources of the University may be derived from—

- (a) tuition and other fees;
- (b) donations and grants made to the University;
- (c) endowments;
- (d) gifts, bequests and trusts;
- (e) income from auxiliary activities such as consultancy; and
- (f) other sources as the University may from time to time identify.

(2) Any funds received by the University from any donor shall be used or channelled exclusively for the intended purpose as agreed between such donor and the University

(3) The University shall not accept funds which may limit or compromise its freedom or integrity.

36. Investment of Funds

The Management Board, with approval of the Council may invest any of its funds not immediately required for its purposes, as it may determine.

PART VI – MISCELLANEOUS PROVISIONS

37. Statutes

(1) In the performance of its functions under this Charter, the Council shall, subject to the provisions of 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 policies, programs, facilities, departments, institutes, schools and constituent colleges that will fulfil the purposes of the University;
- (b) description of degrees, diplomas and certificates;
- (c) requirements for the award of degrees;
- (d) conduct of examination;
- (e) prescribing fees and other charges;
- (f) settlement of terms and conditions of service including the appointment, dismissal, remuneration and retiring benefits of members of staff of the University;
- (g) reviewing of the actions of the Senate, to assign responsibilities to the Senate, and to appoint and to establish the composition and the terms of reference of

committees of the Council and Senate that may be necessary for the proper functioning of the University;

- (h) procedure of meetings of the Council and other bodies including the establishment, composition, and terms of reference of committees of the Council;
- (i) establishment of policies concerning the admission of students, their physical and spiritual welfare, and their discipline;
- (j) prescribing the rules and regulations for a Student Association or Associations;
- (k) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the Statutes.

(2) Notwithstanding the provisions of this Section, the Council shall not enact, amend or repeal or in any other way modify any Statute relating to the functions and privileges of the Vice-Chancellor or Senate without due consultation with the Vice-Chancellor or Senate.

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

38. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for such registration any name which includes together with the word "university" the words "Africa International" unless the application or such registration is accompanied by the written consent of the Council.

(2) Further, any person or organization who or which, except with the written consent of the Vice-Chancellor or Council, uses the words "Africa International University" or "AIU" in furtherance of, or in connection with any advertisement for any trade, business, calling or otherwise commits an offence and shall be punishable under the relevant Laws of Kenya.

(3) This subsection shall be construed as preventing the bona fide use by any person of any title in pursuance of the grant to him or her of a degree, diploma or certificate by the University.

39. Variation and Revocation of the Charter

This Charter may be amended, repealed, revoked or otherwise varied in accordance with the provisions of the Universities Act (Cap. 210).

40. Dissolution of the University

In the event of the dissolution of the University by revocation of the Charter or in the event of winding up of the University for whatever reasons, or if the University ceases to exist, all assets or income remaining after payment of all reasonable expenses or liabilities properly incurred shall revert to the Trustees or be distributed to one or more organizations in the, Republic of Kenya with similar legal nature, aims and objectives as the University as the Trustees may in their sole and absolute discretion determine.

THE KENYA HIGHLANDS UNIVERSITY CHARTER

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THE KENYA HIGHLANDS UNIVERSITY CHARTER

[Legal Notice 41 of 2011, Legal Notice 52 of 2021]

SCHEDULE

WHEREAS the Board of Trustees of Kenya Highlands University, situated in the Republic of Kenya, wishes to establish an institution in the name of Kenya Highlands University;

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

AND WHEREAS the Commission for Higher Education is also satisfied that Kenya Highlands University has complied with the provisions of the Act, and the Universities (Establishment of Universities) (Standardization, Accreditation and Supervision) Rules, 1989;

AND WHEREAS the Commission for Higher Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary for Higher Education, Science and Technology on the said institution and the Cabinet Secretary is satisfied that Kenya Highlands University has met the minimum requirements to be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of these powers conferred upon me by section 12 of the Universities Act (Cap. 210B), I Mwai Kibaki, President and Commander-in-Chief of the Defense Forces of the Republic of Kenya, grant the Charter annexed hereto to Kenya Highlands University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Kenya Highlands University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Alumni" means the Association of graduates of the University established under section 28;

"Board" means the Board of Trustees of Kenya Highlands University incorporated under the Trustees (Perpetual Succession) Act (Cap. 164);

"Charter" means the Charter for Kenya Highlands University;

"Central Church Council" means the main governing body of the Africa Gospel Church of Kenya;

"Council" means the University Council established under Section 12;

"Faculty" means the body of all the professors and lecturers of the University;

"Fiscal year" means the financial year of the University as set out in Section 29;

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"Management Board" means the Management Board of the University established under Section 14;

"Senate" means the Senate of the University established under Section 15;

"staff" means the staff of the University as set out in the Charter;

"Statutes" means the rules enacted by the Council for the governance of the University, as provided under Section 35;

"Student" means a person who is registered by the University for the purposes of obtaining a qualification of the University or any other person regarded as a student by the Senate;

"Student Association" means the body of students of the University established under Section 27;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under Section 17;

"University" means Kenya Highlands University established under section 3;

"World Gospel Mission" means the missionary organization with headquarters in Marion, Indiana, USA, which works in partnership with the Africa Gospel Church, Kenya, in evangelism, church planting, medical, educational, and other ministries.

[L.N. 52/2021, r. 4.]

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and Incorporation of Kenya Highlands University

(1) There is established a university to be known as Kenya Highlands University which shall be constituted in accordance with the provisions of this Charter.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging, disposing or leasing of movable and immovable property;
- (c) borrowing of money, receiving of grants, gifts and donations for the purpose of furthering education;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper discharge of its functions under and in furtherance of the provisions of this Charter, which be lawfully done by a corporate body.

(3) The University shall be the successor to Kenya Highlands Bible College.

(4) All rights, liabilities and assets held by or by any other body on behalf of Kenya Highlands Bible College, existing at the commencement of this Charter shall be automatically and fully transferred to the University.

[L.N. 52/2021, r. 5.]

4. Philosophy of the University

(1) The University's philosophy is founded on the premise that all truth is centred in God, expressed through His revelation and demonstrated through His people.

(2) The University's philosophy is embedded in the biblical evangelical Christian faith as expressed in the following doctrinal statement which stipulates—

- (a) that both Old and New Testaments constitute the divinely inspired Word of God, inerrant in the originals, and the final authority for faith and practice;
- (b) that there is one God eternally existent in the Holy Trinity of the Father, Son and Holy Spirit, each with personality and deity;

- (c) that the Son, our Lord Jesus Christ, manifested in the flesh through the virgin birth, died on Calvary for the redemption of the human family, all of whom may be saved from sin through faith in Him;
- (d) that man, although created by God in His own image, fell into sin through disobedience and "so death passed upon all men, for all have sinned" (Romans 5:12);
- (e) that there is salvation for the human soul, including the new birth, and a subsequent work of God in the soul, a crisis, wrought by faith, whereby the heart is cleansed from all sin and filled with the Holy Spirit and this gracious experience is retained by faith as expressed in a constant obedience to God's revealed will, thus giving us a perfect cleansing moment by moment (1 John 1:7-9);
- (f) that the universal church is the body of Christ;
- (g) that all who are united by faith in Christ are members of the body of Christ and that having thus become members one of another, it is our solemn covenant duty to fellowship with one another with pure and fervent hearts;
- (h) that our Lord Jesus Christ in His literal resurrection from the dead is the living guarantee of the resurrection of all human beings; the believing saved to conscious eternal joy and the unbelieving lost to conscious eternal punishment;
- (i) that our Lord Jesus Christ, in fulfillment of His own promise, both angelically and apostolically attested, will personally return in power and great glory.

(3) The philosophy shall be the guiding standard for planning, organizing, implementing, and evaluating the academic and non-academic activities of the University.

(4) Notwithstanding the provisions of subsection (3), the University shall not discriminate against any person on the basis of their gender, tribe, race, religion, physical ability or socio-economic status and shall—

- (a) Where the admission is approved by the Senate and the student is willing to abide by the policies and ethos of the University, admit students on basis of the entrance requirements set out in the Statutes; and
- (b) appoint staff on merit provided that the staff is willing to abide by the policies and ethos of the University.

5. Objects and functions of the University

(1) The objects of the University shall be derived from the theological foundation prescribed in section 4(2).

(2) The objects of the University shall be—

- (a) to confess the Bible as the Word of God and emphasize the centrality of the Bible in preaching, teaching, and living;
- (b) to proclaim and propagate the good news of salvation through faith in Jesus Christ;
- (c) to teach and promote the biblical message of holiness;
- (d) to encourage the spiritual growth and maturation of every student by encompassing Bible study, prayer, worship, and other spiritual exercises in the curriculum;
- (e) as a community of Christian scholars and through its qualified staff, to provide quality university level education and strive to enable each student to develop critical and analytical thinking through practical courses, to make practical applications of theoretical courses, and to compare all that is taught with the revealed truths of God;
- (f) to integrate teaching, learning, faith development and research in its programmes for proper application of knowledge and skills for effective community service based on a biblical worldview;

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- (g) to offer programmes which will equip students to serve society in varied disciplines;
 - (h) to encourage personal research and self-discovery through classroom learning and field experience with emphasis on theory and practice by encouraging and guiding students to develop and articulate their own theological convictions, philosophies in ministry, and personal goals;
 - (i) to encourage students to develop the desire to reach the highest level of professional skill and to refine their analytical abilities;
 - (j) to equip students with skills that enable them serve society with professional competence and ensuring accountability and professional responsibility to be effective participants in the society;
 - (k) to encourage growth in the Christian character of students and instill in them, the ability to integrate Christian integrity and responsibility in every area of life;
 - (l) to promote staff development;
 - (m) to prepare students to minister through Christian ministry vocations such as pastorate, missions, and Christian education, and through other vocations which serve society;
 - (n) to serve a constituency made up of different denominational bodies and interdenominational organizations;
 - (o) to address the pressing issues of the present day society by guiding students in identifying their current social and personal needs and encouraging the students towards responsive and creative forms of ministry;
 - (p) to build institutional capacity for research, transmission and preservation of knowledge;
 - (q) to establish affiliations and linkages with other institutions; and
 - (r) to reach the world in advancing the University's goal towards winning which shall be the University's central endeavor.
- (3) The functions of the University shall be—
- (a) to provide a variety of religious services revolving around revival, holiness, and missions;
 - (b) to provide an adequate and well-qualified faculty who can guide each student in the pursuit of knowledge and in the development of intellectual capacity;
 - (c) to determine the teaching staff, design the curriculum and other teaching guides and determine how the curriculum may be taught in the University;
 - (d) to provide resources to support the students in learning and carrying out research in various curricula at the University;
 - (e) to train and nurture holistic development of the students;
 - (f) to conduct examinations and to confer degrees and other academic distinctions and to award diplomas, certificates and other awards of the University as provided in the Statutes of the University;
 - (g) to teach, conduct research and to publish research findings in order to develop, store and disseminate knowledge;
 - (h) to provide opportunity for students and staff to serve the community;
 - (i) to establish collaborations, affiliations and partnerships with other institutions as the Council may determine; and
 - (j) to carry out such other functions as may be permitted and approved by the Council.

6. Powers of the University

The University shall do all things necessary or convenient to be done in connection with the performances of its function, and may—

- (a) establish colleges, divisions, departments, schools, centers, campuses or institutes of the University in a manner provided for in the Statutes;
- (b) confer certificates, diplomas and degrees, doctoral and post-doctoral awards;
- (c) confer honorary degrees or academic distinction or awards upon a person or person who have rendered—
 - (i) distinguished services in the advancement of knowledge; or
 - (ii) themselves worthy of such awards; and
- (d) revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to a person on such grounds as shall be specified in the Statutes.

7. The Common Seal

(1) The Common Seal of the University shall be kept in custody as the Council shall direct and shall not be used except as the Council shall authorize.

(2) The Common Seal of the University shall be authenticated by the signature of the Vice-Chancellor and one other person authorized by the resolution of the Council.

(3) The Common Seal, when affixed to any document and duly authenticated shall be judicially and officially noticed and unless the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to be duly given.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

8. Members

The members of the University shall be—

- (a) the Chancellor;
- (b) members of the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellor;
- (e) members of the Senate;
- (f) the Registrar;
- (g) the Dean;
- (h) the Librarian;
- (i) the Chaplain;
- (j) members of the academic staff;
- (k) non academic staff;
- (l) the Students;
- (m) the Alumni; and
- (n) any other person or body formally admitted or co-opted by a resolution of the Council into association by the university.

9. Governance

The governance of the University shall be vested in the following persons and bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Board of Trustees;
- (b) the Chancellor;
- (c) the Vice-Chancellor;
- (d) the Council;
- (e) the Management Board; and
- (f) the Senate.

[Subsidiary]

10. Board of Trustees

The Board of Trustees shall be vested with powers to—

- (a) safeguard and uphold the vision of the university;
- (b) appoint members of the University Council;
- (c) receive and review reports on the development, operation and progress of the University; and
- (d) generate resources for the development of the University.

11. The Chancellor

(1) There shall be a Chancellor who shall be the Bishop and the administrative head of the African Gospel Church of Kenya.

(2) The Chancellor shall—

- (a) be the titular head of the University and, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University.
- (b) from time to time direct an inspection of the University or an inquiry into the teaching, research or any other work of the University as the Chancellor shall consider appropriate and advise the Board of Trustees and Council accordingly;
- (c) arrange for visitation into the general administration and organization of the University as provided for under the Statutes;
- (d) enjoy such powers and privileges and perform such other functions as may be provided for in the Statutes; and
- (e) advise the Board on any issue which he or she considers necessary for purposes of promoting the objects of the University.

(3) In the event of incapacity of the Chancellor, the Board shall, in consultation with the Central Church Council, appoint such other person to perform the functions of the Chancellor during the period of his or her incapacity.

12. The University Council

(1) There is established a Council to be known as the University Council appointed by the Board.

(2) The Council shall consist of—

- (a) a chairperson;
- (b) two persons representing the Africa Gospel Church;
- (c) two persons representing the World Gospel Mission;
- (d) two persons representing the Board of Trustees;
- (e) four professionals from such professions as the Council shall consider appropriate;
- (f) two persons appointed by the Senate;
- (g) the Vice-Chancellor;
- (h) the Chairperson of the Students Council; and
- (i) a person nominated by the Alumni Association.

(3) The Council may co-opt not more than two members who, in the opinion of the Council, shall offer the expertise necessary for betterment of the University.

(4) The Vice-Chancellor shall be the secretary to the Council.

(5) Members of the Council other than the *ex officio* members shall hold office for a term of five years renewable for one further term.

(6) Notwithstanding the provision of subsection (4), the members of Council shall be retired on a rotational basis and the term of the first Council members shall be as follows—

- (a) one third of the members of the first Council shall be appointed for a period of two years renewable for one further term;
- (b) two thirds of the members shall be appointed for a period of three years renewable for one further term; and
- (c) members co-opted by the first Council, shall serve for a maximum of two years, renewable once.

(7) The procedure, conduct and regulation of the Council meetings shall be as prescribed in the Statutes.

(8) The Council may establish committees for such period and to undertake such functions as the Council may determine or as may be set out in the Statutes.

(9) The office of a member of the Council shall fall vacant—

- (a) not being an *ex officio* member, the member resigns in writing addressed to the Chairperson of the Council;
- (b) the Board, being satisfied that the member is by reason of physical or mental infirmity unable to perform his functions, resolves to retire the member;
- (c) if the member is removed by a resolution of the Board on the basis of engaging in unbecoming behavior;
- (d) if the member is found to engage directly or indirectly in any business conflicting with the function of the University, unless he or she has disclosed the conflicting interest in writing to the Board and the Board has, by resolution approved such engagement;
- (e) the member is convicted for a criminal offence and is liable to imprisonment for a term exceeding six months;
- (f) the member is declared bankrupt; or
- (g) upon his or her death.

13. Functions and powers of the University Council

The functions of the Council shall be to—

- (a) administer the property and funds of the University in a manner and for purposes which shall promote the best interest of the University;
- (b) appoint the Vice-Chancellor and any other members of staff of the University;
- (c) provide for the welfare of the members of staff and students of the University
- (d) determine fundamental policies, strategies, mission, and character of the University;
- (e) receive on behalf of the University, donations, endowments, gifts, grants or other moneys or make disbursements therefrom to other bodies or persons;
- (f) in consultation with the Board of Trustees, approve capital developments of the university and facilitate the provision and maintenance of facilities adequate to meet the needs of the planned enrollment in the various academic programmes;
- (g) approve collaborations, partnerships, affiliations and other inter-relationship between the university and other institutions of learning;
- (h) determine the various academic staff ranks and management staff positions;
- (i) determine general policies on the generation and administration of the university funds and property, including the establishment of investment policies;
- (j) make regulations governing the academic affairs and conduct and discipline of staff and students of the University on recommendation of the Senate;
- (k) recommend the University annual budget for approval by the Board of Trustees;
- (l) approve the annual audit reports for submission to the Board of Trustees;

[Subsidiary]

- (m) approve academic programmes and regulations that may be recommended to it by the Senate;
- (n) approve the University Statutes and generally, make provisions for overall good governance of the University and retain the right to make policies and decisions relative to all matters not otherwise and herein specifically provided for, or as may be provided in the Statutes;
- (o) perform such other functions as may be conferred on it by this Charter and the Statutes.

14. The Management Board of the University

(1) There shall be a Management Board which shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Registrar;
- (d) the Business Manager/Accountant;
- (e) Information Technology Systems Manager;
- (f) the Dean; and
- (g) the Librarian.

(2) The Vice-Chancellor shall be the Chairperson of the Management Board.

(3) The functions of the Management Board shall be to—

- (a) make decisions regarding the day to day operations of the University;
- (b) co-ordinate the University development plans;
- (c) manage the University resources;
- (d) implement the decisions of the Council and Senate; and
- (e) such duties as may be assigned to it by the Council.

(4) The Management Board may establish committees for such periods and to undertake such functions as the Management Board may determine or as may be set out in the Statutes.

15. The Senate

(1) There is established a Senate of the University which shall consists of—

- (a) the Vice-Chancellor, as the Chairperson;
- (b) the Deputy Vice-Chancellor;
- (c) the Registrar in charge of academic affairs;
- (d) the Registrar in charge of Administration;
- (e) the Business Manager/Accountant;
- (f) the Information Technology Systems Manager;
- (g) the Dean;
- (h) the Librarian;
- (i) the University Chaplain;
- (j) all full time faculty;
- (k) the Chairperson and the General Secretary of the Student Association; and
- (l) such other persons as may be provided for in the Statutes or co-opted by the General Faculty Assembly.

(2) The office of a member of the Senate shall be vacant—

- (a) if he or she ceases to be a member of the University;
- (b) if he or she contravenes any membership requirement;
- (c) if he or she is adjudged bankrupt;

- (d) if, by a majority vote of the members of the Senate present and voting, and with the approval of the Board, his or her membership is revoked; or
 - (e) if he or she dies.
- (3) The Registrar in charge of academic affairs shall be the secretary to the Senate.
- (4) The functions of the Senate shall be to—
- (a) determine the content and academic standards of any course of study offered at the University and present its recommendations to the Council;
 - (b) propose regulations to be made by the Council regarding the eligibility of persons for admission to any programme of the University;
 - (c) approve candidates for conferment of degrees and grant of diplomas and certificates, or other awards of the University;
 - (d) recommend to the Council proposals relating to the general improvement of the University;
 - (e) make and recommend regulations to the Council which will safeguard the academic integrity of the University;
 - (f) undertake short-term and long-term academic planning of the University;
 - (g) approve the academic calendar;
 - (h) approve annual academic reports from various departments;
 - (i) appoint external examiners;
 - (j) receive and approve examination results;
 - (k) propose amendments to the Statutes for approval by the Council;
 - (l) make recommendations to the Council on financial needs of the University;
 - (m) consider such other matters as may be of interest to the Senate or as may be delegated to it by the Council; and
 - (n) establish such departments, institutes, schools and programmes as may assist in carrying out the purpose of the University, on the approval of the University Council.
- (5) The Senate may, in the performance of its functions, establish committees for such period and to undertake such functions as the Senate may determine or as may be set out in the Statutes.
- (6) The procedure, conduct, regulation of the affairs of the Senate shall be determined by the statutes.

PART IV – ADMINISTRATION OF THE UNIVERSITY

16. Officers of the University

- (1) The University shall have principal officers with authority, in the name of the University, to perform the functions conferred on the University under this Charter.
- (2) The principal officers shall consist of—
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) the Registrars;
 - (d) the University librarian;
 - (e) the University Chaplain;
 - (f) the Dean;
 - (g) the Director; and
 - (h) any other member of the University as the Council may approve.

17. Vice-Chancellor

- (1) There shall be a Vice-Chancellor appointed by the Council.

[Subsidiary]

(2) The Vice-Chancellor shall be appointed on such terms and conditions of service determined by the Council and set out in the Statutes and instruments of appointment.

(3) The Vice-Chancellor shall—

- (a) be the administrative and academic head of the University;
- (b) have the overall responsibility for the leadership and direction to the overall mission of the University;
- (c) be responsible to the Board and the Council for the general conduct and discipline of staff and students of the University;
- (d) act as the representative of the University and its spokesperson on its external matters; and
- (e) carry out any other duties and responsibilities as may be specified in the Statutes.

(4) The office of the Vice-Chancellor shall fall vacant—

- (a) upon the expiry of the term of office;
- (b) if, by notice in writing addressed to the Council, the Vice-Chancellor resigns;
- (c) the Board, being satisfied that the member is by reason of physical or mental infirmity unable to perform his functions, resolves to retire the member;
- (d) if the Vice-Chancellor fails to perform the duties of his or her office for without a valid reason; or
- (e) upon his or her death.

18. The Deputy Vice-Chancellor

(1) The Council shall, on recommendation of the Senate appoint the Deputy Vice-Chancellor to assist the Vice-Chancellor in such matters as the Council shall determine.

(2) The Deputy Vice-Chancellor shall be appointed upon such terms and conditions of service determined by the Council and as set out in the statutes and the instruments of appointment.

19. Registrar

(1) There shall be a Registrar appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Registrars shall be prescribed by the Statute.

20. University librarian

(1) There shall be a University librarian appointed by the Council.

(2) The duties and responsibilities of the University librarian shall be prescribed under the Statutes.

21. University Chaplain

(1) There shall be a University Chaplain appointed by the Council.

(2) The duties and responsibilities of the University Chaplain shall be prescribed under the Statutes.

22. The Dean

(1) There shall be a Dean appointed by the Council, in consultation with the Vice-Chancellor.

(2) The duties, responsibilities and terms of appointment of the Dean shall be prescribed in the Statutes.

23. The Director

(1) There shall be a Director appointed by the Council, in consultation with the Vice-Chancellor.

(2) The duties, responsibilities and terms of office of the Directors shall be prescribed in the Statutes.

24. Other principal officers

(1) The Council shall appoint such other principal officers in the manner prescribed in the Statutes.

(2) The duties, responsibilities and terms of office of the Principal Officers shall be prescribed by the Statutes or the instrument of appointment.

25. Staff of the University

(1) The University shall have academic and administrative staff.

(2) The academic staff shall consist of members of staff engaged in teaching or research work and designated by the Council as academic staff.

(3) The administrative staff shall consist of members of staff not engaged in teaching or research work and designated by Council as administrative staff.

(4) Members of University staff are subject to the authority of the Council and responsible to the Vice-Chancellor.

(5) Except as the Council otherwise directs, all person who were members of the staff of Kenya Highlands Bible College immediately before the commencement of this Charter shall be members of staff of the University and shall be deemed to have been appointed under this Charter on the terms and conditions of service applicable to them immediately before the Commencement of this Charter.

(6) The University staff may establish a University Staff Welfare Association to cater for welfare of the University staff members which shall operate in the manner set out in the statutes or in the association's constitution and approved by the Council.

26. Performance of duties during the incapacity of the Vice-Chancellor and other senior officers

(1) In the event of the incapacity or absence of the Vice-Chancellor, the functions of the Vice-Chancellor shall be performed by the Deputy Vice-Chancellor.

(2) In the event of the incapacity or absence of the Vice-Chancellor and Deputy Vice-Chancellor, the functions of the Vice-Chancellor, the Council may appoint a senior officer to perform the duties of the incapacitated or absent Vice-Chancellor or Deputy Vice-Chancellor.

(3) In the event of the incapacity of any other faculty member or member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor shall appoint a suitable person with the relevant training and experience, to perform the functions of the member during the period of incapacity.

(4) For the purposes of this section—

(a) "absence" means absence from Kenya; and

(b) "incapacity" means the inability for any reason to perform the functions of the office held.

27. Student Association

(1) There shall be a Student Association of the University to be known by any other name as may be provided for under the Statutes and which shall consist of all full-time students of University.

(2) The Student Association shall undertake such functions as set out in the association's constitution and approved by the Council.

(3) Subject to the provision of this Charter, Statutes and the association's constitution, the student association shall have the right to meet and discuss any matter relating to the student welfare and to communicate concerns and resolutions thereof to the Senate through the Dean of Students.

[Subsidiary]

28. Alumni Association

(1) There shall be an Alumni Association of the University to be known by a name to be provided for by the Statutes.

(2) The Alumni shall consist of graduates of—

- (a) the Kenya Highlands University; and
- (b) other institutions, as the Statutes may prescribe.

(3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to present resolutions thereof to the Council and the Senate.

(4) The Alumni Association shall exercise such powers and functions as may be provided for in the Statutes.

(5) The Alumni Association shall be governed in accordance with the Constitution of the Association approved by the Council or in the matter as may be specified in the Statutes.

[L.N. 52/2021, r. 6.]

PART V – FINANCIAL PROVISIONS

29. Financial Year and Budget

(1) The fiscal year of the University shall be the period of twelve months beginning on the 1st day of January in each year or on such other date as the Council may, by resolution otherwise determine.

(2) In the event of any change in the Financial Year, and for the purposes of the transition from the old Financial Year to the new Financial Year, the transitional period, whether more or less than twelve months, shall be regarded as a Financial Year for the purposes of this Charter.

30. Annual budget

(1) Not less than four months before the commencement of a fiscal year, the Management Board shall cause to be prepared annual estimates of the University for that year and submit it to the Council for approval.

(2) The annual budget shall make provision for all the estimated expenditure of the University for the financial year in the performance of its functions, and in particular shall provide—

- (a) for the payment of salaries, allowances and other charges in respect of the staff of the University;
- (b) for the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;
- (c) for the proper development and maintenance of the University infrastructure;
- (d) for the funding of the cost of training and research activities of and in the University;
- (e) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits insurance or replacement of equipment and other resources necessary to support the University objects; and
- (f) for the operating and capital costs of the University.
- (g) No expenditure shall be incurred for the purposes of the University except in accordance with the annual budget approved by the Council or in pursuance of an authorization by the Council.

31. Accounts and Audit

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

(2) Within a period of three months from the end of each fiscal year, the Vice-Chancellor shall submit to the auditor, audited accounts of the University together with a statement of income and expenditure during the year and a statement of the assets and liabilities of

the University on the last day of that year together with all other relevant documents and information pertaining to the financial affairs of the University.

(3) The accounts of the University shall be audited annually by a reputable firm of auditors appointed by the Council on such terms and conditions as the Council may determine.

(4) An auditor appointed under subsection (2) shall, within a period of six months after the end of the fiscal year, report on the examination and audit of the accounts of the University to the Council.

32. Funds and resources of the University

Funds and resources of the University may be derived from—

- (a) donations and grants made to the University;
- (b) endowments;
- (c) gifts, bequests and trusts;
- (d) tuition and other fees;
- (e) income from auxiliary activities and income generating projects; and
- (f) other sources as the University may from time to time identify.

33. Investment of funds

(1) The Council may invest any of the funds of the University not required for its purpose as the Council may from time to time approve.

(2) The Council may place on deposit with such banks or financial institutions as it may determine any monies not immediately required for the purpose of the University.

34. Pension scheme

(1) The Council may establish a pension scheme for all University employees.

(2) The scheme shall be governed by such rules and policies as shall be approved by the Council and set out Statutes.

PART VI – MISCELLANEOUS PROVISIONS

35. Statutes

(1) In the performance of its functions under this Charter, the Council shall, subject to the Charter, make statutes for the governance, control and management of the University, for the better carrying into effect of the purposes connected therewith, and in particular for the—

- (a) approval of the establishment of schools, institutes, and affiliated departments of the University;
- (b) description of degrees, diplomas and certificates;
- (c) requirements for the award of degrees;
- (d) conduct of examinations;
- (e) prescription of fees and other charges;
- (f) terms and conditions of service including appointments, discipline, remuneration, and retirement benefits of members of staff of the University;
- (g) composition and procedures of the Council, and the establishment, composition and terms of reference of the committees of the Council;
- (h) the composition and procedures of the General Faculty Assembly and the establishment, composition and terms of reference for its committees;
- (i) the rules and regulations for students, the Students Association and other student organizations; and
- (j) providing for or prescribing anything which, under this Charter, may be provided for or prescribed by the Statutes.

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(2) Statutes shall be made by a resolution passed at one meeting of the Council by at least three quarters of the members present and voting, such majority being not less than half of the total membership of the Council and confirmed at a subsequent meeting held not less than one or more than twelve months thereafter.

(3) Any Statute under this Charter may be amended or revoked by a resolution of two-thirds of the full membership of the Council.

36. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for such registration any name which includes the word "University" together with the words "Kenya Highlands" unless the application or such registration is accompanied by the written consent of the Council.

(2) A person shall not, except with the written consent of the Council, uses the word "university" together with the words "Kenya Highlands", in furtherance of or in connection with any advertisement for any trade, business, calling or profession.

(3) Nothing in this subsection shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him or her of a degree or diploma by the University.

[L.N. 52/2021, r. 7.]

37. Dissolution of the University

In the event of the dissolution of the University by revocation of the Charter or in the event of winding up of the University for whatever reason, or if the University ceased to exist, all assets or income remaining after payment of all reasonable expenses and liabilities properly incurred shall revert to the Trustees or be distributed to one or more organizations in the Republic of Kenya of a similar legal nature, aims and objectives as the University as the Trustees may in their sole and absolute discretion determine.

THE EMBU UNIVERSITY COLLEGE ORDER, 2011

[Legal Notice 65 of 2011]

Revoked by Legal Notice 64 of 2019 on 6th September, 2018

THE UNIVERSITY OF NAIROBI CHARTER

ARRANGEMENT OF PARAGRAPHS

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COLLEGES OF THE UNIVERSITY

THE UNIVERSITY OF NAIROBI CHARTER

[Legal Notice 192 of 2013]

SCHEDULE*Preamble*

WHEREAS the University was established at inception in 1956 as the Royal Technical College;

AND WHEREAS the University was transformed into the second University College of East Africa as the Royal College Nairobi in 1964;

AND WHEREAS the Royal College Nairobi was renamed University College Nairobi;

AND WHEREAS the University was incorporated in 1970 and has been operating under the University of Nairobi Act (now Repealed);

AND WHEREAS the Kenya Government now wishes to Charter the University of Nairobi situated in Nairobi County in the Republic of Kenya;

AND WHEREAS the said University of Nairobi 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 (Cap. 210);

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

AND WHEREAS the Commission for University Education is also satisfied that the University of Nairobi 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 Cabinet Secretary for Higher Education, Science and Technology on the said institution, and the Cabinet Secretary is satisfied that the University of Nairobi should be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19 of the Universities Act (Cap. 210), I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the University of Nairobi.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the University of Nairobi Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

“Acts” means University Act (Cap. 210);

“Administrative Staff” means a member of staff of the University in Grades Five (5) to Fifteen (15), who is appointed for general purposes of performing duties related to general management and administration of the University;

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“Alumni Association” means the organization of the Alumni Association where the following shall be eligible for Full membership registration upon payment of the prescribed fee—

- (a) All persons who have successfully completed their studies at the University (persons holding awards of the University);
- (b) Persons granted honorary degrees by the University; and
- (c) Full time permanent staff members who are not former University of Nairobi students and who obtained a degree from another recognized institution;

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

“Chairperson of Council” means the Chairperson of Council of the University as defined in the Charter;

“Chancellor” means the Chancellor of the University referred to in Section 12 of the Charter;

“Charter” means the Charter granted to the University of Nairobi;

“College” means—

- (a) a College specified in the Schedule hereof; and
- (b) a College established within the University pursuant to an order made under section 7 of the Charter;

“College Principal” means the Principal of a college appointed under Section 16(1) of the Charter;

“Commencement Date” means the date as defined by this Charter and as declared by notice of *Gazette*;

“Constituent College” means any institution declared to be or established as a constituent college of the University under section 8 of the Charter;

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

“Council” means the Council of the University established under Section 18 of the Charter;

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

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

“Deputy Vice Chancellor” means a Deputy Vice Chancellor appointed by the Council of the University under Section 15(a) of the 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;

“Fiscal Year” means the financial year of the University determined under Section 24(1) of the Charter;

“Graduate” means a person upon whom a degree has been conferred by the University;

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

“Lecturer” means a person on the staff of the University who is a full professor, associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant or a person who holds any other teaching or research post which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

“School” means a school of the University established by the Statutes;

“Senate” means the Senate of the University established under Section 18(1) of the Charter;

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

“Statutes” means statutes of the University made by the Council under Section 29 of the Charter;

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

“Students Organisation” means an association of students recognized by the Council as being an organization representative of the students of the University and as provided by section of the Charter;

“Support Staff” means a member of staff of the University in any of the Grades One (1) to Four (4) who is appointed for purposes of providing support services for the general management and administration of the University;

“Teaching Staff” means a member of staff of the University who is in terms of appointment, a lecturer of the University;

“Technical Staff” means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University;

“University” means the University of Nairobi constituted under Section 3(1);

“University Executive Board” means the University Executive Board of the University provided by Section 20 of the Charter;

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

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under Section 11(1) of the Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

(1) The University is the successor to the University of Nairobi established by the University of Nairobi Act (Repealed) and subject to this Act.

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

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

(3) All rights, duties, obligations, liabilities and assets of the University of Nairobi held by anybody on behalf of the University of Nairobi, existing at the commencement of this Charter, shall be automatically and fully transferred to the University and any reference to the University of Nairobi in any contract or document shall for all purpose be deemed to be a reference to the University.

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4. Mission

The Mission of the University is to provide quality University education and training and to embody the aspirations of the Kenyan people and the global community through creation, preservation, integration, transmission and utilization of knowledge.

5. Philosophy

The University is guided by the philosophy for the need to connect to and inspire the Kenyan Community, to provide leadership and stewardship and to give hope and faith to the Kenyan society that it can excel in whatever it chooses to do with passion, moral responsibility and a strong sense of patriotism.

6. Functions and Objects of the University

(1) The objects and functions of the University shall be—

- (a) to provide directly, or in collaboration, with other institutions of higher learning, facilities for University education, including technological, professional and scientific education and for research;
- (b) to advance knowledge and its practical application by research and other means;
- (c) to disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) to participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development of Kenya;
- (e) to contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (f) to make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (g) to make proposals for the establishment of colleges, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate;
- (h) to inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (i) to promote education in science, technology, engineering, and mathematics within the institution and society;
- (j) to develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) to provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) to provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (m) to play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (n) to provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (o) to facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;

- (p) to promote critical enquiry and creativity in education, training and research within the institution;
- (q) to participate in commercial ventures and activities that promote the objectives of the institution;
- (r) to foster the general welfare of staff and students;
- (s) to provide opportunities for development and further training for staff of the institution;
- (t) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (u) to provide programmes, products, and services in ways that reflect the principles of equity and social justice;
- (v) to conduct examinations for, and to grant such, academic awards as may be provided for in the statutes and to syndicate examinations for awards at other institution as may be approved by the Senate;
- (w) generally facilitate the development and provision of appropriate and accessible academic and other programmes; and
- (x) subject to the Universities Charter, to co-operate with the Government in the planned development of University education and, in particular, to examine and approve proposals for new faculties, new subjects of study submitted to it by any constituent college or other post- secondary institution.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards of the University 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 his 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 be withheld from any such distinction.

7. Establishment of Colleges within the University

(1) The Colleges specified in the Schedule are declared to be colleges established within the University.

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

(3) A College established within the University shall consist of such faculties, schools, institutes, or centre as may be provided for by the statutes.

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

8. Establishment of Constituent Colleges

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.

9. Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards

(1) 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

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

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

10. Award of scholarships

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

11. Membership of the University

The members of the University shall be—

- (a) the Chancellor;
- (b) the Chairperson of Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges within the University;
- (g) the members of the Council;
- (h) the members of the Senate;
- (i) the members of the governing body of each constituent college;
- (j) the Lecturers;
- (k) the Finance Officer;
- (l) the Chief Legal Officer;
- (m) the Librarian;
- (n) the secretary to the governing body of each constituent college;
- (o) the students;
- (p) Alumni;
- (q) the convocation; and
- (r) such other members of staff of the University or any other body formally admitted into association with the University or with any of its constituent colleges as the Council may from time to time determine.

12. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the President and hold office in accordance to the provisions of the Charter and the Schedule thereof.

(2) A person who is appointed by the President to be the Chancellor shall hold office for a term of five years subject to re-appointment once.

(3) The Chancellor shall—

- (a) be the titular head of the University and shall, in the name of the University confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, recommend to the Cabinet Secretary for a visitation of the University;
- (c) may from time to time give advice to the Council which he considers necessary for the betterment of the University; and

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

(4) The functions of the Chancellor and the tenure of the office shall be in accordance to the provisions of the Act.

(5) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided for by Act and Statutes.

13. Chairperson of the Council

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

(2) The Chairperson of Council shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

14. Vice-Chancellor

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

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

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the direction, organization, administration and programmes of the University; and
- (c) have such responsibilities and duties as may be provided for in Charter.

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

15. Deputy Vice-Chancellor

(1) The Council shall, in consultation with the Chancellor, appoint from among the professors of the University, two or more Deputy Vice-Chancellors, who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for by the statutes.

(2) The Deputy Vice-Chancellor 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.

16. The Principals of Colleges within the University

(1) The Council shall, in consultation with the Chancellor, 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.

(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.

17. Principals of Constituent Colleges

(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.

18. The Council

(1) The Council of a public University or constituent college of such a University shall consist of nine persons appointed by the Cabinet Secretary as follows—

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- (a) the Chairperson;
- (b) the Principal Secretary in the Ministry for the time being responsible for the University education;
- (c) the Principal Secretary in the Ministry for the time being responsible for the University finance;
- (d) five members appointed by the Cabinet Secretary through an open process; and
- (e) the Vice-Chancellor who shall be an *ex officio* member and the secretary to the Council.

(2) Subject to subsection (3), a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but may be eligible for re-appointment for a further one term.

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

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor, under subsection (3), shall forthwith notify the vacancy to the appropriate appointing authority.

(5) The procedure, conduct and regulation of the affairs of the Council shall be vested in the Council.

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

(7) Subject to this Charter and without prejudice to any legislation, trust deed or other instrument by or under which a constituent college is established, the government, control and administration of the University shall be vested in the Council.

(8) Notwithstanding subsection (1), the Council shall have power—

- (a) to determine the method of recruitment, appointment and promotion of all staff of the University;
- (b) to appoint and determine the terms and conditions of service for all staff of the University;
- (c) to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (d) to approve the budget;
- (e) to promote and to make financial provisions and facilities for execution of the functions of the University;
- (f) to determine, after considering the recommendations of the Senate, all fees payable to the University;
- (g) 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;
- (h) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables property on behalf of the University;

- (i) 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 immovables property or otherwise as the Council may deem fit;
- (j) 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 subdivision 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;
- (k) to institute on the recommendation of the Senate fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (l) to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (m) to empower committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
- (n) to approve regulations governing the conduct and discipline of the students of the University;
- (o) to receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (p) 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;
- (q) to provide for the welfare of the staff and students of the University;
- (r) to approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (s) to monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (t) to constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (u) to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards; and
- (v) to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

(9) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the Chairperson, the Vice-Chancellor or a Deputy Vice-Chancellor responsible for administration and finance or any other members of the Council generally or specifically authorized by the Council in that behalf.

(10) The Council shall ensure that a proper management structure is in place and make sure that the structure, functions to maintain corporate integrity, reputation and responsibility.

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

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

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

19. Senate

(1) There shall be Senate of the University, as provided for in the Statutes, whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of each constituent college;
- (d) the Principals of each college within the University;
- (e) Deputy Principals;
- (f) the Deans of the faculties and Directors of Schools, institutes, centres and other academic units;
- (g) the Chairpersons of the teaching departments of the University;
- (h) two professors proposed from each college and *elected by the academic board from within each college*;
- (i) 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;
- (j) *the librarian*;
- (k) one representative of each of the academic boards of the faculties, institutes and schools appointed by that academic board from among those of its members who are not professors and are not members of the Senate by virtue of any other provision of this subsection;
- (l) the director of students affairs or the equivalent;
- (m) the head of information, communication and technology services of the University;
- (n) six students to be elected by the students' organisation of the University; except that the members of the students organization shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential and/or which relate to the general discipline of students, examination results, the academic performance of students and other related matters; and
- (o) such other member as Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor for the time being in charge of Academic Affairs shall be the secretary to the Senate in accordance with the Act.

(3) Notwithstanding the provisions of the Universities Act, the Senate shall have the following powers and duties—

- (a) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (b) to approve all syllabi of the University;
- (c) to make regulations governing methods of assessing and examining the academic performance of students;
- (d) to evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
- (e) to regulate the conduct of examinations;
- (f) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (g) to approve the examination results;
- (h) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;

- (i) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (j) to determine the procedure to be followed in the conferment of the degrees and other awards;
- (k) to determine the design of academic dress and prescribe its use;
- (l) 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;
- (m) to promote and administer the extra-mural, external and extension work of the University;
- (n) to promote research and innovation work in the University;
- (o) to promote co-operation and linkages with other institutions of higher learning and industry;
- (p) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (q) to develop, implement and promote quality assurance systems and structures in all University operations;
- (r) to promote the welfare of students and staff in the university;
- (s) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
- (t) to discontinue a student from a programme of study on academic grounds;
- (u) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
- (v) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the university;
- (w) 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;
- (x) 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; and
- (y) to make regulations governing such other matters as are within its powers in accordance with this Charter or the statutes.

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

20. The University Executive Board

(1) There shall be a University Executive Board which shall function as the Management Board as provided for in the Charter and the Statutes, whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Deputy Principals;
- (e) Finance Officer; and
- (f) such other member of senior management as the Council may determine in accordance with the Statutes.

[Subsidiary]

(2) The University Executive Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University;
- (b) the implementation of the University's policies;
- (c) making proposals to the Council and Senate on policies that have a University wide application;
- (d) the co-ordination of the University strategic and development plans; and
- (e) any other matters related to the management of the University.

21. The Convocation

(1) There shall be a 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 to transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the statutes may prescribe.

22. Staff of the University

(1) Staff of the University of Nairobi existing prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of the University subject to the statutes.

(2) The Academic Staff of the University of Nairobi shall consist of the librarian and all members of staff who are engaged in teaching and research.

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

(4) 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 Deputy Principals and such other members of staff as the Council may from time to time determine.

(5) 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.

(6) 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.

(7) 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.

(8) All members of staff of the University shall, subject to this Charter, be appointed by the Council 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 university or similar institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

(10) All members of the staff of the University shall—

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

- (b) be deemed to be employed on a full-time basis except as otherwise specifically provided by the statutes or by the terms of a particular appointment.

23. Performance of functions in absence of office holder

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

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor after consultation with the Chairperson 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.

(3) 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 Chairperson 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 maximum period of one hundred and eighty calendar days.

(4) 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.

(5) 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.

PART IV – FINANCIAL PROVISIONS

24. Financial Year

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

25. Investments of Funds

(1) The Council may invest any of the funds of the University in securities, treasury bonds, trust funds or in any other securities which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may, from time to time, approve for the purpose.

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

26. Annual estimates

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

(2) The annual estimates shall make provision 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;

[Subsidiary]

- (d) for the proper maintenance, repair and replacement of the equipment and other movable property of the University;
- (e) for the proper funding of the cost of teaching and research activities of and in the University; and
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may think fit.

(3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

27. Accounts and audit

(1) The Council shall cause to be kept all audit proper books and records of account of the income, expenditure, assets and liabilities of the University.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General or an auditor appointed under section (3), 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;
- (c) any other financial statement as may be prescribed from time to time.

(3) The accounts of the University shall be audited by the Auditor General or an auditor appointed by the Council with the approval of the Cabinet Secretary in concurrence with the Auditor-General and the provisions of the Public Audit Act (Cap. 412B).

(4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and section 24(3) and (4) of the Public Audit Act (Cap. 412B) shall apply to any report made under this paragraph.

(5) The employment of an auditor shall not be terminated by the Council without the consent of the Cabinet Secretary in concurrence with the Auditor-General.

(6) The Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.

(7) An auditor appointed under subsection (3) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5).

(8) Within a period of six months after the end of the financial year, the auditor shall report on the examination and audit of the accounts of the University to the Council and the Cabinet Secretary; and where the auditor has been appointed under subsection (3) he shall also transmit a copy of the report and accounts to the Auditor-General.

(9) Nothing in the Charter shall be construed as prohibiting the Auditor-General from carrying out the inspection of the University accounts or records if it appears to him desirable.

(10) Notwithstanding anything in this Charter, the Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and section 19(3) and (4) of the Exchequer and Audit Act (Cap. 412) shall, *mutatis mutandis*, apply to any report made under this section.

(11) In the exercise of his powers and duties under this Charter, the Auditor-General and any auditor appointed under this section shall have the same powers as those conferred on the Auditor-General by the Constitution and section 8 of the Exchequer and Audit Act (Cap. 412).

(12) The Cabinet Secretary shall lay the auditor's report before the National Assembly as soon as practicable after the report has been submitted to him under this section.

(13) The fee for any external auditor shall be fixed and paid by the Council.

PART V – MISCELLANEOUS PROVISIONS

28. Common seal

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

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

29. The Statutes

(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, institutes and centre's of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) prescribing the rules and regulations for the conduct and organisation of student affairs;
- (g) the settlement of the terms and conditions of service, including the appointment, dismissal, remuneration and retiring benefits, of the members of the staff of the University;
- (h) the constitution and procedures of the meetings of the Council and the establishment, composition and terms of reference of committees of the Council;
- (i) prescribing the rules and regulations for the students organization; and
- (j) providing for or prescribing anything, which, under this Charter, may be provided for or prescribed by the statutes.

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

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

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

(5) Statutes or regulations made by the Council under this Charter shall be published in the *Gazette* but section 27, 31(e) and 34 of the Interpretation Act (Cap. 2), shall not apply to the statutes or to the regulations.

[Subsidiary]

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

30. Protection

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies names shall accept for such registration any name which includes the words "University", the word "Nairobi" or "Kenya" together in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word "University", the word "Nairobi" or "Kenya" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this subsection 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.

31. Repeal and Savings

(1) The University of Nairobi Act (Cap. 210), in this section referred to as the former Act, is repealed.

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

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

(4) All statutes or regulations made under the former Act and in force immediately prior to the commencement of this Charter shall continue in force but may be amended or revoked by a statute or regulations made under this Charter.

32. Transition

(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 the University of Nairobi upon the commencement of this Charter.

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

- (a) the Council of the University of Nairobi shall continue to be in place and shall function as the Council of the University of Nairobi until such time that the substantive Council shall have been appointed;
 - (b) the Council of the University of Nairobi may make statutes for the University under this Charter and the statutes so made shall be deemed to have been made under this Charter; and
 - (c) the persons occupying the positions of Principal, Deputy Principals and Executive Deans of the University shall continue to discharge their responsibilities and exercise such powers as set out in the Act and statutes of the University until the Vice-Chancellor and other officers of the University are appointed and assume office.
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SCHEDULE

[para. 7]

COLLEGES OF THE UNIVERSITY

- (1) The College of Education and External Studies.
 - (2) The College of Agriculture and Veterinary Sciences.
 - (3) The College of Architecture and Engineering.
 - (4) The College of Biological and Physical Sciences.
 - (5) The College of Health Sciences.
 - (6) The College of Humanities and Social Sciences.
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THE MOI UNIVERSITY CHARTER

ARRANGEMENT OF PARAGRAPHS

Paragraph

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9. Membership of the University
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THE MOI UNIVERSITY CHARTER

[Legal Notice 202 of 2013]

SCHEDULE

WHEREAS the Government of Kenya established Moi University situated in Uasin Gishu County in the Republic of Kenya;

AND WHEREAS the said Moi 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 (Cap. 210);

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

AND WHEREAS the Commission for University Education is also satisfied that Moi University has complied with the provisions of the Universities Act (Cap. 210);

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

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19 of the Universities Act (Cap. 210), I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant this Charter annexed hereto to Moi University.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Moi University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

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

“Act” means the Universities Act (Cap. 210);

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

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

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

“Chancellor” means the Chancellor of the University appointed in accordance with section 10 of this Charter;

“College” means a college established within the University; but does not include a Constituent College;

[Subsidiary]

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

“Council” means the Council of the University established under section 16 of this Charter;

“Dean” means an officer elected or appointed by the Vice-Chancellor as head of a Faculty or a School or as Dean of Students;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor of the University under section 13 of this Charter;

“Director” means an officer appointed by the Vice-Chancellor to head a School, an Institute, a Directorate, or a Board;

“Faculty” means an academic administrative unit within the University comprising several departments and concerned with a major division of knowledge;

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

“Institute” means a unit within the University, organized for the advanced instruction and research in a relatively narrow field or subject matter;

“librarian” means the officer appointed to be the librarian of the University;

“Management Board” means the Management Board of the University under section 19 of this Charter;

“School” means an academic unit within the University, headed by a dean and equivalent to a Faculty, comprising several departments, with a focus on a cluster of related disciplines;

“Senate” means the Senate of the University constituted under section 19 of this Charter;

“Staff Association” means an association or union of staff recognized by the Council as being representative of staff on matters of terms and conditions of employment;

“Statutes” means a set of regulations of the University formulated by Council under section 33 of this Charter;

“Students’ Association” means an association of the students recognized by the Council as being representative of the students of the University under section 21 of this Charter;

“University” means the Moi University established under section 3 of this Charter;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under section 12 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

(1) The University is the successor to Moi University established by the Moi University Act (Repealed).

(2) The University shall be a body corporate and 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) borrowing or lending money; and
- (d) doing or performing all such other things or acts for the furtherance of the provisions of this Charter which may lawfully be done or performed by a body corporate.

(3) Subject to this Charter, all rights, duties, obligations, assets and liabilities of Moi University existing at the commencement of this Charter shall be automatically and fully transferred to the University.

4. Functions of the University

(1) The functions of the University shall be to—

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participate in scientific and technological innovation as well as in the discovery, transmission and enhancement of knowledge and stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to scientific, industrial and technological development of society in collaboration with industry and other organisations;
- (f) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (g) make proposals for the establishment of constituent colleges, campus colleges, campuses, faculties, schools, directorates, institutes, departments, centres, and other resource and administrative units as may be appropriate;
- (h) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (i) promote education in science, technology, engineering, and mathematics within the institution and society;
- (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (m) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (n) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (o) facilitate student mobility between programmes of study at different technical training institutions, polytechnics and universities;
- (p) promote critical enquiry and creativity in education, training and research within the University;
- (q) participate in commercial ventures and activities that promote the objectives of the University;
- (r) foster the general welfare of staff and students;
- (s) provide opportunities for development and further training for staff of the University;
- (t) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (u) provide programmes, products, and services in ways that reflect the principles of equity and social justice;

[Subsidiary]

- (v) conduct examinations for, and grant such academic awards as may be provided for in the Statutes, and syndicate examinations for awards at other institutions as may be approved by the Senate;
- (w) generally facilitate the development and provision of appropriate and accessible academic and other programmes.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter and Statutes without distinction of race, ethnicity, language, 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.

5. Establishment of Constituent Colleges

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.

6. Establishment of Campus Colleges and Colleges within the University

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

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

7. Conferment, granting, cancellation and withdrawal of degrees, diplomas, certificates and other awards

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

- (a) grant diplomas, certificates or other awards;
- (b) confer the degrees of Bachelor, Master and Doctorate and such other degrees as may be provided for by the Statutes;
- (c) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.

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

8. Award of scholarships

Subject to this Charter, the University may award scholarships, bursaries and prizes and make other awards as is provided for in the Statutes.

PART III – GOVERNANCE AND MEMBERSHIP

9. Membership of the University

The members of the University shall be—

- (a) the Chancellor;
- (b) the Chairperson of Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges within the University;

- (g) the members of the Council;
- (h) the members of the Senate;
- (i) the University Secretary;
- (j) the lecturers;
- (k) the administrative, technical and support staff;
- (l) the students;
- (m) Alumni association; and
- (n) such other members of staff of the University or any other body formally admitted into association with the University, as Council may from time to time determine.

10. The Chancellor

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

11. The Chairperson of Council

(1) There shall be a Chairperson of Council of the University who shall be appointed in accordance with the provisions of the Act.

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

12. Vice-Chancellor

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

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

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

13. The Deputy Vice-Chancellors

(1) The Council shall appoint two or more Deputy Vice-Chancellors, through a competitive process.

(2) The Deputy Vice-Chancellor shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the Statutes.

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

14. The Principals of Constituent Colleges

(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 may be eligible for re-appointment for one further term.

15. The Principals of Campus Colleges and Colleges within the University

(1) The Council shall, for each College, 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 in the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

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16. The Council

(1) There shall be a Council of the University whose members shall be appointed in accordance with the Act.

(2) The members 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.

(3) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, the member resigns from office in writing 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 the office; and
- (c) 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 appointing authority.

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

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

(7) The members of the first University Council other than the *ex officio* members shall at the first meeting after their appointment determine by lot which of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the University Council.

(8) 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.

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

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

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

17. Functions of the Council

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

(2) The Council—

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

18. The Senate

(1) There shall be a Senate of the University which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principals of each college within the University;
- (e) the Deans of Schools, Directors of institutes, centres and other academic units;
- (f) the Chairperson of Departments;
- (g) one members elected by the academic board or equivalent body (if any) of each constituent college from among the members of such board or body;
- (h) the University Librarian;
- (i) one representative of each of the school academic boards appointed by the respective boards from amongst its members;
- (j) the Dean of Students;
- (k) the Director of Information, Communication and Technology services of the University;
- (l) the Director of Quality Assurance;
- (m) two members elected by the Students' Association; and
- (n) such other member as Council may determine in accordance with the Statutes.

(2) The members of the Students' Association shall not participate in the deliberations of the Senate, which the Chairperson considers to be confidential or which relate to examinations, grades and such other issues that may pose a conflict of interest.

(3) The functions of the Senate shall be to—

- (a) to satisfy itself regarding the content and academic standard of any programme of study in respect of any degree, diploma, certificate or other award of the University;
- (b) to propose regulations to be made by Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
- (c) to propose regulations to be made by Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other awards of the University;
- (d) to decide which persons have attained such standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Charter or the Statutes.

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

19. The Management Board

(1) There shall be a Management Board which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Finance Officer;
- (e) the Chief Legal Officer; and

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- (f) such other member of senior management as Council may determine in accordance with the Statutes.

(2) The Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of human, physical and financial resources of the University;
- (b) the implementation of the University's policies;
- (c) making proposals to the Council and the Senate on policies that have University-wide application;
- (d) coordination and implementation of the University Strategic Plan; and
- (e) any other matter related to the management of the University.

20. The staff of the University

(1) All members of staff of the University shall, subject to this Charter, be appointed by the Council and shall be so appointed either—

- (a) 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 university or similar institution, the Government or any other public service, on terms and conditions agreed between the Council and the seconding body.

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

(3) The members of staff shall—

- (a) be subject to the general authority of the Council and of the Vice-Chancellor;
- (b) be deemed to be employed on a full-time basis except as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

21. The Students' Association

(1) There shall be a Students' Association established in accordance with the Statutes.

(2) The functions of the Students' Association are to—

- (a) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
- (b) draw the attention of the appropriate authorities, where necessary, to the special needs of the students;
- (c) offer suggestions to the Senate on matters affecting the wellbeing of students; and
- (d) undertake other functions as provided in its governance instruments approved by the Council.

(3) There shall be Students' Council of the University which shall be elected by the Students' Association to manage its affairs, in accordance with procedures prescribed in the Statutes.

22. The Alumni Association

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

(2) The Alumni Association of the University shall participate in the process of appointment of the Chancellor within the provisions of the Act and the Statutes.

(3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the Statutes.

23. Performance of functions in absence of office holder

(1) In the event of incapacity of the Chancellor, the President may appoint a person to perform functions of the Chancellor for a period of three months.

(2) In the event of incapacity of the Vice-Chancellor, the Cabinet Secretary on the recommendation of the Council may appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor for a period of three months.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor and all the Deputy Vice-Chancellors, the Chairperson of the Council, in consultation with the Chancellor, may appoint a member of the academic staff of the University to perform the functions of the Vice-Chancellor for a maximum period of three months.

(4) In the event of 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 for a period of up to three months.

(5) 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.

(6) Subject to the provisions of this section, 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.

PART IV – FINANCIAL PROVISIONS

24. Financial Year

In the event of any change in the financial year and for purposes of 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.

PART V – MISCELLANEOUS PROVISIONS

25. Common Seal and other Instruments of Authority

(1) The symbols of authority shall be the Common Seal, the Mace, and the Logo.

(2) The Common Seal of the University shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.

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

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

26. Statutes

(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—

- (a) establishment of colleges, faculties, institutes and schools of the University;
- (b) description of degrees, diplomas and certificates;
- (c) defining the requirements for conferment of degrees and award of diplomas and certificates;
- (d) the conduct of examinations;

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- (e) prescribing fees and boarding charges;
- (f) setting the terms and conditions of service, and schemes of service, including the appointment, dismissal and recommendation of retiring benefits of the members of staff of the University;
- (g) describing the constitution and procedure of meeting of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) prescribing the rules and regulations for the Students' Association.

(2) The Council shall not make, amend or revoke any Statutes without reference to 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-fourth of the members present, and voting being not less than half of the total membership of the Council.

27. Protection of name

(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 an entity that includes the words "Moi" and "University" together in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Moi University" together in any order, and or 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 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 or him of a degree, diploma or certificate by the University.

28. Variation and revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the Act.

MOI UNIVERSITY CHARTER STATUTES OF MOI UNIVERSITY, 2013

[Legal Notice 207 of 2013]

Statute I: Citation

1. These Statutes may be cited as Statutes of Moi University.
2. These Statutes shall be subject to the provisions of the Constitution of Kenya, the Universities Act, the Moi University Charter and any other relevant law.

Statute II: Definitions

In these Statutes, unless the context otherwise requires:

"Act" means The Universities Act (Cap. 210);

"administrative staff" means a member of staff of the University who is appointed for general purposes of performing duties related to general management and administration of the University;

"Alumni Association" means an association of the University consisting of graduates and such other persons as stated in the Charter and these Statutes;

"Associate Dean" means a person appointed by the Vice-Chancellor to assist the Dean as provided for in the Statutes;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for university education;

"chairperson of Council" means the Chairperson of Council of the University as defined in the Charter;

"Chancellor" means the Chancellor of the University;

"Charter" means the Moi University Charter granted under Section 19 of the Act;

"campus" means a Campus established by the University pursuant to an Order made under Section 6 of the Charter;

"campus college" means a college established by the University pursuant to an order made under Section 6 of the Charter;

"Centre" means a unit of the University established by these Statutes;

"College" means a College established within the University pursuant to an Order made under Section 6 of the Charter;

"College Management Board" means a Board established by the relevant Colleges as provided for under the Statutes;

"constituent college" means a Constituent College of the University established under Section 5 of the Charter;

"Council" means the Council of the University established under Section 36(1) of the Act and Section 16 of the Charter;

"Chief Legal Officer" means a person appointed by Council to be in-charge of legal matters of the University as provided for in the Statutes;

"Dean of Students" means a person appointed by the Council to be in-charge of students welfare as provided for in the Statutes;

"Directorate" means a unit of the University established by these Statutes;

"Head of Department" means a chairperson of a teaching Department as provided in the Statutes;

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"Registrar" means a person appointed by the Council to assist the Deputy Vice-Chancellors as provided by the Statutes;

"regulations" means Examination Rules and Regulations governing undergraduate, postgraduate, diploma and certificate programmes;

"university librarian" means a person appointed by the Council to be in-charge of provision of University Library services as provided by the Statutes;

"Dean" means a person appointed by the Council as a Dean of a School or Faculty as provided in the Statutes;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor appointed by the Council of the University under Section 13 of the Charter;

"Director" means a person appointed by the Council to be designated as a Director in the University as provided in the Statutes;

"Deputy Director" means a person appointed by the Council to assist the Director in the University;

"faculty" means a faculty of the University established under the Statutes;

"finance officer" means a person appointed by Council to be in-charge of financial matters of the University as provided by the Statutes;

"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 under these Statutes;

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

"researcher" means a member of staff of the University who is appointed to conduct scholarly or scientific inquiry and may also perform teaching duties;

"Principal" means a person appointed by the Council to be in-charge of a College or Campus College;

"Senate" means the Senate of the University established under Section 18 of the Charter;

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

"Staff Association/Union" means an association or union of staff, recognized by the Council as being representative of the staff of the University;

"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 Council as being an organization representative of the students of the University and as provided by section 21 of the Charter;

"teaching staff" means a member of staff of the University who is, in terms of appointment, a lecturer of the University;

"technical staff" means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, demonstrations, examinations and research of the University;

"University" means Moi University established under Section 3 of the Charter;

"University Management Board" means the Management Board of the University provided by Section 43 of the Act and Section 19 of the Charter;

"University Secretary" means a person serving as Secretary to University Council;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under Section 12 of the Charter.

Statute III: The Chancellor

1. The Chancellor shall be appointed in accordance with the provisions of Section 38(1) (a) of the Act.

2. A vacancy in the office of Chancellor shall be filled in accordance with the Act using the following procedure and vetting criteria;

- (a) The vacancy shall be declared by the University and an advertisement placed on the University website and at least two national daily newspapers of wide circulation and readership inviting members of Public, Senate and the Alumni Association to nominate suitable persons.
- (b) A joint Committee of Senate and Alumni Association shall be constituted by Senate to receive the names of all nominees and shortlist.
- (c) Letters of notification will be written to those who have been shortlisted to confirm whether they are willing to go through the vetting process and take up the appointment if successful.
- (d) Upon receipt of names of persons who have agreed to go through the vetting process and are willing to take up the appointment if successful, Senate shall vet them for suitability by reference to written reports from the—
 - (i) Criminal Investigations Department;
 - (ii) Higher Education Loans Board;
 - (iii) Kenya Revenue Authority;
 - (iv) Ethics and Anti-corruption Commission; and
 - (v) any other relevant authority, or the public, whose information should be sought through an advertisement in two national newspapers of wide circulation and readership.
- (e) Any adverse information received under paragraph 2 shall be forwarded to the nominees for their response, and the response shall be placed before Senate for consideration.
- (f) 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.
- (g) 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.
- (h) This exercise shall be conducted under very strict confidence.

(3) The person so appointed shall hold office and exercise the powers and functions provided in Section 38 of the Act.

Statute IV: The Vice-Chancellor

1. The Council shall competitively identify and recommend a person to be appointed as a Vice-Chancellor pursuant to the provisions of Section 39 of the Act.

2. To be appointed as a Vice-Chancellor, a person shall be required to be a Professor from a recognized university or other institution, and shall serve for a period of five years, renewable once for a further period of five years subject to satisfactory performance.

3. The Vice-Chancellor shall be the Chief Executive of the University and shall have the overall responsibility for the direction, organization, administration and academic programmes of the University, and shall be responsible to Council for the general conduct and discipline of staff and students.

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4. The Vice-Chancellor shall be the Chairperson of Senate and the Management Board and shall, by virtue of the office, be a member of every Committee appointed by Council and Senate unless otherwise explicitly provided.
5. The Vice-Chancellor shall have general responsibility to the Council for promoting academic development and excellence, and for maintaining the efficiency and good order of the University and in consultation with the Chairperson of Council on occasions which he or she considers to be of necessity take such steps as he or she and the Chairperson of Council may deem expedient for safeguarding the interest of the University, provided that in all cases he or she shall make a report to Council at its next meeting.
6. Subject to the Provisions of the Charter, the Vice-Chancellor may assign or delegate any of his or her duties or functions and may withdraw any such delegation or assignment at any time.
7. The Vice-Chancellor shall have such other powers as may be conferred upon him or her by Council in accordance with the Charter.
8. The Vice-Chancellor may resign in writing addressed to the Chairperson of Council.
9. The Council may in consultation with the Chancellor recommend to the Cabinet Secretary the termination of appointment of the Vice-Chancellor in accordance with the Contract of Appointment.

Statute V: The Deputy Vice-Chancellors

1. There shall be such number of Deputy Vice-Chancellors as shall be determined and designated by Council from time to time and who shall be in charge of the following functions —
 - (a) Academics, Research & Extension;
 - (b) Student Affairs;
 - (c) Administration, Planning and Development; and
 - (d) Finance.
2. The Council shall through a competitive process recommend to the Cabinet Secretary, persons to be appointed as Deputy Vice-Chancellors pursuant to Section 35 of the Act.
3. A person appointed as a Deputy Vice-Chancellor be required to be the holder of a doctorate degree from a recognized university and have the status of at least an Associate Professor in a teaching Department of the University or an Associate Professor from any other recognized University or Institution.
4. A Deputy Vice-Chancellor, in charge of Academics, Research and Extension shall be the Head of the Academic Division and shall be responsible for all academic matters, research and extension activities of the University.
5. A Deputy Vice-Chancellor, in charge of Student Affairs, shall be the Head of the Student Affairs Division and shall be responsible for the welfare of students, co-curricular activities and any other related matters affecting students.
6. A Deputy Vice-Chancellor, in charge of Finance, shall be the Head of the Finance Division and shall be responsible for all financial matters.
7. A Deputy Vice-Chancellor, in charge of Administration, Planning and Development, shall be the Head of the Administration, Planning and Development Division and shall be responsible for all Human Resource, Administrative matters, Planning, performance contracting and infrastructural development.
8. Subject to the Charter and these Statutes, a Deputy Vice-Chancellor shall serve for a period of five years, which may, subject to satisfactory performance, be renewed for one further period of five years.

10. Subject to the provisions of the Charter and these Statutes, the Vice-Chancellor may assign such other duties and responsibilities to a Deputy Vice-Chancellor as the Vice-Chancellor may determine from time to time.

11. A Deputy Vice-Chancellor may resign in writing addressed to Council through the Vice-Chancellor who shall then report to Council in accordance with his or her Contract of Appointment.

12. The Council may, in consultation with the Vice-Chancellor, terminate the appointment of Deputy Vice-Chancellor in accordance with his or her Contract of Appointment.

Statute VI: Principals and Deputy Principals of Colleges and Campus Colleges

- (i) There shall be a Principal for each College and each Campus College as established under Section 15 of the Charter.
- (ii) There shall be a Deputy Principal for each College and Campus College who shall assist the Principal in his or her academic and administrative responsibilities.
- (iii) A Principal of a College or Campus College shall, under the direction of the Vice-Chancellor, be responsible for the academic programmes and administration of the College or Campus College.

2. A Principal or Deputy Principal shall be competitively recruited by the Council.

3. A person appointed as a Principal or Deputy Principal shall be at least an Associate Professor in a teaching Department of the University and shall hold office for a period of five years which shall be renewable once for a further period of five years subject to satisfactory performance.

4. The Vice-Chancellor shall assign duties and responsibilities to a Principal or Deputy Principal.

5. A Principal or Deputy Principal may resign in writing addressed to the Vice-Chancellor who shall then report to Council.

6. The Council may terminate the appointment of a Principal or Deputy Principal in accordance with his or her Contract of Appointment.

Statute VII: Directors and Deputy Directors

1. (1) There shall be a Director for each Campus, Institute, and Directorate as shall be established by the Council from time to time.

(2) There shall be a Deputy Director for each Campus, Institute, and Directorate as shall be established by the Council from time to time.

2. (1) A Director shall, under the direction of the Vice-Chancellor, be responsible for the academic and or administration of a Campus, Institute or Directorate as the case may be.

(2) A Deputy Director shall assist the Director in his or her academic and or administrative responsibilities.

3. (1) A Director shall be competitively recruited by the Council from amongst members of the academic staff of the University, and a Deputy Director shall be competitively recruited by the Council from amongst members of staff of the University.

(2) Competitive recruitment shall entail the following—

- (a) an internal advertisement;
- (b) receipt of applications;
- (c) a short-listing process by a Committee comprising the following members—
 - (i) three Professors nominated by Senate, one of whom shall be the Chairperson;
 - (ii) two Deans nominated by the Committee of Deans; and
 - (iii) two Directors nominated by the Committee of Deans;

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- (d) an interview conducted by Council; and
- (e) an appointment of the successful candidate.

4. A person appointed to the position of Director shall be required to be of the status of at least a Senior Lecturer, and to have served in a leadership position within the University, provided that the Council may appoint any other member of academic staff of at least the rank of a Lecturer as circumstances may determine from time to time.

5. (1) A Director shall hold office for a period of three years renewable once subject to satisfactory performance.

(2) Any person who has previously served as a Director shall not be eligible for re-appointment within three years immediately following the lapse of the last appointment.

6. Where a vacancy occurs in the office of a Director as a result of death, termination, infirmity or such other reason as shall be determined by Council, the Vice-Chancellor shall appoint an acting Director from among the members of the academic staff, and a Director so appointed shall serve for a maximum period of three months, after which a Director shall be appointed in accordance with the provisions of section (3) of this Statute.

7. The Vice-Chancellor may assign such other duties to a Director as the Vice-Chancellor may determine from time to time.

9. A Director shall serve on such terms as may be determined by the Council from time to time.

10. A Director may resign in writing addressed to the Vice-Chancellor and in accordance with the provisions of the Contract of Service.

11. The Council may terminate the services of a Director in accordance with his or her Contract of Service.

Statute VIII: Deans and Associate Deans of Schools

1. (1) There shall be Deans of Schools as shall be determined by Council from time to time.

(2) There may be Associate Deans of Schools as shall be appointed by the Vice-Chancellor as determined by student population or the geographical spread of the School.

2. (1) A Dean shall, under the Direction of the Vice-Chancellor or the Principal, be responsible for the academic programmes and administration of the School.

(2) An Associate Dean shall assist the Dean in his or her responsibilities for the academic programmes and administration of the School.

3. (1) A Dean shall be competitively recruited by Council from amongst members of the Academic staff of the University.

(2) Competitive recruitment shall entail the following:

- (a) an internal advertisement;
- (b) receipt of applications;
- (c) a short listing process by a Committee comprised of the following members—
 - (i) three professors nominated by the Senate, one of whom shall have served as Dean or Head of Department to be the Chairperson; and
 - (ii) two members of Senate at the level of Senior Lecturer above nominated by Senate.
- (iii) An interview conducted by Council.
- (iv) A representative nominated by the Academic Staff Union representing academic staff shall be in attendance at the interview.
- (v) Appointment of the successful candidate.

4. To be eligible for appointment as a Dean or Associate Dean, a person shall be required to be at least a Senior Lecturer, and shall have served as such at Moi University, provided that the Council shall have the discretion to appoint a lecturer as Dean where circumstances shall determine from time to time.
5. (1) A Dean or Associate Dean shall hold office for a period of three years renewable, subject to satisfactory performance, for a further term of three years.
(2) Any person who has previously served as a Dean or Associate Dean, shall not be eligible for re-appointment within three years immediately following the lapse of the last appointment.
6. Where a vacancy occurs in the office of a Dean or Associate Dean as a result of death, termination, infirmity or such other reason as maybe determined by the Council, the Vice-Chancellor shall appoint an acting Dean or Acting Associate Dean from among the academic staff of a relevant School, and a Dean or Associate Dean so appointed shall serve for a maximum period of three months after which a Dean or Associate Dean shall be appointed in accordance with the provisions of Section (3) of this Statute.
7. A Dean or Associate Dean shall serve on such terms as may be determined by the Council from time to time.
8. The Vice-Chancellor and or Principal may assign such other duties to a Dean or Associate Dean as the Vice-Chancellor shall determine from time to time.
9. A Dean or Associate Dean may resign by notice in writing addressed to the Vice-Chancellor through the Principal and in accordance with the provisions of his or her Contract of Service.
10. The Council may terminate the appointment of a Dean or Associate Dean in accordance with the provisions of his or her Contract of Service.

Statute IX: Registrars

1. There shall be such number of Registrars for each division headed by a Deputy Vice-Chancellor as may be determined by Council from time to time.
2. The Council shall competitively recruit Registrars who shall hold office upon such terms and conditions as may be determined by Council from time to time by virtue of the following qualifications—
 - (a) a First degree in a relevant field from recognized University;
 - (b) a Doctorate Degree in a related field;
 - (c) at least six years' experience in the administration of a University or in the public sector;
 - (d) familiarity with the formulation and provision of guidelines on planning, management of university services and academic programmes; and
 - (e) ability to assist the Deputy Vice Chancellors in supervising and overseeing the provision of administrative, financial, student and academic programmes of the university.
3. A Registrars shall assist the Deputy Vice Chancellors in managing a division.
4. A Registrar may resign in writing addressed to the Vice Chancellor in accordance with the provisions of his or her Contract of Service.
5. The Council may terminate the appointment of a Registrar in accordance with his or her Contract of Service.

Statute X: The Finance Officer

- I. There shall be a Finance Officer who shall, under the Direction of the Deputy Vice-Chancellor in charge of finance, be responsible for the financial matters of the Unniversity.

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2. The Council shall competitively recruit a Finance Officer who shall hold office upon such terms and conditions for such period as may be determined by Council from time to time, based on the following qualifications—

- (a) a first degree in Finance, Accounting, Economics or any other related field;
- (b) the CPA (K), ACCA or CA, qualification of and membership of the Institute of Certified Public Accountants; and
- (c) MSc, MBA degree or equivalent in related field;
- (d) at least six years experience in a finance department in a similar position in a university or an equivalent Institution, and demonstrated outstanding qualities of leadership, coordination and organizational capabilities at top management level;
- (e) A certificate in ICT with demonstrable practical experience;
- (f) demonstration of outstanding qualities for leadership, coordination and organizational capabilities at top management level.

3. The Finance Officer shall provide guidance on the implementation of financial policies and procedures.

4. The Finance Officer may resign by notice in writing addressed to the Deputy Vice-Chancellor in accordance with the provisions of his or her Contract of Service.

5. Council may terminate the appointment of the Finance Officer in accordance with his or her Contract of Service.

6. A Finance Officer shall be competitively recruited by Council from among qualified applicants.

Statute XI: The Chief Legal Officer

1. There shall be a Chief Legal Officer who shall, under the Direction of the Deputy Vice-Chancellor in charge of administration, be responsible for the legal matters of the University.

2. The Council shall competitively recruit a Chief Legal Officer who shall hold office upon such terms and conditions as may be determined by Council from time to time.

3. A person shall be qualified to be appointed as a Chief Legal Officer where the person—

- (a) holds a minimum of a Master of Laws degree;
- (b) is an advocate of the High Court of Kenya;
- (c) has at least seven years post-admission, experience; and
- (d) is an active member of the Law Society of Kenya.

3. The Chief Legal Officer may resign by notice in writing, addressed to the Deputy Vice chancellor in charge of administration and finance in accordance with his or her Contract of Service.

4. Council may terminate the appointment of the Chief Legal officer in accordance with his or her Contract of Service.

Statute XII: Chief Medical Officer

1. There shall be a Chief Medical Officer who shall, under the Direction of the Deputy Vice-Chancellor in charge of administration, be responsible for the Health Services of the University.

2. The Council shall competitively recruit a Chief Medical Officer who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

3. A person shall be qualified for appointment as a Chief Medical Officer where the person—

- (a) holds a Master of Medicine (M.Med) degree in a clinical field from a recognized university;
- (b) at least seven years post qualification experience after specialist training;

- (c) has registered as a member of the Kenya Medical Practitioners and Dentists Board;
- (d) demonstrates a high degree of professional competence in planning and management of health care programme at the national level, and a high degree of administrative Capabilities required for responsibilities at that level;
- (e) provides evidence of continuing professional development; and
- (f) provides evidence of attendance of management and public relations courses.

3. The Chief Medical Officer may resign by notice in writing addressed to the Vice Chancellor in accordance with the provisions of his or her contract of service.

4. The Council may terminate the appointment of the Chief Medical Officer in accordance with the provisions of his or her Contract of Service.

Statute XIII: University Secretary

1. The Vice-Chancellor shall be the University Secretary.
2. The University Secretary shall be the Secretary to Council and shall be responsible for all Council minutes and shall be the custodian thereof.
3. The University Secretary shall be responsible for all Council matters.

Statute XIV: University Librarian

1. There shall be a University Librarian who shall, under the Direction of the Deputy Vice Chancellor for the time being responsible for academics, be in charge of the provision of University library services as provided for in the scheme of service for Moi University and who shall carry out such other functions as shall be determined by Council from time to time.
2. Council shall competitively recruit the University Librarian who shall hold office upon such terms and conditions for such period as may be determined by Council from time to time.
3. A person shall be qualified to be appointed as the University Librarian if the person—
 - (a) holds a doctorate degree in Library and Information Sciences or its equivalent qualification from a recognized university;
 - (b) has served in a relevant position comparable to the post of senior Librarian I for at least four (4) years;
 - (c) has a minimum experience of six years in the provision of Library services in a similar position in an equivalent institution;
 - (d) is a member of a recognized professional association for Librarians (KLA, LA, ALA);
 - (e) has published a book or at least four articles in refereed journals (minimum publication score 12 points); and
 - (f) provides evidence of scholarship or research in their area of specialization.
4. The University Librarian may resign by notice in writing addressed to the Vice Chancellor in accordance with the provisions of his or her Contract of Service.
5. The Council may terminate the appointment of the University Librarian in accordance with the provisions of his or her Contract of Service.

Statute XV: Dean of Students

1. There shall be a Dean of Students who shall, under the direction of the Deputy Vice-Chancellor responsible for Student Affairs, be in charge of student welfare and carry out such other duties as Council shall determine from time to time.
2. The Council shall competitively recruit the Dean of Students who shall hold office upon such terms and conditions for such period as may be determined by Council from time to time.

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3. A person shall be qualified to be appointed as a Dean of Students if the person—
 - a) holds a doctorate degree in education, social sciences or its equivalent from a recognized university;
 - b) has at least six years in an equivalent position; and
 - c) is a member of a recognized association of the profession.
4. The Dean of Students may resign by notice in writing addressed to the Vice-Chancellor in accordance with the provisions of his or her Contract of Service.
5. The Council may terminate the appointment of the Dean of Students in accordance with the provisions of his or her Contract of Service.

Statute XVI: Appointment of Staff

1. Subject to these Statutes and Regulations, the Council may appoint such academic and administrative staff as it may deem necessary for the efficient functioning of the University with such duties and upon such terms and conditions as Council may prescribe.
2. The Council shall determine the categorization of staff for purposes of terms and conditions of service, but for the time being, these shall be the academic, technical and administrative staff.
3. The terms and conditions of employment for all staff shall be set out in the Terms and Conditions of Service which shall be determined by Council in consultation with the relevant staff unions from time to time.
4. The above recruitment shall adhere to the principles outlined in the Constitution.

Statute XVII: The Council

The Council shall, subject to the Charter and these Statutes, be the governing body of the University, and shall exercise all his powers thereof and without derogating from the generality of its authority, it is specifically declared that the Council shall exercise the powers —

- (a) to acquire land, buildings, premises, furniture and equipment including specialized scientific equipment, vehicles and machinery and other means and facilities required for carrying out work of the University in accordance with the Charter;
- (b) make the appointments authorized by the Charter and these Statutes;
- (c) establish, confirm, abolish or suspend any professorship, lectureship or other academic posts on the recommendation of Senate;
- (d) promote and to make financial provision and facilities for research within the University;
- (e) make new or additional Statutes, and alter, amend or revoke existing Statutes on recommendation of the Senate;
- (f) create or abolish faculties, schools, institutes, departments, divisions, centres or other units of learning and research of the University from time to time on the recommendation of the Senate, in accordance with and as provided by these Statutes;
- (g) plan, govern, manage and regulate the finances, accounts, investments, property, business and all affairs of the University;
- (h) determine the fees payable to the University on recommendations of Senate;
- (i) invest any moneys belonging to the University including any unapplied 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 purchase of freehold or leasehold properties, including rents and subject to the Charter with powers of varying such investments from time to time by sale or re-investment or otherwise;

Provided that Council may in its discretion retain, as long as it shall think fit, any investment given or bequeathed to the University, although not coming within the description of investments authorized as aforesaid;

- (j) sell, buy, exchange, lease, grant or take on lease, moveable and immovable property on behalf of the University;
- (k) borrow money on behalf of the University in accordance with the procedures laid down by the Government of Kenya;
- (l) receive, consider and approve estimates of income and expenditure from the Management Board and provide the requisite funds for the approved estimates;
- (m) provide for the welfare of staff of the University in accordance with the provisions of the Terms of Service;
- (n) enter into, vary, carry out or terminate contracts on behalf of the University;
- (o) select a Seal and Arms for the University and have the sole custody and use of the Seal;
- (p) grant fellowships, studentships, bursaries, prizes and other aids to study and research on recommendations of Senate;
- (q) consider and approve, upon recommendation of the Senate, the Terms and Conditions of examiners;
- (r) consider and give effect to reports from Senate on those matters upon which the Senate is authorized or required by these Statutes;
- (s) exercise powers of removal from office and other disciplinary control of staff in the University, provided that these powers shall be exercised for the reasons on the grounds, in the manner and pursuant to the procedures set out in the Terms of Service which shall include the following rights for the member of staff and as provided for in Section 63 of The Universities Act—
 - (i) to appear and be heard by Council or any person or body to whom Council has delegated this function;
 - (ii) to be given adequate notice of the charges he or she faces to inform the staff adequate time to prepare and present a defence;
 - (iii) to afford the staff adequate time to prepare and present a defence;
 - (iv) to be represented by a person of his choice;
 - (v) to call and examine witnesses;
 - (vi) to appeal to the full Council;
 - (vii) to have access to any documents to be introduced as evidence against him or her;
- (t) delegate any of its powers or duties to the Chairperson or to Committees consisting of such members of Council and other persons as it may deem fit, provided that the Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to Council, Annual Estimates of expenditure.
- (u) negotiate, sign and monitor the performance contracting in the university as provided for by the Government of Kenya.

Statute XVIII: Meetings of the Council

1. A meeting of the Council shall be held at least once in each quarter.
2. At all meetings of Council a quorum shall be two thirds of the total membership of Council.
3. Subject to the Charter, decisions of Council shall be by consensus or a simple majority vote of those present and voting, provided that the Chairperson of Council shall have a casting vote in case of an equality of votes, and provided also that in the enactment of Statutes the provision of Section 26(3) of the Charter shall apply.

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4. The Chairperson may at anytime call a meeting of Council and shall call a meeting within twenty eight days of receiving request for that purpose addressed to him signed by at least half of the members of Council.
5. The Chairperson, or in his or her absence, a member of Council elected by the members present, shall preside at all meetings of Council at which he or she is present. Provided that the Vice Chancellor shall not be appointed as temporary Chairperson.
6. Unless the Council otherwise determines, a quorum for a meeting of any Committee of the Council shall be the nearest whole number above half the membership of the Committee.
7. The Council shall cause minutes of its proceedings to be kept by the University Secretary and such minutes shall be confirmed, subject to any necessary amendment by the Council at a subsequent meeting.
8. Subject to the provisions of these Statutes, Council shall have power to regulate its own procedure and the procedure of any Committee of Council.
9. The following persons shall attend at meetings of the Council Committees in which their technical expertise is required as may be determined by Council from time to time—
 - a) the Deputy Vice-Chancellors;
 - b) the Principals of Colleges;
 - c) the Finance Officer;
 - d) the Chief Legal Officer;
 - e) one representative nominated by the Senate;
 - f) one representative nominated by the non-Senate academic staff;
 - g) one representative nominated by the non-teaching staff;
 - h) the Chairperson of the undergraduate students organization; and
 - i) the Chairperson of the postgraduate students organization.
11. The Council shall conduct its business through such Committees as it shall determine from time to time and shall at the full Council meetings consider the reports from the Committees and any other agenda.

Statute XIX: The Senate

1. Subject to the provisions of the Charter, the Senate shall be the academic authority of the University and shall have the control and general direction of research, instruction and examinations and of the award of degrees, diplomas, certificates and other academic qualifications.
2. The membership of Senate shall be in accordance with Section 18(1) of the Charter.
3. Pursuant to the provisions of Section 18(1)(n) of the Charter, the Professors of the University shall be members of Senate and the following shall be in attendance at all meetings of Senate—
 - (a) the Registrars;
 - (b) the Finance Officer;
 - (c) the Chief Medical Officer;
 - (d) the Chief Legal Officer;
 - (e) the Senior Procurement Officer;
 - (f) two persons nominated by the Staff Association representing academic staff;
 - (g) two persons nominated by the Staff Associations representing administrative staff; and
 - (h) two persons nominated by students associations.

4. The Deputy Vice-Chancellor in charge of academics shall be the Secretary to Senate.
5. Persons who are members of Senate by virtue of their office shall cease to be members on the expiry of their term in office.
6. Membership of representatives of the student organizations shall be limited to a period of one year.
7. Membership of representatives of the School Boards shall be limited to a period of three years renewable once.
8. Subject to Section 18(3) of the Charter. the Senate shall have the following powers and duties—
 - (a) to identify, in consultation with the Alumni Association, suitable persons to be appointed as Chancellor of the University;
 - (b) to determine the academic policy of the University and to advise Council on the provision of facilities to carry out that policy;
 - (c) to direct and regulate the teaching and instruction within the University and the examinations held by the University, subject to the powers of Council herein before defined;
 - (d) to recommend to Council for approval of degrees and post graduate diplomas to be conferred by the University;
 - (e) to approve diplomas, certificates and other academic qualifications to be awarded by the University;
 - (f) to recommend to the Council, after report from Boards of Schools or Institutes concerned, regulations for giving effect to these Statutes and regulations relating to programmes of study and examination;
 - (g) to approve programmes of study, regulate admission of persons to the University and determine their continuance or discontinuation in such programmes and condition for qualifying for conferment of degrees, award of various titles, distinction and other awards offered by the university;
 - (h) to consider and approve appointment of internal and external examiners upon request from schools;
 - (i) to consider requests for the establishment of Colleges and Campus Colleges, Divisions, Schools, Institutes, Directorates, Centres, Departments or other units of learning and research in accordance with statute xxiii, xxiv, xxv, xxvi and xxvii and if found suitable may with or without amendments recommend to Council for their establishment;
 - (j) to review, amend, control or disallow any act of any school, institute, department, division, centre or other unit of learning and research and to give appropriate direction to any such body;
 - (k) to recommend, subject to any conditions made by the donors thereof which are accepted by Council, the time, mode and conditions, of competition for fellowship, scholarship, studentship, exhibitions, bursaries, prizes and other aids to study and research and to award the same. Where it is satisfied that on academic or other legitimate grounds it is necessary so to do, Senate may withdraw or direct the withdrawal of any fellowship, scholarship, studentship, exhibition, bursary, prize or other aid to study and research;
 - (l) to prescribe the ceremonial academic dress to be worn by graduands and members of the University;
 - (m) to exercise general responsibility for the resource and services of the University library;
 - (n) to promote and administer the extra-mural, external and extension work of the University;

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- (o) to recommend to Council on all Statutes, regulations or proposed changes thereof;
- (p) to consider and report to Council on any matters referred to it by Council;
- (q) to discuss and declare an opinion on any matters whatsoever relating to the University;
- (r) to require any student to withdraw from the University on academic grounds;
- (s) To formulate rules and regulations for the discipline of the students of the University;
- (t) to exercise all such powers as are or may be conferred on Senate by the Charter, these Statutes and regulations and do such other acts as Council may authorize;
- (u) to prescribe which units of learning or research and which subjects of study shall form part, or be the responsibility of each of the Schools. A Unit of learning or research or a subject of study may, if, Senate so directs, form part or be the responsibility of more than one School; and
- (v) Subject to the Charter and these Statutes and regulations, to establish Committees consisting of such members of Senate and any other persons as it may think fit and may delegate any of its powers or duties to the Chairperson or of its Committees and may also empower such Committees to act jointly with any Committees appointed by Council, Boards of Institutes or Schools.

Statute XX: Meetings of the Senate

1. The Senate shall meet at least once every month and shall hold such other special meetings as the Vice-Chancellor shall determine from time to time or at the written request of not less than one-third of the members of Senate, provided that the written request shall state the purpose of the meeting and such meetings shall be convened within two weeks of the date of the written request.
2. The Vice-Chancellor, or in his or her absence, a Deputy Vice-Chancellor, shall preside at all meetings of Senate at which he or she is present and in the event of the absence of both the Vice-Chancellor and the Deputy Vice-Chancellors the members present and constituting a quorum shall elect a temporary Chairperson from among the members present.
3. At meetings of the Senate a quorum shall be one-half plus one of the membership, except at Special Senate Meetings.
4. Decisions of the Senate shall be by consensus or by a simple majority vote of those present and entitled to vote, provided that the Chairperson shall have a casting vote.
5. The Senate shall meet at Senate Chambers or at such other University premises as the Chairperson shall determine from time to time.
6. In exceptional circumstances, Senate may meet at any other premise upon approval by the Chairperson of Council.

Statute XX1: The Management Board

1. The membership of the University Management Board shall be in accordance with Section 19(1)) of the Charter.
2. The University Management Board shall be responsible for—
 - (a) implementation of the University policies;
 - (b) day to day running of the University;
 - (c) the co-ordination of the University strategic and development plans;
 - (d) the efficient management of the University's human, natural, physical and financial resources;
 - (e) making proposals to Senate and Council on policies that have application across the entire University; and

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

3. The University Management Board shall have such other powers and duties as may be assigned or delegated to it by Council in accordance with these Statutes and the Charter.

Statute XXII: Meetings of the Management Board

1. The University Management Board shall meet at University premises.

2. In exceptional circumstances, the University Management Board may meet at any other premise upon approval by the Chairperson of Council.

3. Unless the Management Board otherwise determines, a meeting of the Board shall be held at least once every month as the Chairperson shall determine from time to time.

4. At all meetings of the Management Board, the quorum shall be the nearest whole number above half the membership of the Board.

5. Decisions of the Management Board shall be by consensus or by a simple majority vote of those present and entitled to vote, provided that the Chairperson shall have a casting vote.

6. The Vice Chancellor, or in his or her absence, a Deputy Vice Chancellor, shall preside at meetings of the Management Board at which he or she is present, and in the absence of both, the Principal and the Deputy Vice Chancellors, the members present shall elect a temporary chairperson from amongst themselves.

7. The Management Board may delegate any of its duties to the Vice Chancellor or to a Committee consisting of such members of the Management Board and any other persons as it may appoint, and it may empower any such Committee or persons to act jointly with any Committee appointed by the Senate.

8. The Vice-Chancellor shall be an *ex officio* member of every Committee of the Management Board but shall not be a Chairperson of any such Committee unless expressly provided.

9. Subject to the provisions of these Statutes, the University Management Board shall determine the procedure of its own meetings or those of any Committees.

Statute XXIII: Establishment of Constituent Colleges, Colleges and Campus Colleges

1. Pursuant to the provisions of Section 5 of the Charter there shall be established Constituent Colleges of the University.

2. Pursuant to the provisions of Section 6 of the Charter, Council may, on the advice of Senate, establish Colleges and Campus Colleges.

3. Subject to the provisions of Section 4(1) of the Charter, Colleges and Campus Colleges shall have the additional functions and powers of—

- (a) promoting responsibility based management at the College or Campus College;
- (b) carrying out teaching and training;
- (c) conducting research, extension and development;
- (d) providing professional services and consultancy;
- (e) promoting the welfare of students and staff within the College or Campus College;
- (f) promoting the corporate image of the University; and
- (g) enhancing quality assurance in student affairs; academic, research and extension; administration and finance; and planning and development.

4. The following criteria shall apply in establishment of a College:

- (a) A College shall comprise Schools with related disciplines which are complementary to each other;

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- (b) A College shall have adequate facilities and sufficient human resource to accommodate all its constituent Schools.

5. The following criteria shall apply in establishment of Campus Colleges:

- (a) A campus college shall comprise at least three Schools;
- (b) it shall have a student population of at least 2,000 students;
- (c) the premises of the Campus college shall be outside the Main Campus; and
- (d) it shall have adequate infrastructural support.

6. The following criteria shall apply in establishment of a Campus—

- (a) at least three schools;
- (b) outside the Main Campus; and
- (c) adequate infrastructural support.

7. The procedure for establishment of a College or Campus College shall be as follows—

- (a) a written request addressed to the Chairperson of Senate shall be made by the School, Committee of Deans, University Management or other members of the University, provided that Senate may on its own motion propose the establishment of a College or Campus College;
- (b) Upon receipt of the request, the Senate shall constitute a Committee made up of the following members to consider the request based on the criteria in paragraphs 3 and 4 as appropriate—
 - (i) a Deputy Vice Chancellor who shall be the Chairperson;
 - (ii) one Professor nominated by the Senate;
 - (iii) the Finance Officer;
 - (iv) the Dean of Students;
 - (v) the Chief Librarian;
 - (vi) two persons nominated by the Committee of Deans; and
 - (vii) such other persons as the Committee may, for good reason, co-opt from time to time;
- (c) The Committee shall present an evaluation report to the Senate for consideration.
- (d) The Senate shall forward its recommendation to the University Management for onward transmission to Council.
- (e) The Council shall consider the report from Senate and give effect.

Statute XXIV: College and Campus College Management Boards

1. There shall be a Management Board for each College and each Campus College whose membership shall be as follows—

- (a) principal, who shall be the Chairperson of the Board;
- (b) the Deans of the Schools within the College or Campus College;
- (c) the Academic Registrars or their representatives; and
- (d) the Finance Officer or his or her representative.

2. The College Management Board shall have the following functions—

- (a) providing overall leadership and management of the College;
- (b) strategic planning and implementation;
- (c) receiving reports and implementing recommendations from the College Academic and Administrative Boards;
- (d) mobilizing resources; and
- (e) establishing collaborations, linkages and partnerships.

Statute XXV: Meetings of College and College Campus Management Boards

1. Unless the College or Campus College Management Board otherwise determines, a meeting of the Board shall be held at least once every month in the Campus or College or any other University premises.
2. In exceptional circumstances, the College or Campus College Management Board may meet at any other premises upon approval by the Vice-Chancellor.
3. At all meetings of the Board, the quorum shall be the nearest whole number above half the membership of the Board except for special College and College Campus Management Boards.
4. Decisions of the Board shall be by consensus or by a simple majority vote of those present and entitled to vote, provided that the Chairperson shall have a casting vote.
5. The Principal shall preside at meetings of the Board at which he or she is present and in the absence the Principal, the members present shall elect a temporary Chairperson from among themselves.
6. The Board may delegate any of its duties to the Principal or to a Committee consisting of such members of the Board and any other persons as it may appoint and it may empower any such Committee to act jointly with any Committee appointed by the Senate.
7. The Principal shall be an *ex officio* member of every Committee of the Board but shall not be a Chairperson of any such Committee unless expressly provided.
8. Subject to the provisions of these Statutes, the Board shall determine the procedure of its own meetings or those of any Committees.

Statute XXVI: College and College Campus Academic Board

- I. There shall be College and College Campus Academic Boards whose membership shall be as follows—
 - (a) the Principal, who shall be the Chairperson;
 - (b) the Deans and Heads of academic Departments;
 - (c) the Academic Registrar or a representative;
 - (d) the Dean of Students or a representative;
 - (e) the Chief Librarian or a representative;
 - (f) the Finance Officer or a representative; and
 - (g) one student representative nominated by the Students Association of the College.
2. The College Academic Board shall have the following functions—
 - (a) overseeing development and review of academic programmes;
 - (b) overseeing implementation of academic programmes and activities;
 - (c) considering and approving matters related to examinations;
 - (d) ensuring compliance with the academic rules and regulations of the University;
 - (e) implementing the decisions of the College Management Board; and
 - (f) sourcing, receiving and awarding scholarships, grants, and fellowships in accordance with the University policy on award of scholarships, grants and fellowships.

Statute XXVII: College and Campus College Administrative Board

- I. There shall be College and Campus College Administrative Boards whose membership shall be as follows—
 - (a) the Principal, who shall be the Chairperson;

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- (b) the Administrative Registrar or a representative;
- (c) the Academic Registrar or a representative;
- (d) the Deans of Schools;
- (e) the Finance Officer or a representative;
- (f) all Heads of non-teaching Departments;
- (g) the Dean of Students or a representative; and
- (h) the University Librarian or a representative.

2. The College Administrative Board shall have the following functions—

- (a) Implementing administrative policies, operations and activities of the University;
- (b) Considering and recommending budget proposals of the College;
- (c) Overseeing all matters relating to human resource;
- (d) Implementing decisions of the College Management Board; and
- (e) Ensuring compliance with administrative rules and regulations of the University and the law.

Statute XXVIII: Schools, Institutes and Directorates

1. The Council shall have power, on the recommendation of the Senate from time to time to establish Schools, Institutes, Directorates and Centres and the constituent elements thereof.

2. In establishing Schools Senate shall consider the following—

- (a) The academic and societal needs for training, research and extension services; and
- (b) The availability of adequate infrastructural support.

3. The following procedure shall apply in establishment of a School, Institute, Directorate and Centre—

- (a) A written request addressed to the Chairperson of Senate shall be made by the Schools, Committee of Deans, Management or other members of the University, provided that the Senate may on its own motion propose the establishment of a School;
- (b) Upon receipt of the request, the Senate shall constitute a Committee made up of the following members to consider the request based on the criteria in paragraph 2—
 - (i) a Deputy Vice Chancellor who shall be the Chairperson;
 - (ii) one Professor nominated by the Senate;
 - (iii) the Finance Officer;
 - (iv) the Dean of Students;
 - (v) the Chief Librarian;
 - (vi) two persons nominated by the Committee of Deans; and
 - (vii) such other persons as the Committee may, for good reason, co-opt from time to time;
- (c) The Committee shall present an evaluation report to the Senate for consideration;
- (d) The Senate shall forward its recommendation to Management for onward transmission to Council;
- (e) The Council shall consider the report from Senate.

4. The University Management Board shall establish such Directorates to carry out such functions as the Management may determine from time to time.

5. There shall be a Dean of each School and a Director of each Institute, Directorate or Centre who shall be the Chairperson of the Board of the School, Institute, Directorate or Centre.

6. Where the Dean or Director is unable to be present at a meeting of such Board, the Board shall elect a Chairperson from among its members present.

7. Schools, Institutes, Campuses, Directorates or Centres shall make recommendations to Senate with regard to Departments which shall be associated with the particular School, Institute, Campus, Directorate and Centre provided that members from associated departments shall have no voting rights in the meetings of such Boards.

8. There shall be a Board of each School, Institute, Campus, Directorate or Centre with the following functions as appropriate-

- (a) advising and reporting to the Senate on all matters relating to the origination of teaching and research including curricula and examination;
- (b) considering the progress and conduct of students in the School or Institute and to report to Senate thereof;
- (c) to recommend to the Senate persons to be appointed as internal and external examiners;
- (d) to consult with the Boards of the other schools or institutes on Senate matters;
- (e) to deal with any matters which may from time to time be referred to it by the Senate;
- (f) to consider and make recommendations to Senate on any matters relating to the School, Institute, Directorate or Centre; and
- (g) to carry out any other function which may be given to or imposed on it by regulations.

9. Subject to the Charter and these Statutes, the Board of each School, Institute, Campus, Directorate or Centre may establish Committees to advise and report on such matters as may be determined by the Board and may delegate to such Committees any of its functions provided that-

- (a) any such Committee may include members of the academic staff of associated Departments;
- (b) any Committee established in pursuance of this section may be so composed and constituted as to be a joint Committee of two or more Schools, Institutes, Campuses, Directorates or Centres;
- (c) the Deans or Directors of the Boards which establish Committees under this section, shall be *ex officio* members of such Committee;

10. The Board of each School, Institute, Directorates or Centre shall meet once every month and shall have such other meetings as shall be determined by the Chairperson from time to time.

11. The quorum of the Boards of Schools, Institutes, Campuses, Directorates or Centres shall be one-half plus one of the membership of that particular Board except for S

12. The membership of the Boards of each School, Institute or Centre shall be as follows—

- (a) the Dean or Director who shall be the Chairperson;
- (b) the Chairpersons of Departments in the School, Institute, Directorate or Centre;
- (c) the representatives of the Associate Departments;
- (d) the Lecturers in the School, Institute, Directorate or Centre;
- (e) not more than two students from among the students in the School nominated by the students of the School or Institute;
- (f) such members of the academic staff as may be prescribed in the regulations;

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- (g) the Vice-Chancellor and the Deputy Vice Chancellors in charge of academic affairs shall be *ex officio* members of the Board of Schools or Institutes; and
- (h) the Registrar responsible for academic affairs shall provide secretarial services to the Boards.

13. Each Board of a School, Institute, Directorate or Centre may at its own discretion, invite other persons to attend any of its meetings in an advisory capacity.

Statute XXIX: Departments

I. Each School or Institute shall consist of such Departments as Council may determine from time to time.

2. In establishing a Department the School Board shall consider the following—

- (a) the academic and societal needs for training and research; and
- (b) the availability of basic infrastructural support.

3. The following procedure shall apply in establishment of a Department—

- (a) a written request addressed to the Chairperson of the School or Institute;
- (b) the Board shall be made by a member of the School or Institute Board;
- (c) Upon receipt of the request, the School/Institute Board shall constitute a
- (d) A Committee made up of the following members—
 - (i) the Dean or Director who shall be the Chairperson;
 - (ii) one Professor nominated by the School or Institute Board;
 - (iii) the Chief Librarian;
 - (iv) the Finance Officer;
 - (v) the Dean of Students;
 - (vi) two persons nominated by the School or Institute Board;
 - (vii) such other persons as the Committee may, for good reason, co-opt from time to time.

4. The Committee shall present an evaluation report to the Board for consideration.

5. The Board shall forward its recommendation to the Senate which shall consider the proposal and make recommendations to the Council, and the Council shall consider the report from Senate.

6. Each Department shall have a Head who shall be appointed by the Vice-Chancellor in consultation with the appropriate Dean or Director.

7. The Deans or Directors shall nominate three persons from each Department, one of them who shall be considered for appointment as Head of Department.

8. To be eligible for appointment as a Head of Department, a person shall be required to be at least a Senior Lecturer, provided that the Vice-Chancellor may, in consultation with the Dean or Director of the School, Institute or Centre appoint a Lecturer to be a Head of Department.

9. A Head of Department shall serve for a period of three years renewable subject to satisfactory performance for a further period of three years.

10. The Terms of Service, of Heads of Department shall be determined by the Council from time to time.

II. A constituent part of one School or Institute may in relation to other Schools or Institutes in which such a Department has teaching or other commitments be regarded as being associated with such School or Institute.

12. Each Department shall be regarded, for administrative purposes, as being a constituent part of one School or Institute, but may in relation to other Schools or Institutes in which

such a Department has teaching or other commitments be regarded as being associated with such Schools or Institutes.

13. There shall be Departmental Board meetings called by the Head of Department at least once a month. Such meetings shall be constituted by all members of the academic staff of each Department.

14. The Head of Department shall be the Chairperson of the Departmental Board.

15. The Departmental Board shall have the following functions—

- (a) advising and reporting to the School or Institute Board on all matters relating to the origination of teaching and research including curricula and examinations;
- (b) considering the progress and conduct of students in the Department and to report to the School or Institute Board thereon;
- (c) recommending to the School or Institute Board persons to be appointed as Internal and External Examiners;
- (d) forming Committees for short listing of persons to be promoted or recruited as academic and technical staff of the Department;
- (e) dealing with any matters which may from time to time be referred to it by the Senate, School or Institute;
- (f) considering and making recommendations to the School or Institute Board on any matters relating to the School or Institute; and
- (g) carrying out any other functions which may be given, to or imposed on it by regulations.

16. The quorum of the Departmental Board shall be one-half plus one of the membership of that particular Board.

17. A Departmental Board shall consist of the following membership—

- (a) the Head of the Department;
- (b) all academic staff of the Department;
- (c) where relevant, at least one representative of the technical staff in the
- (d) department;
- (e) two students in the Department elected annually by the students from amongst themselves, provided that the students so elected shall not be entitled to attend for deliberations on matters considered by the Head to be confidential; and
- (f) the Vice-Chancellor, the Deputy Vice-Chancellors and the appropriate Dean who shall be *ex officio* members.

18. The Head of the Department, after consultation with members of the Departmental Board, may from time to time, invite other persons to attend Departmental Board meetings.

Statute XXX: Student Matters

1. Subject to the Charter and these Statutes, all matters affecting the education, welfare and discipline of students shall be governed by the Rules and Regulations approved by Council from time to time.

2. Without prejudice to the generality of paragraph (1) of this Statute, Rules and Regulations shall govern the following—

- (a) There shall be two students' organizations of the University, one for undergraduate and diploma and certificate students and the other for graduate students.
- (b) All students of the University shall belong to the relevant students' organization.

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- (c) The functions of the students' organization shall be as provided in Section 21(2) of the Charter.
- (d) The method of election of officers of the students' organization, and subject to Section 3(b) below, the constitution, powers and functions of the students' organization shall be prescribed in the regulations.
- (e) The regulations may authorize the students' organization to provide or assist in the provision of services for the general welfare of the student body.
- (f) The regulations may provide for the formation of clubs and societies for the general welfare of the students body.
- (a) In any case where a student is a member of, or is admitted to any meeting of Council, Senate or any other body established in accordance with the Charter and these Statutes (other than the students' organization or a joint Committee established in accordance with Section 5 of this Statute) the student shall withdraw from the meeting when it is declared by the Chairperson of the meeting that they are about to discuss reserved areas of business which shall not at any time be made available to the Student.
- (b) Papers for consideration at any such meeting as aforesaid and minutes and other records any of which relate to reserved areas of business, shall not at any time be made available to the student.
- (c) Reserved areas of business include matters affecting the appointments, promotion, discipline and other personal affairs of members of the academic and other staff of the University and matters affecting admission and academic assessment of a student whether in general or in any particular case.

4. Subject to section 3, the Chairperson of the meeting may decide in any case of doubt whether a matter is a reserved area of business or not and his or her decision shall be final.

- (a) There shall be a Disciplinary Committee of Senate consisting of the following persons, who shall serve for such period as shall be prescribed in the regulations—
 - (i) the Deputy Vice Chancellor for the time being in charge of Students' Affairs – Chairperson;
 - (ii) the Registrar for the time being in charge of Student affairs who shall be the Secretary;
 - (iii) three members of the academic staff approved by the Senate;
 - (iv) two students nominated by the Students Organization;
- (b) The Dean of Students and the Chief Legal Officer shall attend at all meetings of the Disciplinary Committee;
- (c) In the event of the absence of the Deputy Vice-Chancellor, the Vice-Chancellor shall appoint a senior member of academic staff as a temporary Chairperson;
- (d) The Disciplinary Committee shall have such powers in relation to matters of student's discipline as shall be prescribed in the regulations;
- (e) Subject to the regulations, a student may, within a period which shall be specified in the regulations, appeal to the Vice-Chancellor against the decision of the Disciplinary Committee, and to the Chairperson of Council against the decision of the Vice Chancellor;
- (f) On receipt of an appeal by a student, the Vice-Chancellor or the Chairperson of Council, as the case may be, shall cause to be convened a meeting of the Appeals Board in accordance with the regulations. The decision of the Appeals Board shall be final;
- (g) On reference to the Disciplinary Committee, a student shall have the right to receive adequate notice of the charges made against him or her, to have

- access to any documents introduced in evidence, to be represented by a person of his or her choice, to be heard in person, to call witnesses and to examine witnesses called against him or her;
- (h) Hearings and appeals shall not be held in public and the Disciplinary Committee and the Appeals Board shall each have the right to summon and examine any member of the University and to invite and examine any other person;
 - (i) Decisions of the Disciplinary Committee of the Appeals Board and of Senate shall be by consensus or by simple majority of the members present, with the Chairperson having a casting as well as a deliberative vote and, subject to the provisions of this Statute, all matters relating to the procedure of the Disciplinary Committee and of the Appeals Board shall be prescribed in the regulations;
 - (j) Subject to these Statutes, regulations may prescribe penalties which may be imposed on students who are subject to disciplinary action, and conditions under which such penalties shall be imposed and the procedure for their enforcement;
 - (k) Without prejudice to the rights of the student specified in paragraph (g) above, the Vice Chancellor may suspend any student from any class or classes and exclude any student from the whole or any part of the University or its precincts for such a period as he may think fit, and thereafter shall cause to be convened a special meeting of the Disciplinary Committee within fourteen days of the date of such suspension or exclusion;
 - (l) The decision of the Disciplinary Committee shall be communicated to the Vice Chancellor;
 - (m) Subject to the rights of the students specified in the foregoing sub-Sections, the Disciplinary Committee may amend, ratify or revoke the suspension or exclusion of the student, and where a student who has been suspended or excluded is found to have been guilty of grave misconduct, the Committee shall inform the Senate, through the Vice Chancellor, of the expulsion of the student from the University;
 - (n) The appeal procedure shall be as stipulated in the Rules and Regulations on Conduct of Students.

Statute XXXI: Staff Matters

1. All members of staff of the University shall be subject to the general authority of Council and of the Vice Chancellor.
2. All members of staff shall serve on such Terms and Conditions of Service as shall be determined by Council in consultation with staff associations or unions from time to time and as indicated in the Letter of Appointment.
3. Members of staff of the University shall be appointed by the Council on the recommendation of an Appointments Committee of Council and on such terms and conditions as shall be made known to the member of staff at the time of the appointment.
4. Disciplinary procedures shall be included in the Terms and Conditions of Service approved by Council and shall include among others the following condition.
5. Subject to the Charter, these Statutes, the Regulations and any written law, no person shall be removed from employment under this Statute unless he or she is first given adequate notice of any charge made against him or her and access to any documents introduced in evidence against him or her and a reasonable opportunity to—
 - (a) be heard in person;
 - (b) be represented by a person of his or her choice;
 - (c) call witnesses; and

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- (d) examine witnesses called against him or her.

6. The provisions of Statute XVII (19) shall apply.

7. Subject to the Charter, these Statutes and Regulations and any other written law, the Council may declare a person removed from office or employment, for good cause, in pursuance of this Statute to be unfit to continue to hold office or employment in the University and any such person shall not be eligible for further nomination, election or appointment to any office, employment or place in the University, including any office *ex officio*, unless the said declaration shall be rescinded.

8. The expression "good cause" when used in reference to removal from office, membership or employment means—

- (a) conviction for felony, misdemeanor or any other offence which the Council deems to be such as to render the member of staff concerned unfit to continue to hold office;
- (b) gross negligence of duty, professional misconduct or proven incompetence;
- (c) insubordination or any other misconduct which the Council shall consider scandalous or disgraceful, thus rendering the member of staff unfit to continue holding office in the University.

9. There shall be two staff Disciplinary Committees as follows—

- (a) A Committee chaired by the Deputy Vice-Chancellor for the time being responsible for Administration which shall handle disciplinary matters for staff in grades 1 to 10.
- (b) A Committee of the Council which shall handle disciplinary matters of staff in grades 11 to 18.
- (c) The committees under this section shall handle the disciplinary cases of members of staff as appropriate in accordance with the Terms and Conditions of Service and the provisions of any law related to employment.

10. Subject to the provisions of any law related to employment matters, a member of staff may appeal against a decision of the Disciplinary Committee as follows—

- (a) Staff in grades 11 to 18, to the Council; and
- (b) Staff in grades 1 to 10, to the Vice-Chancellor and thereafter to the Council.

11. Staff of the University shall retire from employment as follows—

- (a) For Academic staff, on the thirtieth day of June next after the date on which the member of staff attains the age of seventy (70) years or such other age as may be determined by Council from time to time;
- (b) For Administrative Staff in grades 11 to 15 on the thirtieth of June next after the date on which the member of staff attains the age of sixty-five (65) years; and
- (c) For all other staff in grades 1 to 10 on the thirtieth day of June next after the date on which the member of staff attains the age of sixty (60) years or such other age as may be determined by Council from time to time.

12. The retirement age for those who shall join the University after the gazettment of these Statutes shall be sixty years for Administrative staff and 70 years for Academic Staff or as shall be directed by the Government from time to time, but the Council shall have powers to employ and retain staff on contract basis from time to time as need arises.

13. Members of staff may, upon retirement, be considered for appointment on Terms and Conditions of Service to be determined by Council from time to time.

15. A member of staff may resign his or her appointment in such manner and on giving such notice as may be prescribed in the Regulations or in the Terms and Conditions of employment under which such member of staff is engaged.

Statute XXXII: Alumni Association

1. Pursuant to Section 22 of the Charter, there shall be an Alumni Association of the University which shall consist of graduates of the University and the following other members—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals;
- (f) professors;
- (g) present and past academic staff of the University;
- (h) associated members as provided in the Alumni Association Constitution; and
- (i) special Members as provided in the Alumni Association Constitution.

2. The objectives of the Alumni Association shall be to promote the reputation and wellbeing of the University, including fund raising for the development of the University.

3. Subject to the provisions of the Act and the Charter, the Alumni Association shall have the powers to—

- (a) to discuss and state its opinion on any matters within the sphere of competence of the University; and
- (b) to participate in the process of appointment of the Chancellor of the University in accordance with the provisions of the Act, the Charter and these Statutes.

4. A copy of all resolutions of the Alumni Association and a statement of such other matters as the Alumni Association may from time to time decide shall be duly certified by the Chairperson and sent to the Chairperson of Senate and Chairperson of Council for information.

Statute XXXIII: Examinations

1. University examinations shall be conducted under the general control of the Senate in accordance with Examination Rules and Regulations.

2. There shall be Regular, Special and Supplementary examinations as provided by the Regulations.

3. Examinations shall be held under such conditions as Senate may prescribe in the Regulations.

4. There shall be a Departmental Board of Examiners chaired by the Head of Department.

5. The functions of the Board of Examiners shall be to receive and process examination results and to recommend these to the School Board of Examiners for consideration.

6. There shall be a School Board of examiners chaired by the Dean, which shall receive and process examination results and recommend them to Senate.

7. There shall be External Examiners of the University appointed by Senate as provided by the regulations.

8. External Examiners shall be appointed from outside the University and its Constituent Colleges for a maximum period of four (4) years, which may be extended for a period of one year as circumstances may determine and on such terms as Senate may from time to time determine.

9. An External Examiner who has served the maximum period of four years may be considered for re-appointment after the expiry of a period of four years from the lapse of the his appointment.

10. Examinations shall be set, moderated and examined as provided in the Regulations.

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11. A candidate for a University examination shall pay in respect of such examination fees as the Council on the recommendation of Senate shall prescribe.

12. There shall be an Examination Irregularities Committee of the Senate as provided in the Regulations and which shall handle cases of examination irregularities.

13. There shall be an Examinations Irregularities Appeals Board of the Senate as provided in the regulations and which shall handle appeals arising from the decisions of the Examinations Irregularities Committee.

14. The Regulations shall provide the procedure for handling an examination irregularity.

Statute XXXIV: Designation of Degrees, Diplomas and Certificates

6. Subject to the Act, the Charter and these Statutes, the following degrees in various disciplines may be conferred—

- (a) Bachelors degrees;
- (b) Masters degrees;
- (c) Doctorate degrees; and
- (d) I lonorary Doctorate degrees.

7. Subject to the Act, the Charter and these Statutes, the university may award Diplomas, and Certificates in various disciplines.

8. Every degree certificate shall incorporate a brief description of the subject in which the award is made.

Statute XXXV: Conferment of Degrees and Award of Diplomas and Certificates

1. Bachelors Degrees

- (a) A candidate may be conferred with a Bachelors degree provided —
 - (i) he or she undertakes an approved programme of study in the University as provided in the Regulations;
 - (ii) he or she undertakes an approved programme of study at a recognized Institution and His or her period of attendance as a student at such University or Institution and at the University are together not less than the complete period prescribed for the award of the degree and as provided in the Regulations;
 - (iii) he or she passes the prescribed examinations and such other examinations of the University as the Senate may determine;
 - (iv) he or she pays such fees to the University as may be determined by Council from time to time; and
 - (v) he or she complies in other respects with the requirements for the degree.
- (b) The Senate may accept, as part of the attendance of a student of the University qualifying him or her for the award of the Bachelor's degree, periods of attendance as a student at another University or Institution recognized by the Senate for this purpose; and the Senate may accept certificates of proficiency in any subject issued by an accredited University or Institution as aforesaid exempting the student from the examination of the University in a course in such subject.

2. Postgraduate Diplomas

Subject to the Charter, these. Statutes and Regulations, the Senate shall on the recommendation of Schools and Institutes award Postgraduat Diplomas.

3. Masters Degrees

(1) A candidate maybe conferred with a Masters degree in any School or Institute, provided that he is registered for the degree as a student of the University as specified in

the Regulations, pursues such advanced study or research or both as may be approved by Senate.

(2) A candidate for a masters degree shall perform such other work and comply with such other conditions as may be presented, after satisfying the requirements for the award of the Masters degree in the School or Institute concerned or after admission to the status of that degree or admission as a research student in accordance with this Statute and the Regulations on admissions.

4. Doctorate Degrees

(1) A candidate shall be conferred with a Doctorate degree in a School or Institute of the university provided that he or she has been registered for the degree as a student of the University as specified in the Regulations for Admission and has pursued such advanced study or research or both as may be approved by Senate.

(2) Such a candidate for a doctorate degree shall perform such other work and comply with such other conditions as may be presented, after satisfying the requirements for the conferment of the Doctorate degree in the School or Institute concerned or after admission to the status of that degree or admission as a research student in accordance with this Statute and the Regulations on admissions.

5. Honorary Degrees

(1) Subject to the Act, the Charter, these Statutes and the relevant guidelines, the University may confer Honorary degrees.

(2) A proposal to grant an Honorary degree may be made by a member of the Council, a member of the Senate or a member of academic staff or the Alumni and shall be communicated in writing to the Vice Chancellor.

(3) Every proposal under subparagraph (2) shall be accompanied by a statement setting forth the degree recommended and the detailed grounds on which the recommendation is based.

(4) There shall be a Committee for Honorary degrees consisting of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellor in charge of academics; and
- (c) three members of the Senate.

(5) In each case set out above, the Dean of the School in which the degree is proposed to be conferred shall be consulted. The proposal for conferment of an Honorary degree shall be considered by Senate and shall be approved by Council.

(6) An honorary degree shall be conferred by the Chancellor presiding at the Congregation at which it is being conferred and where the recipient is the presiding Chancellor, by the Vice-Chancellor.

6. Diplomas and Certificates

Subject to the Charter, these Statutes and the Regulations, the Senate shall on the recommendation of Schools, Directorates, Institutes and Centres award—

- (a) diplomas;
- (b) certificates; and
- (c) other awards.

Statute XXXVI: Congregation for the Conferment of Degrees and Award of Diplomas

1. For purposes of conferring degrees and awarding diplomas and certificates of the University, there shall be held from time to time a meeting of the University which shall be called a Congregation convened in accordance with the provisions of the Act and the Charter.

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2. Subject to the provisions of the Act and the Charter, the Congregation shall be constituted of the Members of the University. The Congregation shall be presided over by the Chancellor, or in his absence the Vice-Chancellor or some other person nominated in writing by the Vice-Chancellor.

3. The procedure of convening a Congregation, for the presentation of graduands and for the conferment of degrees and all other matters relating to the Congregation, shall be as may be determined by Senate and approved by the Council from time to time.

The Vice-Chancellor shall declare a Congregation of the University a meeting convened for the purpose of conferment of degrees and awarding diplomas and certificates and shall pronounce such Congregation dissolved at the end of the Ceremony.

Statute XXXVII: Processing and Signing of Certificates

1. Certificates awarded in respect of degrees, diplomas and certificate programmes shall be approved by Senate.

2. Certificates awarded in respect of programmes lasting less than one year shall be approved by the College, Institute or School Boards.

3. The format and features to appear on the certificate shall be determined by Senate and approved by Council as is necessary from time to time.

4. (1) Degree and diploma certificates shall be signed by the Vice-Chancellor and the Deputy Vice Chancellor in charge of Academics;

(2) Certificates for certificate programmes shall be signed by the Deputy Vice-Chancellor in charge of Academics and the Dean of the respective School.

(3) Certificates for certificate programmes lasting less than one year shall be signed by the Dean of the School and the respective Head of Department.

4. All Certificates shall be printed in accordance with prescribed public procurement procedures.

Statute XXXVIII: Cancellation of Degrees, Diplomas and Certificates

1. Subject to the provisions of Section 7(2) of the Act and upon recommendation by Senate, the Council may cancel a degree, diploma, certificate or any other award of the University.

2. A degree, diploma, certificate or other award of the University may be cancelled only for the following reasons—

- (a) Where evidence of falsification of academic documents for entry into the University to pursue the programme for which the certificate was issued is discovered after one has graduated from the University.
- (b) Where a graduate or one purporting to be a graduate of the University is found guilty of falsifying transcripts or the certificate.
- (c) Where a graduate is involved in some fraud or misconduct likely to bring the image of the University into disrepute.
- (d) Where a graduate is involved in plagiarism or any other form of academic dishonesty.

3. Upon receipt of a report of a falsified certificate or academic transcript, the Registrar Academics, shall make a proposal to the Vice-Chancellor through Deputy Vice-Chancellor in charge of Academic for tabling in the Senate requesting for cancellation of the degree, diploma, certificate or award by citing any of the reasons in paragraph 2 of this Statute.

4. A proposal for cancellation of the degree, diploma, certificate or award may be made by any member of the University citing any of the reasons in paragraph 2 of this Statute.

5. Before cancellation of a degree, diploma, certificate or any other award of the University, the Senate shall constitute a Committee to consider the proposed cancellation.

5. The Committee of the Senate referred to in paragraph 5 of this Statute shall be chaired by the Deputy Vice Chancellor in charge of academics and composed of the following members—

- (a) the Registrar (A, R & E)
- (b) the Director of Quality Assurance;
- (c) the relevant Dean;
- (d) the relevant Head of Department;
- (e) two persons nominated by Senate;
- (f) the Dean of Students; and
- (g) one person nominated by the Alumni Association

6. A person found to have committed an offence of falsifying a certificate or transcripts of the University shall not only have the certificate cancelled, but the University shall also prefer charges of forgery against him or her in a court of law and expel the person if he or she has not completed studies.

Statute XXXIX: Financial Provisions

1. All the funds, movable and immovable assets and property of the University shall be managed and utilized by the Council in accordance with the Act, the Charter, these Statutes, Financial Regulations, and any other written law, in such manner and for such purposes as, in the opinion of the Council, shall promote the best interest of the University.

2. Pursuant to Section 3(2) of the Charter, the Council may borrow moneys for such purposes from such sources and under such arrangements as may be approved by a resolution of Council from time to time in accordance with the procedures laid down by the Government of Kenya.

3. Pursuant to section 44(3) of the Universities Act, the University may, subject to any other written law, regulation and guidelines, appeal to the general public for subscriptions, donations or bequests for the benefit of the University.

4. The University may incur expenditure in accordance with budgets approved by Council, and any approved expenditure under any vote head of the budget may not be exceeded without the prior approval of the Council.

5. There shall be an Endowment Fund which shall be administered in accordance with the Endowment Fund Policy of the University.

6. All the moneys of the University shall be paid into any other of the following accounts—

- (a) the Special Account;
- (b) the Capital Account;
- (c) the Revenue Account;
- (d) the Operational Account (payment);
- (e) the Research Account;
- (f) the Project Account; and
- (g) such other account as Council may determine from time to time.

7. The Endowment Fund Account

There shall be paid into the Endowment Account all such moneys as are received by the University and as are declared specifically to be payable into the Fund.

8. The Special Account

(1) There shall be paid into the Special Account all such moneys as are received by the University for special purposes and as are not payable into the Endowment Fund Account.

(2) The moneys and the interest thereon from the Special Account shall be used and applied for the special purposes for which such moneys were established.

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(3) Revenue generated by any Unit of the University shall be paid into the Special Account and shall be used for the furtherance of the interests of the Unit for which it was generated.

(4) The Unit funds shall be accounted for in the same manner as all other university funds.

9. The Capital Account

(1) There shall be paid into the Capital Account all such moneys as are received by the University for the purpose of capital expenditure for Construction, development and infrastructure of the of the the Iniversity.

(2) The capital money and the interest thereon from the Capital Account shall be used and applied on capital expenditure for the construction, development and infrastructure of the University.

10. The Revenue Account

(1) There shall be paid into the Revenue Account—

- (a) All fees, dues and other amounts payable by or in respect of students;
- (b) Revenue grants by the Kenya Government or by any other Government or person;

(2) The money outstanding to the credit of the Revenue Account shall be transferred to operational account for disbursement.

11. Operational Account

(1) There shall be paid into the Operational Account all transfers from revenue account and/or other accounts.

(2) The monies so transferred shall be used for the general operation of the University as per Council's approved budget or as specified.

12. The Research Account

There shall be paid into Research Account all such moneys as are received for research activities. Balance of such funds shall not be surrendered at the end of the financial year but shall be carried forward to the next financial year. Money allocated for research shall be used fOr research activities only.

13. Project Account

(1) All monies received for specific projects shall be deposited in the Project Account and spent as per the projects stated budgets, and the balance of such funds shall not be surrendered at the end of the financial year but shall be carried forward to the next financial year, and money allocated for projects shall be expended on projects only.

(2) The University Management Board shall determine the monies that may not be immediately required for any application or use and may approve the investment in securities or place on deposits with such bank as may be determined in accordance with section 49(2) of the Act.

(3) The University Management Board may upon maturity of securities or other urgent need retire monies invested in securities or placed on deposits to finance University operations.

14. The Council shall cause the preparation and submission of annual estimates of the revenue and expenditure (both recurrent and capital) of the University to the Cabinet Secretary for the time being in charge of Higher Education for approval in such form and at such times as the Cabinet Secretary shall from time to time prescribe, in accordance with the provision of Section 44(1) of the Act.

15. The University may incur expenditure for purposes of the institution in accordance with estimates approved by Council, and any approved expenditure under any sub head of the estimates may not be exceeded without approval of the Council.

16. In accordance with Section 47(1) of the Act, the Council shall cause to be kept all proper books and records of accounts of the income, expenditure and the assets of the University.

17. Within three months from the end of each financial year, the University shall submit to the Kenya National Audit Office the accounts of the University together with—

- (a) a statement of income and expenditure of the University during the financial year; and
- (b) a balance sheet of the University on the last day of the year.

18. The accounts of the University shall be audited and reported in accordance with the provisions of the Public Audit Act (Cap. 412B).

19. In accordance with Section 50, of the Act, the financial year of the University shall be the period of twelve months commencing on the 1st July and ending on 30th June in each year.

Statutes XXXX: Budgeting and Expenditure

1. The preparation of budgets of all Units shall start in July of each year and shall be submitted to the budget sub-committee, in September next following for consideration and consolidation into the master budget.

2. The preparation of the University master budget shall begin in October and shall be completed by November of each financial year.

3. The Management Board shall consider and forward the budget to the Council by the end of December of each year for consideration before being forwarded to the Ministry.

4. The approval of the Council shall be communicated in July.

5. The approved funds for various Colleges, Campus Colleges, Campuses and other Units shall be disbursed for the execution on approved expenditure.

Statute XXXXI: General Provisions

1. Appointment of Committees

(1) The Council, Senate, Management Board and the Boards of the College, Campus College, Schools, Directorates, Institutes, Centres or Departments may respectively appoint such standing, special or *ad-hoc* Committees as they may deem fit, and any such Committee may include students and persons who are not members of the body appointing the Committee, and the powers and duties of any Committee shall be such as the body appointing it may from time to time direct and shall include the powers to appoint sub-Committees as it deems fit.

(2) The body appointing a Committee may make rules of procedure for the Committee.

(3) Every Committee shall meet within University premises, however in exceptional circumstances; the Committee may meet at any other premises upon approval by the Vice-Chancellor. Such Committees may determine their own procedures and time of meetings.

2. Proceedings

(a) The Council, Senate, Management Board and Boards of Colleges, Schools, Institutes, Departments, Campuses, Directorates or Centres respectively may from time to time make regulations for governing their respective proceedings subject to the provisions of the Charter, these Statutes and Regulations.

(b) Unless otherwise provided by the Charter, these Statutes or the Regulations, when any matter or question is put to a vote, it shall be determined by consensus or a simple majority vote of those present and voting, and in case of equality of votes, the Chairperson or other presiding Officer shall have a casting vote.

3. Powers of Delegation

(1) Subject to the provisions of the Charter, these Statutes and the Regulations, the Council, Senate, Management Board and Boards of Colleges, Schools, Institutes,

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Departments, Campuses, Directorates or Centres may, subject to such conditions as they may deem fit to, impose or delegate any of the powers or duties conferred under the Charter, these Statutes or the Regulations to their respective appointees.

(2) Subject to the Charter, these Statutes and the Regulations, any delegation of powers shall be revocable at will and shall not preclude the person or body making the delegation from exercising any of the powers or duties conferred or imposed under the Charter, these Statutes or the Regulations.

(3) Council shall not delegate its powers to alter, amend, add to or revoke any of the provisions of these Statutes and the Regulations.

4. Contracts

Contracts on behalf of the University may, in addition to any other manner effectual in law, be made as follows—

- (a) A contract which if made between private persons would be by law required to be in writing and to be under Seal, may be made on behalf of the University in writing under its Common Seal;
- (b) A contract which if made between private persons would by law be required to be in writing and signed by the parties to be charged therewith may be made on behalf of the University in writing and signed by any person acting under the express authority of the Council;
- (c) A contract which if made between private persons would by law be valid although made orally and not reduced into writing may be made either in writing or orally on behalf of the University by any person acting under the express or implied authority of Council; and
- (d) A contract made according to subparagraph (c) may in addition to any other manner effectual at law be varied or discharged in the same manner in which it is authorized to be made.

5. Disclosure of interest

(1) A member of the University, as provided in Section 9 of the Charter shall not take or hold any interest in any property belonging to the University other than as a Trustee for the purpose thereof.

(2) Where a member is directly or indirectly interested in any contract or other matter before the University Council or a committee thereof and is present at a meeting at which the contract or other matter is the subject of consideration, the person shall, at the meeting and as soon as reasonably practicable after the commencement, disclose the interest, and shall not take part in the consideration or discussion of, or vote on any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(3) The Ethics and Anti-corruption Act, (Cap 7H) the Public Officer Ethics Act (Cap. 185B), the Universities Act (Cap. 210), the Public Procurement and Disposal Act (Repealed) and Regulations 2006, and other relevant laws hereto as shall be amended from time to time shall apply herein

6. Service of Notices and Documents

(1) Except where otherwise expressly provided by the Charter, any notice or document required by or for the purpose of the Charter, these Statutes, or the Regulations to be given or sent to any person may be given or sent either personally or by sending it by email, University website, facsimile or by post to his or her at his or her last known postal address.

(2) Where a notice or other documents is sent by post, service thereof shall be deemed to have been properly effected by correctly addressing and posting a letter containing the notice or other documents, and at the expiration of seven days after the letter is put in the registered post.

(3) Where a notice or other document is sent by email or fax, or posted on the University website service thereof shall be deemed to have been properly effected upon expiry of seven days following the date of dispatch.

(4) The omission to give notice to or send a document to any person entitled to receive the same shall invalidate the proceedings consequent upon such notice or document.

Statute XXXXII: Amendment and Review of Statutes

1. These Statutes may be amended or reviewed by Council from time to time.
2. The amendment or review of these Statutes shall be in accordance with the provisions of Section 26(3) of the Charter.

Statute XXXXIII: Publication of Statutes in the Gazette

Subject to the provisions of Section 23(2) of the Act, these Statutes and any subsequent amendments or review thereto shall be published in the *Gazette*.

THE CHARTER FOR KENYATTA UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

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THE CHARTER FOR KENYATTA UNIVERSITY

[Legal Notice 231 of 2013]

PREAMBLE

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

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

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

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

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

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by Section 19 of the Universities Act (Cap. 210), I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Kenyatta University.

PART I – PRELIMINARY**1. Short title.**

This Charter shall be cited as the Kenyatta University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise:

"Academic Programmes" means academic programmes as provided for in the Statutes;

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means alumni association as established under Section 20 of this Charter;

"Alumni" means the graduates of the University and such other persons as may be declared to be Alumni by the Statutes of the University;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to University education;

"Campus" means Campus of the University as established under the Statutes;

"Centre" means a Centre of the University established by the Statutes;

"Chairperson of Council" means the Chairperson of Council as appointed and provided under Section 13 of this Charter;

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"Chancellor" means the Chancellor of the University appointed under Section 12 of this Charter;

"Charter" means the Kenyatta University Charter;

"Chief Finance Officer" means a person appointed to be the Chief Finance Officer of the University as provided for in the Statutes;

"Chief Legal Officer" means a person appointed to be the Chief Legal Officer of the University as provided for in the Statutes;

"Chief University Librarian" means a person appointed to be the Chief University Librarian as provided for in the Statutes;

"College" means College of the University as established in accordance with Section 6(a) of this Charter;

"Colleges within the University" means college of the University as established in accordance with Section 6(b) of this Charter;

"Common Seal" means Common Seal of the University as provided in Section 30 of this Charter;

"Constituent College" means college of the University as established in accordance with Section 7 of this Charter;

"Constitution" means the Constitution of Kenya;

"Council" means the council of the University established under Section 17 of this Charter;

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

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

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

"Director" means the Director appointed in accordance with the University Statutes;

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

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

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

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

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

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

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

"Institute" means an Institute of the University established by the Statutes;

"Lecturer" means a member of staff of the University who is, in terms of appointment, an Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer, Tutorial Fellow, Teaching

Assistant, or a person who holds any other teaching or research post which the Council has recognized as a post having academic status in the University;

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

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

"Professor" means a professor of the University but does not include an Associate Professor;

"Registrar" means a person appointed as Registrar of the University as provided for in the Statutes;

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

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

"Student Association" means the association as provided for in the Statutes;

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

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

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

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

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under Section 14 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University.

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

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

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

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

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

4. Vision Statement.

(1) The vision of Kenyatta University is to be a dynamic, inclusive and competitive centre of excellence in teaching, research and service to humanity.

(2) Mission Statement:

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

(3) Identity Statement:

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

(4) Philosophy Statement:

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

(5) Core Values:

- (a) truth
- (b) excellence
- (c) creativity
- (d) self-reliance
- (e) innovativeness
- (f) integrity
- (g) academic Freedom
- (h) service to Humanity Vision Statement.

5. Functions and Objectives of the University.

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

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge;
- (e) to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (f) contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (g) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (h) make proposals for the establishment of constituent colleges, campus colleges, colleges, campuses, schools, faculties, directorates, institutes, departments, centres, and other resource and administrative units as may be appropriate;
- (i) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (j) promote education in science, technology, engineering, and mathematics within the institution and society;
- (k) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (l) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;

- (m) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (n) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (o) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (p) facilitate student mobility between programs of study at different technical training institutions, polytechnics, and universities;
- (q) promote critical enquiry and creativity in education, training and research within the institution;
- (r) participate in commercial ventures and activities that promote the objectives of the institution;
- (s) foster the general welfare of staff and students;
- (t) provide opportunities for development and further training for staff of the institution;
- (u) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (v) provide programs, products, and services in ways that reflect the principles of equity and social justice;
- (w) conduct examinations for, and grant such academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate; and
- (x) generally facilitate the development and provision of appropriate and accessible academic and other programs.

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

6. Establishment of Colleges within the University.

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

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

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

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

7. Establishment of Constituent Colleges.

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.

[Subsidiary]

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

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

- (a) grant Diplomas or Certificates or other awards;
- (b) confer the degrees of Bachelor, Master and Doctorate and such other degrees as may be provided for by the Statutes; and
- (c) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.

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

9. Award of Scholarships.

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

10. Membership of the University.

The members of the University shall be:—

- (a) the Chancellor;
- (b) the Chairperson of Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Members of the Council;
- (f) the Members of the Senate;
- (g) the Principals of Constituent Colleges;
- (h) the Principals of Colleges within the University;
- (i) the Registrars;
- (j) the Chief Finance Officer;
- (k) the Chief Legal officer;
- (l) the Hospital Director;
- (m) the Chief University Librarian;
- (n) the Executive Deans;
- (o) the Director of University Enterprises;
- (p) the Directors of University Centres and Units;
- (q) the Professors and Lecturers;
- (r) the students;
- (s) the Alumni;
- (t) the convocation; and
- (u) Such other members of staff of the University or any other body formally admitted into association with the University, as the Council may from time to time determine.

11. The Governance of the University.

(1) Instruments of Governance—

Subject to the provisions of the University Act, the University shall be governed in accordance with the provisions of this Charter granted under the Act and the Statutes made by the council.

- (2) The governing organs of the university shall be:
- (a) the University Council;
 - (b) the Senate of the University;
 - (c) the University Management Board.

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

12. The Chancellor.

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

13. Chairperson of Council.

There shall be a Chairperson of Council of the University who shall be appointed according to the provisions of the Act;

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

14. Vice-Chancellor.

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

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

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

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

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

15. The Deputy Vice-Chancellors.

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

(2) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for one further term.

16. The Principals of Colleges within the University.

The Council shall, for each college within the University, appoint a Principal who shall be the academic and administrative head of the college and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the Statutes.

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

[Subsidiary]

17. The Council.

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

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

(2) Subject to this Section, a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment once.

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

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

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

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

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance to the Act, Charter and Statutes.

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

(8) Subject to this Charter, the Council shall be the governing body of the University through which the University:—

- (a) shall administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University; but the Council shall not charge or dispose of immovable property of the University except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements there-from to the University or other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University;
- (d) may enter into association with other universities, or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) may after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University;
- (f) may after consultation with the University Management Board make regulations governing the conduct and discipline of the staff of the University; and
- (g) any other power and duties as may be provided for in the Statutes.

(9) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the Chairperson, the Vice-Chancellor or any other members of the Council generally or specifically authorized by the Council in that behalf.

(10) The Council shall ensure that a proper management structure is in place and make sure that the structure, functions to maintain corporate integrity, reputation and responsibility.

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

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

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

18. The Senate.

(1) There shall be Senate of the University, as provided for in the Statutes, whose membership shall be—

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

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
- (b) to propose regulations to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
- (c) to propose regulations to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other awards of the University;
- (d) to decide which persons have attained such standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;

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- (e) to make regulations governing such other matters as are within its powers in accordance with this Charter or the Statutes.

(4) The Senate may, subject to the Act, the Charter, Statutes and Regulations, establish committees consisting of such members of Senate or any other persons as it may deem fit and may delegate any of its powers or duties to the chairperson or any of its committee(s).

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

19. Students' Organization.

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

20. The Alumni Association.

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

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

21. The Kenyatta University Foundations.

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

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

22. The University Management Board.

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

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

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

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

23. The Convocation.

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

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

24. The Staff of the University.

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

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

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

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

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

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

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

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

(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 and of the Vice-Chancellor; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

25. Performance of Functions in Absence of Office Holder.

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

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

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

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

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

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

PART IV – FINANCIAL PROVISIONS

26. Fiscal Year.

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

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

27. Investments of Funds.

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

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

28. Annual Estimates.

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

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

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

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

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

29. Accounts and Audit.

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

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

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University on the last day of that year.

(3) The accounts of the University shall be audited and reported upon in accordance with the provisions of the Public Audit Act (Cap. 412B).

(4) The Auditor-General may transmit to the Cabinet Secretary for the time being responsible for university education a special report on any matters incidental to his powers under this Charter, and Section 229 of the Constitution and Section 24 of the Public Audit Act (Cap. 412B) shall apply to any report submitted.

PART V – MISCELLANEOUS PROVISIONS

30. The Common Seal.

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

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

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

31. The Statutes.

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

- (a) establishment of colleges, campuses, schools, faculties, institutes, directorates, foundations and centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) prescribing the rules and regulations for the conduct and organisation of student affairs;
- (g) setting the terms and conditions of service, including the appointment, staff development, dismissal and recommendation of retirement benefits of the members of staff of the University;

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- (h) constitution and procedure of meetings of the Council and Senate, the establishment, composition and terms of reference of committees of the Council and the Senate; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

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

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

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

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

32. Protection of Name.

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

(2) Any person who except with the written consent of the Council, uses the word "University", or "Kenyatta" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years, or to both.

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

33. Repeal and Savings: The Kenyatta University Legal Notice No. 10 of 1985.

(1) The Kenyatta University Act No. 10 of 1985 (and as amended by Act No. 6 of 1991) referred to as the former Act is repealed by Section 71 (i)(c) of the Universities Act (Cap. 210).

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

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

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

34. Transition.

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

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

- (a) the Council of Kenyatta University shall continue to be in place and shall function as the Council of the University until such time that the substantive Council shall have been appointed;
- (b) the Council of Kenyatta University may make Statutes for the University under this Charter and the Statutes so made shall be deemed to have been made under this Charter; and
- (c) the persons who immediately before the commencement of this Act is a Chancellor, Vice Chancellor, Principals of constituent colleges and members of council of Kenyatta university shall continue to discharge their responsibilities and exercise such powers as provided for in the Act Notwithstanding the foregoing, the provisions of Sections 79, 80 and 81 of the Universities Act (Cap. 210) shall apply *mutatis mutandis* to the provisions of this Charter.

35. Variation and Revocation of the Charter.

This Charter may be varied or revoked in accordance with Section 22 of the Universities Act (Cap. 210).

THE CHARTER FOR KISII UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR KISII UNIVERSITY

[Legal Notice 225 of 2013]

SCHEDULE**PREAMBLE**

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

AND WHEREAS the said Kisii University has applied to the Commission for University Education, for the grant of a 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 Kisii University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Kisii 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 Cabinet Secretary for Higher Education, Science and Technology on the said institution, and the Cabinet Secretary is satisfied that Kisii University should be granted this Charter;

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19 of the Universities Act (Cap. 210), 1, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant this Charter annexed hereto to Kisii University.

PART I – PRELIMINARY**1. Short title**

This Charter may be cited as the Kisii University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"Act" means the Universities Act (Cap. 210);

"Administrative Staff" means a member of staff of the University in any of the Grades V to XV, who is appointed for general purposes of performing duties related to general management and administration of the University;

"alumni" means persons who are former students of the University or Egerton University (Kisii University College), Egerton University (Kisii Campus) and Former Kisii Teachers' College who completed an approved programme of study and qualified for the award of a degree, diploma or certificate;

"Alumni Association" means the organization of all graduates and former students of the University established under section 22 of this Charter;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for university education;

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"Campus" means a campus established under section 8 of this Charter;

"Chairperson" means the Chairperson of Council of the University as appointed under section 14 of this Charter;

"Chancellor" means the Chancellor of the University as appointed under section 13 of this Charter;

"College" means a College established within the University pursuant to an Order made under Section 8 but does not include a Constituent College;

"Commission" means the Commission for University Education established under the provisions of the Act;

"Constituent College" means a Constituent College of the University established under section 9 of this Charter;

"Convocation" means the convocation of the University established under section 24 of this Charter;

"Council" means the Council of the University established under section 19 of this Charter;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor appointed by the Council of the University under Section 16 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 27 of this Charter;

"Graduate" means a person upon whom a degree, diploma or certificate of the University or Egerton University (Kisii University College), Egerton University (Kisii Campus) or former Kisii Teachers' College has been conferred or awarded;

"Institute" means an Institute of the University established under the Statutes;

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

"Order" means the Kisii University College Order;

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

"Senate" means the Senate of the University established under Section 20 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 32 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

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

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

- (a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other functions 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 Kisii University College constituted under the Kisii University College Order.

(4) Subject to this Charter, all rights, liabilities and assets held on behalf of the Kisii University College, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. Vision and Mission

(1) The Vision of the university is to be a World Class University in the advancement of academic excellence, research and social welfare.

(2) The Mission of the University is to train human resource that meets the development needs of the country and international labour market, sustain production of quality and relevant research, disseminate knowledge, skills, values and competencies for the advancement of humanity.

5. Philosophy

The University is anchored in the philosophy of creative, scientific, technological, innovative and critical thinking responsive to societal needs and service to humanity.

6. Aims

The aims of the University are to—

- (a) produce competent graduates;
- (b) Offer high quality education;
- (c) generate appropriate knowledge, skills, competencies, and innovation outputs that impact on the national development goals and social welfare; and
- (d) produce, transfer and disseminate appropriate technology for the benefit of the University, industry and society in general.

7. Functions

(1) The functions of the University are to—

- (a) provide directly, or in collaboration with other institutions, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research, innovation, extension and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (f) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (g) make proposals for the establishment of colleges, campuses, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate from time to time;

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- (h) inculcate a culture of innovation in science, technology and engineering, amongst staff, students, and society;
- (i) promote education in liberal arts, science, technology, engineering, and mathematics within the institution and society;
- (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (m) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (n) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other critical facilities and amenities;
- (o) facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
- (p) promote critical enquiry and creativity in education, training and research within the institution;
- (q) participate in commercial ventures and activities that promote the objectives of the institution;
- (r) foster the general welfare of staff and students;
- (s) provide opportunities for further development and training for staff of the institution;
- (t) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (u) provide programmes, products, and services in ways that reflect the principles of equity, equality, parity and social justice;
- (v) conduct examinations for and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
- (w) generally facilitate the development and provision of appropriate and accessible academic and other useful programmes.
- (x) provide training that promotes regional integration, international cohesion for sustainable socio-economic development and poverty reduction;
- (y) provide training that promotes environmental sustainability; and
- (z) play a leading role in promoting training on leadership, ethics and integrity.

(2) In achieving its aims and functions, the University shall not discriminate against any person on grounds of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

8. Establishment of Colleges and Campuses

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

(2) A college or campus established within the University shall consist of such faculties, schools, institutes, centres, departments and other resource and administrative units as may be provided for under the Statutes.

9. Establishment of Constituent Colleges

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

10. Conferment, Granting, Cancellation and Withdrawal of Degrees and Other Awards

(1) Subject to the provisions of the Act and this Charter, the University may—

- (a) grant diplomas or certificates or other awards as may be provided under the Statutes;
- (b) confer the degrees of Bachelor, Master and Doctor and such other degrees as may be provided for under 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 as may be provided for under the Statutes.

(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 under the Statutes.

11. Award of Scholarship

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

12. Membership of the University

(1) The members of the University are:

- (a) the Chancellor;
- (b) the Chairperson of Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges and Campuses within the University;
- (g) the Registrars;
- (h) the University Librarian;
- (i) the Finance Officer;
- (j) the Chief Legal Officer;
- (k) the members of the Council;
- (l) the members of the Senate;
- (m) the Lecturers;
- (n) the students;
- (o) the non-teaching staff of the University;
- (p) the members of the Alumni Association; and
- (q) 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 Under the Statutes.

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13. Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the President in accordance with the provisions of the Act.

(2) The functions of the Chancellor and tenure of office shall be in accordance with the provisions of the Act.

(3) The Chancellor shall enjoy such powers and privileges, and perform such other functions as may be provided under the Statutes.

14. Chairperson of the Council

(1) There shall be a Chairperson of the Council who shall be appointed in accordance with the provisions of the Act.

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

15. Vice-Chancellor

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

(2) The Vice-Chancellor shall hold office for a period of five years and shall upon the expiration of the period be eligible for reappointment for a further one term.

16. Deputy Vice-Chancellor

(1) The Council shall appoint two or more Deputy Vice-Chancellors, through a competitive process.

(2) The Deputy Vice-Chancellor shall, under the general direction of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the statutes.

(3) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for a further term of five years.

17. Principals of Colleges and Campuses

(1) The Council shall appoint for each college and campus a Principal.

(2) A Principal shall be the academic and administrative head of the campus or college and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for under the Statutes.

(3) The Principal shall hold office for a period of five years and shall upon expiration of that period be eligible for re-appointment for a further one term of five years.

18. Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall hold office for a period of five years and shall upon expiration of that period be eligible for re-appointment for a further one term.

19. Council

(1) There shall be a Council of the University whose members shall be appointed in accordance with the provisions of the Act.

(2) The member of the Council, other than an *ex officio* members, shall hold office for a period of three years, and shall be eligible for reappointment.

(3) The office of a member of the Council shall become vacant—

- (a) if, not being an *ex officio* member, the member resigns from office in writing 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 the office; and
- (c) upon death of the member.

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall in writing notify the Cabinet Secretary of the vacancy.

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

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

20. Functions of the Council

The Council shall be the governing body of the university.

The Council shall—

- (a) subject to the provisions of the Act and after consultation with the Senate, make rules and regulations;
- (b) make and approve Statutes for *gazettement* in accordance with the provisions of the Act;
- (c) determine the procedures of recruitment, appointment and promotion of all staff of the University;
- (d) appoint and determine the terms and conditions of service for all staff of the University;
- (e) confer, after receiving a report from the Senate, the title of Emeritus Professor, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (f) approve budgets of the University;
- (g) promote and make financial provisions and facilities for execution of the functions of the University and to determine, after considering the recommendations of the Senate, all fees payable to the University;
- (h) approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as the 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 yielding rents and subject to the provisions of the Act, with the powers of varying such investment from time to time by sale or re-investment or otherwise;
- (i) subject to the laid down Government procedures, approve the sale, purchase, exchange, or take-over, lease movable and immovable property on behalf of the University;
- (j) subject to the laid down Government procedures, 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;
- (k) on the recommendation of the Senate, provide in accordance with the Statutes, for the creation of new colleges, campuses, divisions, faculties, schools, institutes, departments, centres or other bodies of learning, research, extension, and production in the University, whether formed by the subdivision 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;
- (l) institute on the recommendation of the Senate, fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study, research and extension;

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- (m) approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (n) empower committees to act jointly with any committees appointed by the Senate, provided that the Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
- (o) approve regulations governing the conduct and discipline of the students of the University;
- (p) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements therefrom;
- (q) approve the constitution of the Students Association and so far as is reasonably practicable, ensure that the Students' Organization operates in a fair and democratic manner and is accountable for its finances;
- (r) provide for the welfare of the staff and students of the University;
- (s) approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (t) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (u) constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (v) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (w) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

21. Senate

- (1) There shall be the Senate of the University, which shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of each constituent college;
 - (d) the Principals of each college and campus within the University;
 - (e) all the Deans of faculties and Schools, the Directors of Institutes and Centres and other academic units;
 - (f) the Chairpersons of Departments;
 - (g) full professors of the University;
 - (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) the University Librarian;
 - (j) one representative of each of the college and campus academic boards appointed by the respective boards from amongst its members;
 - (k) one representative of each of the school academic boards appointed by the respective boards from amongst its members;
 - (l) the Dean of students;
 - (m) the head of information, communication and technology services of the University;
 - (n) the Director of Technical, Vocational Education and Training;
 - (o) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters; and

- (p) such other member as Council may determine in accordance with the Statutes.

(2) The members of the Students' Association shall not participate in the deliberations of the Senate related to examinations, grades and such other issues that may pose a conflict of interest.

(3) The Deputy Vice-Chancellor for the time being in charge of teaching and learning shall be the secretary to the Senate.

(4) The functions of the Senate shall be—

- (a) 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 provisions of the Act, to make recommendations to the Council for the establishment, abolition or 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 and curricula of the University;
- (e) to make regulations governing methods of assessing and examining the academic performance of students;
- (f) to evaluate academic records of applicants for both undergraduate and postgraduate programmes for purposes 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 provisions of 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, extension 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;

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- (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 all 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; and
- (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.

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

(6) The Senate shall exercise such other powers as may be conferred to it by the provisions of the Act, the Statutes or by the rules and regulations, and to do such other acts as the Council shall authorize.

22. Students' Association

There shall be a Students' Organization established in accordance with the Statutes.

23. Alumni Association

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

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

- (a) to bring together graduates and former students of the University.
- (b) to engage in fund raising activities to assist the University; and
- (c) to promote the University's welfare and image.

(3) The Alumni Association shall govern the conduct of its own proceedings.

(4) The Alumni Association shall act as an interactive forum for its members and may perform such other functions in accordance with the provisions of the Act and the Statutes.

PART IV – MANAGEMENT OF THE UNIVERSITY

24. University Management Board

(1) There shall be a University Management Board which shall function as the Executive Board as provided for in the provisions of the Act and the Statutes.

(2) The management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges and campuses within the University;
- (d) the Registrars; and
- (e) the Finance Officer.

(3) 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 not be eligible to vote.

(4) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall—

- (a) be responsible for the efficient management of the human, physical and financial resources of the University;
- (b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
- (c) submit proposals to the University Council concerning annual financial estimates, development priorities, staff development plans, terms and conditions of service, fund raising strategies, student welfare, public relations policies, academic partnerships and linkages with other institutions, collaborations with industry, as well as any policies and any matters related to the development, management and administration of the University;
- (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the University;
- (e) advise the Council on matters concerning management, administration, and academic affairs of the University;
- (f) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
- (g) establish any University charges and fees; and
- (h) perform any other duties related to the management of the University.

25. Staff of the University

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

(2) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges and campuses of the University, Registrars and Finance Officer.

(3) The administrative staff of the University shall consist of the Registrars, Finance Officer, the directors not being engaged in teaching or research and such other members of staff engaged in general administration as the Council may, from time to time determine.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

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

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

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- (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.

26. Performance of functions in the event of incapacity of the office holders

(1) In the event of incapacity of the Chancellor, the President may appoint a person to form functions of the Chancellor for a period of three months.

(2) In the event of incapacity of the Vice-Chancellor, the Cabinet Secretary on the recommendation of the Council may appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor for a period of three months.

(3) In the event of simultaneous incapacity of the Vice-Chancellor and all the Deputy Vice-Chancellors, the Chairperson of the Council, in consultation with the Chancellor, may appoint a member of the academic staff of the University to perform the functions of the Vice-Chancellor for a maximum period of three months.

(4) In the event of 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 for a period of three months.

(5) 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.

(6) Subject to the provisions of this section, 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.

PART V – FINANCIAL PROVISIONS

27. Financial Year

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.

PART VI – MISCELLANEOUS PROVISIONS

28. Common Seal

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

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

(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.

29. Statutes

(1) In the performance of its functions under this Charter, the Council shall, subject to the provisions of the Act, 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—

- (a) establishment of colleges, campuses, faculties, schools, institutes and centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;

- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) prescribing the rules and regulations for the conduct and organisation of student affairs;
- (g) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University;
- (h) constitution and procedure of meetings of the Council, the Senate, and the University Management Board and provide for the establishment, composition and terms of reference of their respective committees; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

(2) Notwithstanding the provisions of 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 obtaining the opinion of the Senate.

30. Protection of Name

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

(2) Any person who, except with the written consent of the Council, uses the word "University", or "Kisii" 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 Kenya Shillings three million, or to imprisonment for a term not exceeding three years, or to both.

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

31. Repeal

(1) The Kisii University College Order, 2007 is revoked.

(2) Notwithstanding the revocation of the Kisii University College Order, all acts, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired by 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.

32. Transition

All the students of Kisii University College who were pursuing degree, diploma and certificate programmes as at the commencement date of this Charter, shall be allowed to complete their courses and shall be awarded degrees, diplomas and certificates of the University.

33. Variation and Revocation of this Charter

This Charter may be revoked or varied in accordance with the provisions of the Act.

THE CHARTER FOR MAASAI MARA UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR MAASAI MARA UNIVERSITY

[Legal Notice 226 of 2013]

PREAMBLE

WHEREAS the Government of Kenya wishes to establish The Maasai Mara University situated in Narok County, in the Republic of Kenya;

AND WHEREAS the said "The Maasai Mara 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 (Cap. 210);

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

AND WHEREAS the Commission for University Education is also satisfied that The Maasai Mara 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 Cabinet Secretary for Higher Education, Science and Technology on the said institution, and the Cabinet Secretary is satisfied that The Maasai Mara University should be granted the Charter;

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

AND WHEREAS I am satisfied that the granting of the charter will be of benefit to the advancement of University education in Kenya;

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19 of the Universities Act (Cap. 210), 1, Mwai Kibaki, President and Commander in-chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to The Maasai Mara University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as The Maasai Mara University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"Academic Staff" means a member of staff of the University, who is a Professor, an Associate Professor, a Senior Lecturer, a Lecturer, an Assistant Lecturer and such other persons in the employment of the University engaged in teaching or research therein as Council, acting in accordance with the recommendation of Senate, may from time to time grant the status of members of the university;

"Act" Means the Universities Act (Cap. 210);

"Administrative Staff" means a member of staff of the University, who is appointed for general purposes of performing duties related to general management and administration of the University as shall be specified in the Statutes;

"Alumni" means a person who is a former student of the University, or The Narok University College who completed an approved programme of study and qualified for the award of a Degree, Diploma or Certificate;

"Alumni Association" means the organization of all graduates and former students of the University; as defined in clause 25 of the Charter;

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"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for University education;

"Campus" means a place of education, learning or research which is so designated by Council;

"Centre" means a research department which from administrative purposes has been designated by the Council as being constituted within a particular faculty, institute or school;

"Chairperson" means the Chairperson of Council of the University appointed under section 13 of the charter;

"Chancellor" means the Chancellor of the University as appointed under section 12 of the charter;

"College" means a College established within the University pursuant to an Order made under Section 7; but does not include a Constituent College;

"Constituent College" means a Constituent College of the University established under clause 8 of this Charter;

"Commission" means the Commission for University Education, established under the Act;

"Convocation" means the convocation of the University established under Section 22;

"Council" means the Council of the University established under Section 18;

"Deputy Vice Chancellor" means the Deputy Vice Chancellor appointed by the Council of the University under Section 15;

"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;

"Fiscal Year" means the financial year of the University as provided for in Section 27;

"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 as, a professor, an associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant, or a person who holds any other teaching or research post which the Council has recognized as a post having academic status in the University;

"Librarian" means the person appointed to be the librarian of the university;

"Professor" means a professor of the University;

"Registrar" means a registrar of the University appointed by the Council;

"Regulations" means regulations made by the senate pursuant to this charter and the Statutes;

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

"Senate" means the Senate of the University established under Section 20;

"Statutes" means Statutes of the University made by the Council under 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;

“Student 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 24 of the Charter;

“Student 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 24 of the Charter;

“Support Staff” means a member of staff of the University who is appointed for purposes of providing support services for the general management and administration of the University as shall be specified in the Statutes;

“Teaching Staff” means a member of staff of the University who is in terms of appointment as, a lecturer of the University;

“Technical Staff” means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University;

“University” means The Maasai Mara University established under Section 3;

“University Management Board” means the University Management Board of the University provided by Section 21 of the Charter;

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

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of The Masaai Mara University

(1) There is hereby established a University to be known as The Maasai Mara University.

(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 other such things 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 Maasai Mara University shall be the successor to the Narok University College constituted under the Narok University College Order (L.N. 101/2008).

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

4. Vision, Mission and Core Values

(1) Vision — to be a world class university committed to academic excellence for development.

(2) Mission — to provide quality university education through innovative teaching, research and consultancy services for development.

(3) Core Values — excellence, teamwork, professionalism, equity and social justice, creativity and innovativeness, transparency and accountability.

5. Philosophy

The Maasai Mara University will endeavour to be a world class university committed to academic excellence, through teaching, research, innovation, extension and technology transfer in order to promote social, economic and political development of Kenya and

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beyond and to realize sustainable conservation of the environment through natural resource management and tourism.

6. Functions

- (1) The objects and functions of the University shall be to—
- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
 - (b) advance knowledge and its practical application by research and other means;
 - (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
 - (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
 - (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;
 - (f) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
 - (g) make proposals for the establishment of campuses, colleges, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate;
 - (h) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
 - (i) promote education in science, technology, engineering, and mathematics within the institution and society;
 - (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
 - (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
 - (l) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
 - (m) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
 - (n) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
 - (o) facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
 - (p) promote critical enquiry and creativity in education, training and research within the institution;
 - (q) participate in commercial ventures and activities that promote the objectives of the institution;
 - (r) foster the general welfare of staff and students;
 - (s) provide opportunities for development and further training for staff of the institution;
 - (t) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;

- (u) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
- (v) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate; and
- (w) generally facilitate the development and provision of appropriate and accessible academic and other programmes.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, religion, 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.

7. Establishment of Colleges within the University

(1) The Council may, on advice 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, or centres and other resource and administrative units as may be provided for by the Statutes.

8. Establishment of Constituent Colleges

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.

9. Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards

(1) Subject to the Act and 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.

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

10. Award of Scholarships

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

11. Membership of the University

The members of the University shall be—

- (a) the Chancellor;
- (b) the Chairperson of Council;
- (c) the members of the Council;

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- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the Principals of Constituent Colleges;
- (g) the Principals of Colleges within the University;
- (h) the members of the Senate;
- (i) the Librarian;
- (j) the Academic staff;
- (k) non teaching members of staff of the University;
- (l) the Students;
- (m) members of the alumni association;
- (n) the Registrars;
- (o) the Finance Officer;
- (p) the Dean of Students;
- (q) the Director ICT Services;
- (r) the Legal Counsel;
- (s) the Chief Medical Officer;
- (t) the Convocation; and
- (u) such other members of staff of the University or any other body formally admitted into association with the University, as the Council may from time to time determine.

12. The Chancellor

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

13. Chairperson of Council

(1) There shall be a Chairperson of Council of the University who shall be appointed in accordance with the provisions of the Act.

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

14. Vice-Chancellor

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

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

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the good and proper management of the University; and
- (c) have such powers and duties as may be provided for by the Statutes.

(3) The Vice-Chancellor shall hold office upon such terms as provided for in the Charter and the Statutes and upon expiration of that period shall be eligible for re-appointment for a further one term.

15. The Deputy Vice-Chancellors

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

(2) A Deputy Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for a further one term.

16. The Principals of Colleges within the University

(1) The Council shall appoint a Principal for each college within the University, 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 and upon expiration of that period shall be eligible for re-appointment for one further term.

17. Principals of Constituent Colleges

(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.

18. The Council

(1) There shall be a Council of the University appointed in accordance with the provisions of the Act, which shall consist of—

- (a) the Chairperson of Council who shall be the Chairperson of Council;
- (b) the vice-Chairperson;
- (c) the Vice-Chancellor who shall be the secretary to the Council and an *ex officio* member; and
- (d) other members as may be provided for by the Act.

(2) Subject to this Section, a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment.

(3) 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; and
- (c) 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 members of the Council other than the *ex officio* members shall at the first meeting after their appointment determine by lot which of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council.

(6) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance to the Charter and Statutes.

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

19. Functions of Council

Subject to this Charter, the Council shall be the governing body of the University through which the University—

- (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;

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- (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 reinvestment or otherwise;
- (j) subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables 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 immovables 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 subdivision 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 Chairperson 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 wherefrom;
- (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.

20. The Senate

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

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of each Constituent 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) one representative of each of the School Boards appointed by the respective boards from amongst its members;
- (l) the Dean of Students;
- (m) the Director of Information, Communication and Technology services of the University; and
- (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; Such other member as Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor for the time being in charge of Academic and Students 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;

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- (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 anybody 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.

PART IV – THE UNIVERSITY MANAGEMENT BOARD

21. Membership and functions of the Management Board

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

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Registrars;
- (e) the Finance Officer;
- (f) the Legal Counsel; and
- (g) such other member of senior management as the Council may determine in accordance with the Statutes.

(2) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University;
- (b) making proposals to the Council and Senate on policies that have a University wide application;
- (c) the coordination of the University Strategic and Development plans; and
- (d) any other matters related to the management of the University.

22. The Convocation

(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.

23. The Staff of the University

(1) The staff of the Narok University College existing prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of the The Maasai Mara University subject to the Act.

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

(3) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, Registrars, Finance Officer, the Deans 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 Deputy Registrars, 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—

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- (a) in the manner and upon the terms and conditions of service prescribed by the Act, charter and 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 and of the Vice-Chancellor; and
- (b) be deemed to be employed in accordance with the Act, Charter and the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

24. Student Organization

There shall be a students' organization in accordance with the Statutes.

25. Alumni Association

(1) 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 regulations and Statutes.

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

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

(4) The Council shall make rules for the promotion of the Alumni Association.

26. Performance of Functions in absence of Office Holder

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

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor after consultation with the Chairperson 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.

(3) 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 Chairperson 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 maximum period of one hundred and eighty calendar days.

(4) 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.

(5) 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.

PART V – FINANCIAL PROVISIONS

27. Fiscal

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

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

28. Investments of Funds

The Council may invest any of the funds of the University in accordance with provisions of the Act.

29. Annual Estimates

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

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

- (a) 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 but of the funds of the University;
- (c) for the proper maintenance of the buildings and grounds of the University;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) for the funding of the cost of teaching, research and outreach activities of the University;
- (f) for development purposes; and
- (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.

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

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subsection (iii) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

30. Accounts and Audit

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

(2) During each fiscal 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.

(4) The Auditor-General may transmit to the relevant body a special report on any matters incidental to his powers.

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PART VI – MISCELLANEOUS PROVISIONS

31. The Common Seal

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

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

(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.

32. The Statutes

(1) In the performance of its functions under this Charter, the 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—

- (a) establishment of campuses, colleges, schools, faculties, institutes and centres of the University, distant and E-learning;
- (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; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

(2) Notwithstanding subsection (i), 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.

33. Protection of Name

(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 "The Maasai Mara", together with the word "University", unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word "The Maasai Mara", together with the word "University", 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 three million shillings, or to imprisonment for a term not exceeding three years, or to both.

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

34. Revocation and Savings

(1) The Narok University College Order (L.N. No. 101/2008), is revoked.

(2) Notwithstanding the revocation the Narok University College Order, 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 Order, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

(3) Any persons constituting the Council of the Narok University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Act.

35. Transition

All the students of Narok 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.

36. Variation and Revocation of the Charter

This Charter may be varied or revoked in accordance with section 22 of the Universities Act (Cap. 210).

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THE UNIVERSITIES REGULATIONS

[Legal Notice 76 of 2014]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Universities Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“academic programme” means the design of learning content, which is multi-dimensional and includes intentions, structure of content, delivery modes, academic resources and assessment modes;

“academic recognition” refers to the recognition of qualifications awarded by a foreign university;

“academic staff” means any person who has been appointed to teach, train or to do research at a university;

“academic year” means a period of teaching and examination organised in a full year in either two, three or four segments;

“access” means the right of qualified candidates to apply and to be considered for admission to a university;

“accreditation” means the procedure by which the Commission formally recognizes an institution or an academic programme of a university;

“Act” refers to the Universities Act (Cap. 210);

“admission” means the act of, or system for, allowing qualified applicants to pursue studies in university education at a given institution or in a given programme;

“Cabinet Secretary” means the Cabinet Secretary for the time being in charge of university education;

“certificates and diplomas” means post-graduate certificates and diplomas;

“certified translation” means an official document constituting the verbatim translation, by a legally certified translator, from a foreign language into English;

“collaboration” means an arrangement between a foreign university and a Kenyan university or a tertiary institution for purposes of offering academic programmes;

“Commission” means the Commission for University Education established under section 4 of the Universities Act (Cap. 210);

“course” means a single unit in a programme of study;

“curriculum” means any documented programme of study;

“department” means an academic division into which a faculty is divided for purposes of teaching, examinations and administration;

“duration of study” refers to the recognized period of study that must be completed from admission to graduation of an academic programme;

“faculty/school” means an academic division so designated or established under the instruments constituting a university;

“foreign university” means a university established outside Kenya;

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“institution” means an organization founded for purposes of university education and research;

“private university” means a university which is established or maintained out of funds other than public funds;

“professional recognition” refers to recognition of a professional training by law;

“programme of study” means the prescribed syllabus that students must be taught at each key stage;

“public university” means a university established and maintained or assisted out of public funds;

“qualification” means any degree, diploma or certificate issued as evidence of successful completion of a university education programme;

“recognition” means the formal acknowledgement by the Commission in a particular country of the appropriateness of a foreign qualification for access to related educational and/or employment opportunities in the receiving country;

“standard” is a reference point against which different aspects of the institution and programme are compared or evaluated for quality.

3. Scope

(1) These Regulations shall apply to—

- (a) all universities in Kenya, including—
 - (i) private universities;
 - (ii) public universities;
 - (iii) technical universities;
 - (iv) the Open university; and
 - (v) any foreign university intending to offer university education in Kenya;
- (b) specialized degree awarding institutions established under the Act;
- (c) any student recruitment agency operating in Kenya;
- (d) any agent or agency a university or institution specified in paragraphs (a), (b) and (c) operating or intending to operate as or on behalf of such university within Kenya.

(2) Except as may be expressly enacted to the contrary or otherwise provided, no institution shall, after the commencement of these Regulations, without the authority of the Commission—

- (a) advertise or continue to advertise or in any manner hold itself out to the public as a university or a degree awarding institution; or
- (b) admit or continue to admit students to or conduct programmes of study leading to the award of degrees, certificates or diplomas.

(3) Authority to operate in any of ways specified in the paragraph (2) or to perform any other function consistent therewith shall only be granted in the manner specified in the Act and these Regulations.

PART II – ESTABLISHMENT OF A UNIVERSITY

4. Eligibility and application procedure

(1) The following shall be eligible to apply to the Commission for authority to establish a university or, as the case may be, to constitute itself into a university in terms of this Part—

- (a) any person who intends to be or is a sponsor of a university; or
- (b) any body corporate or other institution having as one of its objects the provision of university education.

(2) Any person or institution eligible to apply for authority to establish or constitute itself into a university under this regulation shall do so by submitting to the Commission an application in the format prescribed by the Commission duly completed and certified by him or her or on its behalf by a person competent to do so.

5. Proposal as to particulars and resources

(1) An application under regulation 4(2) shall be accompanied with a proposal setting out—

- (a) the vision, mission, philosophy and justification of the university;
- (b) the experience of the sponsor in the provision of university education;
- (c) the resources, including land, physical facilities, finances, staff, library services and equipment appropriate to and adequate for the proposed academic programmes to be conducted at that university which have been or can be procured and the manner in which these shall be maintained on a long term basis;
- (d) the proposed name, location and academic character of the university;
- (e) the functions, aims, objectives and strategies consistent with the needs of university education in Kenya for which the university is to be established;
- (f) the form of governance through which the academic and administrative affairs of the university are to be conducted;
- (g) an outline of the academic programmes intended to be offered at the university;
- (h) a timetable indicating the steps expected to be taken in the next four years towards the realization of the aims and objects for which the university is to be established; and
- (i) any other information which may be required by the Commission.

(2) The proposal shall have the following appendices—

- (a) a draft Charter in the manner specified in section 13(3) of the Act;
- (b) academic programmes;
- (c) a trust deed for the university in case of a private university;
- (d) a description of the University library;
- (e) physical resources including title deeds, change of user, completion certificates, borehole log, tests of water, architectural drawings;
- (f) master plan and strategic plans;
- (g) regulations governing student conduct and terms and conditions of service of staff;
- (h) the student handbook;
- (i) certificates by statutory and or relevant certification bodies; and
- (j) any other document deemed to be necessary by the Commission.

(3) The Commission shall not process any application unless the requirements of this regulation are complied with.

6. Issuance of Letter of Interim Authority

(1) The Commission shall schedule a meeting or series of meetings with each applicant whose proposal has been received at which the available documentation or evidence in respect of the resources indicated therein shall be examined.

(2) The Commission shall order a detailed and independent inspection for the purpose of evaluation of the resources available, and shall, in that connection have power to order the production of such further information or documentation as would enable it to make a proper assessment of the matter.

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(3) For purposes paragraph (2) above, the Commission shall set up an Inspection Committee which shall include—

- (a) at least two academicians of senior lecturer grade and above, one of whom must be conversant with university management;
- (b) a university librarian;
- (c) a registered Architect;
- (d) relevant officers of the Commission; and
- (e) any other professional that the Commission may determine to be necessary.

(4) All costs associated with the verification and evaluation of resources under this regulation shall be borne by the applicant.

(5) The Inspection Committee shall prepare a report and submit it to the Commission.

(6) The Commission shall deliberate on the merits of each application, and where it is satisfied that—

- (a) the particulars given under regulation 5 do not in any way reproduce or otherwise duplicate those of an existing or prospective university;
- (b) the resources declared under regulation 5 are available;
- (c) the applicant is following realistic plans to achieve the aims and objects for which the university is to be established;
- (d) the university, when established, is likely to attain and maintain standards set out in the schedules on a long-term basis; and
- (e) the establishment of the university is in the interest of university education in Kenya, the Commission shall recommend to the Cabinet Secretary the issuance of a Letter of Interim Authority to operate in the manner specified in section 15 of the Act until such time as it is revoked, or until accreditation is granted in the manner set out in Part III of the Act.

(7) A Letter of Interim Authority shall confer the powers, rights and privileges as set out in section 15 of the Universities Act.

(8) Institutions operating under Letter of Interim Authority shall comply with section 16 of the Act.

(9) An institution operating under Letter of Interim Authority may set up governance organs to include the Council, Senate and Management Board.

(10) A Letter of Interim Authority as specified in section 14 of the Act issued under this regulation shall be published in the *Gazette*.

7. Revocation of a Letter of Interim Authority

(1) The Cabinet Secretary may, on recommendation of the Commission and by notice published in the *Gazette*, revoke a Letter of Interim Authority if—

- (a) the person or institution named therein has not within four years of issuance of the letter made any progress in respect of the matters set out in regulation 5(1), or notifies the Commission of his or its intention not to proceed with the establishment of a university, or is, in any event, patently incapable of complying with the standards set out in Part IV;
- (b) in the opinion of the Commission such fundamental changes have since occurred that had such changes been in existence at the time of its deliberations under regulation 6(6) the letter would not have been issued; or
- (c) at any time before the lapse of four years it becomes apparent that the institution named therein is not making any progress, is not likely to make any progress and that its continued existence is not in public interest.

(2) The Commission shall only recommend revocation of a Letter of Interim Authority upon conducting an inspection of the institution.

(3) In all cases where a Letter of Interim Authority is revoked under this regulation, the Commission shall not entertain any subsequent application by the same person or institution, or in respect of the same or substantially similar proposal within four years of that revocation.

(4) Upon revocation of a Letter of Interim Authority, the Cabinet Secretary may, in consultation with the Commission and the sponsor, appoint such person or persons as the Cabinet Secretary may deem appropriate to administer and manage the institution for the better protection of the interests of the students and staff of the university.

8. Inspection of universities

(1) The Commission may once every year inspect all universities holding a Letter of Interim Authority to confirm the extent to which the university is—

- (a) upholding standards; and
- (b) making progress towards the award of the charter.

(2) The inspection referred to in paragraph (1) shall be conducted by an Inspection Committee constituted in accordance with regulation 6(3).

(3) The Inspection Committee shall compile an inspection report and submit it to the Commission.

(4) The Commission shall give written submissions to the institution inspected, detailing the issues to be addressed to ensure compliance with the standards of the Commission.

9. Application for award of charter

(1) During the fourth year after granting an institution a Letter of Interim Authority, the Commission shall require the institution to make a formal application for grant of Charter.

(2) The Commission shall then cause an Inspection Committee established in accordance with regulation 6(3) to carry out a final inspection of the university.

(3) The Inspection Committee shall submit its inspection report to the Commission.

10. Accreditation process for Grant of Charter

(1) Where after deliberation on the application for the award of Charter, and the accompanying inspection report, the Commission is satisfied that—

- (i) the Draft Charter as submitted or as amended where necessary forms a sound basis for the academic and administrative organization of the university; and
- (ii) the university has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya, the Commission shall recommend to the Cabinet Secretary that the university be granted a Charter.

(2) Where the Commission is not satisfied as indicated in paragraph (1) it may recommend to the Cabinet Secretary an extension or revocation of the Letter of Interim Authority in the manner specified in section 16 of the Act.

11. Accreditation Report

Where the Commission has made a recommendation for Charter with respect to an institution, it shall compile an accreditation report on the said institution outlining—

- (a) the historical background and philosophical basis of the university, including the vision and mission;
- (b) the accreditation process, including the various inspections and the findings of the Commission;
- (c) the resources available at the time of the final inspection;
- (d) The Master Plan and Strategic Plan for continued growth of the university;
- (e) the financial sustainability of the institution;

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- (f) the academic programmes on offer in the institution;
- (g) research and innovation output; and
- (h) its final recommendations to the Cabinet Secretary.

12. Grant of charter

(1) The Commission shall where satisfied, submit the Draft Charter and the Accreditation Report to the Cabinet Secretary, together with its written recommendation, for the university to be granted a Charter.

(2) The Cabinet Secretary shall, where satisfied, submit the Draft Charter and Accreditation Report together with the Commission's and the Cabinet Secretary's own recommendation, to the President in accordance with section 19 of the Act.

(3) The grant of the Charter shall be done in accordance with section 19 of the Act.

13. Variation or Revocation of Charter

(1) A Charter granted as evidence of accreditation to any university may be varied or revoked in the manner specified in section 22 of the Act.

(2) Where a Charter is revoked there shall be put in place an arrangement in respect of the enrolled students.

14. Change of name of a university

Proposals for the change of the name of a university shall be forwarded to the Commission for consideration and approval.

15. Change of sponsorship of a private university

(1) A sponsor of a private university authorized to operate in Kenya who intends to change the ownership of the university shall apply to the Commission and ensure that—

- (a) the change of sponsorship safeguards the objects and purpose of the university;
- (b) the interests of the students and staff are safeguarded;
- (c) the change of sponsorship shall be limited to the Board of Trustees of the university;
- (d) the change of sponsorship shall not disrupt or affect the Council or Senate of the university;
- (e) the change shall ensure separation of powers of the various organs of the university; and
- (f) the change conforms to the Constitution of the Republic of Kenya and the Act.

(2) An application for change of sponsor under paragraph (1) shall be accompanied by—

- (a) a Status Report on the institution summarizing the status of the various facets of university enrolment including, staffing, programmes, facilities and finances;
- (b) a draft Trust Deed amended as contemplated with the change of sponsor;
- (c) a profile of the new sponsor, highlighting the background, experience in higher education, and any other institutions or businesses associated with the sponsor;
- (d) a transition brief highlighting the measures to be put in place to ensure continuity for the students, or the staff of the university; any anticipated changes in the governance of the institution; and management of the assets of the university.

(3) The Commission shall consider the application and where satisfied that—

- (a) the new sponsor is committed in propagating the objectives of the university;
- (b) the interests of students and staff are adequately catered for;
- (c) the assets of the university are well secured; and

- (d) the proposed governance structure is likely to steer the university effectively, the Commission may approve the change of sponsor and communicate the same to the university.

(4) Where the Commission is not satisfied that the new sponsor is likely to meet the provisions of paragraph 3 above, the Commission shall decline the application for change of sponsor.

(5) A sponsor may re-submit a request for change of sponsor for re-consideration after addressing any issues raised by the Commission.

16. Accreditation of foreign universities

(1) Any foreign university which intends to operate in Kenya shall apply for accreditation, in the manner specified in Part III of the Act and Part II of these Regulations.

(2) In addition to meeting the criteria set out in paragraph (1) above, a foreign university operating in Kenya shall ensure that not less than one-third of the representation in the Board of Trustees are Kenya citizens resident in Kenya.

17. Institutional Quality Audits

(1) Every university authorized to operate under these Regulations shall prepare and submit to the Commission—

- (a) an annual report, in a prescribed format of its activities in each year of operation; and
- (b) a detailed self-assessment report, in a prescribed format, every five years on the steps it has taken towards the achievement of the aims and objects for which it was established.

(2) The Commission shall consider all reports submitted pursuant to paragraph (1) and may make such comments or give such other instructions thereon for action by the university concerned.

(3) The Commission shall undertake an institutional quality audit to confirm or otherwise the pronouncements made by the institution in the self-assessment report in paragraph (2).

(4) The quality audits shall be undertaken by an Institutional Quality Audit panel composed of—

- (a) at least two academicians of senior lecturer grade and above;
- (b) one person who has experience with university management;
- (c) a university librarian;
- (d) a registered Architect;
- (e) relevant officers of the Commission; and
- (f) any other professional that the Commission may determine to be necessary.

(5) Pursuant to paragraphs (2) and (3) above, and if satisfied that the institution has continued to maintain standards, the Commission shall issue a Certificate of Audit in a prescribed format that shall serve as a seal of quality maintenance and enhancement.

(6) Where the Commission is not satisfied that the institution has met the Regulations as set out in paragraph (1) the Commission shall send to the institution a detailed report setting out the matters that the institution shall need to address and the institution shall have one year to do so.

(7) If the matters outlined in the Commission's Quality Audit Report pursuant to paragraph (5) impact negatively on quality and the institution is unable or unwilling to resolve them within one year, the institution shall be placed under notice for one year during which no students shall be admitted in any of the academic programmes.

(8) For purposes of paragraph (7) violations shall include—

- (a) establishing unauthorized campuses, colleges or learning centres;
- (b) inadequate academic staff or resources in academic programmes on offer;

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- (c) violation of the governance provisions set out in the Act;
 - (d) mounting of academic programmes without the approval of the Commission;
 - (e) refusal to abide by lawful directions of the Commission;
 - (f) financial instability for three consecutive years; and
 - (g) any other violation determined by the Commission to be grave and effectively communicated to the institution(s) in the previous six months.
- (9) If after one year of the issuance of a notice under paragraph (7)—
- (a) the institution satisfies the Commission on all matters set out in paragraph (6), the notice shall be lifted in writing and the institution shall be issued with a Certificate of Audit;
 - (b) institution is unable or unwilling to address the issues raised in paragraph (6), the Commission shall recommend the revocation of the Charter of the said institution and the relevant penalties prescribed in the Act shall apply.

18. Impromptu Audits

Notwithstanding the generality of Regulation 17 the Commission may carry out an audit on any institution as and when it is deemed necessary.

PART III – ESTABLISHMENT OF A TECHNICAL UNIVERSITY

19. Eligibility

A national polytechnic may apply, on the recommendation of the sponsor, to the Commission to be declared a Technical University.

20. Conditions for declaration

An institution shall qualify to be declared a technical university if it satisfies the following criteria—

- (a) the institution shall be offering programmes in applied science that lead towards application and practice;
- (b) the programmes on offer shall have a direct link to the needs of the labour market;
- (c) the institution shall show evidence of institution-industry linkages;
- (d) technologies in use at the institution shall be current or upgradable;
- (e) the institution shall show evidence of requisite staff and other academic resources to support the technical programmes; and
- (f) the institution shall be predominantly technical oriented.

21. Procedure for declaration

(1) An institution shall apply by submitting to the Commission a form in the prescribed format duly completed and certified by the Chief Executive or other person competent to do so.

(2) An application for accreditation shall, in addition to any other detail the Commission may in each case specify or request, be accompanied by—

- (a) a draft Charter containing the particulars required to be supplied by university under section 13 of the Universities Act (Cap. 210); and
- (b) a self-evaluation report, outlining *inter alia*—
 - (i) the philosophy and technical orientation of the institution;
 - (ii) a list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;
 - (iii) a statement on the library facility and resources which have been developed for each programme being and to be offered at the institution;

- (iv) a statement of the financial resources that are available for the exclusive use of the institution, certified by a person qualified to practice under the Accountants Act (Cap. 531);
- (v) an inventory of the physical facilities including land that are available for the exclusive enjoyment of the institution;
- (vi) student enrolment and services;
- (vii) development plans; and
- (viii) research orientation and outputs.

22. Inspection of proposed technical University

(1) The Commission shall, before considering an application under Regulation 21 appoint an Inspection Committee with the power to—

- (a) make enquiry into and for the purposes of ascertaining the veracity or otherwise of the particulars submitted under regulation 21(2);
- (b) make enquiry into the general academic, research, administrative and social affairs of the institution and in particular confirm compliance to the criteria set out in Regulation 21;
- (c) make such other investigation of relevance to the application as it may deem necessary.

(2) The Committee appointed under paragraph (1) shall comprise of—

- (a) a Professor or Associate Professor of a technical discipline, who shall also be conversant with university management, as the Chairperson;
- (b) at least two academicians of senior lecturer level or above, in technical university education;
- (c) a university librarian;
- (d) a registered Architect;
- (e) relevant officers of the Commission; and
- (f) any other professional that the Commission may determine to be necessary.

(3) The Inspection Committee shall submit a factual and evaluation report to the commission.

23. Consideration of evaluation report

(1) As soon as the report of the Inspection Committee appointed under regulation 22(3) is received, the Commission shall consider all documentation relevant to the application and shall indicate what revisions or amendments, if any, the institution concerned should be required to make before the merits thereof are assessed.

(2) Where after deliberation on the merits of each application the Commission is satisfied that—

- (a) the draft Charter submitted forms a sound basis for the academic and administrative organizations of the university;
- (b) the institution has effectively organized adequate human, physical, financial and other resources into an educational programme comparable to that of similar institutions authorized to operate in Kenya;
- (c) a specific and unique mandate in teaching or research, in a technical area, is contained in the Charter;
- (d) the mandate in teaching or research is critical to national development or security; and
- (e) the institution satisfies the criteria set out in Regulation 23,

it shall recommend to the Cabinet Secretary that the institution be declared a Technical University.

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(3) Where the Commission is not satisfied in the manner indicated in paragraph (2), it shall decline to recommend declaration of the Technical University.

(4) An applicant whose application is declined by the Commission may resubmit such application to the Commission one further time.

(5) The Commission shall not accept or entertain any application where the same has been resubmitted under paragraph (4) and declined.

(6) Where the Commission has recommended declaration of a Technical University as per Regulation 25(2) above, it shall compile an accreditation report, as provided under these Regulations, and submit it to the Cabinet Secretary.

24. Declaration of a Technical University

(1) On receiving a recommendation from the Commission for the declaration of a Technical University, the Cabinet Secretary, if satisfied, shall submit the same to the President.

(2) The President, if satisfied, may declare the institution to be a Technical University in accordance with the provisions of section 25 of the Act.

25. Supervision of Technical Universities

The Commission shall supervise Technical Universities in accordance with the supervision procedures outlined in the Act and of these Regulations.

26. Rights of a Technical University

Any institution declared a Technical University shall have the following rights—

- (a) all the rights of an accredited university outlined in section 20 of the Act; and
- (b) the right of access to such enhanced public funding as the Cabinet Secretary may in consultation with the Universities Funding Board determine.

27. Variation or revocation of Charter of a Technical University

A Charter issued as evidence of accreditation to any technical university may be varied or revoked in the manner specified in section 22 of the Act.

PART IV – ESTABLISHMENT OF A SPECIALIZED DEGREE AWARDING INSTITUTION

28. General provision

Unless otherwise provided, these Regulations shall apply to specialized degree-awarding institutions as they apply to universities.

29. Application

(1) This Part shall apply to any public institution that has been in existence for at least ten years and whose mandate is of strategic national importance.

(2) Any institution eligible for establishment as a specialized degree awarding institution shall submit to the Commission an application in the prescribed format.

(3) The application shall be accompanied by a proposal and information as set out in Regulation 5.

30. Criteria for declaration

An institution shall be eligible to be declared a specialized degree awarding institution if the institution—

- (a) is a public institution offering programmes considered to be of national strategic importance;
- (b) has facilities for specialized training of human resource at degree level for a specific niche commensurate with the national development agenda;
- (c) has been in operation in the relevant field for at least 10 years;

- (d) has had linkages with universities for at least six years in specialized research and training;
- (e) has a critical mass of qualified staff in specific discipline of national importance and has been involved in institution-university or institution-industry linkages for at least six years; and
- (f) offers programmes limited to the mandate and philosophy of the established institution.

31. Accreditation process

The provisions of Regulation 8 on the inspection of a university shall apply *mutatis mutandis* to a specialized degree awarding institution.

32. Consideration of report

(1) As soon as the report of the Inspection Committee appointed under Regulation 6(3) is received, the Commission shall consider all documentation relevant to the application and shall indicate what revisions or amendments, if any, the institution concerned should be required to make before the merits thereof are assessed.

(2) Where after a full deliberation on the merits of each application the Commission is satisfied that—

- (a) the institution satisfies the criteria set out in Regulation 30;
- (b) the draft charter submitted forms a sound basis for the academic and administrative organizations of the university;
- (c) a specific and unique mandate in teaching and/or research, in a specialized area, is contained in the draft Charter;
- (d) the institution has effectively organized adequate human, physical, financial and other resources into a quality educational programme; and
- (e) the mandate in teaching and/or research is critical to national development or security,

the Commission shall recommend to the Cabinet Secretary that the institution be established as a Specialized Degree Awarding Institution.

(3) Where the Commission is not satisfied in the manner indicated in paragraph (2), it shall decline to recommend the establishment of a specialized degree awarding institution.

(4) An applicant whose application is declined by the Commission may resubmit application to the Commission one further time.

(5) The Commission shall not accept or consider any application where same has been resubmitted in accordance with paragraph (4) and declined.

(6) Where the Commission recommends the establishment of a Specialized Degree Awarding Institution as per paragraph (2) above, it shall compile an accreditation report, as provided for in Regulation 11 of these regulations, and shall submit it to the Cabinet Secretary.

33. Declaration of a specialized Degree-awarding Institution

(1) On receiving a recommendation from the Commission for the establishment of a Specialized Degree Awarding Institution, the Cabinet Secretary shall submit the same to the President.

(2) The President may on the recommendation of the Cabinet Secretary, and with the approval of Parliament, award a Charter to establish a Specialized Degree Awarding Institution in accordance with the provisions of section 24 of the Act.

34. Supervision

The Commission shall supervise Specialized Degree Awarding Institution in accordance with the supervision procedures outlined in Regulation 17.

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35. Rights of a Specialized Degree Awarding Institution

Any institution declared a Specialized Degree Awarding Institution shall have—

- (a) all the rights of an accredited university outlined in section 20 of the Act;
- (b) the right of access to such enhanced public funding as the Cabinet Secretary in consultation with the Universities Funding Board may determine; and
- (c) the right to have approval of its new programmes prioritized by the Commission.

36. Obligations of a Specialized Degree Awarding Institution

The provision of section 20 of the Act shall apply *mutatis mutandis* to a Specialized Degree Awarding Institution as they apply to a regular university under that Regulation.

37. Variation or revocation of Charter of a Specialized Degree Awarding Institution

A Charter issued as evidence of accreditation to a specialized degree-awarding institution may be varied or revoked in the manner specified in section 22 of the Act.

PART V – ESTABLISHMENT OF A CONSTITUENT COLLEGE

38. Eligibility

A chartered university which is authorized to operate in Kenya may apply to the Commission for authority to establish a constituent college pursuant to the Act.

39. Proposal as to particulars

The application in Regulation 38 shall be accompanied with—

- (a) a college proposal in a format prescribed by the Commission;
- (b) documentary evidence of the resources available to the college;
- (c) a draft legal notice for the establishment of the Constituent college; and
- (d) any other information the Commission may require.

40. Declaration of a constituent college

The Commission shall evaluate an application to establish a constituent college in accordance with the procedures set out in Regulations 5(1) to (3).

41. Consideration by the Commission

(1) Where the Commission is satisfied that an application for the establishment of a constituent college has complied with minimum requirements as determined in Regulation 40, the Commission shall recommend to the Cabinet Secretary for the declaration of the institution as a constituent college through a legal notice; and

(2) Where the Commission is not under paragraph (1) satisfied, it shall communicate its decision to the Cabinet Secretary and the proposed mentoring university with reasons.

42. Operation and tenure

(1) A constituent college shall—

- (a) be a body corporate with an independent governance structure; and
- (b) offer programmes and award qualifications to students through the Senate of the mentoring university.

(2) Approval for the establishment of a constituent college shall have the effect of a letter of Authority under section 15 of the Act.

(3) A constituent college in consultation with the mentoring university may, within a period of three years since its establishment, apply to the Commission for grant of a charter under the Act.

(4) Where the Commission is not satisfied it may recommend to the Cabinet Secretary an extension for a period of three years or conversion of the constituent college to a campus of the mentoring university.

PART VI – ESTABLISHMENT OF CAMPUSES

43. Eligibility

Any chartered university authorized to operate in Kenya may apply to the Commission for authority to establish a campus.

44. Proposal as to particulars and resources

An application under this Part shall be accompanied by—

- (a) documentary evidence of Senate and Council approval;
- (b) a campus establishment policy statement;
- (c) a campus profile with documentary evidence in a prescribed format, highlighting—
 - (i) the location, address and justification for the same;
 - (ii) the physical, human and library resources available for the exclusive use of the campus;
 - (iii) the academic and administrative staff dedicated to the campus;
 - (iv) the proposed quality assurance systems; and
 - (v) confirmation of the level of student enrolment; and
- (d) the programmes proposed to be offered at the campus and their mode of delivery.

45. Authority to operate a campus

(1) The Commission shall evaluate an application for the establishment of a campus and where satisfied that—

- (a) such establishment is justified;
- (b) the resources available are adequate to support the proposed programs and enrolment and that they meet the standards of the Commission; and
- (c) adequate measures have been put in place to assure quality, the Commission shall approve establishment of the campus and communicate the same to the institution.

(2) Where the Commission is not satisfied as specified in paragraph (1) shall decline the application and communicate the decision to the institution in writing.

46. Operation and tenure

A university campus shall—

- (a) be the smallest institutional unit of a university;
- (b) have localized administrative structures clearly linked with the main campus; and
- (c) offer programmes and award qualifications to students through the Senate of the university.

47. Open and Distance Learning Centres

(1) A university may apply to the Commission for approval for the establishment of Open and Distance Learning Centres.

(2) An application under this Regulation shall follow the procedure for the establishment of university campuses.

[Subsidiary]

PART VII – ACADEMIC PROGRAMMES

48. Launch of Academic Programmes

(1) Universities shall submit all their academic programmes to the Commission for accreditation.

(2) For purposes of paragraph (1), the Commission shall—

- (a) accredit the academic programmes of universities;
- (b) evaluate the proposed programmes, employing the use of qualified peers in accordance with the criteria set by the Commission, and ensuring that the said university meets the various requirements and academic standards prior to the programmes being launched;
- (c) ensure the evaluation process entails—
 - (i) assessment of curriculum for conformity to set guidelines of curriculum presentation;
 - (ii) evaluation of curriculum by peers for adherence to set standards and determination of cohesiveness, breadth, depth, appropriateness and relevance of the degree programme;
 - (iii) consideration of peer review reports by appropriate panels;
 - (iv) verification of appropriateness and adequacy of academic resources for the support of the programme by peers;
 - (v) revision of the programme by the university, based on feedback from the Commission; and
 - (vi) consideration for approval by the Commission.

(3) The evaluation of a proposed academic programme shall be terminated if the institution fails to meet the Commission's requirements within a period of four years.

(4) Academic programmes of proposed universities and universities operating with a Letter of Interim Authority shall only be launched after the completion of the entire evaluation process.

(5) A chartered university may develop and mount new academic programmes and shall submit the same for review within six months to the Commission in accordance with programmes standards.

(6) A chartered university shall submit programmes for evaluation and review where—

- (a) it has a functional and approved Internal Quality Assurance (IQA) system, including an IQA policy, structure, and an established and filled position for a Quality Assurance Officer;
- (b) it has institutionalized regular peer review of its academic programmes and has submitted to the Commission a report on the same;
- (c) the Vice-Chancellor has submitted to the Commission, for evaluation, a properly designed curriculum in accordance with the set guidelines;
- (d) the Vice-Chancellor of the university has signed the commitment form indicating that the Vice-Chancellor—
 - (i) is responsible for ensuring that the laid down process of curriculum design and development has been adhered to; and
 - (ii) will ensure that the report on academic resources to support the academic programme is up to date and available at all times.

(7) The curriculum submitted under paragraph (6) shall be accompanied by—

- (a) a needs assessment report on the proposed programme;
- (b) duly signed minutes of the Senate Meeting at which the proposed programme was approved;
- (c) a comprehensive report on available and accessible academic resources for the support of the programme that shall include—

- (i) academic facilities and infrastructure;
- (ii) equipment and learning materials;
- (iii) core-texts and journals; and
- (iv) academic and technical staff.

(8) In the case of a chartered university, the Commission shall verify available academic resources for the support of the given academic programme within six months, and shall approve such programme for full accreditation once the University has satisfactorily met the academic requirements of the programme.

49. Conditions for approval of a professional programme

The Commission shall only approve a professional programme when it confirms that—

- (a) the requisite basic programmes on which it is dependent are on offer at the said university; and
- (b) the relevant professional body recognized by law has granted its approval for the programme.

50. Submission of Academic Programmes by Universities

(1) A university shall submit proposals for new programmes to the Commission for accreditation within six months for chartered universities and prior to mounting for universities with Letters of Interim Authority and proposed universities.

(2) A revised academic programme submitted to the Commission shall be deemed to be a new programme, thus warranting evaluation, if its core course content is over thirty per cent different from the programme in the original curriculum.

51. Evaluation of Academic Programmes

(1) The Commission shall engage the services of suitably qualified peer reviewers in the evaluation of academic programmes.

(2) A panel of peer reviewers shall evaluate a programme based on standards and guidelines as provided in the schedules.

(3) The peer reviewers shall have the appropriate academic qualifications and experience in the relevant field as stipulated in this Regulation.

(4) The peer reviewers shall be required to have training in quality assurance and shall be drawn from—

- (a) universities, in which case, they shall—
 - (i) be holders of doctorate degrees in the relevant area and be in the rank of at least a senior lecturer; and
 - (ii) in special cases, be at least a Senior Lecturer and holder of a Master's degree in the relevant area;
- (b) industry and professional bodies, in which case, they shall be—
 - (i) holders of a Master's degree in a relevant field with more than five (5) years working experience in the field at senior position; and
 - (ii) members of a professional body where applicable, with appropriate professional licences.

52. Quality Assurance Systems for Academic Programmes

(1) Upon establishment, each university shall have the primary responsibility for internal quality assurance of their academic programmes.

(2) Each university shall institute its own internal quality assurance policy, systems and mechanisms.

(3) Each university shall have a programme development committee to guide its programme development and ensure that the university's proposed curricula have gone through clear internal processes and meet the Commission's standards of curriculum

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development prior to being presented to the Senate of the university, and thereafter, to the Commission for evaluation and consideration.

(4) Each university shall undertake a needs assessment, market survey and situational analysis, involving relevant stakeholders, for proposed programmes.

(5) The university shall provide documentary evidence that all academic programmes have gone through the relevant academic organs which shall include—

- (a) the Departmental Board;
- (b) the Faculty or School Board; and
- (c) the Senate.

(6) Upon establishment each university shall submit to the Commission a five year peer review plan every five years.

(7) Each university shall carry out self-assessment of its programmes every cohort and submit a report on the same to the Commission for purposes of external review.

PART VIII – FOREIGN UNIVERSITY COLLABORATING WITH A LOCAL UNIVERSITY

53. Application

(1) A foreign university may apply to the Commission for grant of authority to collaborate with a local university in the provision or offer of its academic programme or join programmes of instructions in Kenya and shall be subjected to the same regulations and standards as those that apply to the establishment and accreditation of universities in Part III of the Act.

(2) Except as may be expressly enacted to the contrary, no university shall cooperate with a foreign university in offering academic programmes or joint programmes after the commencement of these Regulations without the authority of the Commission.

(3) Any university wishing to apply for collaboration under this regulation shall do so by submitting to the Commission an application form as set out in the Eighth Schedule to the Act.

54. Local Collaborating University

The local university shall provide the requisite academic resources to support the programme and where applicable, evidence of approval by the relevant professional body.

55. Foreign Collaborating University

A foreign university shall be eligible to collaborate with a local university if such university

- (a) is accredited or recognized in the country of origin;
- (b) has the programme under collaboration on offer in the country of origin; and
- (c) has at least one cohort of students who have graduated in the programme in the country of origin.

56. Programmes under Collaboration

The programmes offered under the collaboration shall be required to be—

- (a) be accredited or recognized in the country of origin;
- (b) not more than 10 per cent of the programmes on offer in the local university; and
- (c) relevant to a specific market niche.

57. Collaboration Agreement

(1) A collaborating foreign university shall submit to the Commission a duly signed Memorandum of Agreement between the collaborating institutions.

(2) A memorandum under paragraph (1) shall set out details of—

- (a) the nature of the collaboration;

- (b) a statement on the collaborating institutions;
- (c) the university expected to award the degree;
- (d) the rights and obligations of the students;
- (e) the rights and obligations of each of the two institutions;
- (f) financial arrangements; and
- (g) mechanisms of variation and termination.

58. Students under Collaboration

The admission of students into programmes offered under collaboration shall be governed by the existing admission criteria in the local university.

59. Collaboration Audit Committee

Upon receipt of the application referred to in Regulation 53 before, the Commission shall appoint a Collaboration Audit Committee which shall have powers to—

- (a) verify the particulars of items submitted under the Regulation 57;
- (b) verify the academic resources, management and administrative and social affairs pertinent to the programme(s) of the local institution; and
- (c) make such other follow-up investigations relevant to the collaboration processes as it may deem necessary.

60. Approval of Collaboration

(1) The Collaboration Audit Committee shall submit a factual and evaluative report of its findings under Regulation 59 to the Commission.

(2) The Commission may upon confirmation that the parties to the contractual agreement referred to in regulation 58, meet conditions set out under these Regulations, may approve the application and grant authority to collaborate.

(3) The Commission shall publish the name of the foreign University approved under this Part on its website and the particulars of the programme in respect of which the authority is granted.

(4) The Commission shall issue a Certificate of Authority to collaborate to the universities granted such authority.

61. Revocation of Collaboration

The Commission may, on application of any of the collaborating partners or on its own motion, revoke its approval before the expiry of the term of the collaboration if—

- (a) it is of the opinion that such revocation is in the interest of education in Kenya;
- (b) any of the institutions is in breach of the terms and conditions upon which the Certificate of Authority to Collaborate was issued;
- (c) the institution is no longer offering the programme under collaboration for which the certificate was issued;
- (d) any of the institutions has ceased being an accredited or recognized university; or
- (e) such changes have occurred which, if they were in existence at the time of application for the certificate of authority to collaborate, the authority would not have been granted.

62. Notice to revoke authority to Collaborate

(1) The Commission may revoke a certificate of authority to collaborate by issuing a notice in writing outlining the issues the institution will need to address to the university and according the university an opportunity to be heard.

(2) If after six months the university fails to address the issues highlighted in paragraph (1), the Commission shall issue a notice revoking the Certificate of Authority to Collaborate.

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- (3) Where a Certificate of Authority to Collaborate has been revoked—
- (a) such revocation shall not affect the academic awards granted by the institution before the date of revocation; or
 - (b) the local university shall make necessary arrangements for the ongoing students to complete their programmes.

PART IX – COLLABORATION BETWEEN FOREIGN
UNIVERSITIES AND LOCAL TERTIARY INSTITUTIONS

63. Conditions for Collaboration

- (1) Under this regulation a foreign university may collaborate with a local tertiary institution in offering only two programmes at bachelor's degree level only.
- (2) The foreign university shall be allowed to collaborate with a maximum of two local institutions.
- (3) A local tertiary institution may only collaborate with a maximum of two universities.

64. Application procedure

- (1) A foreign university shall apply to the Commission for grant of authority to collaborate with a tertiary institution in offering university academic programmes in line with the form in the prescribed format.
- (2) The application referred to in subregulation (1) shall be submitted together with copies of the—
- (a) proposed contract for collaboration between the foreign university and the local institution;
 - (b) academic programme(s) to be offered under collaboration;
 - (c) certificate of registration of the local institution;
 - (d) evidence of accreditation status of the foreign university.
- (3) The contract specified in regulation 2 (a), shall specify—
- (a) the terms of the contract;
 - (b) the mode of teaching;
 - (c) the assessment and awards system in respect of the programme(s) offered;
 - (d) the rights and obligation of the collaborating institutions;
 - (e) the Academic resources including physical, library, human and financial resources devoted to the programme(s) in the local institution in accordance with Commission standards;
 - (f) the management and administration of the programme; and
 - (g) the financial arrangements of the collaboration.

65. Collaboration Review Panel

- (1) Upon receipt of the application referred to in Regulation 64, the Commission shall appoint a Collaboration Review Panel which shall have powers to—
- (a) assess and ascertain the veracity of the particular items submitted under the regulation 64;
 - (b) verify the academic resources, management and administrative and social affairs pertaining to the programmes of the tertiary Institution; and
 - (c) make such other follow-up investigations relevant to the collaboration processes it may deem necessary.
- (2) The Collaboration Review Panel shall submit a factual and evaluation report of its findings under subregulation (1) to the Commission.

66. Grant of Authority to Collaborate

The Commission, upon confirmation that all the requirements have been met may grant its authority to collaborate in the form set out in the prescribed format upon such terms and conditions as it may deem fit.

67. Publication of Grant of authority

The Commission shall publish the grant of authority under regulation 66 in at least three newspapers as prescribed in section 28(4) of the Act.

68. Register of institutions

The Commission shall maintain a register of the institutions granted authority to collaborate with other institutions.

69. Revocation of Collaboration

The Commission may, on application of any of the collaborating partners or on its own motion revoke the grant of authority before the expiry of the term of the collaboration if—

- (a) it is of the opinion that such revocation is in the interest of education in Kenya;
- (b) any of the institutions is in breach of the terms and conditions upon which the Certificate of Authority to Collaboration was issued;
- (c) the institution is no longer offering the programme under collaboration for which the certificate was issued;
- (d) any of the institutions has ceased being an accredited university; or
- (e) such changes have occurred which, if they were in existence at the time of application for the Certificate of Authority to Collaborate, the Authority to Collaborate would not have been granted.

70. Notice to Revoke Authority to Collaborate

(1) The Commission may revoke a Certificate of Authority to collaborate by issuing a notice in writing to the university outlining the issues requiring attention and according the university an opportunity to be heard.

(2) If within six months the university has not addressed the issues highlighted in subregulation (1) above, the Commission shall issue a notice in the *Gazette* revoking the Certificate of Authority to Collaborate.

(3) Where a Certificate of Authority to Collaborate is revoked—

- (a) it shall not affect the academic awards granted by the institution before the date of revocation; and
- (b) the local institution shall make necessary arrangements for the ongoing students to complete their programme.

PART X – LICENSING OF STUDENT RECRUITMENT
AGENCIES AND ACTIVITIES OF FOREIGN UNIVERSITIES

71. Application

(1) A foreign university or a Student Recruiting Agency acting on behalf of such a university, may apply to the Commission for a Licence to operate in Kenya—

(2) For purposes of paragraph (1), agencies of foreign universities include—

- (a) local agencies for student recruitment into foreign universities;
- (b) agencies for advertising, exhibiting and marketing foreign universities; and
- (c) foreign universities directly advertising, exhibiting or recruiting students.

(3) The application referred to in paragraph (1) shall be in the prescribed format.

(4) The Commission may from time to time prescribe guidelines to govern student recruitment.

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72. Conditions for operating a Student Recruitment Agency

An agency shall be eligible to be licensed to operate in Kenya if such body—

- (a) is registered under the laws of Kenya;
- (b) represents an accredited university in its country of origin;
- (c) has a physical address in Kenya; and
- (d) produces evidence of a memorandum of understanding with the university it represents.

73. Licence

(1) A licence to operate under this Part shall be valid for a period of one year, and may be renewed subject to adherence to the conditions set out by the Commission.

(2) The Commission may cancel a licence to operate if it is of the opinion that the agency is in violation of the terms and conditions under which the licence was issued.

74. Effects of license

An agency to which a licence is issued may—

- (a) recruit qualified students for specified foreign universities;
- (b) carry out marketing and liaison activities for the foreign university it represents;
- (c) provide student services; and
- (d) advertise its services.

75. Obligations of an agency

An agency licensed to operate under these regulations shall be obligated to—

- (a) recruit students who are qualified in accordance with the admission criteria set out by the university's placement service;
- (b) place students into accredited/recognized institutions;
- (c) carry out due diligence to establish the accreditation status of the institutions and programmes;
- (d) operate within the relevant laws in Kenya;
- (e) ensure that all instructions issued by the Commission under these Regulations are complied with; and
- (f) provide student services.

76. Register

The Commission shall maintain in its website a register of all agencies licensed under this Part.

77. Monitoring of agencies

The Commission may inspect an agency as and when it deems necessary.

PART XI – RECOGNITION AND EQUATION OF QUALIFICATIONS AWARDED BY FOREIGN UNIVERSITIES AND INSTITUTIONS

78. Scope of the Service

(1) Holders of degrees, diplomas and certificates conferred or awarded by foreign universities and degree awarding institutions may seek recognition or equation of their qualifications from the Commission.

(2) The Commission may recognize or equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time.

(3) The Commission shall not be deemed to award any qualifications through the services provided under this Part.

79. Principles of recognition and equation

The following principles shall apply in respect of the assessment of foreign qualifications under this Part—

- (a) holders of foreign qualifications shall have adequate access, upon request, to an assessment of their qualifications;
- (b) the procedures and criteria for the assessment of foreign qualifications shall be transparent, coherent and reliable, and shall be reviewed periodically with a view to increasing transparency, taking account of developments in the education field;
- (c) in the assessment of the foreign qualifications concerning higher education, the international and national legal frameworks shall be applied in a flexible way with a view to making recognition possible;
- (d) in cases where the decision of the commission is different from the recognition requested by the applicant, including cases where no form of recognition is possible, the Commission shall inform the applicant of the reasons for the decision reached and his or her possibilities for appealing against it;
- (e) while the aim of the Commission to assess the foreign qualification in qualitative terms, the assessment shall be undertaken without to some extent relying on both qualitative and quantitative criteria where quantitative criteria are relevant to quality and may supplement qualitative criteria; and
- (f) recognition shall be granted wherever possible, unless there is a substantial difference in terms of content, profile, workload, quality and learning outcomes with similar programmes available locally.

80. Evaluation of Foreign Qualifications

(1) The Commission shall evaluate, recognize and equate foreign degrees, diplomas and certificates conferred or awarded by foreign universities and institutions.

(2) In its evaluation under paragraph (1) the Commission shall—

- (a) establish the status of the qualifications presented taking into account the status of the institution and/or programmes through which the qualifications were awarded;
- (b) establish whether the higher education institution belongs to the countries operating under the auspices of any international or regional conventions;
- (c) take due account of the established quality assurance system, including the system of formal evaluation of higher education institutions and programmes in the originating country;
- (d) identify the qualification in the system of the country in which recognition is sought which is most comparable to the foreign qualification, and where available, the Commission shall refer to the National Qualifications Framework and Regional Qualification Frameworks;
- (e) consider differences in the content, profile, workload, quality and learning outcomes. In such cases the evaluation shall seek to establish alternative recognition that shall include—
 - (i) recognition of the foreign qualification as compared to a qualification of Kenya, but not that indicated by the applicant;
 - (ii) partial recognition of the foreign qualification; and
 - (iii) full or partial recognition of the foreign qualification subject to the applicant successfully taking additional examinations, further study aptitude tests or other compensatory measures;

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- (f) take into account prior learning, credit transfer, different forms of access to higher education, joint degrees and lifelong learning in recognition of some academic qualifications which are awarded in short duration, without diminishing the learning outcomes, and a decision not to grant recognition shall not be motivated by duration alone;
- (g) consider previous levels of education only where these levels have a bearing on the outcome of the evaluation, and shall as far as possible, be limited to qualifications of a level immediately preceding the qualification for which recognition is sought; and
- (h) apply best professional skills and take note of all relevant information. Where adequate information on the learning outcomes is available, this shall take precedence in the evaluation over consideration of the education programme which has led to the qualification.

(3) Where qualifications are under previous higher education structures the following principles shall apply—

- (a) the field in which the qualification is awarded as well as activities undertaken by the applicant since the qualification was issued;
- (b) the status of the qualification of the issuing country, and where a national qualifications framework exists in the issuing country, whether previous qualifications are recognized thereunder;
- (c) older qualifications shall be recognized along the same lines as the more recent and similar qualifications issued in Kenya, taking into account the purpose for which such recognition is sought and relevant work experience shall be considered for dated qualifications; and
- (d) learning outcomes, the quality of the programme and its duration shall be taken as some of the indicators of the level of achievement reached at the end of the programme.

81. Criteria for recognition and equation of qualifications

The criteria for recognition and equation of qualifications shall be the same as the standards established by the Commission.

82. University data

(1) Universities shall submit correct data on university education to the Commission on an annual basis in a prescribed format.

(2) It shall be an offence to submit falsified data to the Commission.

PART XII – GENERAL PROVISIONS

83. Fees

The fees chargeable for services rendered under these regulations shall be determined and gazetted by the Commission from time to time.

84. Penalties

(1) A person who commits offence against these Regulations shall be liable to the penalties prescribed under.

(2) A person who, without the written consent of the Commission, uses the name of the Commission in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and shall be liable penalties set out under the Act.

85. Appeals

Any person or institution who or which is aggrieved by an act or decision of the Commission taken in accordance with any of the provisions of these Regulations,

whodesires to question that act or decision, or any part of it, may, within thirty days of the date of such act or decision, appeal in writing to—

- (a) the Commission which shall review and decide on the matter in question and respond within a period of three months; and
- (b) thereafter to the Cabinet Secretary, if not satisfied with the decision of the Commission, and the Cabinet Secretary may give such orders or instructions as may be deemed necessary.

86. Transitional arrangements

(1) Any foreign university which at the commencement of these Regulations is providing programmes in collaboration with a local university or tertiary institution shall, within six months from the date of commencement of the Regulations, apply to the Commission for recognition of such collaboration.

(2) Any local university which at the commencement of these Regulations is providing programmes in collaboration with a local tertiary institution shall, after a period of one year from the date of the coming into operation of these regulations, cease admissions of new students into the programmes under collaboration.

(3) Any agency which at the commencement of these Regulations is recruiting students into foreign universities, shall, within six months from the date of the coming into operation of these Regulations, apply to the Commission for licensing under these Regulations.

(4) Any university, being a holder of Letter of Interim Authority or a Certificate of Registration that was in existence before the coming into operation of these Regulations shall apply to the Commission and be assessed for award of Charter in the manner prescribed under these Regulations, provided that—

- (a) the Letter of Interim Authority or Certificate of Registration has been held for at least three years; or
- (b) the Letter of Interim Authority or Certificate of Registration has not been revoked.

(5) Any university college, campuses and ODEL learning centers that were in existence before the enactment of these Regulations shall be audited by the Commission to assess their conformity to set standards and guidelines within 12 months on the commencement of the regulations.

87. Preparation of Standards

(1) The Commission may from time to time prepare and publish a set of standards, herein referred to as Universities Standards and Guidelines, to govern the performance, operations and general conduct of all universities authorized to operate under these Regulations.

(2) Notwithstanding the generality of paragraph (1), the Universities Standards and Guidelines may, in particular set out minimum standards among others on—

- (a) a university as an institution;
- (b) physical facilities;
- (c) academic programme(s);
- (d) open distance and e-learning;
- (e) technical universities;
- (f) collaborative arrangements; and
- (g) specialized degree-awarding institutions.

88. Declaration of Standards

(1) The standards contained in the Schedules are declared to have been prepared and published in accordance with section 5(1)(c) of the Universities Act (Cap. 210).

Universities

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(2) The Commission may add to, delete or otherwise amend the contents of the Schedules provided, however, that any amendment made in accordance with this paragraph shall be published in the *Gazette*.

THE KAIMOSI FRIENDS UNIVERSITY COLLEGE ORDER, 2015

[Legal Notice 87 of 2015]

Revoked by Legal Notice 165 of 2022 on 12th September, 2022

THE ALUPE UNIVERSITY COLLEGE ORDER, 2015

[Legal Notice 153 of 2015]

Revoked by Legal Notice 161 of 2022 on 12th September, 2022

THE TOM MBOYA UNIVERSITY COLLEGE ORDER, 2016

[Legal Notice 55 of 2016]

Revoked by Legal Notice 164 of 2022 on 12th September, 2022

THE TURKANA UNIVERSITY COLLEGE ORDER

ARRANGEMENT OF PARAGRAPHS

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THE TURKANA UNIVERSITY COLLEGE ORDER

[Legal Notice 8 of 2017]

PART I – PRELIMINARY

1. Short title

This order may be cited as Turkana University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

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

“Act” means the Universities Act (Cap. 210);

“Chancellor” means the Chancellor of the Masinde Muliro University of Science and Technology;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as determined under paragraph 18;

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

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

“institute” means an institute of the University College established by the statutes;

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

“librarian” means the person appointed to the Librarian of the University College;

“Cabinet Secretary” means the Cabinet Secretary for the time being, in charge of University Education;

“Principal Secretary” means the Principal Secretary in the Ministry responsible for University Education;

“Principal” means the Principal of the University College appointed by the Council;

“professor” means a full professor of the University College;

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

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

“Senate” means the senate of the University;

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

“statutes” means statutes of the University College made by the Council under this order;

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

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

“University College” means the Institution established under paragraph 3;

“University” means the Masinde Muliro University of Science and Technology established under the Act;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under the Act.

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

3. Establishment of the University College

(1) There is established a university college to be known as the Turkana University College which shall be a constituent college of Masinde Muliro University of Science and Technology.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering such contracts as may be necessary; or

expedient, for the furtherance of the provision of this Order which may lawfully be done by a body corporate.

4. Functions and Objects

The University College shall be established at the former premises of Mt. Kenya University, Lodwar Campus following MMUST’S acquisition of the property.

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

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technology, scientific and professional education) integration of teaching, research and effective application of knowledge and skills to the life and work and welfare of the citizens of Kenya;
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellect participation of students in the economic, social scientific, technological and cultural development of Kenya;
- (c) provide and advance university education and training to appropriately qualified candidates leading to the conferment of degrees and award of diplomas, certificates and such other qualifications as the Council and the senate may from time to time determine and in so doing, contribute other manpower needs of the county;
- (d) conduct examinations for such academic awards as may be provided in the statutes of the University College;
- (e) examine and make proposal for new faculties, schools, institutes, departments, resource and research centers, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;

- (g) contribute to industrial and technological development through innovations and technology transfer;
- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovations, research, consultancy services;
- (i) participate in commercial venture and other activities for the benefit of the institution, the community and stakeholders;
- (j) contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in foster corporate social responsibility and the practical arts;
- (l) provide programmes, products and services, in ways that reflect the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different technical training institutions, universities and the industry; and
- (n) foster the general welfare of all staff and students.

(2) Admission to the University College shall be open to all persons accepted as being qualified by the Academic Board in accordance with this Order and the Act without distinction of race, ethnicity, age, place of origin or residence or other local connections, political opinion, colour, creed, or sex, and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming or continuing to be a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from, any person on the grounds of any such distinction.

5. Degrees, Diplomas, etc.

(1) The degrees and diplomas to be awarded by the University College shall be the degrees and postgraduate diploma conferred by the Masinde Muliro University of Science and Technology.

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

6. Scholarships, bursaries, etc.

Subject to this order, the University College may award scholarships, bursaries and prizes and such other awards as may be provided for by the statutes.

PART III – MEMBERS AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. Members of the University College

The members of the University College shall be—

- (a) the Chancellor of the Masinde Muliro University of Science and Technology;
- (b) the Vice-Chancellor of the Masinde Muliro University of Science and Technology;
- (c) the principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian;
- (h) the professors of the University College;
- (i) the lecturer of the University College

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- (j) the Finance Officer;
- (k) Students of the University College; and
- (l) the Dean of students;
- (m) the Director ICT services;
- (n) the alumni association; and
- (o) the such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

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

(2) The Principal shall be the Chief Executive of the University College and shall—

- (a) be the academic and administrative head of the University Colleges;
- (b) Have overall responsibility of the direction, organization, administration and programs of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

(4) Notwithstanding subparagraph (1), the Cabinet Secretary may appoint the first Principal of the University College in an acting capacity for a period of six months on the recommendation of the Council of the University, and the person so appointed, shall be deemed to be the Principal appointed under subparagraph (1).

9. The Deputy Principal

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

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

10. Deans and Directors of faculties, schools, institutions and centres

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, center, or department a dean, director or a chairperson who shall be the academic and administrative head of the school, institute, or centre, and shall, under the general direction of the Principal, have such powers and duties as may be provided by the statutes.

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

11. The Council

(1) There shall be a Council of the University College appointed by the Cabinet Secretary in accordance with section 36 of the Act.

(2) The Principal shall be the secretary to the Council.

(3) Subject to paragraph (4), a member of the Council other than an *ex officio* member, shall hold office for a period of three years, but shall be eligible for re-appointment for one further term.

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

- (a) if, not being an *ex officio* member, he resigns his office by writing under his hand addressed to the Principal;
- (b) if the Council is satisfied that member is, by reasons of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon his death.

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

(6) The procedure and the conduct and regulations of the affairs of the Council shall be vested in the Council.

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

12. Functions of the Council

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

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College if, the Council shall not charge or dispose, of the immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College donations, endowments, gifts, grants or other moneys and to make disbursements there from to the University College or other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University College;
- (d) may associate with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and
- (e) may, after consultation with the academic Board, prescribe guidelines governing the conduct and discipline of the students of the University College.

(2) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the Chairperson, the Principal or any other member 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 to 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 College.

(5) The Council shall at least once every year review the viability and financial sustainability of the University College.

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

13. The Academic Board

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

- (a) the Principal, who shall be the chairperson;
- (b) the Deputy Principals;
- (c) the deans of the schools, and directors of institutes and centers;
- (d) the heads of the teaching departments of the University College;
- (e) the librarian;
- (f) One representative of each of the school academic Boards appointed by the boards from among its members; and
- (g) two members elected by the students' organization of the University College, except that the members of the students' organization shall not be entitled to attend deliberations of the Academic board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

[Subsidiary]

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make regulations governing such other matters as are within its powers in accordance with this Order or the statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any acting in respect of subparagraph (2) (a), (b) or (c) except upon receipt of a report or proposal there under, and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the academic Board.

14. Management Board

(1) There shall be established a Management Board of the University College made up of the following persons—

- (a) the Principal, who shall be the chairperson;
- (b) the Deputy Principals;
- (c) the Registrar in charge of administration, who shall be the secretary;
- (d) the Finance Officer; and
- (e) Such other member of the senior management as the Council may determine.

(2) The functions of the Management Board shall include assisting the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University College;
- (b) making proposals to the Council and the Academic Board on policies that have application across the entire institution;
- (c) coordination of the University College strategic and development plans; and
- (d) Any other matters related to the management of the University College.

15. Alumni

(1) There shall be an alumni association of the University College shall consist of graduates of the university college and such other persons as may be prescribed by the Statutes.

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

16. The Staff of the University College

(1) The academic staff of the University College shall consist of the Principal, the Deputy Principals, the librarian and all members of staff who are engaged in teaching and research.

(2) The senior management staff of the University College shall consist of the Principal, the Deputy Principals, and the deans of Schools and directors of Institutes and such other members of staff as the Council may from time to time determine.

(3) The administrative staff of the University College shall consist of the Registrars, the Finance Officer and such other members of staff, not being engaged in teaching or research, as the Council, may from time to time, determine.

(4) The technical staff of University College shall consist of those staff engaged in laboratory and field instruction 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.

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

(6) All members of the staff of the University College shall, subject to this order, be appointed either—

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

(7) 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 College.

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

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

17. Performance of functions in the absence of the office holder

(1) In the event of the incapacity of the Principal, the Council may appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Chancellor may, after consultation with the Chairperson of the Council, appoint any member of the academic staff of the University College to perform the functions of the Principal during the period of incapacity.

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of such member of staff during the incapacity.

PART IV – FINANCIAL PROVISIONS

18. Accounts and Audit

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

19. Investment of funds

(1) The Council may invest any of the funds of the University College in securities in which for the time being trustees may, by laws, invest trust funds or in any other securities which the Treasury may, from time to time, approve for the purpose.

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

20. Annual Estimates

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

[Subsidiary]

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

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

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

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

(5) No expenditure shall be incurred for the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

21. Accounts and audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General under Part VII of the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 29 (3) and (4) of the Public Audit Act (Cap. 412B) shall *mutatis mutandis* apply to any report made under this paragraph.

PART V – MISCELLANEOUS PROVISIONS

22. Protection of name, Common Seal and signification of documents

(1) The common seal of the University College shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council.

(2) The common seal of the University College shall be authenticated by the signature of the Principal or of one other member duly authorized by the Council.

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

23. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and for the—

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

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

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

(4) Statutes or regulations made by the Council under this Order shall be published in the *Gazette* but sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the statute or to the regulations.

24. Protection of name

(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 word “Turkana University” together with either or all the words “university”, “college” unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council uses the word “Turkana University” together with either or all the words “university college” in furtherance of, or as, or about, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding twelve months or both to such fine and imprisonment:

(3) If nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

THE THARAKA UNIVERSITY COLLEGE ORDER, 2017

[Legal Notice 146 of 2017]

Revoked by Legal Notice 168 of 2022 on 12th September, 2022

THE BOMET UNIVERSITY COLLEGE ORDER

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THE BOMET UNIVERSITY COLLEGE ORDER

[Legal Notice 145 of 2017]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Bomet University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

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

“Act” means the Universities Act (Cap. 210);

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

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

“Chancellor” means the Chancellor of Moi University, Eldoret;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as provided for under paragraph 19;

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

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

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

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

“librarian” means the person appointed to be the librarian of the University College;

“Management Board” means the Management Board of the University College established under paragraph 14;

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

“Principal” means the principal of the University College appointed under paragraph 8;

“professor” means a professor of the University College;

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

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

“Senate” means the senate of the University;

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

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

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

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

“University College” means the Bomet University College established under paragraph 3;

“University” means the Moi University, Eldoret; and

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

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY COLLEGE

3. Establishment of the University College

(1) There is established a university college to be known as the Bomet University College which shall be a constituent college of the Moi University, Eldoret.

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

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

4. Functions and Objects of the University College

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

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) conduct examinations for such academic awards as may be provided in the statutes pertaining to the University College;
- (e) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) contribute to industrial and technological developments through innovations and technology transfer;

- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) participate in commercial ventures the benefit of the institution, stakeholders: and other activities for the community and stakeholders;
- (j) contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different training institutions, universities and industry; and
- (n) foster the general welfare of all staff and students.

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

5. Conferment of Degrees and Award of Certificates and Diplomas

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the Moi University, Eldoret.

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

6. Award of Scholarships, Bursaries and other Awards

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the Moi University, Eldoret;
- (b) the Vice-Chancellor of the Moi University, Eldoret;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director ICT services;

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- (n) the students of the University College;
- (o) the Alumni Association; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

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

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms of five years and shall be eligible for re-appointment for a further term of five years.

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

9. The Deputy Principal

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

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

10. Deans, Directors and Chairpersons of Departments

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a Dean, Director, or a Chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

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

11. The Council

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

(2) The Principal shall be the secretary to the Council.

(3) Subject to subparagraph (4), a member of the Council other than an *ex officio* member shall hold office for a period of three years but shall be eligible for reappointment for one further term.

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

- (a) if, not being an *ex officio* member, the member resigns from office in writing addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- (c) upon death of the member.

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

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

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

12. Functions of the Council

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

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

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

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

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

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

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

13. The Academic Board

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

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and

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- (j) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree diploma certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose Regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose Regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make Regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (3) except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board which shall consist of—

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

(2) The functions of the Management Board shall include assisting the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

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

15. Students' Association

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

16. Alumni Association

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

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

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

17. Staff of the University college

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

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

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

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

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

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

(5) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

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

18. Performance of Functions in the Event of Incapacity of an Office Holder

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

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

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer for a period of up to three months.

PART IV – FINANCIAL PROVISIONS

19. Financial Year

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

20. Investment of Funds

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

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

21. Annual Estimates

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

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

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

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

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

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

22. Accounts and Audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act (Cap. 412B) shall apply to any report made under this paragraph.

PART V – MISCELLANEOUS PROVISIONS

23. The Common Seal and Signification of Documents

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

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

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

24. Statutes

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

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

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

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

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the regulations.

25. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Bomet" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Bomet" together with the word "University College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both:

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

26. Conversion into a Fully-Fledged University

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

27. Variation and Revocation of Order

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

THE KOITALEL SAMOEI UNIVERSITY COLLEGE ORDER

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THE KOITALEL SAMOEI UNIVERSITY COLLEGE ORDER

[Legal Notice 177 of 2018]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Koitalel Samoei University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

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

“Act” means the Universities Act (Cap. 210);

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

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

“Chancellor” means the Chancellor of University of Nairobi;

“Council” means the Council of the University College established under paragraph 11;

“Deputy Principal” means the Deputy Principal appointed by the Council of the University College under paragraph 9;

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

“financial year” means the financial year of the University College as provided for under paragraph 19;

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

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

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

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

“librarian” means the person appointed to be the librarian of the University College;

“Management Board” means the Management Board of the University College established under paragraph 14;

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

“Principal” means the principal of the University College appointed under paragraph 8;

“professor” means a professor of the University College;

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

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

“Senate” means the senate of the University;

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

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

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

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

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

“University” means the University of Nairobi; and

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

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

3. Establishment of the University College

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

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

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

4. Functions and Objects of the University College

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

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education (including technological, scientific and professional education), integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (c) provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time to time determine and in so doing, contribute to manpower needs;
- (d) conduct examinations for such academic awards as may be provided in the Statutes pertaining to the University College;
- (e) examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) contribute to industrial and technological developments through innovations and technology transfer;

- (h) develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovation, research and consultancy services;
- (i) participate in commercial ventures and other activities for the benefit of the institution, the community and stakeholders;
- (j) contribute to agriculture, industrial and technological development of Kenya in collaboration with industrial and other institutions through the transfer of appropriate technology;
- (k) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) provide programmes, products and services in ways that reflect the principles of equity and social justice;
- (m) facilitate student mobility between different programmes at different training institutions, universities and industry; and
- (n) foster the general welfare of all staff and students.

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

5. Conferment of Degrees and Award of Certificates and Diplomas

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the University of Nairobi.

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

6. Award of Scholarships, Bursaries and other Awards

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the University of Nairobi;
- (b) the Vice-Chancellor of the University of Nairobi;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;

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- (n) the students of the University College;
- (o) the Alumni association; and
- (p) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

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

(2) The Principal shall be the chief executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office upon such terms of five years and shall be eligible for re-appointment for a further term of five years.

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

9. The Deputy Principal

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

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

10. Deans, Directors and Chairpersons of Departments

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, centre, or a department, a Dean, Director, or a Chairperson who shall be the academic and administrative head of the faculty, school, institute, centre, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

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

11. The Council

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

(2) The Principal shall be the Secretary to the Council.

(3) Subject to subparagraph (4), a member of the Council other than an *ex officio* member shall hold office for a period of three years but shall be eligible for reappointment for one further term.

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

- (a) if, not being an *ex officio* member, the member resigns from office in writing addressed to the Principal;
- (b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- (c) upon death of the member.

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

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

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

12. Functions of the Council

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

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

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

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

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

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

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

13. The Academic Board

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

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Deans of the Schools, and Directors of Institutes and Centres;
- (d) the heads of the teaching departments of the University College;
- (e) the Registrar in charge of academic affairs;
- (f) the Librarian;
- (g) the Dean of students;
- (h) the Director of ICT services;
- (i) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and

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- (j) two members elected by the students' organization, who shall however not be entitled to attend deliberations of the Academic Board on matters which are considered by the Chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.

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

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

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and to report its findings thereon to the Senate;
- (b) to propose Regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) to propose Regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University College;
- (d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and to report its decision thereon to the Senate; and
- (e) to make Regulations governing such other matters as are within its powers in accordance with this Order or the Statutes.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (3)

except upon receipt of a report or proposal thereunder and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be established a Management Board which shall consist of—

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

(2) The functions of the Management Board shall include assisting the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

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

15. Students' Association

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

16. Alumni Association

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

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

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

17. Staff of the University college

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

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

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

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

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

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

(5) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

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

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

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

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

(3) In the event of the incapacity of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer for a period of up to three months.

PART V – FINANCIAL PROVISIONS

19. Financial Year

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

20. Investment of Funds

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

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

21. Annual Estimates

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

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

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

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

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

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

22. Accounts and Audit

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

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor General in accordance with the Public Audit Act (Cap. 412B).

(4) The Controller and Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Order, and section 24 (3) and (4) of the Public Audit Act (Cap. 412B) shall apply to any report made under this paragraph.

PART VI – MISCELLANEOUS PROVISIONS

23. The Common Seal and Signification of Documents

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

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

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

24. Statutes

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

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

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

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

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the regulations.

25. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Koitalel Somoei" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Koitalel Somoei" together with the word "University College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

26. Conversion into a Fully-Fledged University

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

27. Variation and Revocation of Order

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

THE CHARTER FOR THE UNIVERSITY OF EMBU

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR THE UNIVERSITY OF EMBU

[Legal Notice 64 of 2019]

SCHEDULE**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 provided 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 (Cap. 210);

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 said University of Nairobi 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 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 (Cap. 210), 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.

PART I – PRELIMINARY**1. Citation**

This Charter may be cited as the University of Embu Charter.

2. Interpretation

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 (Cap. 210);

"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;

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

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"Alumini 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 (Cap. 210);

"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

3. Establishment and Incorporation of the University

(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.

4. Vision, Mission and Philosophy

Vision

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

Mission

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

Philosophy

Enhancing human capacity for societal development

5. Objects and Powers

(1) 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.

(2) 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.

6. Establishment of University Campuses

(1) 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.

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

7. Establishment of Colleges within the University

(1) 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.

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

8. 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.

9. 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.

10. Convocation

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

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

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11. 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

12. Membership of the University College

(1) The members of the University shall be:

- (a) the Chancellor;
- (b) the Chairperson of University Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Colleges within the University;
- (f) the Registrars of the University;
- (g) the Finance Officer of the University;
- (h) the Librarian;
- (i) the Legal Officer of the University;
- (j) the Professors of the University;
- (k) the Dean of Students;
- (l) the Directors of Institutes and Centres;
- (m) the Deans of Schools;
- (n) the members of the University Council;
- (o) the members of the Senate;
- (p) the Lecturers of the University;
- (q) the Students of the University;
- (r) the Convocation;
- (s) the Alumni;
- (t) members of staff of the University; and
- (u) 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.

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

- (a) in the manner and upon the terms and conditions of service prescribed by the Act and 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 University Council and the seconding body.

(3) 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.

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

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

13. Governance

There shall be the following governance organs in the University:

- (a) Chancellor;
- (b) The University Council;
- (c) The Senate;
- (d) Management Board;
- (e) Students' Association;
- (f) The Alumni Association.

14. Chancellor

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

(2) 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.

(3) The following nomination procedure shall apply

- (a) 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;
- (b) The senate shall seek clearance by reference to—
 - (i) the Criminal Investigations Department;
 - (ii) the Credit Reference Bureau;
 - (iii) the Higher Education Loans Board;
 - (iv) the Kenya Revenue Authority;
 - (v) the Ethics and Anti-corruption Commission; and
 - (vi) the any other relevant authority;
- (c) 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;
- (d) 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;
- (e) any adverse information shall be forwarded to the nominees for response which shall be placed before Senate for consideration;
- (f) 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;
- (g) 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.

(4) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University.
- (b) may from time to time, recommend to the Cabinet Secretary a visitation of the University.
- (c) may from time to time give advice to the University Council which the Chancellor considers necessary for the betterment of the University.

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- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.
- (5) The office of the Chancellor shall become vacant—
 - (a) if the Chancellor resigns his or her office by writing under his or her hand addressed to the President;
 - (b) if the Chancellor is, by reasons of physical or mental infirmity, unable to exercise the functions of his or her office;
 - (c) if the Chancellor is adjudged bankrupt by a court of competent jurisdiction;
 - (d) 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
 - (e) upon death of the Chancellor.

15. The Council

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

- (a) 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;
- (b) the Principal Secretary for the time being responsible for university education;
- (c) the Principal Secretary for the time being responsible for finance;
- (d) the Vice-Chancellor who shall be the secretary to the Council; and
- (e) five other members as provided by the Act.

(2) 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.

(3) 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.

- (4) The office of a member of the Council shall become vacant—
 - (a) 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 his/her office;
 - (c) if the member fails to attend three (3) consecutive Council meetings;
 - (d) if the member is adjudged bankrupt by a court of competent jurisdiction;
 - (e) 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
 - (f) upon death of the member.

(5) 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.

(6) 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.

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

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

(9) 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.

(10) 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.

(11) The Council shall have the following functions—

- (a) be ultimately responsible for oversight of the affairs of the University;
- (b) set and approve the University's strategic direction;
- (c) ensure the effective management and control of the University's affairs, property and finances through the establishment of systems of internal control;
- (d) ensure the effective management and administration of the University's Staff and Students;
- (e) determine the structure, staffing and overall composition of the University;
- (f) make and approve Statutes for gazette in accordance with the Act;
- (g) determine the method of recruitment, appointment and promotion of all staff of the University;
- (h) appoint and determine the terms and conditions of service for all staff of the University;
- (i) approve the budget;
- (j) promote and make financial provisions and facilities for execution of the functions of the University;
- (k) determine, after considering the recommendations of the Senate, all fees payable to the University;
- (l) 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;
- (m) subject to the laid down government procedures, to approve sale, purchase, exchange, take on, lease movable and immovable property on behalf of the University;
- (n) subject to the laid down government procedures, to approve the borrowing of money on behalf of the University; and for that purpose 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;
- (o) 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;
- (p) empower committees to act jointly with any Committees appointed by the Senate, provided that the University Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to the University Council the annual estimates of expenditure;
- (q) approve regulations governing the conduct and discipline of the students of the University;

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- (r) approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (s) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (t) 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;
- (u) provide for the welfare of the staff and students of the University;
- (v) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (w) constantly review the viability and financial sustainability of the University;
- (x) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards;
- (y) perform such other duties as may be contained in the Statutes and exercise such other powers as may be provided for in the Act.

16. The Senate

(1) 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:

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Constituent Colleges;
- (d) the Principals of Colleges of the University;
- (e) the Deans of the Schools and Faculties in the University;
- (f) the Directors of Institutes and Centres;
- (g) the Registrars of the University;
- (h) the Chairpersons of Departments;
- (i) the Professors of the University;
- (j) 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;
- (k) the Librarian;
- (l) the Dean of Students;
- (m) 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
- (n) such other member as the University Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor 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) 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;
- (b) set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (c) approve all syllabi of the University;

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

17. Students' Association

- (1) There shall be a Students' Association of the University College.
- (2) The functions of the Students' Association shall be to—

[Subsidiary]

- (a) 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;
- (b) draw to the attention of the appropriate authority, where necessary, special needs from particular students;
- (c) offer suggestions to the Senate or its equivalent on matters affecting the well-being of students; and
- (d) undertake such other functions as provided in its governance instrument as approved by the University Council.

18. Alumni Association

(1) 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.

(2) 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.

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

(4) 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

19. The University Management Board

(1) 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:

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Registrars of the University;
- (e) The Finance Officer of the University;
- (f) Such other member of senior management as the University Council may determine in accordance with the Statutes; and
- (g) the Vice-Chancellor's Office shall provide the secretariat to the Board.

(2) 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.

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

- (a) encourage the rationalization and efficiency of the University services;
- (b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
- (c) set the terms and conditions for the appointment of internal and external examiners
- (d) 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;
- (e) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;
 - (f) advise the University Council on the management, administration, and academic affairs of the University;
 - (g) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
 - (h) establish any University charges and fees; and
 - (i) perform any other duties related to the management of the University.

20. The Vice-Chancellor

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

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

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

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

21. 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 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) 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 reappointment 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.

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- 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.

22. 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

23. 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.

24. Sources of Funds

- (1) The funds of the University shall comprise of:
 - (a) such sums as may be provided 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 functions under this Charter or under any other written law; and
 - (c) all monies from any other source provided for or donated or lent to the University.
- (2) the University may appeal to the general public for subscriptions, donations or bequests for the benefit of the University.

25. 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.

26. 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 (Cap. 412B).

27. 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.

28. 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

29. The Common Seal and Signification of Documents

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

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- (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.

30. 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.
- (e) Notwithstanding the generalities of subsection (d) the Statutes made hereof shall not be in force before the commencement of the University of Embu.

31. 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.

32. 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.

33. 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:
 - (i) 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;
 - (ii) 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;
 - (iii) 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;
 - (iv) 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

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- (v) 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.

34. 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.
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THE CHARTER FOR UMMA UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR UMMA UNIVERSITY

[Legal Notice 200 of 2019]

PREAMBLE

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

AND WHEREAS the said Umma University has applied to the Commission for University Education, for grant of Charter to provide for the establishment, control, governance, and administration of the University and for connected purposes in the manner prescribed by the Universities Act (Cap. 210);

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

AND WHEREAS the Commission for University Education is also satisfied that Umma University has complied with the provisions of the Universities Act (Cap. 210);

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

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

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

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 19 of the Universities Act (Cap. 210), I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Umma University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Umma University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

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

"Act" means the Universities Act (Cap. 210);

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

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

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

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

"Charter" means the Umma University Charter 2019;

"College" means an academic unit comprising of faculties, schools or institutes;

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"Commission" the Commission for University Education established under the Act;

"common seal" means a semi-autonomous academic unit of the university, established under section 10 of this Charter;

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

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

"faculty" means an academic unit within the University;

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

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

"Institute" means a unit within the University;

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

"School" means an academic unit within the University;

"Senate" means the Senate of Umma University under section 21 of this Charter;

"Statutes" means a set of regulations formulated by University Council under the Charter;

"student" means a person registered by the University for the purposes of obtaining a qualification of the University, or any other person who is determined by the Senate to be a student;

"Students Association" means an association of the students recognised by the Council as being representative of the students of Umma University under section 23 of this Charter;

"Trustees" means the Board of Trustees of Umma University established under the Trustees (Perpetual Succession) Act (Cap. 164);

"University" means Umma University established under section 3 of this Charter;

"University Council" means the governing body of the University established under section 18 of this Charter;

"University Management Board" means a management board of the University established under section 25 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of Umma University appointed under section 26 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is hereby established a private university to be known as "Umma University" which shall be constituted according to this Charter.

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

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

(3) The University is the successor to the Thika College for Sharia and Islamic Studies established in 1998, and subject to this Charter, all rights, duties, obligations, assets and liabilities of the Thika College for Sharia and Islamic Studies existing at the commencement of this Charter shall be automatically and fully transferred to the University.

4. Vision

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

5. Mission

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

6. Core Values:

Umma University shall uphold the following core values:

(a) Integrity:

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

(b) Partnership:

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

(c) Respect:

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

(d) Stewardship:

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

(e) Morality:

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

(f) Innovativeness:

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

7. Philosophy

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

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

8. Aims and Objects

(1) The aims of the University shall be—

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- (a) to enhance access to University education for communities in Kenya and beyond;
 - (b) to provide, directly or in collaboration with other institutions of higher learning, facilities for quality university education including technological, scientific and professional education, the integration of teaching, research, outreach and effective application of knowledge and skills to the life, work, and welfare of all students and stakeholders from Kenya and beyond;
 - (c) to provide and advance university education and training to appropriately qualified candidates, leading to the conferment of Degrees and award of Diplomas and Certificates and such other qualifications as the Council and the Senate may from time to time determine, and in so doing contribute to the realisation of sustainable national economic and social development;
 - (d) to provide programmes, products, and services in ways that reflect the principles of equity and social justice;
 - (e) to produce and advance applied artistic, scientific, technological and professional graduates for the changing labour markets and developmental challenges;
 - (f) to provide a scholarly environment for the advancement, transmission and preservation of knowledge, sustaining intellectual life in Kenya and beyond;
 - (g) to promote languages as a tool for integration of local and international cultures;
 - (h) to mould students to be able to live in an increasingly complex society by helping them develop critical management skills, competencies and attitudes;
 - (i) to provide corporate social responsibility to the communities neighbouring the University.
- (2) The objectives of the University shall be—
- (a) to mobilize financial resources to support achievement of the vision, mission, aims and objectives of the University;
 - (b) to be a centre of excellence for the study of the theory and practice of Islamic *sharia*, Islamic studies, sciences, business, management, languages engineering and others;
 - (c) to recruit and retain an adequate number of competent employees to support the needs of the University;
 - (d) to provide holistic quality education to qualified students of all backgrounds;
 - (e) to produce Arabic and Islamic Religious education teachers for educational institutions in Kenya and beyond;
 - (f) to produce competent leaders and scholars with capacity to offer guidance and also able to deal with contemporary issues facing communities in Kenya and the world at large;
 - (g) to produce qualified judicial officers (advocates, kadhis, magistrates and judges) who are able to competently handle disputes and administer justice;
 - (h) to disseminate research findings through teaching, seminars, conferences, public lectures, publications and other appropriate means;
 - (i) to provide consultancy services to government, industry, private sector and the community at large;
 - (j) to promote research and innovation to generate knowledge and to collaborate with other academic, professional, technical and research institutions in training, research and management of education;
 - (k) to utilise Information Communication and Technology (ICT) and other technologies to enhance performance in all University activities;
 - (l) provide adequate library holdings to support the University's academic and research programmes;

- (m) to undertake continuous admission and examination of qualified students while closely monitoring industry expectations, demand, entry qualification and gender balance.

9. Functions

(1) The functions of the University shall be—

- (a) to provide resources for university level education, training and research;
- (b) to develop and implement new academic programmes including those that culminate in degrees, diplomas and certificates;
- (c) to establish schools, institutes, departments, centres, recreational and sports facilities, and such other units as the University Council may deem necessary;
- (d) to foster the general welfare of students and staff;
- (e) to facilitate teaching, training, research, community service and other scholarly works;
- (f) to participate in the discovery, transmission and preservation of knowledge and to stimulate spiritual and intellectual life;
- (g) to undertake resource mobilisation for funds and provide financial and other assistance to needy students through University scholarships and other financial aid;
- (h) to conduct examinations and to grant academic awards as may be provided for in the Statutes, and to syndicate examinations for award at other institutions as may be approved by Senate;
- (i) to engage in teaching, training, scholarship, entrepreneurship, research, consultancy, community service among other educational services and products, with emphasis on technology and its development, impact, and application to society;
- (j) inculcate a culture of life-long learning, responsible citizenry and innovation in technology, engineering, and mathematics within the university and society;
- (k) participate in technological innovation as well as in the discovery, transmission, preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development in Kenya;
- (l) to establish academic partnerships and linkages with other universities, research institutions and industry;
- (m) to determine who may teach, what may be taught and how it may be taught in the University under the educational philosophy and objects of the University;
- (n) to carry out any other functions as may be permitted and approved by the University Council and the Senate to further the vision and mission of the University.

(2) The University shall have the right and responsibility to preserve and promote the tradition of academic freedom in the conduct of its internal and external affairs.

(3) The University shall admit any person for degree, diploma, certificate and any other awards as may be prescribed by the Senate and no person shall be discriminated on the basis of race, ethnicity, place of origin or residence, political connection, creed or gender.

10. Establishment of Constituent Colleges

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

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11. Establishment of Colleges and Campuses

(1) The University Council may on the advice of the Senate establish Colleges or Campus Colleges, to offer training and courses of instruction consistent with its mission and objects whose functions and powers shall be as provided by the Statutes.

(2) A college or campus which is established under this section shall consist of such faculties, schools, institutes or centres as may be provided by the Statutes.

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

(1) Subject to this Charter, the University shall—

- (a) grant degrees (Bachelors', Masters', Doctorate and other awards), diplomas, certificates and other academic awards as may be provided for by the Statutes;
- (b) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.

(2) Subject to this Charter, the University may award fellowships, scholarships, bursaries and prizes and make other awards as may be provided for in the Statutes.

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

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

14. Membership

(1) The members of the University shall be—

- (a) the Board of Trustees;
- (b) the Chancellor;
- (c) the Members of the University Council;
- (d) the Vice-Chancellor;
- (e) the Deputy Vice-Chancellors;
- (f) the Principals of Colleges and Campus Colleges;
- (g) the Registrars;
- (h) the Deans of Faculties, Schools or Institutes or other specified functional divisions;
- (i) the Students;
- (j) the Dean of Students;
- (k) the professors of the University;
- (l) the University Librarian;
- (m) the Chief Legal Officer;
- (n) the Finance officer;
- (o) the University *Imam*;
- (p) the members of the Alumni Association;
- (q) the academic staff;
- (r) the non-teaching staff; and
- (s) all other Staff of the University.

(2) The University shall have such other members of staff or any other body formally admitted into association with the University or with any of its constituent colleges, as the Council may determine from time to time.

15. Governance

(1) The governance of the University shall be vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Board of Trustees;
- (b) the Chancellor;
- (c) the University Council;
- (d) the Senate;
- (e) the University Management Board;
- (f) the Vice Chancellor;
- (g) the Deputy Vice Chancellors;
- (h) the Principals of colleges;
- (i) the Deans of Schools and faculties;
- (j) the Chairpersons of Departments;
- (k) the Alumni Association; and
- (l) the Students Association.

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

16. Board of Trustees

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

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

(3) The Board of Trustees is vested with—

- (a) the ownership of the University on behalf of the sponsor;
- (b) all moveable and immovable assets of the University, which it shall hold in trust for the University;
- (c) the function of safeguarding the foundational object of the University; and
- (d) the powers to appoint or remove from office the Chancellor or members of the University Council.

17. The Chancellor

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

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

(3) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, recommend to the Board of Trustees a visitation of the University;
- (c) may from time to time give to the Council advice which the Chancellor considers necessary for the betterment of the University;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in this Charter.

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18. The University Council

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

(2) Membership of the Council shall consist of—

- (a) a Chairperson, being the holder of an earned doctorate degree from a recognised institution, who shall be elected by the Council members appointed under subsection (1) from among themselves, at their first meetings;
- (b) a vice-Chairperson who shall be elected by Council members appointed under subsection (1) from amongst themselves at their first meeting;
- (c) two persons nominated by the sponsor, one of whom must have an earned doctorate degree from a recognized institution;
- (d) three senior academicians, not being employees of the University, appointed by the Board of Trustees, by virtue of their experience in higher education;
- (e) three prominent persons appointed by the Board of Trustees, from public and private sectors in Kenya;
- (f) one prominent Islamic scholar appointed by the Board of Trustees, who must have at least a Master's degree from a recognized institution;
- (g) the Vice-Chancellor who shall be the Secretary to the Council and an *ex officio* member with no voting rights at Council meetings.

(3) The term of office of the members of the Council, other than an *ex officio* member, shall be a period of four (4) years, which shall be renewable for one further term subject to performance.

(4) The office of a member of the University Council shall become vacant—

- (a) if, not being an *ex officio* member, the member resigns his or her office by notice in writing to the Vice-Chancellor;
- (b) if the Board of Trustees is satisfied that the member is, by reason of physical or mental infirmity or otherwise, unable to discharge his or her duties as required;
- (c) if the member is adjudged bankrupt by a competent court of law;
- (d) if the member is found guilty of gross misconduct; or
- (e) upon the death of the member.

(5) Where the office of a member of the Council becomes vacant under subsection 14 above, the Vice-Chancellor shall notify the vacancy to the Board of Trustees, who shall appoint another member to fill the vacancy for the remainder of the term of such member.

(6) Unless the Council otherwise determines, a meeting of the Council shall be held at least once every quarter in a calendar year at such time and place as the may determine.

(7) At all meetings of the Council a quorum shall be the nearest whole number above half the membership of the Council.

(8) The decisions of the University Council shall be by a simple majority vote of those present and eligible to vote:

Provided that the Chairperson or vice-Chairperson of the Council shall have a casting vote in case of an equality of votes.

(9) The functions of the University Council shall be as described in the Statutes.

19. Chairperson of the University Council

(1) The Chairperson shall preside over all meetings of the University Council at which he is present, but in the absence of the Chairperson, the vice-Chairperson shall preside.

(2) The Chairperson shall perform such other functions as may be provided in the Statutes.

20. Functions of the University Council

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

(2) The University Council may, by statutes, establish committees for the efficient discharge of the functions of the University.

(3) The Council may in the exercise of its functions under this Charter, borrow or raise money with or without security for any of the purposes of the University, in consultation with the University Management Board.

21. The Senate

- (1) There shall be Senate of the University as provided for in the Act and the Statutes.
- (2) The membership of the Senate shall be—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors, of whom the Deputy Vice-Chancellor (Academics and Student Affairs) shall serve as Secretary;
 - (c) the Principals of Colleges and Campus Colleges;

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- (d) the Deputy Principals of Colleges and Campus Colleges;
- (e) the Registrars;
- (f) the Chief Finance Officer;
- (g) the Dean of Students;
- (h) the Deans of Faculties and Schools;
- (i) the Directors of Institutes and Directorates;
- (j) the Chairpersons of Departments;
- (k) the Professors of the University;
- (l) two members elected by the Academic Board of each College from among the members of that Board;
- (m) the University Librarian;
- (n) the Associate Deans of Faculties;
- (o) two members elected by the Students' Association, except that such members shall not be entitled to attend deliberations of the Senate on matters relating to examinations; and
- (p) such other member as may be identified from time to time by Senate.

22. Functions and powers of the Senate

Subject to this Charter and the Statutes, the Senate shall have the following powers and duties—

- (a) to recommend to the Council, through the University Management Board, the establishment or abolition of academic programmes and titles of certificates, diplomas, degrees and other awards of the University;
- (b) to approve all syllabi and curricula of the University;
- (c) to propose to the Council, through the University Management Board, regulations governing methods of assessing and examining the academic performance of students;
- (d) to regulate the conduct of examinations and approve all examination results;
- (e) to determine the procedures to be followed in the conferment of the degrees and other awards;
- (f) to ensure integrity and quality of learning at the University;
- (g) to approve the award of degrees, diplomas and certificates, including the award of honorary degrees, higher doctorates and other academic distinctions;
- (h) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards, and submit recommendations to the University Management Board and the Council for approval;
- (i) to propose regulations and procedures for the conduct and discipline of students and make recommendations thereof to the University Council through the Management Board;
- (j) to promote the professional and academic welfare of students and academic staff of the University;
- (k) to establish operational committees, including the Library Committee, the scholarship committee, the disciplinary committee, the curriculum and review committee, the deans committee;
- (l) to recommend to the Council appropriate criteria for appointment and promotion of the academic staff of the University;
- (m) to determine general policy matters relating to the library, laboratory facilities, teaching technologies, workshops and such other services as are in its view necessary for the furtherance of the educational aims of the University and report to the Council;

- (n) to review the Statutes from time to time and to present recommendations thereon to the Council, provided that all Statutes shall be reviewed at least once every three years;
- (o) to establish, subject to this Charter, the Statutes and other regulations, committees consisting of such members of Senate or any other persons as it may deem fit;
- (p) to exercise such other powers as are, or as may be conferred on it by the Act, this Charter or the Statutes; and to do such other acts as the University Council may authorize;
- (q) perform such other functions as may be prescribed by the Universities Act and Statutes.

23. The Students Association

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

(2) The Students Association shall elect a Student Council which shall have the following functions—

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

24. The Alumni Association

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

(2) The Alumni Association of the University shall participate in the process of appointment of the Chancellor within the provisions of the Act and the Statutes.

(3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit its resolutions thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the Statutes and in its Constitution.

PART IV – MANAGEMENT OF THE UNIVERSITY

25. The University Management Board

(1) There shall be a University Management Board as provided for in the Act and the Statutes.

(2) The membership of the University Management Board shall be—

- (a) the Vice-Chancellor who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors, of whom the Deputy Vice-Chancellor (Planning, Administration and Finance or the equivalent) shall serve as Secretary;
- (c) the Principals of Colleges and Campus Colleges;
- (d) the Registrar (Academics and Student Affairs);
- (e) the Registrar (Research, Innovation and Outreach);
- (f) the Registrar;
- (g) the Chief Finance Officer;
- (h) the University Librarian;
- (i) the Principals of Colleges and Campus Colleges;

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- (j) such other senior officers of the university as the University Management Board may from time to time co-opt.

(3) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for the following functions—

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

26. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be competitively recruited by the Council.

(2) The Vice-Chancellor shall be the Chief Executive Officer of the University and, in this regard, shall—

- (a) be the academic and administrative head of the University;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the University;
- (c) be the Chairperson of the University Management Board and the Senate;
- (d) have such other powers and duties as may be provided in the Statutes.

(3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term based on his or her satisfactory performance;

(4) The terms and conditions of service of the Vice-Chancellor shall be as may be prescribed in the Statutes and the instrument of engagement.

27. Deputy Vice-Chancellors

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

28. Principals of Colleges and Campuses

(1) The Principal of a College or Campus shall be appointed competitively by the University Council and shall be the academic and administrative head of the respective College or Campus.

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

29. Deans of Faculties/Schools/Institutes

(1) There shall be Deans of faculties, schools and institutes who shall be appointed by the Vice-Chancellor in consultation with the University Management Board.

(2) The duties, responsibilities and terms of office of the Deans shall be as prescribed by the Statutes.

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

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

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council shall appoint one of the Principals of Colleges within the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges within the University, the Council shall appoint a member of the academic staff at the level of a professor

to perform the functions of the Vice-Chancellor during the incapacity for a maximum of one hundred and eighty calendar days.

(4) In this section "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

PART V – FINANCIAL PROVISIONS**31. University Financial Year**

(1) The financial year of the University shall be the period of twelve (12) months commencing and ending as prescribed by the Statutes more specifically January to December.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year because of this change, the transitional period, whether more or less than twelve (12) months, shall be regarded as a financial year for the purposes of this Charter.

(3) The Vice-Chancellor shall submit quarterly financial reports to the University Council within a financial year.

32. Sources of Funds

Funds and Resources of the University shall be derived from—

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

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33. Annual Budget

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

(2) The Vice-Chancellor shall submit a proposed budget to the University Council two (2) months before the start of the financial year.

(3) The proposed budget shall make provision for all the estimated expenditure of the University for the fiscal year concerned.

(4) The Annual budget shall be approved by the Council before the commencement of the fiscal year to which they relate.

(5) No expenditure shall be incurred for the purposes of the University except in accordance with the annual approved budget under subsection (4) or in pursuance of an authorization by the Council.

34. Accounts and Audit

(1) The University Management Board shall cause all proper books and records of account of the income, expenditure and assets of the University to be kept.

(2) A firm of external auditors appointed by the Board of Trustees shall audit the accounts of the University.

(3) The University Management Board shall submit the accounts of the University to the Auditors within a period specified by the Statutes from the end of every financial year.

(4) Within a period specified by the Statutes, the external auditors shall report on the examination and audit of the accounts of the University to the Board of Trustees through the University Council.

PART VI – MISCELLANEOUS PROVISIONS

35. Common Seal and the Signification of Documents

(1) The symbols of authority shall be the Common Seal, the Mace, and the Logo.

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

(3) The Common Seal of the University shall be authenticated by the signature of the Chairperson of the University Council, or in the absence of the Chairperson, by the Vice Chairperson or one other member of the Council duly authorized by the Council, or the Vice-Chancellor, and countersigned by one of the Deputy Vice-Chancellors.

(4) The Common Seal of the University when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and any necessary order or authorisation of the University Council or the Vice-Chancellor under this section shall be presumed to be duly given, unless the contrary is proved.

(5) The University mace shall be the symbol of power and shall be stored, displayed, and used as provided in the Statutes.

36. Statutes

(1) In the performance of its functions under this Charter, the University Council shall subject to this Charter, approve Statutes and regulations for the management of the affairs of the University and in particular—

- (a) the establishment of constituent colleges, faculties, institutes, schools, centers and departments of the University;
- (b) the description of degrees, diplomas and certificates;
- (c) the defining the requirement for the conferment of degrees, and award of diplomas and certificates;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;

- (f) setting the terms and conditions of service, and schemes of service including the appointment, dismissal, and recommendation of retiring benefits of the members of staff of the University;
- (g) describing the constitution and procedures of the meetings of the Council, and the establishment, composition and terms of reference of the Committees of the Council;
- (h) prescribing the rules and regulations for the Students Association.

(2) Notwithstanding subsection (1), the University Council shall not enact, amend or revoke any Statutes without reference to the Senate.

(3) Statutes shall only be enacted by a resolution passed by two-thirds majority of all members present and entitled to vote at a University Council meeting specifically convened for that purpose unless the enactment, amendment or revocation is *ultra vires* that provisions of the Charter.

37. Protection of the Name

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

(2) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade or profession, without the consent of the University Council.

(3) Any person who, except with the written consent of the Council, uses the word "Umma" together with the word "University" or "College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or imprisonment for a term not exceeding three (3) years or both.

(4) Notwithstanding the foregoing, nothing in this section shall be construed as preventing the *bona-fide* use of the name of the University by staff, students and Alumni of the University in pursuance of the functions of the University.

38. Variation, Transition and Revocation of the Charter

- (a) This Charter may be varied, amended or revoked in accordance with the provisions of section 22 of the Act.
- (b) The Students of Umma University pursuing diploma and certificate programmes as at the commencement of this Charter shall complete their courses and shall be awarded diplomas and certificates of the University.
- (c) Subject to the provisions of this Charter, if on the winding up or the dissolution of the University, there shall remain, any funds, assets, and property after the satisfaction of all its debts and liabilities, the same shall be transferred to the Board of Trustees of Umma University.

THE UNIVERSITY OF EMBU STATUTES

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THE UNIVERSITY OF EMBU STATUTES

[Legal Notice 90 of 2020]

1. Citation

These Statutes shall be cited as University of Embu Statutes.

2. Interpretation

In these Statutes, unless the context otherwise requires—

"Academic Year" means a period of study consisting of two semesters, not necessarily consecutive, and any other additional period of study or research as may be prescribed in the regulations for a particular programme of study;

"Act" means the Universities Act (Revised 2016) (Cap. 210);

"Alumni Association" means the Alumni Association of the University established under the Act;

"Cabinet Secretary" means the Cabinet Secretary for the time being in charge of University Education

"Campus" means campus established under the Act;

"Chairperson" means a person appointed by the Vice-Chancellor as Chairperson of Department;

"Chancellor" means the Chancellor of the University of Embu appointed under the Act;

"Charter" means the Charter of the University of Embu granted under the provisions of the Act;

"Council" means the Council of the University of Embu established under the Act;

"Dean of Students" means the person appointed by the Vice-Chancellor of the University of Embu to be the Dean of Students under these Statutes;

"Dean" means the Dean of a School as appointed under these Statutes;

"Department" means a Department, which for administrative purposes has been designated by the Council as being constituted within a particular School, Institute or Centre;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor of the University of Embu as appointed under the Act;

"Director" means a person appointed by the Vice-Chancellor of the University of Embu as Director of a Directorate or Institute;

"Finance Officer" means the person appointed by the Council of the University of Embu under Statute XI;

"Financial Year" means the financial year of the University of Embu as provided for under the Act;

"Graduate" means a person upon whom a degree or any other academic qualification has been conferred in accordance with these Statutes;

"Internal Auditor" means the person appointed to be the Internal Auditor of the University of Embu under these Statutes;

"Institute" means an Institute of the University of Embu established under these Statutes;

"Lecturer" means a member of staff of the University of Embu who is, in terms of appointment, a Professor, Associate Professor, Assistant Lecturer, Senior Lecturer, Lecturer, or Tutorial Fellow or a person who holds any other teaching or research post which the

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Council on the recommendation of the Senate, has recognized as a post having academic status in the University;

"Legal Officer" means the person appointed to be the Legal Officer of the University of Embu under these Statutes;

"Librarian" means the person appointed to be the University Librarian under these Statutes;

"Principal of a Constituent College" means the person appointed to be the Principal of a Constituent College under the Act

"Registrar" means a Registrar of the University of Embu appointed under these Statutes;

"School" means a School of the University of Embu established under these Statutes;

"Senate" means the Senate of the University of Embu established under the Act, the Charter and these Statutes;

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

"Statutes" means Statutes of the University of Embu made by the Council under the Act;

"Student" means a person registered by the University of Embu for the purposes of obtaining education and training towards the acquisition of a particular qualification or any other person who is determined by the Senate to be a student within a similar context;

"Students' Association" means an association of students recognized by the Council as being an organization representative of the students of the University of Embu;

"Unit" means a body, which for administrative purposes has been designated by the Council as being constituted within a particular department or other bodies of equivalent status within the University of Embu;

"University" means the University of Embu established under the Act;

"University Management Board" means the Management Board of the University of Embu established under the Act, the Charter and these Statutes;

"Vice-Chancellor" means the Vice-Chancellor of the University of Embu appointed under the Act;

"Warden" means a Warden of Students' Halls of Residence in the University of Embu established under Statute IX;

Other terms in these statutes shall be defined in accordance with the Act and the Charter;

3. Members of the University

(1) The members of the University shall be as defined in the Act or the Charter.

(2) The Council, on the recommendation of the Management, shall have the power to declare such other persons, members of the University as it may deem fit.

(3) Membership of the University shall terminate when a person designated as a member ceases to hold any of the offices or status designated under the Act, the Charter or these Statutes.

4. The Chancellor

(1) There shall be a Chancellor appointed pursuant to provisions of the Act and the Charter following procedures set out in the Act and the Charter.

(2) The Chancellor shall hold office for a term of five years and be eligible for reappointment in accordance with the Act and Charter.

(3) The Chancellor shall hold office and exercise the powers and functions provided in the Act and Charter.

(4) The Chancellor may, in exercise of the powers conferred under the Act and Charter, recommend to the Cabinet Secretary a visitation of the University.

(5) The Chancellor shall recommend to the Cabinet Secretary and or advise Council on the course of action to taken following a visitation.

(6) The Chancellor shall enjoy such other powers and privileges as may be determined by the Council from time to time.

(7) The Chancellor may from time to time give advice to the University Council that the Chancellor considers necessary for the betterment of the University.

5. The Vice-Chancellor

(1) The recruitment of the Vice-Chancellor shall be as per the provisions of the Act and the Charter and the conditions of appointment of the Vice-Chancellor shall be as set out in the contract of service as may be determined by the Council from time to time.

(2) The Vice-Chancellor shall hold office for a period of five years and may, subject to satisfactory performance, be eligible for re-appointment for a further term of five years.

(3) At least seven months to the expiry of the five year contract, the Vice-Chancellor shall, if interested in a second term, submit an application to the Chairperson of the Council to consider renewing his or her contract.

(4) The Council shall within two months of receipt of the application, evaluate the performance of the Vice-Chancellor and, if satisfied, recommend to the Cabinet Secretary his or her re-appointment for a final term of five years.

(5) The office of the Vice-Chancellor shall become vacant—

- (a) if the Vice-Chancellor resigns by giving notice in writing, in accordance with his or her Contract of Appointment, addressed to the Cabinet Secretary and copied to the Chairperson of the Council;
- (b) if the Cabinet Secretary, on the recommendation of the Council, terminates the appointment by giving notice in accordance with his or her Contract of Appointment;
- (c) if the Cabinet Secretary, on recommendation of the Council, is satisfied that the Vice-Chancellor is—
 - (i) by reason of physical or mental infirmity after confirmation by a registered medical practitioner, is unable to exercise the functions of his or her office;
 - (ii) adjudged bankrupt by a court of competent jurisdiction;
 - (iii) convicted of a felony;
- (d) upon the death of the Vice-Chancellor.

(6) The Vice-Chancellor shall be the chief executive officer of the University and shall—

- (a) be the academic and administrative head of the University;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the University; and
- (c) be responsible to the Council for implementation of policies, maintaining and promoting the efficiency and good order of the University.

(7) The Vice-Chancellor shall ensure efficient operations and implementation of the organizational structure of the University.

(8) The Vice-Chancellor may assign or delegate any of his duties to a Committee or to a member of staff and may at his or her discretion, withdraw any such assignment or delegation at any time.

(9) The Vice-Chancellor shall, by the virtue of his or her office, be a member of every Committee appointed by the Council, unless otherwise explicitly provided.

(10) The Vice-Chancellor shall be the Chairperson of the University Management Board, Senate and any other University Committee as may be provided in these Statutes.

[Subsidiary]

(11) The Vice-Chancellor shall appoint Deans of Schools, Chairpersons of Departments, and Directors of Directorates or Institutes, as provided for under these Statutes.

(12) The Vice-Chancellor shall have such other powers and duties as may be conferred upon him or her by the Council in accordance with the Act, Charter and these Statutes.

6. Deputy Vice-Chancellors

(1) There shall be such a number of Deputy Vice-Chancellors as shall be determined and designated by Council from time to time and who shall, under the general authority of the Vice-Chancellor, be in charge of the following functions—

- (a) Academics, Research and Extension;
- (b) Administration;
- (c) Finance, Planning and Development; Deputy Vice-Chancellor (Academics, Research and Extension)

(2) The recruitment of the Deputy Vice-Chancellor for the time being in charge of Academics, Research and Extension shall be as per the provisions of the Act and the Charter.

(3) The Deputy Vice-Chancellor shall hold office for a period of five years and may, subject to satisfactory performance, be eligible for re-appointment for a further term of five years.

(4) At least seven months to the expiry of the five year contract, the Deputy Vice-Chancellor shall, if interested in a second term, submit an application to the Chairperson of the Council, copied to the Secretary of the Council, to consider renewing his or her contract.

(5) The Council shall within two months of receipt of the application, evaluate the performance of the Deputy Vice-Chancellor and, if satisfied, recommend to the Cabinet Secretary his or her re-appointment for a final term of five years.

(6) The conditions of appointment of the Deputy Vice-Chancellor (ARE) shall be as set out in the Terms of Service and as may be amended by the Council from time to time.

(7) The office of the Deputy Vice-Chancellor shall become vacant—

- (a) if the Deputy Vice-Chancellor resigns by giving notice in writing, in accordance with his or her Contract of Appointment, addressed to the Cabinet Secretary and copied to the Secretary of Council and the Chairperson of the Council;
- (b) if the Cabinet Secretary, on the recommendation of the Council, terminates the appointment by giving notice in accordance with his or her Contract of Appointment;
- (c) if the Cabinet Secretary, on recommendation of the Council, is satisfied that the Deputy Vice-Chancellor is;
 - (i) by reason of physical or mental infirmity after confirmation by a registered medical practitioner, is unable to exercise the functions of his or her office,
 - (ii) adjudged bankrupt by a court of competent jurisdiction,
 - (iii) convicted of a felony;
- (d) upon the death of the Deputy Vice-Chancellor.

(8) The Deputy Vice-Chancellor shall be the head of the Academics, Research and Extension Division of the University which has the following responsibilities—

- (a) teaching and training, which include; planning for academic programmes, preparation of syllabi and their regulations, timetables, examinations, certificates and transcripts and graduation, library services, and students attachment and training of academic staff;
- (b) students affairs, which include; admissions and records, students' welfare (recreational, sports and games), counselling and discipline;

- (c) academic support services, which include; library services, co-ordination of the allocation of resources for academic purposes and safety in teaching areas;
- (d) academic quality assurance, which include; issues such as academic staff and programme appraisals;
- (e) research and extensions services, which include; co-ordination of research activities, planning of research workshops and seminars, promoting innovations and patents, planning of linkages, planning extensions services, and soliciting for funds for research and innovations;
- (f) research support services, which include; co-ordination of the allocation of resources for research and extension purposes and safety in research areas;
- (g) incubation of research ideas and innovations;
- (h) overseeing the implementation of all research related agreements and MoU's of the University;
- (i) research quality assurance, which include; issues such as adherence to research ethics and other regulatory provisions as well as regular appraisal of research outputs and outcomes.

(9) The Deputy Vice-Chancellor shall be the secretary to the Senate and chair the following committees—

- (a) Deans;
- (b) Library;
- (c) Students' Disciplinary;
- (d) Students' Welfare;
- (e) Board of Postgraduate Studies;
- (f) Research and Extension;
- (g) Collaboration and Linkages;
- (h) Innovation and Intellectual Property;
- (i) Any other committee as may be established by the Senate or the Management from time to time.

(10) The Deputy Vice-Chancellor shall be the returning officer for the election of Deans of Schools.

(11) The Deputy Vice-Chancellor shall be responsible for the allocation of academic and research facilities and resources such as laboratories and lecture halls.

(12) The Deputy Vice-Chancellor shall have such other duties as may be assigned or delegated to him or her by the Vice-Chancellor in accordance with the Act, the Charter and these Statutes.

7. Deputy Vice-Chancellor (Administration)

(1) The recruitment of the Deputy Vice-Chancellor for the time being in charge of Administration shall be as per the provisions of the Act and the Charter

(2) The Deputy Vice-Chancellor (Administration) shall hold office for a period of five years and may, subject to satisfactory performance, be eligible for re-appointment for a further term of five years.

(3) At least seven months to the expiry of the five year contract, the Deputy Vice-Chancellor (Administration) shall, if interested in a second term, submit an application to the Chairperson of the Council, copied to the Secretary of the Council, to consider renewing his or her contract.

(4) The Council shall within two months of receipt of the application, evaluate the performance of the Deputy Vice-Chancellor (Administration) and, if satisfied, recommend to the Cabinet Secretary his or her re-appointment for a final term of five years.

[Subsidiary]

(5) The conditions of appointment of the Deputy Vice-Chancellor (Administration) shall be as set out in the Terms of Service and as may be amended by the Council from time to time.

(6) The office of the Deputy Vice-Chancellor (Administration) shall become vacant—

- (a) if the Deputy Vice-Chancellor (Administration) resigns by giving notice in writing, in accordance with his or her Contract of Appointment, addressed to the Cabinet Secretary and copied to the Secretary of Council and the Chairperson of Council;
- (b) if the Cabinet Secretary, on the recommendation of the Council, terminates the appointment by giving notice in accordance with his or her Contract of Appointment;
- (c) if the Cabinet Secretary, on recommendation of the Council, is satisfied that the Deputy Vice-Chancellor (Administration) is;
 - (i) by reason of physical or mental infirmity after confirmation by a registered medical practitioner, is unable to exercise the functions of his or her office,
 - (ii) adjudged bankrupt by a court of competent jurisdiction,
 - (iii) convicted of a felony;
- (d) upon the death of the Deputy Vice-Chancellor (Administration).

(7) The Deputy Vice-Chancellor (Administration) shall be the head of the Administration Division of the University which has the following responsibilities:

- (a) staff recruitment;
- (b) staff training;
- (c) payroll administration;
- (d) staff appraisal and promotions;
- (e) staff discipline;
- (f) staff welfare;
- (g) health care services;
- (h) central services;
- (i) staff registry administration.

(8) The Deputy Vice-Chancellor (Administration) shall be secretary to the University Management Board and provide the secretariat for the following Committees:

- (a) Staff Appraisal, Appointments and Promotion;
- (b) Staff Welfare;
- (c) Health;
- (d) Recreation, Environmental Protection and Safety
- (e) Any other committee as may be established by Management from time to time.

(9) The Deputy Vice-Chancellor (Administration) shall have such other duties as may be assigned or delegated to him or her by the Vice-Chancellor in accordance with the Act, Charter and these Statutes.

8. Deputy Vice-Chancellor (Finance, Planning & Development)

(1) The recruitment of the Deputy Vice-Chancellor for the time being in charge of Finance, Planning and Development (FPD) shall be as per the provisions of the Act and the Charter.

(2) The Deputy Vice-Chancellor (FPD) shall hold office for a period of five years and may, subject to satisfactory performance, be eligible for re-appointment for a further term of five years.

(3) At least seven months to the expiry of the five year contract, the Deputy Vice-Chancellor (FPD) shall, if interested in a second term, submit an application to the Chairperson of Council, copied to the Secretary of the Council, to consider renewing his or her contract.

(4) The Council shall within two months of receipt of the application, evaluate the performance of the Deputy Vice-Chancellor (FPD) and, if satisfied, recommend to the Cabinet Secretary his or her re-appointment for a final term of five years.

(5) The conditions of appointment of the Deputy Vice-Chancellor (FPD) shall be as set out in the Terms of Service and as may be amended by the Council from time to time.

(6) The office of the Deputy Vice-Chancellor (FPD) shall become vacant—

- (a) if the Deputy Vice-Chancellor (FPD) resigns by giving notice in writing, in accordance with his or her Contract of Appointment, addressed to the Cabinet Secretary and copied to the Secretary of Council and the Chairperson of Council;
- (b) if the Cabinet Secretary, on the recommendation of the Council, terminates the appointment by giving notice in accordance with his/or her Contract of Appointment;
- (c) if the Cabinet Secretary, on recommendation of the Council, is satisfied that the Deputy Vice-Chancellor (FPD) is:
 - (i) by reason of physical or mental infirmity after confirmation by a registered medical practitioner, is unable to exercise the functions of his or her office,
 - (ii) adjudged bankrupt by a court of competent jurisdiction,
 - (iii) convicted of a felony;
- (d) upon the death of the Deputy Vice-Chancellor (FPD).

(7) The Deputy Vice-Chancellor (FPD) shall be the head of the Finance, Planning and Development Division of the University, which has the following responsibilities:

- (a) corporate planning;
- (b) financial administration;
- (c) catering and accommodation services;
- (d) procurement planning;
- (e) estates management;

(8) The Deputy Vice-Chancellor (FPD) shall provide the secretariat for the following Committees:

- (a) Planning, Establishment and Development;
- (b) Income Generation;
- (c) Budget;
- (d) Any other committee as may be established by management from time to time.

(9) The Deputy Vice-Chancellor (FPD) shall have such other duties as may be assigned or delegated to him or her by the Vice-Chancellor in accordance with the Act, the Charter and these Statutes.

9. University Librarian

(1) Subject to the provisions of the Act, the Charter and Statutes, the Council shall appoint a University Librarian who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The University Librarian shall be responsible to the Deputy Vice-Chancellor (ARE) for the management, organization, operation and utilization of University Library services and to advice on the establishment of library services.

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(3) The University Librarian shall be a member of the Senate and will be responsible for the development and administration of Library User Education Programme for all students.

(4) Subject to the provisions of the Act, the Charter and these Statutes, the University Librarian shall cause development, organization and operation of the Library, advise Schools, Institutes and Directorates on appropriate steps to take to ensure that all courses of study approved by the Senate are well catered for in terms of books and other resource materials and equipment and shall in addition thereto strive to develop the Library into a viable repository of Kenyan and other materials of scholarly value.

10. Dean of Students

(1) Subject to the provisions of the Act, the Charter and Statutes, the Vice-Chancellor shall appoint a Dean of Students from the Academic and Senior Administrative staff of the university who shall hold office upon such terms and conditions as may be determined by the Vice-Chancellor from time to time.

(2) The Dean of Students shall be answerable to the Deputy Vice-Chancellor (Academics Research and Extension) for the co-ordination of students' activities and welfare and in this connection, shall also co-ordinate the work of the Chaplaincy, Wardens and Counselors, Entertainment Services, and working closely with Heads of Catering and Accommodation Services.

(3) The Dean of Students shall serve as the Chairperson of the Wardens Committee, and a member of the Students' Welfare Committee.

(4) The Dean of Students shall be the Returning Officer for the Students' Association elections.

(5) The Dean of Students shall guide and encourage the students to form and develop professional and social clubs and societies and shall in that regard provide the necessary administrative support to such clubs and societies.

(6) The Dean of Students shall coordinate the provision of services to address the needs of students living with disability.

(7) The Dean of Students shall perform such other duties as may be assigned to him or her by the Vice-Chancellor or any other authorized officer of the University from time to time.

11. Wardens

(1) The Vice-Chancellor shall appoint Hostel Wardens from among Academic and Senior Administrative staff under such terms and conditions as may be determined by the University Management Board from time to time to assist in the administration of students' welfare and counseling.

(2) A warden shall hold office for a period of two years and shall be eligible for re-appointment once for a further term of two years.

(3) A Warden shall perform such duties as shall be assigned to him or her from time to time by the Vice-Chancellor or any other authorized officer of the University from time to time.

(4) A Warden, in the performance of his or her duties shall work closely with the Dean of Students.

(5) Persons appointed as Wardens shall not be holders of other management positions in the University.

12. Registrars

(1) Subject to the provisions of the Act, the Charter and these Statutes, the Council shall appoint Registrars through competitive hiring who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The Registrars shall perform such duties as may be delegated or assigned to them by the Vice-Chancellor or their respective Deputy Vice-Chancellors.

13. Finance Officer

(1) Subject to the provisions of the Act, the Charter and these Statutes, the Council shall appoint a Finance Officer through a competitive process who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The Finance Officer shall be responsible to the Deputy Vice-Chancellor for the time being in charge of Finance in the discharge of the functions of his/her office.

(3) The Finance Officer shall perform such other duties as may be assigned to him/her by the Vice-Chancellor or any other authorized officer of the University from time to time.

14. Chief Legal Officer

(1) Subject to the provisions of the Charter and these Statutes, the Council shall appoint through competitive hiring a Chief Legal Officer who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The Chief Legal Officer shall be responsible to the Deputy Vice-Chancellor (Administration) in the discharge of the functions of his or her office.

(3) The Chief Legal Officer shall be responsible for the legal matters of the University.

(4) The Chief Legal Officer shall perform such other duties as may be assigned to him or her by the Vice-Chancellor or any other authorized officer of the University from time to time.

15. Medical Officer

(1) Subject to the provisions of Charter and these Statutes, the Council shall appoint through competitive hiring a Medical Officer who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The Medical Officer shall be responsible to the Deputy Vice-Chancellor in charge of administration in the discharge of the functions of his or her office.

(3) The Medical Officer shall perform such other duties as may be assigned to him/her by the Vice-Chancellor or any other authorized officer of the University from time to time.

16. Internal Auditor

(1) Subject to the provisions of Charter and these Statutes, Council shall competitively recruit an Internal Auditor who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(2) The Internal Auditor shall be responsible to the Council and shall have the overall responsibility for the internal controls and risk management within the University.

(3) The Internal Auditor shall administratively report to the Vice-Chancellor and shall perform such other duties as may be assigned to him by the Council or Vice-Chancellor from time to time.

17. Council

(1) The membership, powers and functions of the Council shall be as prescribed in the Act and the Charter.

(2) Pursuant to the provisions of the Act, the Council shall in addition to the functions set out in the Charter have the following powers and duties—

- (a) acquire land, buildings, premises, furniture and equipment, vehicles and machinery and other means and facilities required for carrying out work of the University in accordance with the Charter;
- (b) employ and approve the terms and conditions of service for all staff of the University;
- (c) make new or additional Statutes, and alter, amend or revoke existing Statutes on recommendation of the Senate and cause them to be gazetted;
- (d) provide for the welfare of employees of the University;
- (e) approve Staff establishment for the proper functioning of the University;

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- (f) to receive and approve budgets and estimates of expenditure required to carry out the operations of the University;
- (g) mobilize resources for infrastructure development;
- (h) approve investment of any money belonging to the University as Council may from time to time deem fit;
- (i) approve University charges and fees;
- (j) approve a Seal, Coat of Arms and Mace for the University;
- (k) subject to the Act, these Statutes and any other written law, approve the removal from office and any other disciplinary action over staff appointed by Council in the University;
- (l) manage, supervise and administer the assets of the university in such a manner as best promotes the purpose for which the university is established;
- (m) determine the provisions to be made for capital and recurrent expenditure and for reserves of the university;
- (n) receive any grants, donations or endowments on behalf of the university and make legitimate disbursements therefrom;
- (o) enter into association, collaboration or linkages with other bodies or organizations within or outside Kenya as the university may consider desirable or appropriate and in furtherance of the purpose for which the university is established;
- (p) open a banking account or accounts for the funds of the university; and
- (q) carry out any other function necessary for the smooth operations of the University.

18. Meetings of the Council

(1) The Council shall meet as often as necessary for the transaction of business, but not more than four months shall elapse between the date of one meeting and that of the next meeting.

(2) The Chairperson may at any time, and shall upon written request by a majority of the members, call a special meeting of the Council.

(3) The Chairperson shall preside at every meeting of the Council at which he is present, but in the absence of the Chairperson the members present may elect one from among their number to preside.

(4) The quorum for a meeting of the Council shall be five members.

(5) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of the members present, and in the case of an equality of votes the Chairperson or person presiding shall have a casting vote.

(6) A member who has a direct or indirect interest in a matter being considered or to be considered by the Council shall, as soon as the relevant facts regarding the matter come to knowledge of the member, disclose the nature of such interest, and shall not be present during any deliberations on the matter.

(7) The Council shall cause the minutes of all proceedings of its meetings to be recorded and kept, and shall be signed by the Chairperson or the person presiding at the meeting;

(8) The Council may, at the discretion of the Chairperson, transact any business by electronic consultation and any decision so taken shall be submitted for ratification at the next meeting of the Council.

(9) The Chairperson, in emergency cases, upon notification of members, may approve on behalf of the Council, a request from the University Management provided that the decision so taken shall be submitted for ratification at the next meeting of the Council.

(10) The Council may regulate its own procedure.

19. Committees of the Council

(1) The Council may establish such committees with the membership and with such terms of reference as it may deem fit and shall at the next full council meeting consider reports from the Committees and any other agenda.

(2) The Council may delegate any of its functions or duties to a committee consisting of such members of the Council and other persons as the Council may determine. The Council may empower any such committees to act jointly with any committees appointed by the Senate.

(3) Where the Council has delegated functions to a Committee, such a committee shall not in turn delegate such functions.

(4) The Council shall appoint the Chairperson of each Council Committee, guided by competence of the members, provided that in the absence of the Chairperson of any Committee, the members present and constituting a quorum may elect one person from among themselves to chair that meeting.

(5) Unless the Council otherwise determines, the quorum of any Committee of Council shall be the nearest whole number above half the membership of the Committee.

(6) Council Committees shall cause minutes of their proceedings to be kept by the Council Secretary and such minutes shall be confirmed, subject to any necessary amendment at a subsequent meeting.

(7) The Committees, where it deems necessary, may invite senior members of staff to offer technical expertise from time to time.

20. University Management Board

(1) There shall be a Management Board (MB) of the University whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges within the University;
- (d) the Registrars of the University;
- (e) The Finance Officer of the University;
- (f) such other member of senior management as the University Council may determine in accordance with the Charter and Statutes.

(2) The Chairperson of the Management Board may invite other officers of the University to attend MB 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.

(3) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall—

- (a) encourage the rationalization and efficiency of University services;
- (b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
- (c) set the terms and conditions for the appointment of internal and external examiners;
- (d) 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;
- (e) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;

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- (f) advise the University Council on the management and administration affairs of the University;
- (g) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
- (h) establish any University charges and fees; and
- (i) perform any other duties related to the management of the University as may be assigned by the University Council from time to time.

(4) The Chairperson of the Management Board shall be the Vice-Chancellor.

(5) The Deputy Vice-Chancellor for the time being in charge of Administration shall be the secretary to the Management Board.

(6) The Vice-Chancellor may appoint one of the Deputy Vice-Chancellors, or in their absence, any other member of management to chair the MB meeting in his or her absence.

(7) Unless Management Board otherwise determines, a meeting of the Management Board shall be held at least once every month.

(8) At all meetings of Management Board, a quorum shall be the nearest whole number above half of the membership of the Management Board.

(9) Decisions of Management Board shall be by consensus and, in the event that consensus is not reached, a simple majority vote of those present and voting provided that the Chairperson of the Management Board shall have a casting vote in case of an equality of votes.

(10) The Vice-Chancellor may at any time call a meeting of Management Board and shall call a meeting within 7 days of receiving a request for that purpose addressed to him and signed by at least a third of membership of the Management Board.

21. Appointment of committees

(1) The Council, the Management Board, Senate, schools, departments, institutes, directorates and the Alumni Association may appoint standing, special, ad-hoc or advisory committees as they may deem fit and any such Committee may include students and persons who are not members of the body appointing the Committee.

(2) The functions and duties of the committees shall be such as the body appointing it may from time to time direct and shall include the power to appoint sub-committees as it deems fit.

(3) The body appointing a committee may make rules or procedures for the committee, but subject thereto every committee may determine its own procedure of conduct of its business.

22. Proceedings

(1) The Council, Senate, schools, departments, institutes, directorates and the Alumni Association, may from time to time make standing orders to govern their respective proceedings, subject to the provisions of these Statutes.

(2) Unless otherwise provided by the Act, Statutes and Regulations when any matter or question is put to a vote, it shall be determined by the majority of the members of the body concerned present and voting on the matter or question, and in case of equality of votes, the Chairperson shall have a casting vote whether or not he/she has voted before on the matter in question.

(3) Unless otherwise provided by the Act or the Statutes, the quorum for all committees of the Council, Management Board, Senate, schools, institutes or departments and their committees shall be the nearest whole number above half of the total membership.

23. Powers of Delegation

(1) Subject to the provisions of the Statutes, the Council, the Senate, schools, departments, institutes, directorates, centres and the Alumni Association may, subject to such conditions as deemed fit to impose, delegate any of the functions or duties conferred or

imposed under or by virtue of the Statutes to the Chairperson or any other of their members or to committees consisting of such members and other persons as they may determine.

(2) Subject to these Statutes, any such delegation shall be revocable at will and shall not preclude the person or body making the delegation from exercising any of the powers or duties conferred upon or imposed under or by virtue of these Statutes.

(3) Council shall not delegate its powers to approve alteration, amendment, addition to or revocation of the provisions of the Statutes.

24. Terms and Conditions of Service of University Staff

(1) The Council shall approve the terms and conditions of appointment and promotion of all staff of the University.

(2) Subject to the provisions of the Act, the Charter and these Statutes, the Council shall approve the appointment and promotion of staff as it may deem necessary for the efficient functioning of the University.

(3) Subject to the provisions of the Act, the Charter and these Statutes, the Council may approve such other appointments and promotions, whether paid or honorary, as it may deem fit.

25. Senate

(1) Subject to the provisions of the Charter, Senate which shall be in charge of all academic matters of the university and shall undertake the functions assigned to it in the Act, Charter and Statutes.

(2) Senate membership shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) Deputy Vice-Chancellors;
- (c) Principals of constituent colleges;
- (d) Principals of colleges of the University;
- (e) Deans of the schools in the University;
- (f) Director, Directorate of Postgraduate Studies;
- (g) Director, Directorate of Academic Quality Assurance;
- (h) Director, Directorate of Research and Extension;
- (i) Directors of institutes and programmes;
- (j) Registrars of the University;
- (k) Chairmen of departments;
- (l) Professors of the University;
- (m) one member of the Academic Board or equivalent body (if any) of each Constituent College from among the members of such board or body;
- (n) the University Librarian;
- (o) the Dean of Students;
- (p) 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
- (q) such other member as the University Council may determine.

(3) The Deputy Vice-Chancellor for the time being in-charge of academics shall be the secretary to the Senate.

(4) Persons who are members of Senate by virtue of their office shall cease to be members when they cease to be in office.

(5) Subject to the provisions of the University Charter, Senate shall in addition to the functions set out in the Charter have the powers and duties to—

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- (a) identify, in consultation with the Alumni Association, suitable persons to be appointed as Chancellor of the University;
- (b) approve programmes of study, regulate admission of persons to the University and determine their continuance or discontinuation in such programmes and condition for qualifying for conferment of degrees, award of various titles, distinction and other awards offered by the university;
- (c) advise the University Council on all academic affairs of the University;
- (d) recommend chargeable tuition fees;
- (e) make regulations regarding the standard of proficiency to be gained in each examination for a Degree, Diploma, Certificate or other award of the University;
- (f) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a diploma, certificate or other award of the University;
- (g) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted degrees and prescribed postgraduate awards;
- (h) appoint internal and external examiners upon request from Schools;
- (i) withdraw any degree, diploma, certificate or other academic qualification conferred or granted contrary to any requirements or other University regulations or where the qualifications obtained was through fraudulent or other improper means;
- (j) consider requests for the establishment of colleges and campuses, divisions, schools, institutes, directorates, departments or other units of learning and research in accordance with the Charter and these Statutes and, if found suitable, recommend with or without amendments to Council for their establishment;
- (k) approve, review, amend or control any action of any school, institute, department, division, centre or other unit of learning and research and to give appropriate direction to any such body;
- (l) recommend, subject to any conditions made by the donors thereof which are accepted by Council, the time, mode and conditions, of competition for fellowship, scholarship, studentship, exhibitions, bursaries, prizes and other aids to study and research and to award the same. Where it is satisfied that on academic or other legitimate grounds it is necessary so to do, Senate may withdraw or direct the withdrawal of any fellowship, scholarship, studentship, exhibition, bursary, prize or other aid to study and research;
- (m) prescribe the ceremonial academic attire to be worn by graduands and members of the University;
- (n) exercise general responsibility for the resource and services of the University library;
- (o) promote and administer the extra-mural, external and extension work of the University;
- (p) recommend to Council on all Statutes, regulations or proposed changes thereof;
- (q) consider and report to Council on any matters referred to it by Council;
- (r) discuss and declare an opinion on any matters whatsoever relating to the University;
- (s) formulate polices, rules and regulations for the discipline of the students of the University;
- (t) prescribe which units of learning or research and which subjects of study shall form part, or be the responsibility of each of the Schools. A unit of learning or

research or a subject of study may, if Senate so directs, form part or be the responsibility of more than one school;

- (u) establish committees consisting of such members of Senate and any other persons as it may deem fit. The Senate may delegate any of its functions or duties to committees and may also empower such committees to act jointly with any committee appointed by Council, Boards of Institutes or Schools;
- (v) make regulations governing such other matters as are within its powers in accordance with the Act, the Charter or Statutes.
- (w) exercise all such powers as are or may be conferred on Senate by the Act, Charter, Statutes and regulations and do such other acts as Council may authorize;

26. Meetings of the Senate

- (a) Unless the Senate otherwise determines, ordinary meetings of the Senate shall be held at least once a semester.
- (b) Special meetings of the Senate may be held from time to time as determined by the Vice-Chancellor or upon a receipt of a written request from not less than one-third of the members of Senate, provided that the written request shall state the purpose of the meeting. Such meetings shall be convened within two weeks of the date of the written request.
- (c) All academic matters in the University whether in general, or in any particular case shall be discussed at Senate meetings.
- (d) The quorum for Senate meetings shall be the nearest whole number above half the membership of the Senate.
- (e) The Vice-Chancellor, or in his absence, the Deputy Vice-Chancellor (Academics, Research and Extension) shall preside over all meetings of the Senate, and in the event of the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor (Academics, Research and Extension), any of the other Deputy Vice-Chancellors present shall chair the meeting. In the absence of the Vice-Chancellor and all the Deputy Vice-Chancellors, members present and constituting a quorum shall elect one among them to chair the meeting.
- (f) Decisions of the Senate shall be by consensus or by a simple majority vote of those present and entitled to vote provided that the Chairperson of the Senate shall have an original and a casting vote in case of an equality of votes.
- (g) Senate shall meet at Senate Chambers or at such other University premises as the Chairperson shall determine from time to time.
- (h) In exceptional circumstances, Senate may meet at any other premise upon approval by the Chairperson of Council.

27. Senate Committees

The University Senate may establish the following committees with membership and with such Terms of Reference as it may deem fit:

- (a) Deans'
- (b) Library;
- (c) Students' Disciplinary;
- (d) Students' Welfare;
- (e) Board of Postgraduate Studies;
- (f) Research and Extension;
- (g) Collaboration and Linkages;
- (h) Innovation and Intellectual Property;
- (i) Other committees as it may deem appropriate from time to time.

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28. Constituent Colleges

(1) The Council may establish a Constituent College as provided for in the Act and the Charter.

(2) The Constituent Colleges shall comprise Schools, Departments, Centres and any other units as shall be established from time to time and shall be headed by a Principal.

COLLEGES WITHIN THE UNIVERSITY

29. Establishment and Functions

(1) Pursuant to the Charter, Council shall on recommendations of the Senate establish Colleges within the University.

(2) The College shall be headed by a Principal, appointed by the Council on the recommendation of the Vice-Chancellor, who shall hold office upon such terms and conditions as may be determined by the Council from time to time.

(3) The Principal shall have the overall responsibility for the academic and administrative direction, organization and administration of the College, and shall be responsible to the Vice-Chancellor.

(4) The Principal shall prepare periodic reports that shall be tabled at the University Management Board meeting.

(5) Colleges within the University shall have the following functions and duties—

- (a) promote responsible management at the College;
- (b) carry out teaching and training;
- (c) conduct research, extension and development;
- (d) provide professional services and consultancy;
- (e) promote the welfare of students and staff within the constituent college;
- (f) promote the corporate image of the University.

(6) The following criteria shall apply in establishment of a College—

- (a) presence of Schools with related disciplines which are complementary to each other;
- (b) availability of adequate facilities and sufficient human resource to accommodate all its constituent Schools;
- (c) a student population of at least 1,000 individuals.

(7) The procedure for establishment of a college shall be as follows:

- (a) a written request addressed to the Chairperson of Senate by a School, Deans' Committee, University Management or other members of the University provided that Senate may on its own motion propose the establishment of a College.
- (b) upon receipt of the request, Senate shall constitute a Committee made up of the following members to consider the request based on the criteria in paragraph 6 above as appropriate—
 - (i) a Deputy Vice-Chancellor, who shall be the Chairperson;
 - (ii) one Professor nominated by the Senate;
 - (iii) the Finance Officer;
 - (iv) the Dean of Students;
 - (v) the Librarian;
 - (vi) two persons nominated by the Deans' Committee;
 - (vii) any other person(s) as the Committee may, for good reason, co-opt from time to time.
- (c) The Committee shall present an evaluation report to the Senate for consideration.

- (d) The Senate shall forward its recommendation to University Management for onward transmission to Council.
- (e) Council shall consider the report from the the Senate and give effect.

30. College Management Boards

(1) There shall be a College Management Board for each college whose membership shall be as follows:

- (a) the Principal, who shall be the Chairperson of the Board;
- (b) the Deans of the Schools within the College;
- (c) the Academic Registrar or his or her representative;
- (d) the Administrative Registrar or his or her representative;
- (e) the Dean of Students or his or her representative;
- (f) the University Librarian or his or her representative; and
- (g) the Finance Officer or his or her representative.

(2) The College Management Board shall have the following functions—

- (a) management of the personnel, facilities and finances of the College;
- (b) planning for College needs and development;
- (c) implementing administrative policies, operations and activities of the College;
- (d) considering and recommending budget proposals of the College;
- (e) implementing decisions of Senate and University Management Board; and
- (f) ensuring compliance with administrative rules and regulations of the University and relevant laws.

31. Meetings of College Management Boards

(1) Unless the College Management Board otherwise determines, a meeting of the Board shall be held at least once every month in the college or any other University premise.

(2) In exceptional circumstances, the College Management Board may meet at any other premise upon approval by the Vice-Chancellor.

(3) At all meetings of the Board, the quorum shall be the nearest whole number above half the membership of the Board.

(4) Decisions of the Board shall be by consensus or by a simple majority vote of those present and entitled to vote, provided that the Chairperson shall have an original and casting vote.

(5) The Principal shall preside at meetings of the Board at which he or she is present and in the absence of the Principal, the members present may elect one from among their number to preside.

(6) The Board may delegate any of its duties to the Principal or to a committee consisting of such members of the Board and any other persons as it may appoint and it may empower any such committee to act jointly with any committee appointed by the Senate.

(7) The Principal shall be an *ex-officio* member of every committee of the Board but shall not be a Chairperson of any such committee unless expressly provided.

(8) Subject to the provisions of these Statutes, the Board shall determine the procedure of its own meetings or those of any committees.

32. College Academic Board

(1) There shall be College Academic Boards whose membership shall be as follows—

- (a) the Principal, who shall be the Chairperson;
- (b) Deans and Chairmen of Academic Departments,
- (c) the Academic Registrar or his/her representative who shall provide the secretariat;

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- (d) the Dean of Students or his or her representative;
 - (e) the Librarian or his or her representative;
 - (f) the Finance Officer or his/her representative; and
 - (g) one student representative nominated by the Students' Association of the College who shall not be entitled to attend deliberations of the College Academic Board on matters which are considered by the Chairperson of the College Academic Board to be confidential or which relate to examinations, the general discipline of students, and other related matters.
- (2) The College Academic Board shall have the following functions:
- (a) overseeing development and review of academic programmes;
 - (b) overseeing implementation of academic programme and activities;
 - (c) considering and approving matters related to examinations;
 - (d) ensuring compliance with academic rules and regulations of the University;
 - (e) implementing decisions of the College Management Board; and
 - (f) sourcing, receiving and awarding scholarships, grants, and fellowships in accordance with the University policy on award of scholarships, grants and fellowships.

CAMPUSES**33. Establishment**

(1) The Council shall create Campuses in accordance with the provisions of the Act, the Charter and Statutes.

(2) The Campus shall be headed by a Campus Director, who shall be responsible for the academic programmes and administration of the Campus.

34. Campus Management Boards

There shall be, for each Campus, a Campus Management Board whose membership shall be:

- (a) the Campus Director- Chairperson
- (b) Deans of Schools, Directors of Schools, Institutes and Centres
- (c) Campus Accountant
- (d) Campus Registrar-Secretary
- (e) the Librarian

(3) The Campus Management Board shall be responsible for the administrative functions of the campus and for this purpose its functions shall include—

- (a) management of the personnel, facilities and finances of the Campus;
- (b) planning for campus needs and development;
- (c) preparation of annual estimates of the funds required by the Campus;
- (d) generation of revenue and administration of all funds entrusted to it;
- (e) provision of the welfare of staff and students
- (f) implementation of rules and regulations governing the conduct, behaviour and discipline of staff and students of the campus as approved by the Management Board and Council;
- (g) repair and maintenance of campus equipment and facilities;

(4) The Campus Directors shall functionally report to the Vice-Chancellor and administratively to the respective Deputy Vice-Chancellors. They shall prepare periodic reports that shall be tabled in the University Management Board meeting at which they shall be in-attendance.

(5) Unless the Campus Management Board otherwise determines, a meeting of the campus Management Board shall be held at least once in each semester.

(6) At all meetings of the Campus Management Board, a quorum shall be the nearest whole number above half the membership of the Campus Management.

(7) Decisions of the Campus Management Board will be by consensus or a simple majority vote of those present and voting provided that the Chairperson of the Campus Management Board shall have a casting vote in the event of an equality of votes.

(8) The Chairperson of the Campus Board shall chair the meetings of the Board and in his/her absence the Vice-Chancellor shall appoint an acting Campus Director who shall chair the Board meetings

(9) The Campus Management Board shall cause a copy of its minutes to be sent to the Secretary, University Management Board as soon as such minutes have been confirmed and duly signed.

(10) Subject to the provisions of these statutes, the Campus Management Board shall have power to regulate by such means as it may think fit its own procedures of its own meetings.

35. Schools or Institutes

There shall be Schools/Institutes of the University with such structures as the Council may determine from time to time determine.

36. School or Institute Board

There shall be Schools/Institutes Boards whose membership shall consist of—

- (a) Dean/Director of the School/Institute who shall be the Chairperson;
- (b) all Professors, Associate Professors, Senior Lecturers, Assistant Lecturers and full-time academic staff of equivalent grades engaged in teaching students within the School/Institute;
- (c) two student representatives elected from among the full-time students of the relevant School/ Institute, except that such students shall not be entitled to attend deliberations of the School/Institute Board on matters which are considered by the Chairperson of the Board to be confidential or which relate to the general discipline of students, examination results, the academic performance of students and other related matters;
- (d) part-time teaching members of staff and teaching assistants may attend School/Institute Board meetings, but shall not have voting rights;
- (e) the Vice-Chancellor and the Deputy Vice-Chancellors shall be *ex-officio* members of the Boards of Schools/Institutes;
- (f) the office of the Dean/Director shall provide a Secretariat to the School/ Institute Boards.

(2) Each Board of School/Institute, may at its own discretion, invite other persons to attend its meetings in an advisory capacity; provided that the persons so invited shall not acquire rights of membership to the Board and shall have no voting rights.

(3) The quorum of the Board of School/Institute shall be the nearest whole number above half the substantive membership of members of School/Institute.

(4) The Board of each School/Institute shall have the following powers—

- (a) to consider and make recommendations to the Senate upon all matters relating to syllabi, teaching, examinations, academic planning and formulation of annual and other estimates of expenditure, student progress and research in the subjects of the School/Institute;
- (b) to recommend to the Senate, persons for appointment as internal and external examiners in the School/Institute;
- (c) to submit proposals to the Senate for academic development;
- (d) to determine the rules governing the procedure to be followed at meetings of respective Boards;

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- (e) to deal with and report on any matters referred to it by the Senate;
- (f) to consider and make recommendations to the Senate on policy issues and other matters;
- (g) to consider and make recommendations to Senate on staff welfare matters.

37. The Dean or Director of School or Institute

(1) There shall be a Dean/Director of each School/Institute who shall be the Chairperson of the School/Institute Board and who shall also be responsible to the Board for all matters related to the School/Institute provided that in the absence of the Dean/Director, the Board shall elect a Chairperson from amongst its members present and forming a quorum.

(2) The Dean/Director shall formulate the development plan and make recommendations in respect of annual and other estimates of expenditure in the School/Institute.

(3) The Dean of a School shall be elected as per the Statutes and issued with an appointment letter by the Vice-Chancellor to serve for a period of two years and shall be eligible for re-election for a further period of two years. Any person who has previously served but has already ceased to be a Dean shall not become eligible for election until two complete years have elapsed since he/she ceased to be a Dean.

(4) The Director of an Institute shall be appointed by the Vice-Chancellor from among full-time members of the academic staff of the rank of a senior lecturer and above for a period of two years and shall be eligible for re-appointment for a further period of two years. Any person who has previously served but has already ceased to be a Director shall not become eligible for appointment until two complete years have elapsed since he/she ceased to be a Director.

(5) The Dean/Director may at any time call a meeting of the Board but must call a meeting within seven days of receiving a request for that purpose addressed to him and signed by not less than one-third of the substantive members of the Board.

(6) The Board of School/Institute shall hold at least two meetings every semester. Copies of confirmed Minutes shall be sent to the Vice-Chancellor and the Deputy Vice-Chancellor in charge of academics within which the School/Institute falls under.

(7) The newly elected Deans/appointed Directors shall assume office within two weeks of receipt of a formal appointment letter issued by the Vice-Chancellor.

38. Election Process and Eligibility

(1) Elections for the Dean of a School shall be by secret ballot and the Deputy Vice-Chancellor (Academics, Research and Extension) shall be the Returning Officer.

(2) Only full-time academic staff of the ranks of Professor, Associate Professor, Senior Lecturers, Lecturers, Assistant Lecturers, Tutorial Fellows and full time technical staff of Lecturer level and above in the constituent departments of the School/Institute concerned shall be entitled to nominate candidates for deanship and vote in the election of the Dean.

(3) The election of the Dean shall be held at a venue determined by the Deputy Vice-Chancellor (Academics, Research and Extension) at least two weeks before the expiry of the term of the incumbent Dean.

(4) No member shall be eligible for election if he/she is serving the second of two consecutive terms as Dean.

(5) Any person who has previously served but has already ceased to be Dean shall not become eligible for election until two complete years have elapsed since his/her last election as Dean.

(6) Nominations shall be done at least one month before the expiry of the term of the outgoing Dean.

(7) Nomination shall be from among persons eligible for the election to the position of a Dean.

(8) The person eligible shall—

- (a) have served for at least one term as a Chairperson of Department within the School or Dean of the School and be at the level of a Senior Lecturer and above, or;
- (b) be at the level of an Associate Professor and above.

39. Duties and Functions of Deans/Directors of Schools/Institutes

(1) The Deans/Directors of Schools/Institutes shall be the Administrative and Academic heads of their respective Boards.

(2) The Deans/Directors of Schools/Institutes shall be *ex-officio* members of Departmental Boards within their respective School/Institutes.

(3) The Deans/Directors of Schools/Institutes shall constitute a Postgraduate Studies Committee for their respective Schools/Institutes.

(4) The Deans/Directors of Schools/Institutes shall be the Chairmen of all Postgraduate Examination Boards for their respective boards.

(5) Deans/Directors of Schools/Institutes shall from time to time give advice to their respective boards on matters concerning the development of the respective Schools/Institute.

(6) Make recommendations with respect to probation, renewal of contracts, advancement, promotion and disciplinary issues of academic and non-academic staff in the School/Institute including Chairmen of Departments.

(7) Where the Dean/Director of a School/Institute is unable, either by reason of his/her absence from the University or any other reasons, to carry out his functions as Dean/Director, the Vice-Chancellor may, subject to the provisions of Paragraphs 3 (d)(for Director) and 4 (h) (for Dean) of this Statute, appoint an Acting Dean/Director of the School/Institute for such period and under such conditions as he/she may determine, provided that the period of acting appointment does not exceed one hundred and eighty (180) calendar days.

(8) The Dean/Director of a School/Institute may resign his appointment by giving the Vice-Chancellor three months' notice in writing.

40. Departments

Each teaching Department shall be regarded, for administrative purposes, as being a constituent part of one School/Institute, but may in relation to other Schools/Institutes in which such a Department has teaching or other commitments be regarded as being associated with such Schools/Institutes Chairmen of Departments

41. Chairmen of Departments

(1) There shall be a Chairperson of each Department appointed by the Vice-Chancellor from among the full-time members of the academic staff of the rank of a lecturer and above in the Department.

(2) Before appointing a Departmental Chairperson, the Vice-Chancellor—

- (a) shall consult and take note of the views of the members of the academic staff in the Department about the appointment;
- (b) shall consult and take note of the views of the Deputy Vice-Chancellor (Academics, Research and Extension) and the Dean of the School;
- (c) may with the Deputy Vice-Chancellors interview the prospective candidate.

(2) The Chairperson of a Department shall hold office for a period of up to two years and shall be eligible for re-appointment for a further two-year period. Re-appointment shall be based on performance in the previous two years.

(3) After consultation with the Deputy Vice-Chancellor (Academics, Research and Extension), the Dean of the School and the Chairperson concerned, the Vice-Chancellor may terminate the appointment of a Chairperson of Department.

(4) The Chairperson of a department may resign his/her appointment as such by giving the Vice-Chancellor at least one month notice in writing.

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(5) Where the Chairperson of a Department is unable, either by reason of his/her absence from the University or any other reasons, to carry out his functions as Chairperson, the Vice-Chancellor may, subject to the provisions of Paragraph 7(a) of these Statutes, appoint an Acting Chairperson of the Department for such period and under such conditions as he/she may determine, provided that the period of acting appointment does not exceed 180 days.

Duties and Powers of the Chairperson of Department

(9) addition to his/her teaching, research and other duties and responsibilities, the Chairperson of Department shall—

- (a) act as the representative of the Vice-Chancellor in the Department and administer the University policies at the departmental level;
- (b) act as the academic and administrative head of the department;
- (c) hold regular departmental meetings and ensure that the members of staff attend such meetings where the Chairperson and the entire staff have an opportunity to exchange ideas on policy matters;
- (d) represent the Department on the appropriate University Committees and other bodies as required;
- (e) at all times, ensure that proper and acceptable standards of teaching and research are maintained in the Department;
- (f) be required to publish annual reports on their department's performance;
- (g) submit the departmental budget, procurement plans, annual reports and performance contracts;
- (h) attend to any such duties as may be specified by the Dean of the School, Deputy Vice-Chancellors or the Vice-Chancellor;
- (i) make recommendations with respect to probation, renewal of contracts, advancement, promotion and disciplinary issues of academic and non-academic staff in the departments.

42. The Department Board

(1) There shall be a Departmental Board for each Department, which shall consist of—

- (a) the Chairperson of Department;
- (b) all full-time members of the academic staff of the Department;
- (c) honorary, visiting, adjunct and part-time lecturers in the department may be in attendance but will have no voting rights;
- (d) full-time technical staff of equivalent grades of lecturer and above;
- (e) two students in the Department elected annually by the students from amongst themselves, provided that the students so elected shall not be entitled to attend deliberations on matters concerning examinations and other matters considered by the Chairperson to be confidential;

(2) The Vice-Chancellor, the Deputy Vice-Chancellor (Academics, Research and Extension) and the appropriate Dean shall be entitled to attend Departmental Board meetings in an *ex-officio* capacity.

(3) From time to time, the Chairperson of Department, after consultation with members of the Departmental Board, may invite other persons to attend.

(4) Each Departmental Board shall meet at least twice every semester and shall maintain a proper system of Agenda and Minutes for such meetings. Copies of confirmed Minutes shall be sent to the Vice-Chancellor, the Deputy Vice-Chancellor (Academics, Research and Extension), and the Dean of the School by the Chairperson of Department.

(5) The Chairperson may at any time convene a meeting of the Department and must call a meeting within ten days of receiving a request for that purpose addressed to him and signed by not less than one-third of the members of the Departmental Board.

43. Duties and Powers of the Departmental Board

Subject to the provisions of these Statutes, the authority of the Senate, and such other regulations of the School to which the Department is part of, the Departmental Board:

- (a) shall arrange for, conduct and control the teaching and instruction of students within the Department and the setting and marking of examination papers in accordance with regulations approved by Senate, the general academic policy agreed upon by the School/Institute's Board and the approved administrative procedures of the University;
- (b) shall make recommendations to the School Board for the establishment of new courses and the amendment of existing regulations and syllabi relating to studies within the Department;
- (c) may delegate functions and responsibilities to individuals or groups of individuals within the Department;
- (d) shall exercise such other powers as may be conferred upon it by the School Board, the Deputy Vice-Chancellor in charge Academic Affairs, the Senate or the Vice-Chancellor;
- (e) may provide consultancy services on matters concerning the subject assigned to the Department within the limitation of its capabilities and subject to the general University policy on consultancy services;
- (f) shall formulate the development plan and make recommendations in respect of annual and other estimates of expenditure in the Departmental Budget Committee;
- (g) shall suggest a preliminary short-list of candidates for appointment to academic and non-academic posts within the Department, taking into account the need to maintain strict confidentiality in handling applications, and shall forward such short-lists to the relevant School/Institute short-listing Committee for consideration;
- (h) shall recommend candidates for Staff Development Programmes to the University Staff Training Committee through the relevant School training committee;
- (i) shall formulate general guidelines on research and innovations and suggest means of funding research programmes in the Department;
- (j) shall submit recommendations to the Senate through the School/Institute in respect of the appointment of Internal and External Examiners and any other consultants in the Department.

44. Centres

(1) The Council may establish learning Centres as recommended by the Senate.

(2) Centres shall be headed by a Coordinator who shall be responsible to the Deputy Vice-Chancellor for the time being responsible for academic affairs.

(3) Centres shall be headed by a Coordinator appointed by the Vice-Chancellor, in consultation with the Deputy Vice-Chancellor in charge of Academic Affairs from amongst members of the academic staff at the level of Senior Lecturer and above for a three year term renewable once based on performance.

(4) The Coordinator of a Centre may resign his appointment as such by giving the Vice-Chancellor one months' notice in writing.

(5) Duties and Responsibilities of the Centre Co-ordinator

- (a) Be in charge of all academic matters in the Centre;
- (b) Be responsible for prudent management of resources;
- (c) Make proposals on viable programmes for enhanced performance of the Centre;
- (d) Conduct teaching and research;

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- (e) Serve as Chairperson of Centre Board meetings;
- (f) Represent the Centre on university committees and other bodies as required;
- (g) Ensure quality standards are maintained;
- (h) Make recommendations on human resource matters of staff within the Centre;
- (i) Prepare and submit progress reports on status of the centre.

45. Centre Board

- (1) There shall be a Centre Board whose membership shall consist of—
 - (a) the Co-ordinator of the Centre who shall be the Chairperson;
 - (b) all full-time members of the academic staff of the Centre;
 - (c) where relevant, at least one representative of the technical staff in the Centre
 - (d) other persons duly invited.
- (2) Roles and Responsibilities of the Centre Board—
 - (a) provide advisory support to the Coordinator;
 - (b) exercise such powers as may be conferred upon it by the School/Institute Board, the Senate or the Vice-Chancellor;
 - (c) make recommendations in respect to procurement plans and estimates of expenditure for the Centre;
 - (d) recommend candidates for Staff Development Programmes;
 - (e) submit recommendations to the Senate in respect to academic matters.
 - (f) undertake such other responsibility as may be assigned.

46. School/Institute Board of Examiners

- (1) There shall be a Board of Examiners of each teaching School/Institute, which shall consist of all internal and external examiners appointed by the Senate.
- (2) The Dean/Director of School/Institute shall be the Chairperson of the Board of Examiners of his/her respective School/Institute.
- (3) The functions of the Board of Examiners shall be to consider examination results and to recommend them to the Senate.
- (4) The quorum of the Board of Examiners shall be the nearest whole number above half of the substantive members of the Board.

47. The Directorate of Postgraduate Studies (DPS)

- (1) There shall be a Directorate of Postgraduate Studies whose Board shall consist of—
 - (a) the Deputy Vice-Chancellor (ARE) who shall serve as Chairperson;
 - (b) the Director (DPS) who shall be appointed by the Vice-Chancellor from amongst persons holding the rank of Senior Lecturer or above for a period of two (2) years renewable for an equivalent period and shall serve as the Secretary to the DPS Board;
 - (c) Deans of Schools;
 - (d) two representatives of the Senate;
 - (e) the librarian;
 - (f) the Registrar (Academics, Research and Extension);
 - (g) other scholars of the University that have been invited at the discretion of the DPS Board to attend its meetings in advisory capacity only and without the right to vote at such meetings.
- (2) Notwithstanding the provisions of any other regulation, the DPS Board shall be answerable to the University Senate in respect of the conduct of Postgraduate studies throughout the University and shall in particular, have responsibility over the following matters—

- (a) formulation and implementation of postgraduate study regulations;
- (b) administration of postgraduate scholarships and research grants;
- (c) administration and processing of postgraduate theses and projects;
- (d) proper conduct and supervision of the postgraduate studies programmes;
- (e) appointment of supervisors, internal and external examiners, and constituting of the DPS Board of Examiners for the postgraduate studies students;
- (f) general welfare and discipline of postgraduate students.

(3) The DPS Board shall carry the status of a School/Institute and shall in that capacity enjoy all the rights, privileges and immunities of, and exercise all powers equivalent to those of School/Institute in so far as those rights, privileges, immunities and powers are consistent with the provision of this Statute.

(4) In respect of the co-ordination of postgraduate regulations, the DPS Board shall

- (a) have primary responsibility of the enforcement of the common regulations for the Postgraduate Diplomas, Masters, Doctoral and Higher Doctoral degrees in the Schools/Institutes;
- (b) make available all information related to postgraduate studies throughout the University;
- (c) publish and make available records of published work arising from postgraduate research undertaken within the University, or within any other University as long as such work is, in the opinion of the DPS Board, of particular relevance to postgraduate research in the University;
- (d) cause to be published and disseminated any material it considers of relevance to the general conduct of the postgraduate studies within the University.

(5) In respect of admission of postgraduate students the DPS Board shall:

- (a) receive from departments through Schools/Institutes, details of all postgraduate programmes;
- (b) advertise all such programmes and receive in such format as may be specified by Senate, applications in respect thereof;
- (c) send all relevant information to the successful and unsuccessful candidates.
- (d) publish the postgraduate nominal roll;
- (e) keep under review, the progress of each postgraduate student and make such recommendations thereon to the Senate as may be appropriate;
- (f) remove from the nominal roll the name of any postgraduate student whose discontinuation or de-registration is approved by the Senate through the recommendations of the Senate.

(6) In respect of the administration of postgraduate scholarships, the DPS Board shall—

- (a) be responsible for receiving from the University all scholarships for postgraduate studies, which shall, on their behalf be dealt with in the manner specified thereafter;
- (b) advertise all such scholarships;
- (c) allocate such scholarships to those applicants who fulfil the applicable academic requirements as well as any specific terms that may be attached to the scholarships tenable at the University;
- (d) have powers to solicit scholarships from prospective donors, and to liaise with other bodies within or outside the University that are recipients of scholarships tenable at the University; monitor the progress of all scholarship recipients.

(7) In respect of the administration and processing of postgraduate theses and projects the DPS Board shall—

- (a) be responsible for receiving and approving the nominations by Schools/Institutes, of supervisors for all postgraduate research leading to the

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preparation of theses and projects and acting always in that behalf, hold the responsibility specified hereinafter;

- (b) keep records on the progress of postgraduate research, and in this connection, receive from Schools/Institutes recommendations for the de-registration of candidates whose work is unsatisfactory or for their discontinuation for sufficient cause and make such recommendations to the Senate as it shall deem appropriate;
- (c) process the appointment of DPS Board of Examiners for Postgraduate theses, projects or other related presentations;
- (d) send out invitations to examiners for postgraduate research presentations, on the recommendation of the relevant Schools/Institutes;
- (e) forward copies of submitted theses and projects to examiners;
- (f) receive the written assessment of such theses and projects from the examiners;
- (g) convene Board of Examiners meetings in consultation with the Deans/Directors of Schools/Institutes or Centres concerned;
- (h) provide secretarial services to the Boards of Examiners meetings;
- (i) forward recommendations of the Board of Examiners to the Vice-Chancellor for approval on behalf of the Senate where the verdict of the Board of Examiners is unanimous; provided that in the absence of unanimity of the examiners recommendations shall be deliberated upon by the DPS Board and recommendations thereon made to the Senate;
- (j) inform all candidates of the results of the examinations after approval by Senate;
- (k) Ensure that the approved theses and projects are deposited in libraries determined on the basis of need, convenience or suitable arrangement.

(8) In respect of the conduct and supervision of postgraduate studies programmes, the DPS Board shall—

- (a) be responsible for the effective and regular management and conduct of that entire postgraduate studies programme, and on this behalf maintain close coordination with various Departments, Faculties, Institutes and Schools;
- (b) without prejudice to the generality of the foregoing paragraph ensure that effect is given to the following regulations and requirements—
 - (i) that postgraduate research supervisors are competent and specialized in the subject area within which the proposed research falls;
 - (ii) that supervisors keep regular contact with their students as it is stipulated in the relevant regulations;
 - (iii) that joint supervisors do maintain regular consultations with one another, with regard to the progress of the student;
 - (iv) that supervisors submit progress report on their students, as it is stipulated in the relevant regulations;
 - (v) that students submit up to date reports regarding their own research work in the manner stipulated in the relevant regulations;
 - (vi) that students are afforded that forum of Departmental, Institute or School seminars for presenting any aspect of their research work, for discussion, and that a report on such proceedings is submitted by or on behalf of the Dean or Director of the relevant Institute or School to the DPS Board;
 - (vii) that the students are encouraged to publish their work, or any part thereof, in scholarly or professional journals or other works and that they are given instructions in the techniques of publishing such work;

- (viii) that the student's role as a researcher is fully reflected in any joint publication with the supervisor or any publication by the supervisor that rests on the student's work;
- (ix) that the supervisor shows dedication to the student's research as a basis of avoiding delay in communication, or unnecessary misunderstanding, between student and supervisor;
- (x) that appropriate disciplinary or other action is recommended to the relevant authority, in relation to any supervisor who fails to perform his/her duties of supervision.

(9) In respect of the welfare and discipline of postgraduate students, the DPS Board shall—

- (a) be responsible for receiving any reports on the welfare and conduct of postgraduate students and deliberate upon and make such recommendations thereon to the Senate as it deems appropriate;
- (b) out of its own motion, consider any matter affecting the welfare and conduct of postgraduate students, or their conditions of research, and make appropriate recommendations thereon to the Senate.

(10) The DPS Board may, in addition, exercise such other powers, or perform such other functions as may be assigned or delegated to it by the Senate

48. Open, Distance and E-Learning

(1) There shall be a Directorate of Open, Distance and E-Learning (ODEL) whose Board shall consist of the following membership—

- (a) the Deputy Vice-Chancellor (ARE) shall serve as Chairperson;
- (b) the Director appointed by the Vice-Chancellor from amongst persons holding the rank of Senior Lecturer or above for a period of two (2) years renewable for a further one term of two years; who shall serve as its Secretary to the Board;
- (c) the Deans/Directors of School/Institutes;
- (d) two representatives of the Senate;
- (e) the Registrar (Academics, Research and Extension);
- (f) the Directorate may, at its discretion, invite other scholars of the University to attend its meetings in advisory capacity only, and without the right to vote at such meetings.

(2) Notwithstanding the provisions of any other regulation, the School shall be answerable to the University Senate in respect of the conduct of the ODEL programs of the University and shall in particular, have responsibility over the following matters—

- (a) advising on the establishment of regional learning centres and the appropriate basic services and facilities necessary to bring services closer to the learners;
- (b) proposing possible collaborative arrangements for delivery of open, distance and e-learning;
- (c) developing a clear process of preparing course materials and orientation to ensure availability of quality material that is "fit for purpose";
- (d) co-ordinating ODEL programmes syllabi and regulations;
- (e) admission of ODEL programme students;
- (f) administration and processing of ODEL programme examinations;
- (g) proper conduct and supervision of the ODEL programmes;
- (h) general welfare and discipline of ODEL programmes students and provide guidance to the University on other matters pertaining to students' affairs in the approved centres;

[Subsidiary]

- (i) maintenance of education standards and implementation of quality assurance mechanisms that will ensure that the quality of the academic programmes offered under ODEL are comparable to those offered through face-to-face.

(3) The Directorate shall carry the status of a School and shall in that capacity enjoy all the rights, privileges and immunities of and exercise the entire powers equivalent to those of School/Institute in so far as those rights, privileges, immunities and powers are consistent with the provision of this regulation.

(4) In respect of the co-ordination of ODEL programmes syllabi and regulations, the School shall—

- (a) have primary responsibility of the enforcement of the common regulations for the ODEL programmes in all approved centres;
- (b) make available all information related to ODEL programmes studies by publishing a prospectus of programmes offered in the approved centres;
- (c) publish and disseminate any material it considers of relevance to the general conduct of the ODEL programmes;
- (d) ensure availability of self-learning materials to suit learners' needs.

(5) In respect of admission of ODEL programme students, the School shall—

- (a) advertise all such programmes and receive in such format as may be specified by Senate, applications in respect thereof;
- (b) send letters of admission to successful candidates and also notify the Schools/Institutes and Departments;
- (c) send all relevant information to the successful and unsuccessful candidates;
- (d) publish the ODEL programmes nominal roll;
- (e) organize for the orientation of lecturers and non-academic staff responsible for the ODEL programme by expert trainers on the ODEL system;
- (f) register all ODEL programmes students, and thereafter refer them to their respective approved centres;
- (g) keep under review, the progress of each ODEL programmes students and make such recommendations thereon to the Senate as may be appropriate;
- (h) remove from the nominal roll the name of any ODEL programme student whose discontinuation or de-registration is approved by Senate through the recommendation of the Senate.

(6) In respect of the administration and processing of ODEL programmes the School shall—

- (a) process the appointment of Board of Examiners for ODEL programmes examinations;
- (b) send out invitations to examiners for ODEL programmes on the request of the respective approved centres;
- (c) convene Board of Examiners meetings in consultation with the approved centres concerned;
- (d) provide secretarial services for the Boards of Examiners meetings;
- (e) forward recommendations of the Board of Examiners to the Senate;
- (f) recommend appropriate policies that will ensure the recruitment of adequate number of academically and professionally qualified staff to administer and manage the programme;
- (g) ensure that learners support services are constantly assessed for effectiveness of the mode and medium of delivery;
- (h) organize for the orientation of lecturers and non-academic staff responsible for the ODEL programme by expert trainers on the ODEL system;

- (i) organize for the orientation for learners to prepare them to undertake ODEL programmes;
- (j) organize residential sessions for learners for effective administration of the ODEL programmes.

49. Directorate of Research and Extension

(1) There shall be established a Directorate of Research and Extension whose Board shall consist of the following members—

- (a) the Deputy Vice-Chancellor (ARE), who shall serve as Chairperson;
- (b) the Director appointed by the Vice-Chancellor from amongst persons holding the rank of Senior Lecturer or above for a period of two (2) years renewable for a further one term of two years; who shall serve as the Secretary to the Board;
- (c) the Finance Officer;
- (d) Deans/Directors of Schools/Institutes;
- (e) the Registrar (ARE);
- (f) the Director, DPS;
- (g) the Chairperson, Innovation and IP Rights Committee;
- (h) the Chairperson, Publications Committee;
- (i) the Directorate may, at its discretion, invite other scholars of the University to attend its meetings and without the right to vote at such meetings;
- (j) any other person co-opted by the Board.

(2) Notwithstanding the provisions of any other regulation, the Directorate of Research and Extension shall be answerable to the University Senate in respect of the conduct of Research and Extension programmes of the University and shall in particular, have the following powers and duties—

- (a) coordinate all research activities in the University;
- (b) identify needs and appropriate facilities for research in the University;
- (c) implement the university research and advise Senate on the general research issues affecting the university;
- (d) ensure that the university research is aligned to the IP policy;
- (e) establish research priorities for the University;
- (f) ensure that the research carried out in the university is in line with the requirements of the relevant regulatory agencies;
- (g) recommend allocation of funds to Schools/Institutes for use in promotion of research activities in the University;
- (h) receive and evaluate reports from the recipients of research grants through their respective departments and Schools/Institutes;
- (i) publish the annual report on research in the University;
- (j) organize special seminars for presentation of research findings and cause the publication of the research findings;
- (k) monitor use of research funds;
- (l) disseminate research findings to the intended end users;
- (m) liaise with Innovations and IP Rights Committee to identify patentable research output;
- (n) liaise with Innovations and Intellectual Property Rights Committee to pave way for the incubation of developed research products;
- (o) liaise with the relevant committee to cause the publicity of ground breaking research findings;
- (p) deal with any other matter that may be referred to it from time to time.

[Subsidiary]

50. Directorate of Performance Management

(1) There shall be established a Directorate of Performance Management whose Board shall consist of the following—

- (a) the Vice-Chancellor who shall serve as the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Director appointed by the Vice-Chancellor from amongst persons holding the rank of Lecturer or above for a period of two (2) years renewable for a further one term of two years; who shall serve as the Secretary to the Board;
- (d) Campus Directors
- (e) the Deans/Directors of School/Institutes;
- (f) two representatives of the Senate;
- (g) the Registrars;
- (h) the Finance Officer;
- (i) Human Resource Manager;
- (j) ICT Director;
- (k) Any other person co-opted by the Board.

(2) The Directorate of Performance Management shall have the following powers and duties—

- (a) ensure the timely preparation of Performance Contracts in accordance to the guidelines provided by the relevant government agencies and submit the same for consideration by the Management Board and Council;
- (b) ensure the University is ranked favorably in the web-based, regional and international ranking systems;
- (c) ensure that the university adopts and meets the requirements of relevant quality management systems for its diverse operations;
- (d) liaise with various stakeholders on quality management matters as found appropriate;
- (e) deal with any other matter that may be referred to it from time to time.

51. Directorate of Academic Quality Assurance (DAQA)

(1) There shall be established a Directorate of Academic Quality Assurance whose Board shall consist of the following

- (a) the Deputy Vice-Chancellor (ARE) who shall serve as Chairperson;
- (b) the Director appointed by the Vice-Chancellor from amongst persons holding the rank of Senior Lecturer or above for a period of two (2) years renewable for a further one term of two years; who shall serve as Secretary to the Board;
- (c) Deans of Schools;
- (d) two representatives of the Senate;
- (e) the Registrar (Academics, Research and Extension);
- (f) the Directorate may, at its discretion, invite other scholars of the University to attend its meetings and without the right to vote at such meetings.

(2) The Board shall meet at least once a semester.

(3) The Board shall be responsible for the development and maintenance of the quality and standards of the University's academic programmes.

(4) The recommendations of the Board shall be submitted to the Senate for necessary action.

UNIVERSITY ADMISSION REQUIREMENTS**52. Minimum admission requirements**

(1) For degree courses, it shall be Grade C+ at the Kenya Certificate of Secondary Education, or its equivalent; or a C- (Minus) at the Kenya Certificate of Secondary Education, or its equivalent with a KNEC Diploma or its equivalent.

(2) For Diploma courses, it shall be Grade C- (Minus) at the Kenya Certificate of Secondary Education or its equivalent; or a D+ (Plus) at the Kenya Certificate of Secondary Education with a Certificate from an institution recognized by the Senate with a credit and above or its equivalent.

(2) For Certificate courses, it shall be Grade D+ at the Kenya Certificate of Secondary Education or its equivalent;

(3) For Postgraduate courses, it shall be a minimum of Second Class, Upper Division in the Bachelors degree from an institution recognized by the Senate or its equivalent. Those with Second Class, Lower Division may be considered subject to meeting such conditions as shall be set by the School and approved by Senate.

(4) For professional courses, entry requirements shall be pegged at the minimum entry requirements as spelt out by the relevant professional body provided that the professional body is duly registered and that the minimum entry requirements are not lower than those prescribed above.

(5) In line with the existing qualification frameworks, credit transfers shall be accepted from accredited institutions and programmes and may be permitted up to a maximum of 49 % of the core course units for similar programmes at the same level.

(6) In line with the existing qualification frameworks, credit waivers shall be granted as per the specific programme curriculum.

(7) In addition, all applicants must meet specific School/Institute or Departmental requirements.

53. Fees

(1) Every person wishing to be registered as a student for a degree, diploma, certificate or other award of the University shall pay to the University such registration fees and such other fees as the University may from time to time determine.

(1) The University shall have the right to preclude any student from attending classes, participating in any academic activity or enjoying any other University facilities, unless such a student shall have paid to the University all fees and other dues provided that the University shall at its discretion exempt any student from this requirement.

(2) The University shall have the right to stop a student who is a debtor to the University from registering or sitting for examinations.

(3) The University shall have the right to withhold examination results from any student who is a debtor to the University until such debt is paid in full.

(4) The University shall have the right to withhold the conferment of any degree, diploma, certificate or any award on any person until all outstanding fees and other dues are settled with the University.

54. University Examinations

(1) University examinations shall be conducted under the control of the Senate.

(2) Unless the Senate otherwise determines, there shall be internal and external examiners of the University appointed by the Senate. The internal examiners shall prepare examination papers assigned to them. The external examiners shall moderate the examination papers and evaluate the examinations scripts and prepare a report to the Senate.

(3) External examiners shall be appointed from outside the University for such periods and on such terms as the Senate may from time to time determine.

[Subsidiary]

(4) There shall be ordinary University examinations, special examinations and supplementary examinations to be held under such conditions as the Senate may prescribe.

(5) In case of re-examination of a candidate who has failed in the ordinary University examinations, or who is sitting special examinations, an internal examiner who did not teach the course being examined, shall act as an external examiner.

(6) Every candidate for a University examination shall pay to the University in respect of such examination such fees as the University shall prescribe from time to time.

(7) All ordinary Examinations shall normally be held at the end of the semester in which the courses have been taught.

(8) In the event of any alleged examination irregularity, involving either a student or member of staff, the same shall be dealt with in accordance with the regulations governing disciplinary matters.

(9) Publication of all University examination results shall be the responsibility of the Deputy Vice-Chancellor (Academics, Research and Extension). Any queries regarding the published examination results shall be made to the Registrar (Academics, Research and Extension).

55. Designation of Degrees and Other Awards

(1) The University shall have power to award, confer and grant the following degrees—

- (a) Bachelor's Degrees
- (b) Postgraduate Diplomas
- (c) Masters Degrees
- (d) Doctorate Degrees
- (e) Honorary Degrees

(2) The University shall have power to award/grant the following—

- (a) Certificates
- (b) Diplomas
- (c) Any other academic award as may be approved by the University Senate.

(3) The University shall have the power to denote the awards as it deems fit.

AWARD OF DEGREES

56. Bachelor's Degree

(1) Except as otherwise provided by these Statutes, a candidate shall not be awarded the Bachelor's degree unless he/she shall have undertaken approved courses and satisfied the requirements as a student of the University after admission and subsequent registration with the relevant School/Institute.

(2) The Senate may accept, as part of the attendance of a student of the University qualifying him/her for the award of the Bachelor's degree, periods of attendance as a student of another university or institution recognized by the Senate for this purpose.

(3) The Senate may accept certificate of proficiency issued in any subject by a university or institution recognized by the Senate and exempt such a candidate from the examination of the University in a course or courses in such a subject.

(4) Notwithstanding clauses (b) and (c) of this Statutes, no student shall be awarded the Bachelors degree unless—

- (a) he/she shall have undertaken approved courses of study at the University for at least two academic years, of which one shall be the final year for the four-year degree programme and three final years for the five and six-year degree programmes provided that in special circumstances the Senate can use its own discretion;

- (b) his/her period of attendance as a student at such a university or institution and at the University are together not less than the complete period prescribed for the award of the degree;
- (c) he/she shall have passed the final examination and such other examinations of the University as the Senate may determine;
- (d) he/she shall have paid such fees to the University as may be determined by the University;
- (e) he/she shall have complied in other respects with the requirements for the degree as set out in the School/Institute's regulations.

(5) Subject to the provisions of clause 1(d) of this Statute, the Senate may accept periods of attendance and examination in any subject in any School/Institute of the University, or of any other university recognized by the Senate for this purpose, as exempting a candidate from attendance and examination in such a subject.

57. Masters Degree

A candidate shall not be awarded the degree of Masters in any school/institute unless he/she has—

- (a) been registered for the degree for the University for a period of at least two academic years;
- (b) pursued such advanced study or research or both as may be approved by the Senate;
- (c) performed such other work and complied with such other conditions for the Masters degree as set out in the common regulations for Masters degree;
- (d) notwithstanding the provisions of Paragraph 2(a) of this Statute, the Senate may accept periods of attendance and examination in any subject in any School/Institute of the University, or of any other university recognized by the Senate for this purpose, as exempting a candidate from attendance and examination in such a subject.

58. Doctor of Philosophy Degree

A candidate shall not be awarded the degree of Doctor of Philosophy in any School/Institute unless he/she has—

- (a) registered for the degree in the University for a period of not less than three academic years as set out in the common regulations for Doctor of Philosophy degree;
- (b) pursued the subject of a special study or research or both as may be approved by the Senate;
- (c) worked under Supervisor(s) approved by the Senate;
- (d) passed prescribed courses where applicable, and has submitted a thesis/dissertation which makes a distinct contribution to the knowledge and understanding of the subject and affords evidence of the exercise of independent critical thinking;
- (e) notwithstanding the provisions of clause 3(a) of this Statute, the Senate may accept periods of attendance and examination in any subject in any School/Institute of the University, or of any other university recognized by the Senate for this purpose, as exempting a candidate from attendance and examination in such a subject.

59. Honorary Degrees

(1) The University may confer an honorary degree upon a person who has rendered distinguished service in the advancement of any branch of learning or who has otherwise rendered himself worthy of such an award.

[Subsidiary]

(2) A proposal to award an honorary degree may be made by a member of the Council, the Senate or the Alumni Association, and:

- (a) shall be communicated in writing to the Vice-Chancellor;
- (b) every proposal shall be accompanied by a statement setting forth the degree recommended and the detailed grounds on which the recommendation is based.
- (c) The Vice-Chancellor shall—
 - (i) refer such proposal to Honorary Degrees Committee consisting of the Vice-Chancellor, Deputy Vice-Chancellors, the Chairperson of Council, two Senate Members appointed by Senate, two Council Members appointed by Council.

Provided that the Committee shall have the power to Co-opt any other person or persons to assist in the due assessment of the credentials of the nominee;
 - (ii) in each case, the Board of the School/Institute in which the degree is proposed to be conferred shall be consulted.
- (d) The Vice-Chancellor shall be the Chairperson of the Honorary Degrees Committee and in his/her absence; the Committee shall appoint a Chairperson from among its members.
- (e) Any recommendations made by this Committee for the conferment of any degree shall be reported to both the Senate and the University Council for confirmation.
- (f) The conferment of an honorary degree upon a person shall be preceded by a proclamation of such a persons' Citation by the Vice-Chancellor or a Professor of the University nominated by the Honorary Degrees Committee.

60. Conferring of Degrees and award of Diplomas and Certificates

(1) For the purpose of conferring Degrees of the University, there shall be held from time to time, a meeting of the whole University which shall be called a Congregation. If the Senate so decides, diplomas, certificates and other distinctions may be awarded at a Congregation.

(2) The Congregation shall constitute of the Chancellor, the Officers of the University, the Academic Staff, the Alumni Association, the graduands and the students of the University.

(3) Unless the Senate decides otherwise, a Congregation shall be held at least once a year at the university, and shall be presided-over by the Chancellor or in his/her absence by the Vice-Chancellor or in the absence of the Vice-Chancellor by some other person appointed by the Chancellor.

(4) A candidate shall not be admitted to a degree, other than an Honorary Degree, unless the Deputy Vice-Chancellor (Academics, Research and Extension) has certified such a candidate as having satisfied all the conditions prescribed for such a degree. Such a candidate shall be admitted to that degree at a subsequent Congregation, provided that he shall have satisfied all conditions for the conferment of the degree.

(5) The procedure for the conferment of the degrees, the academic dress to be worn and all other matters not provided for in this Statute shall be determined by the Senate.

(6) The Vice-Chancellor shall declare a Congregation of the University a meeting convened for the purpose of conferring degrees and other awards and shall pronounce such congregation dissolved at the end of the ceremony.

(7) The University Senate may withdraw any degree, diploma, certificate or other academic qualification conferred or granted where the conferment or grant was contrary to any requirements other than the approved University Regulations or where the qualifications obtained was through fraudulent or other improper means.

61. Alumni Association

(1) There shall be an Alumni Association, which shall consist of all persons whose names appear on the Alumni Association Roll, to be compiled and kept by the Registrar (Academics, Research and Extension) who shall be the Secretary.

(2) The following shall be entitled to have their names entered on the Alumni Association Roll—

- (a) all persons who become graduates of the University, including honorary graduates;
- (b) all former students of the University who are holders of degrees, diplomas or certificates;
- (c) members of the Alumni Association who shall include the former and the current Vice-Chancellor, Deputy Vice-Chancellors, Members of the Council, Emeritus Professors, Professors, Lecturers, Research Fellows, Librarian, Registrars, Dean of Students, Finance Officer and administrative officers who are graduates from recognised universities;
- (d) any other member as may be provided for by Senate and the Alumni Association.

(3) The objectives of the Alumni Association shall be to promote the reputation and well-being of the University, including fund-raising for the development of the University.

(4) Subject to the provisions of these Statutes, the Alumni Association shall be empowered to:

- (a) discuss and state its opinion on any matters within the sphere of competence of the University;
- (b) elect from among its members, an executive committee consisting of the Chairperson, Treasurer, and any other official as prescribed by the regulations of the Alumni Association.

(5) The Alumni Association Roll shall be conclusive evidence that any person whose name appears therein at the time of claiming to vote as a member of the Alumni Association is entitled to vote, and that any person whose name does not appear therein is not so entitled.

(6) The names of the graduates of the University shall be automatically included in the Roll immediately after conferment of the degrees and award of diplomas or certificates and upon payment of necessary fees. Such automatic enrolment shall not, however, relieve the new graduates of the duty of registering their addresses with the Secretariat and keeping it informed of any subsequent changes of address.

(7) It shall be the duty of the Secretariat to take steps for the holding of an Annual General Meeting for the Alumni Association.

(8) Notice of such meetings shall be given not less than two months before the date of the meeting. Any member desiring to bring forward any business at such a meeting shall forward a statement in writing to the Secretariat setting forth in the form of motions the subject(s) proposed for consideration thereat. Such motions must be lodged with the Secretariat at least four weeks before the date of the meeting.

(9) The agenda for every meeting shall be published in the press at least fourteen (14) days before the day appointed for holding such a meeting. The quorum and procedure of the Alumni Association shall be prescribed in the rules made by the Alumni Association and approved by the University.

(10) A copy of all resolutions of the Alumni Association and a statement of such other matters as the Alumni Association may from time to time decide, shall be duly certified by the Chairperson and sent to the Vice-Chancellor for information.

62. Students' Association

(1) There shall be a Students' Association established as per the Act, the Charter and Statutes.

[Subsidiary]

(2) The Student's Association shall elect a Students' Council, and not more than one-third of the Council shall be of the same gender where applicable.

(3) The functions of the Students' Council shall be to—

- (a) 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;
- (b) draw to the attention of the appropriate authority, where necessary, special needs from particular students;
- (c) offer suggestions to the Senate or its equivalent on matters affecting the well-being of students; and
- (d) undertake such other functions as provided in its governance instrument as approved by the University Council.

63. Financial Provisions

(1) All the funds, movable and immovable assets and property of the University shall be managed and utilized by the Council in accordance with the Act, the Charter and these Statutes and in such manner and for such purposes as, in the opinion of the Council shall promote the best interests of the University, provided that the Council shall not charge or dispose of any immovable property vested in it without the prior approval of the Chancellor.

(2) Pursuant to provisions under these Statutes, the Council may borrow funds for such purposes from such sources and under such arrangements as may be approved by a resolution of Council from time to time.

(3) All the monies of the University shall be paid into any of the bank accounts approved by the Council from time to time.

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

(5) The University may also place on deposit with such banks as may be approved by my Council, from time to time, any monies not immediately required for the purpose of the University.

(6) In accordance with the Act, the financial year of the University shall commence on the first day of July and end on 30th June in the following year.

(7) Before commencement of a financial year, Management shall prepare estimates of revenue and expenditure of the University for that year, for consideration and approval by Council.

(8) 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:

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) 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) proper maintenance of the buildings and grounds of the University;
- (d) the funding of the cost of teaching, research and outreach activities of the University;
- (e) development; and
- (f) the creation of such funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment and in respect of such other matters as the Council may deem fit.

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

(10) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary responsible for University Education.

(11) In accordance with the Act and these Statutes, the University shall maintain all proper books of accounts of the income, expenditure and assets of the University.

(12) Within a period of three months from end of each financial year, the Management, through the Council, shall submit to the Controller and Auditor General, the accounts of the University together with:

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University on the last day of that year.

(13) The accounts of the University shall be audited by the Controller and Auditor General in accordance with the Public Audit Act.

(14) The Controller and Auditor General may transmit to the Cabinet Secretary a special report on any matters incidental to his/her powers under the Act, and Part IV, Section 24(3) and (4) of the Public Audit Act shall apply to any report made under this paragraph.

(15) The auditor appointed under the Act may carry out a special audit or inspection of any aspect of the University financial management provided that he/she shall, unless directed to the contrary by the Cabinet Secretary in Charge of the National Treasury, notify both the Vice-Chancellor and the Chairperson of Council of his/her intention and purpose of carrying out such special audit or inspection.

(16) The Vice-Chancellor shall make available to the auditor facilities and all the information necessary for carrying out his/her audit function.

64. Procurement

(1) The University shall undertake procurement in accordance with the provisions of the Public Procurement and Disposal Act (2015).

(2) The Vice-Chancellor shall be responsible for preparation and submission of the Annual Procurement Plan to the Council for approval.

(3) The Vice-Chancellor shall be responsible for the implementation of procurement regulations.

(4) The Council shall provide oversight on procurement activities and in this respect receive regular reports on the implementation of the annual procurement plan.

65. Public Private Partnership

The University may enter into a Public Private Partnership agreement with a private party in accordance with provisions of the Public Private Partnership Act (2013), Public Procurement and Disposal Act (2015) and any other relevant legislation in the interests of the functions of the University and in accordance with the Charter provided that the private party shall:

- (a) undertake to perform a function or provide a service on behalf of the University;
- (b) receive a benefit for the performance of a defined function on behalf of the university;
- (c) be generally liable for risks arising from the performance of the function in accordance with the terms of the project agreement

66. Service of Notices and Documents

(1) Except where otherwise expressly provided by the Act or any other written Law, any notice or document required by or for the purposes of the Act, or these Statutes to be given or sent to any person, may be given or sent either personally or by post to him at his last known physical or postal address.

[Subsidiary]

(2) Where a notice or other document is sent by post, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time of posting.

CONTRACT AND PECUNIARY INTERESTS

67. Contracts

(1) Contracts on behalf of the University may in addition to any other manner effectual in law be made as follows—

- (a) a contract which, if made between private persons would by law, be required to be in writing and to be under Seal, may be made on behalf of the University in writing under the Common Seal;
- (b) a contract which, if made between private persons would by law, be required to be in writing, and signed by the parties to be charged therewith may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council.

(2) A contract, made according to sub-clauses (a) and (b), hereof may in addition to any other manner effectual in law be varied or discharged in the same manner in which it is authorized to be made

68. Pecuniary Interest

(1) No member of an authority of the University shall take or hold any interest in any property belonging to the University other than as a Trustee for the purposes thereof.

(2) If a member of an authority of the University has any pecuniary interest, direct or indirect, in any contract or proposed contract for the purchase, sale or other disposition of land and other University property or for the provision of goods or services or for the purposes of the University is present at a meeting of one of the said authorities or a committee or sub-committee thereof at which the contract is the subject of consideration, he/she shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact and shall withdraw from the meeting during the consideration or discussion of or vote on any question with respect to the contract or proposed contract.

(3) The Council may prescribe in the Statutes or the rules for determining whether any member has any pecuniary interest in such a contract.

69. Memoranda of Understanding or Agreement

(1) The University may enter into Memorandum of Understanding (MoU) or Agreement (MoA) with other institutions, private parties, Government agents and departments in accordance with provisions of the applicable legislation in the interests of the functions of the University.

(2) Any such agreements made between the University and other institutions, Government agents and departments shall be executed on the mutual understanding agreed upon in the agreements provided that they shall not contravene relevant laws, the Act, the Charter or these Statutes.

70. Miscellaneous

(1) Whereas the University recognizes the constitutional guarantee for freedom of association and assembly and fully subscribes to that guarantee, the University shall not permit its premises and other facilities to be used as offices or for the purpose of the management or promotion of any political party.

(2) No political rallies, fetes or other activities shall be allowed on University grounds or premises without the prior written approval of the Vice-Chancellor provided that in, granting or refusing such approval, the Vice-Chancellor shall take into account the interests of the University including safety of its property.

(3) Unless specifically authorized to do so by the Vice-Chancellor, no member of staff shall make public, political or policy statements on behalf of the University and if

made contrary to this clause, such statements shall be of no effect to the University and the University shall not take any responsibility for such statements. Such persons shall, however, face disciplinary action.

(4) Subject to the Act and any other written Law, any member of staff interested in contesting a parliamentary or civic seat shall be required to resign from the service of the University before presenting himself/herself for nomination for such election. The employee must make full disclosure to the University of his/her intention to vie for parliamentary or civic seat, failing which becomes a disciplinary case.

(5) In the event that the employee is not successful in contesting a parliamentary or civic seat, and such an employee wishes to come back to the University service, such an employee may be considered for employment.

(6) A member of staff nominated to a parliamentary or civic seat or appointed to public service shall be required to obtain unpaid leave of absence from the University on such terms and conditions as the Council, on the recommendation of the Management Board shall determine. However, under special circumstances, a member may be granted leave of absence if the reason(s) given is/are acceptable to the Management Board.

(7) The Position of an Assistant Lecturer shall cease to exist as a post having academic status in the University on 26th September 2019.

71. Amendment and Review of the Statutes

(1) These Statutes may be amended or reviewed by the Council in Consultation with University Management and the Senate.

(2) The amendment or review of these Statutes shall be in accordance with the provisions of the Charter.

THE KISII UNIVERSITY STATUTES

ARRANGEMENT OF PARAGRAPHS

Paragraph

SCHEDULE I

SCHEDULE II

SCHEDULE III COMMITTEES OF THE SENATE

THE KISII UNIVERSITY STATUTES

[Legal Notice 153 of 2020]

Statute I: Citation

1. These Statutes shall be cited as the Kisii University Statutes.

Statute II: Interpretation

1. In these Statutes, unless the context otherwise requires—

"Act" means the Universities Act (Cap. 210);

"academic staff" means a member of staff of the University appointed to teach, train or do research and any other employee designated as such by the Council;

"academic year" means a period of two semesters of study and examinations, not necessarily consecutive, as designated by the Senate, provided, however, that the Senate may designate different dates and different periods for any academic year;

"administrative staff" means a member of staff of the University who is in Grades V to XV and who is appointed to perform duties related to general management and administration of the University;

"Cabinet Secretary" means Cabinet Secretary for the time being responsible for matters related to university education;

"campus" means a location within which the University units offer programmes and academic activities;

"Chancellor" means the Chancellor of the University appointed under section 38 of the Act;

"Charter" means the Kisii University Charter;

"Chairperson of Department" means a person appointed to head a teaching department under Statute XXIX;

"college" means a College established within the University pursuant to section 8 of the Charter, but does not include a Constituent College;

"Constituent Department" means a Department which for administrative purposes has been designated by the Council as being constituted within a particular School for purposes of teaching, research and extension;

"Constituent College" a semi-autonomous college of the University established pursuant to section 19 of the Charter;

"Council" means the Council of the University established under section 19 of the Charter;

"credit factor" as used in course descriptions means and signifies fifteen (15) contact hours where one (1) contact hour equals to one (1) lecture hour or two (2) hours of tutorials or three (3) hours of practical;

"Dean" means a person appointed to head a School under Statute XXVIII;

"external examiner" means an external examiner appointed from outside the University who though knowledgeable in the subject, has not taught or examined the candidate;

"lecturer" means a member of the academic staff of the University who is, in terms of appointment, a Professor, an Associate Professor, Adjunct 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;

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"School" means an academic unit established under Statute XXVI within the University, headed by a Dean, comprising constituent departments, with focus on related disciplines whose function is to provide professional education, training and research;

"Senate" means the Senate of the University established under section 21 of the Charter;

"student" means a person validly 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; and

"support staff" means members of staff of the University who are engaged in general duties in any of the Grades 1 to IV as the Council may from time to time determine.

Statute III: Members of the University

1. The members of the University shall be as defined in the Act or the Charter.
2. The Council shall, on recommendation of the University Management Board, have the powers to declare such other persons as it may deem fit to be members of the University.
3. Membership of the University shall terminate when a person designated as a member ceases to hold any of the offices or status designated under the Act, the Charter or these Statutes.

Statute IV: The Chancellor

1. The Chancellor shall be appointed and shall hold office as stipulated in the Act and the Charter.
2. A person shall only be appointed as a Chancellor where one is of high moral character and integrity in accordance with Chapter Six of the Constitution of Kenya.
3. The functions of the Chancellor and tenure of office shall be in accordance with the provisions of the Act.
4. The Chancellor shall be the titular head of the University and shall, in the name of the University, confer degrees, award diplomas, certificates and other awards of the University in consultation with the Council and the Senate.
5. In exercise of the powers conferred under the Act, the Chancellor may recommend to the Cabinet Secretary a visitation of the University.
6. The Chancellor may from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University.
7. The Chancellor shall enjoy such other powers and privileges and perform other functions as may be determined by the Act.

Statute V: The Vice-Chancellor

1. There shall be a Vice-Chancellor of the University who shall be appointed by the Cabinet Secretary in consultation with the Council after a competitive process conducted by the Public Service Commission.
2. A person shall be qualified for appointment under this Statute if the person is a University Professor with proven management capabilities and experience in the higher university sector.
3. The Vice-Chancellor shall be the chief executive officer of the University and shall—
 - a) be the academic and administrative head of the University;
 - b) have overall responsibility of the direction, organization and administration of programmes of the University; and
 - c) have such powers and duties as may be provided under the Charter.

4. The Vice-Chancellor shall hold office for a term of five (5) years and shall be eligible for reappointment for one further term of five (5) years.
5. The Vice-Chancellor shall be responsible to the Council for maintaining and promoting efficiency and good order of the University and may in cases of emergency, take intervention measures pending the Council and Senate decision and action.
6. The Vice-Chancellor shall by virtue of his office be an *ex officio* member of every Committee appointed by the Council, apart from the Audit, Governance and Risk Management Committees.
7. The Vice-Chancellor shall by virtue of being the overall administrative head of the University be the accounting officer of the University.
8. The Vice-Chancellor shall be responsible for implementing policy matters, planning, and co-ordination, public relations, fundraising and general development of the University.
9. The Vice-Chancellor, acting on behalf of the Council, shall be the disciplinary authority of the University in respect to the conduct of staff and students.
10. The Vice-Chancellor shall be the Secretary to the Council.
11. The Vice-Chancellor shall be the Chairperson of—
 - a) the Senate;
 - b) the University Management Board;
 - c) the Staff Shortlisting and Interview Committee, Grade V-XIII for administrative staff and Grade X-XIII for academic staff (*Schedule II*);
 - d) the Staff Disciplinary Committees for both academic and administrative staff in Grades XII-XIII (*Schedule II*);
 - e) the Honorary Degree Award Committee (*Schedule III*); and
 - f) any other Committee assigned by the Council from time to time.
12. The Vice-Chancellor shall, by virtue of his office, be a member of every Committee appointed by the Senate unless otherwise expressly provided.
13. The Vice-Chancellor may assign or delegate any duties of his office to a Committee, a Board or to a member of staff of the University and may withdraw any such assignment or delegation at any time.
14. The Vice-Chancellor shall have such other powers and duties as may be conferred by the Council in accordance with the Charter.
15. The office of the Vice-Chancellor shall become vacant if the holder—
 - (a) dies in office;
 - (b) resigns from office by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council; or
 - (c) is removed from office by the Cabinet Secretary on the recommendation of the Council, in which case he shall be entitled to six (6) months notice or six (6) months pay in lieu of notice.

Statute VI: The Deputy Vice-Chancellor (Academic, Research and Student Affairs)

1. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be appointed by the Cabinet Secretary in consultation with the Council after a competitive process conducted by the Public Service Commission.
2. A person shall be qualified for appointment under this Statute if the person is—
 - a) a University Professor; or

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b) an Associate Professor with proven management capabilities and experience in the university sector.

3. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall hold office for a term of five (5) years and shall be eligible for reappointment for one further term of five (5) years.

4. The terms and conditions of appointment of the Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be determined by the Council.

5. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be the head of the Academic, Research and Student Affairs Division of the University, and shall have the following functions—

a) Formulating and providing policy guidelines on planning, development and management of academic programmes;

b) preparing of curricula and syllabi and rules and regulations governing the implementation of academic programmes;

c) formulating of guidelines for the effective management, implementation and evaluation of academic programmes;

d) coordinating of both continuous assessment and final examinations;

e) guiding the Chairpersons of Departments, the Deans of Schools and the Directors of Campuses on the running of academic programmes;

f) overseeing the administration of the student welfare services;

g) working closely with the Deputy Vice-Chancellor (Administration, Planning and Finance) on staff development, training, research and extension programmes;

h) coordinating of library services; and

i) guiding the University in research, extension, linkages, innovation and resource mobilisation initiatives.

6. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be the Chairperson of the following—

a) the Deans Committee;

b) the Board for Academic Quality Assurance;

c) the Board for Research, Extension and Innovation;

d) the Students' Welfare Management Board;

e) the Students' Disciplinary Committee;

f) the Library, Publishing and Printing Committee;

g) the Scholarships and Bursaries Award Committee;

h) the Examinations and Timetabling Committee;

i) the Staff Disciplinary Committee for academic staff in grades X-XI (Schedule II); and

j) any other Committee or Board that may be assigned by the Vice-Chancellor.

7. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall—

a) be the Secretary to the Senate; and

b) be responsible for—

i) managing of academic facilities and programmes; and

ii) preparing, implementing and reviewing of the Academic Quality Assurance and e-learning policies.

8. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be responsible to the Vice-Chancellor and have such other duties as may be assigned or delegated by the Vice-Chancellor in accordance with these Statutes.

9. The office of the Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall become vacant if the holder—

- (a) dies in office;
- (b) resigns by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council and the Secretary of the Council; or
- (c) is removed from office by the Cabinet Secretary on the recommendation of the Council, in which case he shall be entitled to six months notice or six months pay in lieu of notice.

Statute VII: The Deputy Vice-Chancellor (Administration, Planning and Finance)

1. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be appointed by the Cabinet Secretary in consultation with the Council after a competitive process conducted by the Public Service Commission.

2. A person shall be qualified for appointment under this Statute if the person is—

- a) a University Professor; or
- b) an Associate Professor with proven management capabilities and experience in the university sector.

3. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall hold office for a term of five (5) years and shall be eligible for re-appointment for one further term of five (5) years.

4. The terms and conditions of appointment of Deputy Vice-Chancellor (Administration, Planning and Finance) shall be determined by the Council.

5. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be the head of the Administration, Planning and Finance Division of the University, and shall have the following functions—

- a) human resource management, development and staff welfare;
- b) financial and assets management;
- c) planning and development;
- d) Information and Communication Technology services;
- e) management of medical services; and
- f) central services (maintenance, transport, farm, catering and accommodation).

6. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be the Chairperson of the following—

- a) the Information and Communication Technology Committee;
 - b) the Budget and Resource Allocation Committee;
 - c) the Staff Recruitment, Appraisal, Training and Promotion Committee;
 - d) the Space Allocation Committee;
 - e) the Staff Disciplinary Committee (for non-teaching staff — Schedule II)
 - f) the Staff Training and Human Resource Management Committee (Schedule II);
 - g) the Shortlisting and Interview Committee for support staff, grade I-IV (Schedule II);
 - h) the Staff Disciplinary Committee for the administrative staff, Grade I-X (Schedule II);
- and

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i) any other Committee or Board that may be assigned by the Vice-Chancellor.

7. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be the Secretary to the University Management Board.

8. The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be responsible to the Vice-Chancellor and shall perform such other duties as may be assigned or delegated by the Vice-Chancellor in accordance with Statute VI (14).

9. The office of the Vice-Chancellor (Administration, Planning and Finance) shall become vacant if the holder—

- (a) dies in office;
- (b) resigns by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council and the secretary of the Council; or
- (c) is removed from office by the Cabinet Secretary on the recommendation of the Council, in which case he shall be entitled to six months notice or six months pay in lieu of notice.

Statute VIII: The Principal of a College

1. The Principal of a College shall be appointed competitively by the Council.

2. A person shall be qualified for appointment as the Principal of a College where such person is—

- a) a University Professor; or
- b) an Associate Professor with proven management capabilities and experience.

3. The Principal of a College shall hold office for a term of five (5) years and shall be eligible for reappointment for one further term of five (5) years.

4. The Principal of a College shall be the academic and administrative head of the College and as such, shall be responsible to the Vice-Chancellor for maintaining and promoting the efficient management of the College or Campus in collaboration with the respective Deputy Vice-Chancellors.

5. The Principal of a College shall by virtue of office be an *ex officio* member of every School Board within the College unless otherwise expressly provided.

6. The terms and conditions of appointment of Principal of a College shall be determined by the Council.

7. The Principal of a College shall have such other duties as may be assigned or delegated by the Vice-Chancellor in accordance with Statute V (13).

8. The office of the Principal of a College becomes vacant if the holder—

- (a) dies in office;
- (b) resigns by notice in writing addressed to the Chairperson of the Council and copied to the secretary of the Council; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case he shall be entitled to six months notice or six months pay in lieu of notice.

Statute IX: The Deputy Principal of a College

1. The Deputy Principal of a college shall be appointed competitively by the Council.

2. A person shall be qualified for appointment as the Deputy Principal of a college where such person is—

- a) a University Professor; or
- b) an Associate Professor with proven management capabilities and experience.

3. The Deputy Principal of a college shall hold office for a term of five (5) years and shall be eligible for re-appointment for one further term of five (5) years.
4. The terms and conditions of appointment of a Deputy Principal of a College shall be determined by the Council.
5. The office of the Deputy Principal of a college shall become vacant if the holder—
 - (a) dies in office;
 - (b) resigns by giving a six months notice addressed to the Chairperson of the Council and copied the Secretary of the Council; or
 - (c) is removed from office by the Council on the recommendation of the Vice-Chancellor in which case he shall be entitled to a six months pay in lieu of notice.

Statute X: Directors of Campuses

1. There shall be a Director for each Campus, appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.
2. A person shall be qualified for appointment under this Statute if the person is-
 - a) a full-time academic staff; and
 - b) of the rank of Senior Lecturer and above.
3. The Campus Director shall be responsible to the Vice-Chancellor for maintaining and promoting the efficient management of the Campus but shall report to respective Deputy Vice-Chancellors on operational matters pertaining to the day-to-day running of the campus.
4. The Campus Director shall hold office for a period of three (3) years and shall be eligible for reappointment for one further term.
5. Where a person previously served but has already ceased to be the Director, that person shall not become eligible for reappointment until six (6) years have elapsed since ceasing to be Director.
6. The Vice-Chancellor may assign such other duties to a Director as the Vice-Chancellor may determine from time to time.
7. Where the Director of a Campus is unable to perform the functions of his office, the Vice-Chancellor shall, in consultation with the University Management Board, appoint a suitably qualified person to serve as the acting Campus Director, provided that the Acting Director shall not hold office for longer than ninety(90) days.

Statute XI: Registrars

1. There shall be Registrars who shall be designated as follows—
 - a) the Registrar (Administration, Human Resource and Central Services);
 - b) the Registrar (Academic Affairs);
 - c) the Registrar (Research, Extension, Innovation and Resource Mobilisation); or
 - d) any other designation as the Council may determine from time to time.
2. The Registrar (Administration, Human Resource and Central Services) shall be responsible for—
 - a) working in partnership with academic and administrative units of the University in identification, recruitment, training, performance management of staff;
 - b) the implementation and application of the University's human resource development and management policies and strategy;
 - c) the implementation, application and review of the University's policies on employment and employee relations;

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d) overseeing the following operations in the University in coordination with its Schools, Campuses and departments—

- (i) selection and recruitment of employees;
- (ii) induction and orientation of new employees, training and development of employees;
- (iii) remuneration and employees' terms of service;
- (iv) managing employee benefits;
- (v) performance management
- (vi) employee relations and welfare;
- (vii) management of leave and employee records;
- (viii) discipline of employees; and
- (ix) payroll management;

e) ensuring adherence to University rules and regulations;

f) enforcement of University policies on human resource;

g) coordinating management and provision of central services that include accommodation, estates, farm, transport and catering;

h) safe custody of administrative University records; and

i) undertaking such other responsibilities as shall be assigned by the Deputy Vice-Chancellor (Administration, Planning and Finance).

3. The Registrar (Academic Affairs) shall be responsible for—

a) overseeing the promulgation, consistent application and compliance with policies relating to—

- (i) development, review and delivery of curricula;
- (ii) admission and enrolment of students;
- (iii) course requirements;
- (iv) teaching and learning;
- (v) academic staff development;
- (vi) examinations;
- (vii) quality assurance;
- (viii) student discipline and grievances;
- (ix) setting of tuition fees;
- (x) student financial aid;
- (xi) students' record management; and
- (xii) all other matters concerning administration of academic services.

b) the safe custody and stewardship of student academic records, and coordination services in the areas relating to course information, new semester registrations, the University calendar, academic timetabling and course scheduling, student progression, certification of enrolment and degrees awarded, administration of examinations, and protection and the release of academic transcripts and degree or diploma certificates;

c) the communication of policy matters and important decisions made by the Council and the Senate to all students and academic staff, as may be appropriate, and the publication of the Academic Calendar and Academic Almanac and communication thereof to students and staff;

d) preparation, implementation and review of the respective department's strategic plan and annual work plan;

e) conducting annual appraisal of members of staff in the department;

- f) preparing the department's annual budget and procurement plan; and
- g) undertaking such other responsibilities as shall be assigned by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- 4.** The Registrar (Research, Extension, Innovation and Resource Mobilisation) shall be responsible for—
- a) setting policies to shape the University's research, extension, innovation, resource mobilisation and linkages agenda;
- b) facilitating the transfer of the University's innovations into the public domain while protecting the University's intellectual property rights and interests;
- c) overseeing preparation and implementation of University resource mobilisation policy;
- d) the promotion and implementation of policies and strategies on sponsored research and the coordination of research, linkages and innovation activities in the University including—
- i) research management and support;
- ii) communication and publication of research findings by University's scholars;
- iii) research ethics management; technology transfer and innovation;
- iv) commercialisation and entrepreneurship of research; and
- v) fundraising for research from industry and other external organizations;
- e) safe custody and stewardship of the University's research repository and ensuring that e-Research and learning repository is created, and maintained in the Library, and is kept up to date;
- f) ensuring that operational research management plans are prepared and submitted for review by the Research and Innovation Board;
- g) ensuring that strategic plans for research in the University are prepared and submitted for review by the Research and Innovation Board;
- h) the preparation of annual research budgets and submits them for review by the Research and Innovation Board;
- i) developing and applying metrics for measuring research performance by individuals, Schools and the University as a whole;
- j) ensuring that applications for internal research grants are processed in a timely manner and presented for review and evaluation, and award of grants to successful applicants by the Research and Innovation Board, in accordance with approved procedures and policies;
- k) ensuring that annual research reports are prepared and submitted to the Council in a timely manner;
- l) providing advice on funding opportunities, preparation and processing of grant applications and negotiation of research contracts;
- m) providing advice and support in the protection and development of intellectual property arising out of the University's research and innovation activities;
- n) continually reviewing the University regulations on research policies, resources and services to ensure that they reflect the changing needs of the University and its sponsors and submit proposals to the Board of Research and Innovation;
- o) serving as the Secretary of the University's Board of Research and Innovation;
- p) coordinating all research, extension, resource mobilization and linkages in the University;

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- q) preparing and implementing and review the department's strategic plan and annual work plan;
 - r) conducting annual appraisal of members of staff in the department;
 - s) preparing the department's annual budget and procurement plan; and
 - t) undertaking such other responsibilities as shall be assigned by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
5. Registrars shall be appointed by the Council through a competitive recruitment process and shall be responsible to their respective Deputy Vice-Chancellors.
6. Registrars shall hold office in accordance with the University Terms and Conditions of Service.
7. The office of a Registrar shall become vacant if the holder—
- (a) dies in office;
 - (b) resigns from office by notice in writing addressed to the Chairperson of the Council; or
 - (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the holder shall be entitled to six (6) months' notice or six (6) months pay in lieu of notice.

Statute XII: The University Librarian

1. The University Librarian shall be appointed by the Council through a competitive process.
2. A person appointed as the University Librarian shall hold office in accordance with the University Terms and Conditions of Service.
3. The University Librarian shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) for the organization and operation of the Library services of the University.
4. The University Librarian shall be responsible for—
 - a) the day-to-day running of the University Library including overseeing the acquisition, processing and circulation of library materials;
 - b) library planning and budgeting including planning the growth of library resources, preparing the annual library budget and planning and implementing library staff training in conjunction with the Registrar (Administration, Human Resource and Central Services);
 - c) identifying, developing and implementing the Information and Communication Technology policy in the library in conjunction with the Director of Information and Communication Technology;
 - d) developing and administering library user Education programmes for members of staff and students;
 - e) promoting cooperation with other Libraries and Information Resource Centres and facilitating inter-library loans and the exchange of information;
 - f) setting technical standards for all library services within the University;
 - g) preparing, implementing and reviewing of the department's strategic plan and annual work plan;
 - h) coordinating and managing the operations of the University Printing Press to ensure optimal service delivery;
 - i) conducting annual appraisal of members of staff in the department; and
 - j) preparing the department's annual budget and procurement plan.

5. The University Librarian shall ensure that all approved academic programmes of the University are well catered for in terms of books, journals, e-learning resources and other resource materials and equipment, and shall in addition hereto strive to develop the library into a viable repository of current academic materials and other reading materials of scholarly value.
6. The University Librarian shall perform other tasks that may be delegated to the University Librarian by the Deputy Vice-Chancellor (Academic, Research and Student Affairs) in as much as such tasks relate to library services and the management of information resources in the University.
7. The office of the University Librarian shall become vacant where the holder—
- (a) dies in office;
 - (b) resigns from office by notice addressed to the Council; or
 - (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the holder shall be entitled to six months notice or six months pay in lieu of notice.

Statute XIII: The Dean of Students

1. The Dean of Students shall be appointed through a competitive recruitment process by the Council.
2. A person appointed as the Dean of Students shall hold office in accordance with the University Terms and Conditions of Service.
3. The Dean of Students shall be responsible to Deputy Vice-Chancellor (Academic, Research and Student Affairs) and shall exercise such powers and perform such duties in respect to the students' welfare and activities, including—
- a) planning and directing University activities related to student services and campus life to ensure conducive atmosphere for study;
 - b) planning and directing incoming students' orientation programme to ensure smooth settling to residential life, study and university life in general;
 - c) coordinating and supervising of student activities and programmes in the University and its campuses in liaison with the Campus Directors, Heads or Chairpersons of Departments and Students' Council;
 - d) coordinating matters concerning students' welfare services;
 - e) in liaison with relevant departments of the University, coordinating matters concerning students' conduct and discipline and advise the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
 - f) ensuring that a healthy interpersonal relationship exists among the students and that an atmosphere conducive to study is maintained;
 - g) coordinating students' counselling and psychological services in liaison with the University counsellors;
 - h) promoting mentorship, spiritual nourishment, sports and recreation, job placement, and students' welfare organizations;
 - i) preparing the department's annual budget and procurement plan;
 - j) advising the Students' Association in matters concerning its functions and regulate expenditure of its finances;
 - k) coordinating the work study programme;
 - l) administering the Students' Organization elections and to overseeing a smooth transition from one outgoing Students' Council to the new one;

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m) arranging in conjunction with the students' organization various types of entertainment for students and coordinating all other cultural activities and co-curricular activities;

n) supervising and coordinating all students' publications and newspapers, and maintaining a communication link between the University Management Board and the students through their organization;

o) keeping all Students' Organization equipment and the relevant respective records in safe custody;

p) overseeing the management of Students' Centre facilities;

q) preparing, implementing and reviewing of the department's strategic plan and annual work plan;

r) serving as the Secretary to Students' Welfare Management Board;

s) conducting annual appraisal of members of staff in the department; and

t) performing such other official duties as may be assigned by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

4. The office of the Dean of Students shall become vacant where the holder—

(a) dies in office;

(b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Secretary of the Council; or

(c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the holder shall be entitled to six months notice or six months pay in lieu of notice.

Statute XIV: The Finance Officer

1. The Finance Officer shall be appointed through a competitive recruitment process by the Council.

2. A person appointed as the Finance Officer shall hold office in accordance with the University Terms and Conditions of Service.

3. The Finance Officer shall be responsible to the Deputy Vice-Chancellor (Administration, Planning and Finance).

4. The Finance Officer shall be responsible for—

a) advising the University Management Board and the Council on financial matters;

b) administering and monitoring of the financial system in order to ensure that the University finances are maintained in an accurate and timely manner as well as developing and managing reliable cash flow projection process;

c) coordinating and implementing of all financial policies and procedures in the University;

d) ensuring adherence to the International Financial reporting standards and maintenance of effective accounting systems in the University in line with the generally accepted accounting principles;

e) liaising with National Government and other agencies on all University financial matters;

f) ensuring the appropriate financial reporting systems, accounting systems and internal control mechanisms are in place to enable effective financial management of the business in line with statutory, regulatory, IFRS and internal University requirements;

g) formulating and implementing of the departmental strategic plan;

- h) preparing the University budget and submitting it to the University Management Board and the University Council;
- i) submitting of the University end year financial statements and accounts to the University Council and Kenya National Audit Office;
- j) coordinating, preparing and reconciling of monthly bank statements reports;
- k) serving as the Secretary to the Budget and Resource Allocation Committee;
- l) overseeing computation of employees' salaries, statutory and any other deductions and contributions and remit the same to statutory bodies;
- m) preparing, implementing and reviewing of the department's strategic plan and annual work plan;
- n) conducting annual appraisal of members of staff in the department;
- o) preparing the department's annual budget and procurement plan; and
- p) performing such other official duties and responsibilities as may be assigned by the Deputy Vice-Chancellor (Administration, Planning and Finance).

5. The office of the Finance Officer shall become vacant if the holder—

- (a) dies in office;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Secretary of the Council; or
- (c) is removed from office on the recommendation of the Vice-Chancellor. In which case the holder shall be entitled to six (6) months notice or six (6) months pay in lieu of notice.

Statute XV: The Chief Procurement Officer

1. The Chief Procurement Officer shall be appointed through a competitive recruitment process by the Council.
2. A person appointed as the Chief Procurement Officer shall hold office in accordance with the University Terms and Conditions of Service.
3. The Chief Procurement Officer shall hold a senior management position at the level of the Registrars and the Finance Officer.
4. The Chief Procurement Officer shall be responsible to the Vice-Chancellor.
5. The Chief Procurement Officer shall be responsible for—
 - a) coordinating the development and implementation of policies, procedures, systems, structures and frameworks for all procurement related activities to deliver best practice procurement and contract management solutions to the University;
 - b) overseeing adherence to contractual agreements, recommending amendments and advising vendors and requisitioners on contractual rights and obligations as well as coordinating all phases of negotiation of disputes arising from contacts;
 - c) overseeing the preparation and distribution of invitations to tender and manage and conduct all aspects of the tender exercise;
 - d) establishing and maintaining work programs and time frames for processing requests in accordance with the procurement manual;
 - e) providing expert authoritative advice to key University stakeholders on all aspects of procurement strategy and practice to inform business planning and action, encourage innovative approaches and enhance value through improved procurement efficiency and outcomes;

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- f) consolidating the annual procurement plan for the University based on departmental procurement estimates so as to offer input in development of the University's budget;
- g) overseeing the development and implementation of internal procurement policies for use in directing procurement activities in the University;
- h) participating as well as overseeing the development of long term and short term sourcing strategies for the University to enable attraction and retention of reliable suppliers;
- i) establishing and leading University-wide procurement governance and risk management framework to monitor, manage and drive procurement performance, ensuring compliance with relevant legislations and policies, and managing risks related to procurement;
- j) preparing, implementing and reviewing of the department's strategic plan and annual work plan;
- k) conducting annual appraisal of members of staff in the department;
- l) preparing the department's annual budget and procurement plan; and
- m) performing other duties and responsibilities assigned by the Vice-Chancellor.

6. The office of the Chief Procurement officer shall become vacant where the holder of the office—

- (a) dies in office;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Secretary of the Council; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the holder shall be entitled to six months notice or six months pay in lieu of notice.

Statute XVI: The Chief Internal Auditor

1. The Chief Internal Auditor shall be appointed through a competitive recruitment process by the Council.
2. A person appointed as the Chief Internal Auditor shall hold in accordance with the University terms and conditions of service.
3. The Chief Internal Auditor shall hold a senior management position at the level of Registrars and Finance Officer.
4. The Chief Internal Auditor shall be administratively responsible to the Vice-Chancellor and functionally answerable to the Council and shall also perform such official duties as may be delegated or assigned to him by the Council or Vice-Chancellor.
5. The Chief Internal Auditor shall be responsible for—
 - a) developing and implementing annual risk based internal audit plan that outlines the activities to be undertaken by the Internal Audit department;
 - b) leading the Internal Audit Department as per the Approved Internal Audit Charter and Internal Audit Plan, regulatory guidelines and the Institute of Internal Auditors' Guidelines and Standards;
 - c) carry out independent assessments of the University's systems of internal control and advise the management and Board on their appropriateness and effectiveness;
 - d) determining the level of compliance with internal policies, procedures, statutory and regulatory requirements;
 - e) preparing and present timely audit reports to the Audit, Governance and Risk Committee of the Council;

- f) conducting post audit reviews to assess the implementation of recommendations outlined in both external and internal audit reports;
- g) liaising with the external auditors on the both interim and final audits and agreeing with the respective departments the action plans required, guide and support the departments in the necessary preparation;
- h) preparing, implementing and reviewing of the department's strategic plan and annual work plan;
- i) preparing the department's annual budget and procurement plan; and
- j) conducting annual appraisal of members of staff in the department.

6. The Chief Internal Auditor shall be the Secretary to the University Council Committee on Audit, Governance and Risk Management.

7. The office of the Chief Internal Auditor shall become vacant if the holder—

- (a) dies in office;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case he is entitled to six months' notice or six months' pay in lieu of notice.

Statute XVII: The Chief Medical Officer

1. The Chief Medical Officer shall be appointed through a competitive recruitment process by the Council.

2. A person appointed as the Chief Medical Officer shall hold office in accordance with the University terms and conditions of service.

3. The Chief Medical Officer shall be responsible to the Deputy Vice-Chancellor(Administration, Planning and Finance).

4. The Chief Medical Officer shall be responsible for—

- a) ensuring the smooth delivery of health care to the employees of the University and their families;
- a) providing health education and control measures for preventable diseases and injuries;
- b) providing formal and informal training to other health personnel in the Medical Department;
- c) leading and actively participating in the care coordination program including—
 - (i) monitoring of the appropriateness of consultations;
 - (ii) diagnosing procedures;
 - (iii) utilization of resources; and
 - (iv) leading all initiatives that concerns involving patient safety, quality, infection control and risk management, patient service, ethics;
- d) diagnosing, caring and treating of diseases;
- e) performing medical and surgical procedures;
- f) preparing and responding to emergencies and disasters;
- g) participating in management of medicines, medical instruments and equipment;
- h) providing health education, maintaining medical records, health information and data;
- i) counselling patients and their relatives on diagnoses and bereavement;

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j) preparing, implementing and reviewing of the department's strategic plan and annual work plan;

k) preparing the department's annual budget and procurement plan;

l) conducting annual appraisal of members of staff in the department; and

m) performing other official duties and responsibilities assigned by the Deputy Vice-Chancellor (Administration, Planning and Finance).

5. The office of the Chief Medical Officer shall become vacant if the holder—

(a) dies in office;

(b) resigns from office by notice in writing addressed to the Chairperson of the Council: or

(c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case he shall be entitled to six months' notice or six months' pay in lieu of notice.

Statute XVIII: The Chief Planning Officer

1. The Chief Planning Officer shall be appointed through a competitive recruitment process by the Council.

2. A person appointed as the Chief Planning Officer shall hold office in accordance with the University terms and conditions of service.

3. The Chief Planning Officer shall hold a senior management position at the level of Registrar and Finance Officer.

4. The Chief Planning Officer shall be responsible to the Deputy Vice-Chancellor (Administration, Planning and Finance).

5. The Chief Planning Officer shall be responsible for—

a) overseeing preparation, implementation and review of the University Strategic Plan towards attaining the vision of the University;

b) preparing and presenting to the University Management Board and the Council progress reports on the status implementation of the University's Annual Work Plan and Strategic Plan;

c) working closely with schools, departments and campuses to provide support for the development and monitoring of their strategic plans;

d) preparing and presenting quarterly performance contract progress reports for approval to the University Management Board and Council;

e) overseeing preparation, implementation and review of the proposals in the University Physical Development Master Plan;

f) monitoring and preparing progress reports on implementation of the University's capital development projects;

g) facilitating preparation and implementation of the University's ISO Quality Management Systems and related international certifications;

h) coordinating preparation, implementation and review of all policies of the University, including being custodian of all University policies;

i) initiating preparation of proposals on infrastructure development and planning in the University in reference to the University Physical Development Master Plan;

j) coordinating preparation, implementation and evaluation of annual performance contracts in all divisions and campuses of the University, including cascading of performance contracts to all administrative and academic units of the University;

k) liaising with the Finance Officer to ensure that the University's budget is linked with the University's Strategic Plan;

l) preparing, implementing and reviewing of the department's strategic plan and annual work plan;

m) preparing the department's annual budget and procurement plan;

n) conducting annual appraisal of members of staff in the department; and

o) performing such other duties and responsibilities assigned by the Deputy Vice-Chancellor (Administration, Planning and Finance).

6. The office of the Chief Planning Officer shall become vacant if the holder—

(a) dies in office;

(b) resigns from office by notice in writing to the Chairperson of the Council; or

(c) is removed from the office by the Council on the recommendation the Vice-Chancellor, in which case he is entitled to six months of notice or six months pay in lieu of notice.

Statute XIX: The Chief Legal Officer

1. The Chief Legal Officer shall be appointed through a competitive recruitment process by the Council.

2. A person appointed as the Chief Legal Officer shall hold office in accordance with the University Terms and Conditions of Service.

3. The Chief Legal Officer shall be responsible to the Vice-Chancellor.

4. The duties of the Chief Legal Officer shall include—

a) providing and handling of all legal matters of the University, in addition to managing the associated legal costs;

b) protecting the University from possible litigation by offering legal counsel to the University Management Board, the Council and staff;

c) preparing briefs and documents to be used as evidence in Courts;

d) preparing updates for the University Management Board and the Council in relation to the reviews and interpretation of the University Statutes;

e) crafting of charges for staff and students violating the regulations governing the conduct and discipline of staff and students;

f) exercising due diligence and research to ensure the University complies with applicable law;

g) formulating and guiding the preparation of documents such as Memoranda of Understanding and Collaboration agreements;

h) preparing general Contracts and Agreements that bind the University to ensure they are not ambiguous;

i) attending courts and ensuring that witnesses attend court sessions when called upon to do so and briefing the University Management Board on the development of litigations;

j) formulation of statutes and policies that govern the conduct and discipline of staff and students from time to time;

k) preparation of staff and students' indemnities;

l) ensuring that the University adheres to the laid down procedures and regulations in employees matters, disciplinary measures and any other matter which has legal implications;

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- m) preparing, implementing and reviewing of the department's strategic plan and annual work plan;
- n) preparing the department's annual budget and procurement plan;
- o) conducting annual appraisal of members of staff in the department; and
- p) performing such other official duties assigned by the Vice-Chancellor.

Statute XX: The Council

1. The membership, powers and functions of the Council shall be as prescribed in the Charter and the Act, provided that the Act shall take precedence over the Charter.
2. Unless the Council otherwise determines, a meeting of the Council shall be held at least four (4) times in a calendar year at such time and place within Kenya as the Chairperson may appoint.
3. At all meetings of the Council, a quorum shall be two thirds of the membership.
4. Decisions of the Council shall be by a simple majority vote of those present and voting, provided that where there is an equality of votes, the Chairperson shall have a casting vote.
5. The Chairperson may at any time call a meeting of the Council, and shall call a meeting within twenty-eight (28) days of receiving a request for the purpose signed by at least one-half (1/2) of the membership of the Council .
6. In the absence of the Chairperson, the members present and constituting a quorum shall elect a person from among themselves to preside at the meeting of the Council.
7. The Council may, subject to such limitation as it may deem fit, delegate any of its powers or duties to its Committees it may deem fit,
8. (1) The following are the Committees of the Council—
 - (a) the Human Resources and Appointments Committee;
 - (b) the Audit, Governance, Risk Management Committee;
 - (c) the Planning, Finance, Building, Development and General Purposes Committee; and
 - (d) the Academic, Research, Extension, Collaboration and Sealing Committee.
 (2) The terms of reference of the Committee are as set out in Schedule I.
9. The Council may set up any other Committee as it deems fit.
10. Unless the Council otherwise determines, a quorum of any Committee of the Council shall be the nearest whole number above half the membership of the Committee.
11. The Council shall nominate the Chairperson of each such Committee, provided that in the absence of such Chairperson, the members present and constituting a quorum may elect a person from among themselves to preside over the meeting.
12. The Vice-Chancellor shall be the Secretary to all the Committees of the Council, apart from the Audit, Governance and Risk Management Committee where the Chief Internal Auditor shall be the Secretary.
13. The Council shall cause minutes of its proceedings to be kept by the Secretary and, such minutes shall be confirmed subject to any necessary amendment, at a subsequent meeting.
14. Subject to the provisions of Charter, the Council shall have power to regulate by such means as it may deem fit its own procedures or that of any of its Committees.

Statute XXI: The Senate

1. There shall be a Senate of the University whose membership shall consist of the following —
 - a) the Vice-Chancellor, who shall be the chairperson;

- b) the Deputy Vice-Chancellors;
 - c) the Principals of each Constituent College;
 - d) the Principals of each College within the University;
 - e) the Registrars;
 - f) the Finance Officer;
 - g) the Campus Directors;
 - h) the Chief Legal Officer;
 - i) the Deans of Schools;
 - j) the Heads of Academic units;
 - k) the Chairpersons of Departments;
 - l) the full Professors of the University;
 - m) one representative of each board of the Schools;
 - n) 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;
 - o) the University Librarian;
 - p) one representative of each of the College and Campus Academic Boards appointed by the respective boards from amongst its members;
 - q) one representative of each of the School Academic Boards appointed by the respective boards from amongst its members;
 - r) the Dean of Students;
 - s) the Director of Information and Communication Technology;
 - t) the Director of e-Learning;
 - u) the Director Board of Postgraduate Studies;
 - v) 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 relate to examinations, grades and such other issues that may pose a conflict of interest; and
 - w) such other member as the Senate may determine.
- 2.** The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall be the Secretary to the Senate.
- 3.** The Senate shall have the following functions, powers and duties—
- a) recommending to the Council the establishment and abolition of Campuses;
 - b) promoting of e-learning in the University;
 - c) setting the dates of the academic year and determine the schedule of academic programmes within the academic year;
 - d) approving all syllabi and curricula of the University;
 - e) making regulations governing methods of assessing and examining the academic performance of students;
 - f) evaluating academic records of applicants for both undergraduate and postgraduate programmes for purposes of admission into the University;
 - g) regulating the conduct of examinations;

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- h) appointing internal and external examiners;
 - i) approving the examination results;
 - j) subject to the provisions of the Act, approving the award of degrees including the award of honorary degrees and other academic distinctions;
 - k) determining which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
 - l) determining the procedure to be followed in the conferment of degrees and other awards;
 - m) determining the design of academic dress and prescribe its use;
 - n) evaluating research, teaching, staffing and general work of academic bodies or sections of the University and if it so wishes to report and make recommendations thereon to the Council;
 - o) promoting and administering the extra-mural, external and extension work of the University;
 - p) promoting research, extension, e-learning and innovation work in the University;
 - q) promoting co-operation and linkages with other institutions of higher learning and industry;
 - r) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
 - s) developing, implementing and promoting quality assurance systems and structures in all University academic operations;
 - t) promoting the welfare of students and staff in the University;
 - u) proposing regulations and procedures for the discipline of students;
 - v) discontinuing a student from a programme of study on academic and non-academic grounds;
 - w) receiving proposals from various Boards and Schools, Centres, and consider their recommendations and make appropriate decision;
 - x) reviewing the Statutes from time to time and present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
 - y) recommending to the Cabinet Secretary responsible for university education persons to be considered as Chancellor;
 - z) cancelling or withdrawing of degrees or other awards if the degree or award has been fraudulently obtained; and
 - aa) determining 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 Council shall only initiate any action in respect of sub-section three (3) above, upon receipt of a report or proposal thereunder from the Senate, and shall not reject any such report, or amend any regulations as proposed without further reference to the Senate.
- 5.** The Senate shall exercise such other powers as may be conferred to it by the Act or by the rules and regulations, and to do such other functions as the Council may authorize.
- 6.** Unless the Senate otherwise determines, regular meetings of the Senate shall be held at least once every three (3) months at such time and place within Kenya as the Chairperson of Senate may appoint.

7. The Chairperson of Senate shall call a meeting within ten (10) days of receiving a request for that purpose signed by not less than thirty percent (30%) of the members of the Senate.

8. In the absence of the Chairperson of the Senate, any of the Deputy Vice-Chancellors may preside over the meetings of the Senate.

9. In absence of the Deputy Vice-Chancellors as set out in paragraph 8, the members present and constituting a quorum shall elect a person from among themselves to preside over the meeting.

10. The Registrar (Academic Affairs) shall act as the Secretary to the Senate if the Chairperson of the Senate or the Deputy Vice-Chancellor (Academic, Research and Student Affairs) are absent.

11. At any meeting of the Senate, a quorum shall be the nearest whole number above half the membership.

12. The decision of the meeting of the Senate shall be carried by a majority of the members present and voting, and in the case of an equality of votes, the Chairperson or person presiding shall have a casting vote.

13. Subject to such limitation as it may deem fit, the Senate may delegate any of its powers or duties to any of its Committees referred to in paragraph 14 (1), and may empower any such Committee to act jointly with any other Committee appointed by the Council.

14. (1) The Committees of the Senate are the following—

- a) the Deans Committee;
- b) the Library, Publishing and Printing Committee;
- c) the Students' Disciplinary Committee;
- d) the Examinations and Timetabling Committee;
- e) the Graduation and Ceremonies Committee;
- f) the Scholarships and Bursaries Award Committee;
- g) the Honorary Degree Award Committee;
- h) the Ethics Review Committee; and
- ix) the e- Learning Committee.

(2) *Schedule III* shall apply with respect the membership and terms of service of the Committees.

15. The Senate may set up any other Committees as it deems fit.

16. Subject to the provisions of this Statute, the Senate shall have power to regulate its own procedures and those of its Committees by such means as it deems fit.

17. The Senate may, at its own discretion, invite other scholars to attend its meetings in an advisory capacity, provided that, persons so invited shall neither acquire rights of membership to the Senate, nor have any voting rights.

Statute XXII: The University Management Board

1. There shall be a University Management Board which shall consist of—

- a) the Vice-Chancellor, who shall be the Chairperson;
- b) the Deputy Vice-Chancellors;
- c) the Principals of Colleges within the University;
- d) the Registrars;
- e) the Finance Officer; and

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- f) such other member of senior management as the Council may determine.
- 2.** The Deputy Vice-Chancellor (Administration, Planning and Finance) shall be the Secretary to the University Management Board.
- 3.** The Chairperson of the University Management Board may invite other officers of the University to attend the University 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.
- 4.** The University Management Board shall—
- a) be responsible for the efficient management of the human, physical and financial resources of the University;
 - b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;
 - c) submit proposals to the Council concerning annual financial estimates, development priorities, staff development plans, terms and conditions of service, fundraising strategies, student welfare, public relations policies as well as any policies and any matters related to the development, management and administration of the University;
 - d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the University;
 - e) advise the Council on matters concerning management and administration of the University;
 - f) propose to the Council rules and regulations for the administration of the University and for the execution of its programmes and plans; and
 - g) perform any other official duties delegated by the Council and related to the management of the University.
- 5.** (1) The Committees of the University Management Board are the following—
- a) the Budget and Resource Allocation Committee;
 - b) the Staff Training and Human Resource Management Committee;
 - c) the Space Allocation Committee; and
 - d) the Staff Disciplinary Committees.
- (2) *Schedule II* shall apply with respect to the membership and terms of service of the Committees.
- 6.** The University Management Board may establish such other committee as it deems necessary.
- 7.** Unless the University Management Board otherwise determines, a meeting of the University Management Board shall be held at least once every month at such time and place within Kenya as the Chairperson may appoint.
- 8.** At all meetings of the University Management Board, a quorum shall be the nearest whole number above half the membership.
- 9.** Decisions of the University Management Board shall be by a simple majority vote of those present and voting provided that where there is an equality of votes, the Chairperson or the person presiding shall have a casting vote.
- 10.** The Chairperson or in his absence the Deputy Vice-Chancellor (Administration, Planning and Finance) shall preside at meetings of the University Management Board, and in the absence of both the Chairperson and the Deputy Vice-Chancellor (Administration, Planning and Finance) the members present and voting may elect a person from among themselves to preside over the meeting.

11. The Registrar (Administration, Human Resource and Central Services) shall act as the Secretary to the University Management Board.

12. The University Management Board may, subject to such limitations as it may deem fit, delegate any of its duties to its Committees and may empower any such Committee to act jointly with any other Committee appointed by the Senate or the Council.

13. Subject to the provisions of this Statute, the University Management Board shall regulate its own procedures and those of its Committees by such means as it deems fit.

14. The Chairperson of the University Management Board may invite other officers of the University to attend University 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.

15. The University Management Board shall have such other powers and duties as may be assigned by the Council.

Statute XXIII: Establishment of Colleges and Campuses

1. There shall be established colleges and campuses within the University in accordance with the Charter.

2. Subject to the provision of the Statutes, colleges and campuses so established shall consist of academic departments as derived from schools and shall have such functions and powers as provided for in instruments that established them.

Statute XXIV: The College or Campus Management Board

1. There shall be a College or Campus Management Board for each college or campus of the University, whose membership shall be composed of the following—

- a) the Principal or the Campus Director, who shall be the Chairperson;
- b) the Deputy Principal or the Deputy Campus Director;
- c) the Deans of Schools or the School coordinators;
- d) the Senior Assistant Registrar (Academic Affairs);
- e) the Senior Accountant;
- f) the Senior Assistant Librarian;
- g) the Senior Assistant Dean of Students; and
- h) the Senior Assistant Registrar (Administration), who shall be the Secretary;

2. The College or Campus Management Board shall be responsible for the administrative functions of the College or the Campus and for this purpose its functions shall include—

- a) managing of the personnel, facilities and finances of the College or the Campus;
- b) planning for the College or the Campus needs and development;
- c) preparing of annual estimates of the funds required by the College or the Campus;
- d) generating of revenue and administering of all funds entrusted to it;
- e) providing for the welfare of staff and students;
- f) implementing of rules and regulations governing the conduct, behaviour, discipline of staff and students of the College as approved by the Senate and the Council; and
- g) overseeing repair and maintenance of College or Campus equipment and facilities.

3. Unless the College or Campus Management Board otherwise determines, a meeting of the College Management Board shall be held at least twice in each semester at such time and place within Kenya as the Chairperson may appoint.

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4. At all meetings of the College or the Campus Management Board, a quorum shall be the nearest whole number above half the membership.
5. Decisions of the College or Campus Management Board shall be by a simple majority vote of those present and voting provided that where there is an equality of votes, the Chairperson or the person presiding shall have a casting vote.
6. The Chairperson may at any time call a meeting of the College or Campus Management Board within fourteen (14) days of receiving a request for that purpose addressed to him and signed by a half of the membership.
7. The Chairperson, or in the absence of the Chairperson, the Deputy Principal or the Deputy Campus Director, shall preside at all meetings of the College or the Campus Management Board and in the absence of both the Chairperson and the Deputy Principal, the members present shall elect a person from among themselves who shall preside over the meeting.
8. The College or Campus Management Board may, subject to such limitations as it may deem fit, delegate any of its powers or duties to its committee and may empower any such committee to act jointly with other committees appointed by the College or Campus Academic Board.
9. Provided that the Campus or the College Management Board shall not delegate to a committee the powers to approve, without further reference to the College Management Board the annual estimates of expenditure.
10. The Chairperson shall be an *ex officio* member of every committee of the College or Campus Management Board but shall not be Chairperson of any such committee unless expressly provided.
11. Unless the College or Campus Management Board otherwise determines, a quorum of any committee of the College Management Board shall be the nearest whole number above half the membership.
12. The College or Campus Management Board shall have powers to regulate its own procedures and those of its committees by such means as it deems fit.

Statute XXV: The College or Campus Academic Board

1. There shall be a College or a Campus Academic Board whose membership shall be composed of—
 - a) the Principal or the Campus Director, who shall be the Chairperson;
 - b) the Deputy Principal or the Deputy Campus Director;
 - c) the Deans of Schools or the School Coordinators;
 - d) the Chairpersons or the coordinators of the Constituent Departments;
 - e) all Professors and Associate Professors of the College or Campus who are not being members of College or Campus Academic Board by virtue of any other provision of these Statutes;
 - f) one representative from each School or the Campus or College;
 - g) the Senior Assistant Librarian;
 - h) the Senior Assistant Dean of Students;
 - i) one student representative; and
 - j) the Senior Assistant Registrar (Academic Affairs), who shall be the Secretary.
2. The College or Campus Academic Board shall be responsible to the School Boards.
3. The College or Campus Academic Board may, at its own discretion, invite other persons to attend meetings in an advisory capacity, provided that the persons so invited shall not acquire rights of membership to the Board and shall have no voting rights.

4. The College or Campus Academic Board shall be responsible for the administration and management of the academic programmes of the College or the Campus.
5. Unless the College or Campus Academic Board otherwise determines, meetings shall be held at least once a month at such time and place within Kenya as the Chairperson may appoint.
6. The Chairperson may at any time call a meeting of the College or Campus Academic Board within seven (7) days of receiving a request for that purpose signed by not less than thirty percent (30%) of the members.
7. In the absence of the Chairperson, the members present and forming a quorum shall elect a person from among the members who shall preside over the meeting.
8. At any meeting of the College or Campus Management Board, a quorum shall be the nearest whole number above half the membership.
9. The decision of the meeting of the college or the campus management board shall be carried by a majority of the members present and voting, and in the case of an equality of votes, Chairperson or the person presiding shall have a casting vote.
10. The college or campus academic board may, subject to such limitations as it may deem fit, delegate any of its Committees and may empower any such Committee to act jointly with any other Committee.
11. Subject to the provisions of this Statute, the College or Campus Academic Board shall have power to regulate its own procedure and those of its Committees by such means as it may deem fit.

Statute XXVI: Schools of the University

1. There shall be Schools of the University which shall consist of Departments as the Council shall, on recommendation of the Senate, from time to time determine.
2. Each Department shall be regarded for administrative purposes as being a constituent part of a School.
3. Schools shall make recommendations to the Senate with regard to the establishment of Departments which shall be associated with the particular School.
4. The Schools of the University are the following—
 - a) the School of Agriculture and Natural Resource Management;
 - b) the School of Arts and Social Sciences;
 - c) the School of Business and Economics;
 - d) the School of Education and Human Resource Development;
 - e) the School of Information Science and Technology;
 - f) the School of Pure and Applied Sciences;
 - g) the School of Health Sciences;
 - h) the School of Law; and
 - i) the School of Engineering and Technology.
5. The Senate may recommend to the Council for establishment of any other Schools as it deems necessary in accordance with the Charter.

Statute XXVII: Membership and functions of the School Boards

1. There shall be a School Board for each School, whose membership shall be composed of the following—
 - a) the Dean of School, who shall be the Chairperson;

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- b) the academic staff of the School;
 - c) two student representatives elected by students in the School, who shall not be entitled to attend deliberations of the School board on matters which are considered by the Chairman of the meeting to relate to examinations, grades or any issues that may pose a conflict of interest;
 - d) full-time technical staff of equivalent grades of lecturer and above; and
 - e) the School Administrative Officer, who shall be the Secretary;
- 2.** The Deputy Vice-Chancellor (Academic, Research and Student Affairs) and the Principal of the College and the Director of the Campus shall be *ex officio* members of each School Board.
- 3.** Each School Board may at its own discretion invite other persons to attend its meetings in an advisory capacity, provided the persons so invited shall not acquire membership of the Board or have any voting rights.
- 4.** The School Board shall have the following functions—
- a) considering and making recommendations to the Senate concerning the progress of students within the respective School;
 - b) making recommendations to the Senate concerning syllabi and regulations dealing with courses of study for degrees and other awards;
 - c) regulating the conduct of examinations in the relevant disciplines and to make recommendations thereon to the Senate;
 - d) recommending to the Senate the names of external examiners for appointment;
 - e) formulating development plans for the Schools;
 - f) undertaking income generating activities; and
 - g) dealing with any matters referred to it by the Senate.
- 5.** The School Board shall meet at least once per semester.
- 6.** Unless the School Board otherwise determines, a quorum of a School Board shall be the nearest whole number above half the membership.
- 7.** (1) There shall be a Board of Examiners for each School which shall consist of—
- a) internal examiners; and
 - b) external Examiners.
2. The members of the Board of Examiners shall be appointed by the Senate or the Academic Board in accordance with these Statutes.
3. The functions of the Board of Examiners shall be to receive examination results and deliberate thereon, and approve them for forwarding to the Campus or the College Academic Board or the Senate.
- 8.** Attendance in the meetings of the Board of Examiners shall be mandatory for all internal examiners.
- 9.** Student representatives shall not be entitled to attend deliberations of the Board on matters which are considered by the Chairperson to be relating to examinations, grades and such other issues that may pose a conflict of interest.
- 10.** Decisions of the School Board shall be by a simple majority vote of those present and voting, provided that where there is an equality of votes, the Chairperson or the person presiding shall have a casting vote in the event of a tie on any issue.

Statute XXVIII: The Dean of School

1. There shall be a Dean of School who shall be the Chairperson of the School Board.
2. A Dean of School of School shall be appointed by the Vice-Chancellor in consultation with the University management Board through a competitive internal process.
3. A person shall be qualified for appointment as the Dean of School if a person is a full-time member of the academic staff of the rank of Senior lecturer and above.
4. The Dean of School shall hold office for a period of three (3) years and shall be eligible for re-appointment for one further term and where a person previously served but has already ceased to be Dean, that person shall not become eligible for reappointment until six (6) years have elapsed since ceasing to be Dean.
5. Where the Dean of school is unable to perform the functions of his office, the Vice-chancellor shall, in consultation with the University Management Board appoint an acting Dean of School from among the Chairpersons of Departments of the School provided that the Acting Dean shall not hold office for a period longer than ninety (90) days.
6. The Dean of School shall chair the meetings of the School Board, and in the absence of the Dean, the members present and constituting a quorum shall elect a person among themselves to preside over the meetings.
7. The Dean of School shall be the academic and administrative head of the School, and as such shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) and the College or the Campus Principal in the case of a College or the Campus for maintaining and promoting the efficient management of the School.
8. The Dean shall have the following functions—
 - a) preparing, implementing and reviewing the School Strategic Plan;
 - b) convening the School Board meetings;
 - c) providing overall management of the School academic programmes as required by the College or the Campus Academic Board and the Senate under various rules and regulations, including being Chief Examiner of the School;
 - d) implementing the University policy decisions and regulations in respect to the School;
 - e) representing the School in the Senate and any of its committees;
 - f) planning and coordinating the School budgetary estimates and inter-departmental activities which shall include but not limited to internships;
 - g) overseeing the work of Chairpersons of Departments;
 - h) working in liaison with other University organs for the effective and efficient management of the School;
 - i) promoting and maintaining a conducive working environment in the School;
 - k) preparing and implementing the School Annual Work Plan, Performance Contract; and Procurement Plan; and
 - l) Undertaking annual staff performance appraisal in the School.
9. The Dean shall have such other duties and responsibilities as may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

Statute XXIX: The Chairpersons of Departments

1. The Department shall be the basic unit in academic functioning of the University.
2. A Chairperson of Department shall be appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.
3. A person shall be qualified to be appointed as a Chairperson of Department if a person is a full-time member of the academic staff of the rank of Senior Lecturer and above.

[Subsidiary]

4. The Chairperson of a Department shall hold office for a term of three (3) years and shall be eligible for reappointment for one further term.

5. Where a Chairperson of a Department is unable to perform functions of his office, the Vice-Chancellor shall, in consultation with the University Management Board, appoint an Acting Chairperson of Department, who shall not hold office for a period not exceeding one (1) calendar year.

6. The Chairperson of the Department shall be the academic and administrative head of the Department and shall be answerable to the Dean of School for maintaining and promoting the efficient management of the Department.

7. The duties of the Chairperson of a Department shall be—

- a) preparing, implementing and reviewing the Department Strategic Plan;
- b) assigning teaching duties to the teaching staff, and supervising teaching and the administration of examinations on behalf of the Vice-Chancellor;
- c) articulating and implementing the mission and objectives of the Department;
- d) convening Departmental meetings;
- e) managing the department's academic programmes as required by the Senate in accordance with various rules and regulations including being Chief Examiner of the Department;
- f) supervising of examinations, including marking, invigilation, moderations and submission of marks;
- g) representing the Department in the School Board, the Senate and other organs of the University;
- h) proposing and forwarding to the relevant authority a shortlist of candidates who are eligible for promotion;
- i) recommending candidates for staff development to the School Board;
- j) planning and budgeting for the Department;
- k) supervising academic and administrative staff of the Department;
- l) making recommendations to the School Board for the establishment of new courses and programmes and the review of existing ones in the Department;
- m) preparing and implementing the Department Annual Work Plans, Performance Contracts and Procurement Plan; and
- n) undertaking annual staff performance appraisal in the Department.

8. The Chairperson shall have such other duties and responsibilities as may be assigned or delegated by the Dean of School.

9. Departmental meetings shall be held at least twice a semester and copies of confirmed minutes shall be sent to the Dean of School.

Statute XXX: Departmental Board

1. There shall be a Departmental Board for each Department which shall consist of—

- a) the Chairperson of the Department;
- b) all full-time members of the academic staff of the Department; and
- c) the technical staff in-charge of workshops or laboratories in the Department.

2. The Vice-Chancellor, the Deputy Vice-Chancellor (Academic, Research and Student Affairs) and the Dean of School shall be entitled to attend Departmental Board meetings in an *ex officio* capacity.

3. The Chairperson of the Department may, from time to time, after consultation with members of the Departmental Board, invite other persons to attend Departmental Board meetings provided such persons have no voting rights.

4. Each Departmental Board shall meet at least twice every semester and maintain proper system of agenda and minutes for such meetings, and copies of confirmed minutes shall be sent to the Vice-Chancellor, the Deputy Vice-Chancellor (Academic, Research and Student Affairs), the Principal of the College and the Dean of School by the Chairperson of Department.

5. The Departmental Board shall be responsible for—

a) arranging for, conducting and controlling the teaching and instruction of students within the Department and the setting and marking of examination papers in accordance with regulations approved by the Senate, the general academic policy agreed upon by the School Board and the approved administrative procedures of the University;

b) making recommendations to the School Board for the establishment of new programmes and the amendment of existing regulations and syllabuses relating to studies within the Department;

c) providing consultancy services on matters concerning the subject assigned to the Department within the limitation of its capabilities and subject to the general University Policy on Consultancy Services;

d) formulating the departmental strategic plan and making recommendations in respect of annual and other estimates of expenditure in the Departmental Budget Committee;

e) recommending candidates for the award of scholarships to the University's Scholarship and Bursary Award Committee, through the relevant Dean of School or Director;

f) formulating general guidelines on research and suggesting means of funding research programmes in the Department;

g) participating in shortlisting of staff in the Department's area of specialization;

h) submitting recommendations to the Senate, through the School, in respect of the appointment of Internal and External Examiners and any other consultants in the Department; and

i) constituting a Departmental Training Committee to oversee the training needs and development of academic programmes.

6. The Chairperson shall preside at all meetings of the Board at which he is.

7. Departmental Board meetings shall have a quorum of the nearest whole number above half the membership.

8. Decisions at meetings of the Departmental Board shall be by a majority vote of those present and voting, provided that where there is an equality of votes, the Chairperson or the person presiding shall have a casting vote.

Statute XXXI: The Board of Postgraduate Studies

1. There shall be a Board of Postgraduate Studies responsible for the coordination of postgraduate studies.

2. The membership of the Board shall consist of—

a) the Director of Postgraduate Studies, who shall be the Chairperson;

b) one representative from each School, being of the rank of Senior Lecturer or above, elected by the respective School Board;

c) two elected representatives of the Senate;

d) the University Librarian;

[Subsidiary]

- e) the Director of Academic Quality Assurance;
 - f) the Registrar (Research, Extension, Innovation and Resource Mobilisation);
 - g) two Postgraduate Student Representatives; and
 - h) the Registrar (Academic Affairs), who shall be the Secretary.
- 3.** The elected members of the Board shall serve for a period of two years, renewable once only.
- 4.** The Director of the Board shall be administratively responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) for the day to day management of the affairs of the Board.
- 5.** The Director of the Board of Postgraduate Studies shall be appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.
- 6.** A person shall be qualified for appointment as the Director under this Statute if the person is a full-time member of the academic staff of the rank of Senior Lecturer and above.
- 7.** A Director of the Board of Postgraduate studies shall hold office for a term of three (3) years and shall be eligible for reappointment for one further term of three years.
- 8.** The Board may, at its own discretion, invite other scholars to attend its meetings in an advisory capacity and without the right to vote at any of such meetings.
- 9.** Subject to the provisions of these Statutes, the Board shall regulate itself in such manner as it may deem fit.
- 10.** The Board shall be responsible to the Senate for the conduct of postgraduate studies in the University and shall have responsibility over the following—
- a) harmonizing of postgraduate syllabi and regulations;
 - b) admitting of postgraduate students;
 - c) administering of postgraduate scholarships and research grants;
 - d) supervising of postgraduate programmes, and the administering and processing of postgraduate examinations, research projects and theses; and
 - e) general welfare, discipline and progress of postgraduate students.
- 11.** With respect to the harmonizing of postgraduate syllabi and regulations, the Board shall —
- a) have the primary responsibility for the enforcement of the common regulations for Postgraduate Diploma, Masters and Doctoral Studies in all Schools and Campuses;
 - b) liaise with all Departments, Schools and Campuses and making such recommendations as regards the content and organization of postgraduate programmes available therein as are consistent with the Senate approved rules and regulations;
 - c) make available all information relating to postgraduate studies throughout the University by publishing a prospectus and bibliographic records on postgraduate research undertaken or to be done within the University; and
 - d) cause to be published and disseminate any material it considers relevant to the general conduct of postgraduate studies within the University.
- 12.** The Board shall, with respect to the admission of postgraduate students, be responsible for receiving from Departments through Schools, the details of all postgraduate programmes.
- 13.** The Board shall be responsible for receiving, advertising and allocating all scholarships for postgraduate studies to qualified applicants.

14. The Board shall, in administering and processing postgraduate examinations, Doctoral, Masters research projects and theses, be responsible for receiving and approving the nominations by Departments and Schools of supervisors and examiners for all postgraduate research or other similar work and shall have the following responsibilities—

a) keeping records on the progress of postgraduate research, receiving from Schools recommendations for the deregistration of candidates whose work is unsatisfactory or for their discontinuation for sufficient cause, and recommending to the Senate as it shall deem fit;

b) processing the appointment of Boards of Examiners for postgraduate, Masters and Doctoral research projects and theses or other related presentations;

c) causing copies of submitted research projects and theses or similar presentations to be forwarded to the Examiners;

d) causing meetings of Boards of Examiners to be convened in consultation with the Dean of the School concerned;

e) providing Secretariat for the Boards of Examiners meetings;

f) forwarding the recommendations of the Board of Examiners to the Senate; and

g) causing the approved research projects and theses or similar presentations to be deposited in the University Library.

15. With respect to the conduct and supervision of postgraduate programmes, the Board shall be responsible for the effective and regular management and proper conduct of postgraduate programmes and shall maintain close coordination with the Departments, the Schools, the Campuses and that Colleges that conduct postgraduate studies.

16. The Board shall ensure that effect is given to the following principles and requirements—

(a) that postgraduate research supervisors shall be competent and shall be specialized in the subject area within which the proposed research falls;

(b) that supervisors shall keep regular contact with their students, as provided for in the relevant regulations;

(c) that joint supervisors shall maintain regular consultations with one another with regard to the progress of the student;

(d) that supervisors shall submit progress reports on their students work as provided for in the relevant regulations;

(e) that the students role as researcher is shall be fully reflected in any joint publications by the supervisor;

(f) that the supervisor shall ensure that he or she works efficiently and harmoniously with the student;

(g) that appropriate disciplinary measure or other action shall be recommended to the relevant authority in relation to any supervisor who fails to perform supervising duties; and

(h) that the maximum number of students per supervisor shall be six (6) for Masters and three (3) for Doctor of Philosophy which threshold the Director may, under special circumstances, raise to not more than 10 for Masters and 7 for Doctor of Philosophy.

17. The Board shall, with respect to the welfare and discipline of postgraduate students, have the following responsibilities—

a) receiving any reports on the welfare and conduct of the students, and deliberating upon and making recommendations thereon to the Senate as it deems appropriate; and

b) considering any matter affecting the welfare and conduct of postgraduate students or their conditions of research, and making appropriate recommendations thereof to the Senate.

[Subsidiary]

18. The Board may exercise such other powers or perform such other functions as may be assigned by the Senate.

19. The Board shall meet at least once in every month.

Statute XXXII: The Board of Academic Quality Assurance

1. There shall be a Board of Academic Quality Assurance.

2. The membership of the Board shall consist of—

a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs), who shall be the Chairperson;

b) the Deans of Schools;

c) the Principals of Campuses/Colleges/Campus Directors;

d) the Director, Board of Postgraduate Studies;

e) the Registrar (Academic Affairs);

f) the Registrar (Research, Extension, Innovation and Resource Mobilization);

g) the University Librarian;

h) two elected representatives of the Senate;

i) two students representatives; and

j) the Director, who shall be the secretary.

3. The elected members of the Board shall serve for a term of two years and shall be eligible for reelection for one more term.

4. The Director shall be appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.

5. A person shall qualify for appointment as the Director of the Board of Academic Quality Assurance if the person is a full-time member of the academic staff of the rank of Senior Lecturer and above.

6. The Director shall hold office for a term of three (3) years and shall be eligible for reappointment for one further term.

7. The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) for the day-to-day running of the Directorate.

8. The Board shall be responsible to the Senate for the execution of the Academic Quality Assurance Policy in the University.

9. The Board shall regulate its own procedures in such manner as it may deem fit.

10. The Board shall be responsible for—

a) developing and overseeing implementation and reviewing of the University Academic Quality Assurance Policy and advising the Senate on matters of policy and practice to enhance teaching, learning and research;

b) overseeing, conducting and developing, on behalf of the Senate, of pedagogic practice across the University;

c) guiding, developing and implementing of internal and external quality assurance procedures and practices in the University;

d) ensuring academic programmes at the University meet the quality standards set by stakeholders;

e) ensuring that graduates attain skills, knowledge and competencies through the University academic programmes that are valued by stakeholders;

f) the University assuring its stakeholders and the Commission for University Education that the University polices, systems and processes for the development, maintenance and enhancement of quality in all its academic provisions are functioning effectively;

g) providing guidance in identifying internal and external standards and criteria consistent with internationally recognized standards for quality assurance at the University;

h) assisting Schools in maintaining and developing quality academic programmes through enhanced support processes;

i) facilitating development of continuous quality improvement to achieve academic excellence;

j) harmonising various academic quality assurance aspects and activities within the University;

k) annually facilitating self-assessment of all academic programmes as per schedule;

l) continuously monitoring the quality of teaching at delivery points;

m) facilitating review of all academic programmes after their full cycle;

n) validating new academic programmes as per academic quality assurance regulations;

o) advising the University Management Board and the Senate on academic quality assurance; and

p) any other function as may be assigned by the Senate or the University Management Board.

11. The Board shall meet at least once every quarter.

Statute XXXIII: The Student Welfare Management Board

1. There shall be a Student Welfare Management Board of the University which shall be responsible to the Senate through the University Management Board.

2. The membership of the Board shall consist of—

a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs), who shall be the chairperson;

b) the Chief Medical Officer;

c) the Catering and Accommodation Manager;

d) the Chief Security Officer;

e) the Registrar (Academic Affairs);

f) the Deputy Registrar (Central Services);

g) the Career Services Officer;

h) the Construction and Maintenance Manager;

i) two (2) Student Union representatives; and

j) the Dean of Students, who shall be the Secretary.

3. The Board shall in the performance of its functions and in the exercise of its powers be responsible to the Senate through the University Management Board.

4. The Board shall have the following functions—

a) planning, organizing and managing the provision of academic and social counselling, work study programmes and sports activities, both within and outside the University, accommodation, catering, community service, linkages with industry, recreation, health, security, oversight of student elections, orientation and any other student welfare services;

[Subsidiary]

b) developing and implementing programmes that support students educational experience and wholesome life;

c) on a quarterly basis, submitting progress reports to the University Management Board regarding the operations of the Board;

d) advising student organizations and mentoring students in their development of leadership skills, moral reasoning, social intelligence and other skills required in their lives;

e) developing mechanisms to anticipate and promptly, efficiently and effectively respond to students' needs.

5. Without prejudice to the generality of the functions under paragraph 4 of this Statute, the Board shall with respect to each of the matters specified in that section, exercise the following powers and duties—

a) in compliance with the University financial guidelines, managing all monies made available to, or generated by the Board;

b) ensuring management of student affairs and making appropriate recommendations on staff appointment, promotion, termination of service and any other related matters;

c) ensuring allocation or reallocation of student accommodation, keeping control of rooms and ensuring their lawful and approved use;

d) ensuring student accommodation, sporting facilities and their environs are clean, safe and habitable;

e) establishing and maintaining a security system for the protection of persons and property in the premises occupied by students, as well as their precincts;

f) enhancing the quality and habitability of student accommodation, games, sporting and recreational services and facilities;

g) ensuring services, decent and hygienic conditions of all facilities and their maintenance including, times of preparation of food in the kitchens, dining areas and use of the sporting and games facilities;

h) ensuring discipline of both staff and students in the management of student affairs;

i) ensuring procurement of goods in all units in accordance with the rules;

j) ensuring professional maintenance of equipment and sporting facilities;

k) ensuring student registration with relevant sporting associations and clubs, and effective participation by the students including training;

l) ensuring that cases of breach of discipline within and outside the precincts of the halls, kitchens, games and recreational facilities by students are properly investigated and referred to the relevant disciplinary body of the University;

m) ensuring in liaison with other relevant units, appointment of appropriate staff for the provision of counselling (academic and social) and career guidance services;

n) facilitating the registration of student organizations, election of officials and their induction into the University system;

o) forging and maintaining an effective linkage with industry, facilitating work study programmes and placing of students;

p) ensuring effective channels of communicating between the Management and the student community;

q) facilitating any agreement, on behalf of the University, on matters relating to the provision of accommodation, catering, sports, games, recreational services and student placing; and

r) performing such other related functions or exercise such other related powers as may be assigned by the-Vice Chancellor, the Senate or the Council.

6. The Board may co-opt up to three members for such length of time as it deems fit for any assistance or advice it may require, but a person so co-opted shall not be entitled to any vote at a meeting of the Board nor be counted as a member for the purpose of forming a quorum.

7. All departments shall deliberate on all matters falling within their competence and the minutes containing their deliberations shall be brought before the Board.

8. The Board shall meet at least once in every quarter.

Statute XXXIV: The Board of Research, Extension and Innovation

1. There shall be a Board for Research, Extension and Innovation.

2. The Membership of the Board shall consist of—

a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs), who shall be the Chairperson;

b) the Registrar (Academic Affairs);

c) the Deans of Schools;

d) the Directors of Campuses; and

e) the Registrar (Research, Extension, Innovation and Resource Mobilisation), who shall be the Secretary.

3. The Board shall be responsible to the Senate and shall have the following functions—

a) developing, reviewing and monitoring implementation of the University Research, Extension, Linkages and Innovation policy;

b) making recommendations to the Senate and the Council on the University strategy on research, linkages, extension and innovation and the achievement of its research, extension and innovation objectives;

c) setting targets for research, extension, linkages and innovation performance which are consistent with those of individual Schools and monitor performance against those targets;

d) identifying new opportunities for funding for research, extension, linkages and innovation and stimulating responses to those opportunities;

e) promoting the development of research, extension, linkages and innovation partnerships and engaging with broader society;

f) identifying future patterns of research, extension, linkages and innovation activities in the University and making recommendations concerning the infrastructure which shall be necessary to support them;

g) encouraging diversity in the nature of research, extension, linkages and innovation being conducted within the University by forming of multidisciplinary Research Groups to positively embrace new developments and initiatives in the various disciplines;

h) promoting the writing of proposals and sourcing for research, extension, linkages and innovation grants, establishing research, research laboratories and centers of excellence;

i) supporting educational initiatives aimed at ensuring that research, innovation and teaching materials are developed in local languages;

j) making recommendations to the Senate on the allocation of funds available for research, extension and innovation;

k) contributing to the national economic development through research, extension, innovation, linkages and scholarly publications;

[Subsidiary]

l) guiding Schools to be selective in the areas of research, extension, linkages and innovation that they pursue by developing their capacities;

m) promoting, stimulating and encouraging research, extension, linkages and innovation ethos and culture within the University via the execution of the Research, Extension and Innovation Policy;

n) submitting quarterly progress reports to the Senate on the research, extension, linkages and innovation activities of the University;

o) disseminating of all relevant research, extension and innovation activities of the University;

p) developing collaborative and industrial linkages with industries in the field of research, extension and innovation; and q) dealing with any other emerging issues in the field of research, extension and innovation as may be determined by the Senate.

4. The Board shall meet at least once in every quarter.

Statute XXXV: The Information and Communication Technology Directorate

1. There shall be a University Information and Communications Technology Directorate.

2. There shall be a Director of the Information and Communication Technology Directorate who shall be competitively appointed by the Council.

3. A person appointed as the Director of the Information and Communication Technology Directorate shall hold office as set out in the University Terms and Conditions of Service.

4. The office of the Director of Information and Communication Technology shall become vacant if the holder—

a) dies in office;

b) resigns by giving notice in writing addressed to the Chairperson of the Council; or

c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the holder shall be entitled to six months notice or six months pay in lieu of notice.

5. The Director of Information and Communication Technology shall be responsible to the Deputy Vice-Chancellor (Administration, Planning and Finance) in the day-to-day running of the Directorate.

6. There shall be an Information and Communication Technology Committee of the University whose membership shall consist of—

a) the Deputy Vice-Chancellor (Administration, Planning and Finance) as the Chairperson;

b) a representative of each School and Campus;

c) the Registrar (Administration, Human Resource and Central Services);

d) the Registrar (Academic Affairs);

e) the University Librarian; and

f) the Director of Information and Communication Technology as the Secretary.

7. A quorum of the Information and Communication Technology Committee shall be the nearest whole number above half the membership.

8. The Information and Communication Technology Committee may at its discretion, co-opt other persons not exceeding three to attend meetings in an advisory capacity provided such persons shall not have a right to vote.

9. The Information and Communication Technology Committee shall have the following functions—

- a) preparing, overseeing, implementing and reviewing the University Information and Communication Technology policy and align it with the University Strategic Plan;
- b) integrating the use of Information and Communication Technology in teaching, learning and research;
- c) ensuring the University Information and Communication Technology resources are aligning to its stated strategic aspirations;
- d) overseeing development and support of major Information and Communication Technology systems and functions;
- e) developing and reviewing practice to ensure management and application of University Information and Communication Technology resources is efficient and effective;
- f) assessing and advising the University Management Board and the Senate on any proposed changes to the current Information and Communication Technology and practices;
- g) considering and recommending Information and Communication Technology budget and the allocation of Information and Communication Technology resources among users;
- h) facilitating implementation of Information and Communication Technology projects;
- i) ensuring regular update of the University website, and ensure that the content is relevant;
- j) ensuring Information and Communication Technology investment priorities are effectively aligned with the University strategic plan;
- k) designing and implementing Information and Communication Technology business continuity and disaster recovery plan for the University; and
- l) addressing any other Information and Communication Technology strategic and policy matters as may be referred to it by the University Management Board and the Senate.

10. The Information and Communication Technology Committee shall regulate its business and conduct of its meetings.

11. The Information and Communication Technology Committee shall, on a quarterly basis, submit progress reports to the University Management Board and the Senate on implementation of the Information and Communication Technology strategies at the University.

12. The Information and Communication Technology Committee shall meet at least once in every quarter.

Statute XXXVI: The Directorate of E- Learning

1. There shall be a Directorate of e-Learning of the University.
2. The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor in consultation of the University Management Board through a competitive internal process.
3. A person shall qualified for appointment under this statute if the person is a fulltime member of the academic staff of the rank of Senior Lecturer and above.
4. The director shall hold office for a term of three (3) years and shall be eligible for reappointment for one further term of three years.
5. The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) in the day-to-day running of the Directorate.
6. There shall be an e-Learning Committee of the University whose membership shall consist of—
 - a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs), who shall be the chairperson;

[Subsidiary]

- b) the Registrar (Academic Affairs);
 - c) the Director of Information and Communication Technology;
 - d) a representative of each School; and
 - e) the Director of e-Learning, who shall be the Secretary.
7. A quorum of the e-Learning Committee shall be the nearest whole number above half the membership.
8. The e-Learning Committee may at its discretion, co-opt other persons not exceeding three to attend meetings in an advisory capacity provided such persons shall not have a right to any vote.
9. The e-Learning Committee shall have the following functions—
- a) formulating, reviewing and mainstreaming the University e-Learning Policy;
 - b) ensuring that e-learning and teaching is practiced in all Departments and Schools of the University;
 - c) establishing the standards for the e-learning platform;
 - d) institutionalizing e-learning in the University;
 - e) offering e-learning support to staff and students in all campuses
 - f) establishing the infrastructural resources required for efficient service delivery;
 - g) considering and recommending e-learning budget;
 - h) coordinating and developing effective e-learning content;
 - i) identifying potential e-learning resources;
 - j) determining the bandwidth and connectivity requirements for various e-learning service delivery modes;
 - k) developing appropriate business model for e-learning services;
 - l) scrutinizing any relevant hardware and software license agreements with vendors and service level agreements and advise the University Management Board and the Senate accordingly; and
 - m) addressing any other e-Learning strategic and policy matters as may be referred by the University Management Board and the Senate.
10. The e-Learning Committee shall regulate its business and conduct of its meetings.
11. The e-Learning Committee shall, on a quarterly basis, submit progress reports to the Senate on implementation of e-Learning strategies at the University.
12. The e-Learning Committee shall meet at least once in every quarter.

Statute XXXVII: The Aids Control Unit

1. There shall be an AIDS Control Unit of the University, hereinafter referred to as "the Unit", for the control and management of HIV and AIDS and other emerging diseases.
2. The Unit shall operate under the University Medical Department.
3. There shall be a Coordinator of the Unit who shall be appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.
4. A person shall be qualified for appointment under this Statute if the person is a full-time member of the academic staff of the rank of Senior Lecturer or Senior Assistant Registrar and above.
5. The Coordinator shall be responsible to the Chief Medical Officer for the execution of the University HIV and AIDS Policy and for the control and management of the Unit.

6. The Coordinator shall hold office for a period of three (3) years and shall be eligible for re-appointment for one further term.
7. The Unit shall be governed by a Committee which shall consist of—
- a) the Chief Medical Officer, who shall be the chairperson;
 - b) a representative of the Registrar (Administration, Human Resource and Central Services);
 - c) a representative of each School and Campus;
 - d) the Dean of Students;
 - e) two students' representatives; and
 - f) the Coordinator, who shall be the Secretary.
8. The Committee shall be responsible to the University Management Board and shall, in collaboration with relevant units, be responsible for—
- a) creating awareness on the effects of HIV and AIDS in the University and the general community and on the social and economic development of Kenya;
 - b) engaging in informative and formative researching on methods of curbing the spread of HIV and AIDS and reducing its impact on the intellectual and economic development of the University and the surrounding community;
 - c) offering proactive, informed consultancy and policy advice to relevant bodies and organizations in the County and National Government in the prevention of infections;
 - d) developing IEC material and offer outreach services in form of campaigns against HIV and AIDS;
 - e) devising a behaviour change and training model for high risk and vulnerable groups;
 - f) establishing Holistic Counselling and Testing Centres in the University;
 - g) building partnerships with relevant stakeholders such as National AIDS Control Council;
 - h) soliciting funding for HIV and AIDS control, awareness and prevention; and
 - i) performing any other functions and undertaking any other activities as may from time to time be assigned by the Vice Chancellor.
9. The Board shall on a quarterly basis, submit progress reports to the University Management Board on HIV and AIDS prevention initiatives at the University.
10. The Board shall regulate its business and conduct of its meetings.
11. The Board shall meet at least once in every quarter.

Statute XXXVIII: The Alcohol and Drug Abuse Prevention Unit

1. There shall be an Alcohol and Drug Abuse Prevention Unit (hereinafter referred to as "the Unit") for the control and management of alcohol and drug abuse in the University.
2. The Unit shall operate under the Medical Department of the University.
3. There shall be a Coordinator of the Unit who shall be appointed by the Vice-Chancellor in consultation with the University Management Board through a competitive internal process.
4. A person shall be qualified for appointment under this Statute if the person is a full-time member of the academic staff of rank of Senior Lecturer or Senior Assistant Registrar and above.
5. The Coordinator shall hold office for a period of three (3) years and shall be eligible for re-appointment for one further term.

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6. The Coordinator shall be responsible to the Chief Medical Officer for the execution of the University Alcohol and Drug Abuse Prevention Policy and for the control and management of the Unit.
7. The Unit shall be governed by a Committee which shall consist of—
- a) the Chief Medical Officer, who shall be the Chairperson;
 - b) a representative of the Registrar (Administration, Human Resource and Central Services);
 - c) the Senior Students' Counsellor;
 - d) a representative of each School and Campus;
 - e) the Dean of Students;
 - f) the Chief Security Officer;
 - g) two student representatives; and
 - h) the Coordinator, who shall be the Secretary.
8. The Committee shall be responsible to the University Management Board and shall, in collaboration with relevant units, be responsible for—
- a) creating awareness on the effects of Alcohol and Drug Abuse in the University and the general community and on the social and economic development of Kenya;
 - b) overseeing the overall implementation of the Alcohol and Substance Abuse Policy;
 - c) advocating for ADA issues in decision making at all levels;
 - d) soliciting funding for Alcohol and Drug Abuse control, awareness and prevention;
 - e) giving timely support and advice to the ADA Unit Coordinator, in carrying out ADA implementation procedures;
 - f) assisting in budgeting of the allocation that shall be given to the unit by the University or external sourcing to facilitate the implementation of the policy;
 - g) performing any other functions and undertaking any other activity as may from time to time be assigned by the Vice-Chancellor.
9. The Board shall on a quarterly basis, submit progress reports to the University Management Board on Alcohol and Drug Abuse control awareness and prevention initiatives at the University.
10. The Board shall regulate its business and conduct of its meetings.
11. The Board shall meet at least once in every quarter.

Statute XXXIX: The Alumni Association

1. There shall be an Alumni Association of the University, hereinafter referred to as "the Association", which shall serve and represent the alumni of the University as provided in the Charter.
2. The functions of the Association shall be—
- a) bringing together graduates and former students of the University;
 - b) engaging in fundraising activities for the University;
 - c) promoting the University's welfare and corporate image; and
 - d) nominating and presenting to the Senate persons to be considered as Chancellor.
3. The membership of the Association shall consist of—
- a) graduates of Kisii University;

b) former students of Egerton University, Kisii University College; and

c) former students of Egerton University, Kisii Campus.

4. Past and present academic staff of the University may be admitted into the alumni association as associate members.

5. The Association shall meet and discuss any matters relating to the University and shall transmit its resolutions and recommendations thereon to the University Management Board.

6. The operations of the Association shall be governed by a constitution whose articles shall be approved by the Council.

Statute XL: The Students' Association

1. There shall be an Association of Students of the University.

2. Membership of the association shall consist of—

a) students; and

b) any other person as provided for in the student association constitution.

3. The functions of the said Association shall be for the promotion of student welfare.

4. The governance structure for the association shall be as provided for in the Act.

5. The rules of operation of the Association shall be as provided for in the constitution and approved by the Council.

6. The governance of the association shall be in line with University polices and guided by the Dean of Students.

7. The Association shall have a right of representation—

a) in the Senate;

b) in the University Student Disciplinary Committee;

c) in the Student Welfare Management Board;

d) in the Schools Board; and

e) in any other Committee or Board as determined by the University Management Board from time to time subject to conditions specified in these Statutes.

Statute XLI: Fellowships, Scholarships, Bursaries and other Awards

The award of fellowships, scholarships, bursaries and other awards shall be as follows—

a) the Senate may award fellowships, scholarships, bursaries, prizes and other awards which it may consider necessary or desirable from time to time;

b) a proposal to make awards may be made by a member of the University and shall be made in writing to the Vice-Chancellor:

c) every proposal shall be accompanied by a statement setting forth the award recommended and detailed grounds on which the recommendation is based;

d) the Vice-Chancellor shall refer such proposal to the Scholarships and Bursaries Award Committee for deliberation; and

e) any recommendation made by the Scholarships and Bursaries Award Committee shall be forwarded to both the Senate and the Council for approval.

Statute XLII: Degrees, Diplomas and other Awards

1. The University shall have powers—

a) to award diplomas or certificates or other awards;

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b) to confer the degrees of Bachelor, Masters and Doctor and such other degrees as may be approved by the Senate; and

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

2. The Senate may cancel or withdraw such certificates, diplomas, degrees, or any other such awards as provided for under Statute L of these Statutes.

3. Subject to the provisions of the Charter and these Statutes, the designation of degrees to be conferred and diplomas to be awarded by the University shall for the time being be as follows—

a) SCHOOL OF BUSINESS AND ECONOMICS

Doctor of Philosophy Degree

Doctor of Philosophy in Business Administration

Doctor of Philosophy in Tourism Management

Doctor of Philosophy in Economics

Doctor of Philosophy in Entrepreneurship and Management

Master's Degree

Master of Purchasing and Logistics Management

Master of Human Resource

Master of Entrepreneurship

Master of Business Administration

Master of Entrepreneurship and Management

Master of Tourism and Hospitality Management

Master of Procurement and Logistics Management

Master of Science in Marketing

Master of Science in Finance and Investment

Master of Science in Project Management, Monitoring and Evaluation

Master of Science in Project Management

Bachelor's Degrees

Bachelor of Commerce

Bachelor of Human Resource Management

Bachelor of Purchasing and Supplies Management

Bachelor of Cooperative Management

Bachelor of Catering and Hotel Management

Bachelor of Business Administration

Bachelor of Entrepreneurship and Management

Bachelor of Science Ecotourism and Hospitality Management

Bachelor of Catering and Hotel Management

Bachelor of Hotel and Hospitality Management

Bachelor of Entrepreneurship and Small Business Management
Bachelor of Business Information Management
Bachelor of Science in Economics and Statistics
Bachelor of Science in Project Management
Bachelor of Secretarial Management and Administration
Bachelors of Tours and Travel Management
Bachelor of Tourism Management
Diploma Programmes
Diploma in Business Administration
Diploma in Sales and Marketing
Diploma in Human Resource Management
Diploma in Stores and Supplies Management
Diploma in Project Management
Diploma in Marketing Management
Diploma in Co-operative Management
Diploma in Tourism and Hospitality Management
Diploma in Hotel and Hospitality Management
Diploma in Accounting and Finance
Diploma in Secretarial Management and Administration
Diploma in Credit Management
Diploma in Risk Management
Diploma in Financial Analysis
Diploma in Taxation and Consultancy
b) SCHOOL OF HEALTH SCIENCES
Doctor of Philosophy Degree
Doctor of Philosophy in Biomedical Sciences
Master's Degrees
Master of Public Health
Master of Science in Phytochemistry and Drug Development and Medical Ethnobotany
Master of Science in Medicinal Ethnobotany
Master of Science in Natural Resources Management
Master of Science in Nutrition
Master of Science in Biomedical Science
Bachelor's Degrees
Bachelor of Nursing
Bachelor of Biomedical Science and Technology
Bachelor of Science in Clinical Medicine and Community Health (direct entry)
Bachelor of Science in Clinical Medicine and Community Health (Upgrading)

[Subsidiary]

Bachelor of Science in Community Health and Development

Bachelor of Science in Medical Laboratory Sciences

Bachelor of Food Nutrition and Dietetics

Bachelor of Science in Nursing (Direct Entry)

Bachelor of Science in Public Health

Bachelor of Clinical Medicine and Surgery

Diploma Programmes

Diploma in Clinical Medicine and Surgery

Diploma in Medical Laboratory Sciences

Diploma in Pharmaceutical Technology

Diploma in Community Health and Development

Diploma in Community Nutrition and Dietetics

Diploma in Health Records and Information Management

c) SCHOOL OF PURE AND APPLIED SCIENCES

Doctor of Philosophy Degree

Doctor of Philosophy in Mathematical Statistics

Doctor of Philosophy in Analytical Chemistry

Doctor of Philosophy in Organic Chemistry

Doctor of Philosophy in Physics

Doctor of Philosophy in Pure Mathematics

Doctor of Philosophy in Parasitology

Doctor of Philosophy in Mathematical Statistics

Doctor of Philosophy in Theoretical Physics

Doctor of Philosophy in Condensed Matter Physics

Doctor of Philosophy in Environmental Physics

Doctor of Philosophy in Health Physics

Doctor of Philosophy in Materials Physics

Doctor of Philosophy in Renewable Energy and Physics

Master's Degrees

Master of Science in Plant Pathology

Master of Science in Mathematical Statistics

Master of Science in Inorganic Chemistry

Master of Science in Parasitology

Master of Science in Analytical Chemistry

Master of Science in Applied Mathematics

Master of Science in Theoretical Physics

Master of Science in Physical Chemistry

Master of Science in Organic Chemistry

Master of Science in Pure Mathematics
Master of Science Renewable Energy Physics
Master of Science in Physics
Masters of Science in Phytochemistry and Drug Development
Master of Science in Geophysics
Master of Science in Condensed Matter Physics
Master of Science in Materials Physics
Master of Science in Health Physics
Master of Science in Environmental Energy Physics
Bachelor's Degrees
Bachelor of Actuarial Science
Bachelor of Science in Biochemistry
Bachelor of Science in Biology
Bachelor of Science in Biotechnology
Bachelor of Science in Cellular and Molecular Biology
Bachelor of Science in Chemistry
Bachelor of Science in Analytical Chemistry
Bachelor of Science in Physics
Bachelor of Science in Renewable Energy
Bachelor of Science in Applied Statistics
Bachelor of Science in Waste Management
Bachelor of Science in Environmental Chemistry
Bachelor of Science in Laboratory Technology
Bachelor of Biology
Bachelor of Biochemistry
Bachelor of Petroleum Chemistry
Bachelor of Industrial Chemistry
Bachelor of Conservation Biology
Bachelor of Forensic Biology
Bachelor of Natural Products
Bachelor of Geographical and Mineralogy
Bachelor of Science in Medicinal Ethnobotany
Bachelor of Science in Microbiology
Bachelor of Science Meteorology
Diploma Programmes
Diploma in e-waste management
Diploma in forensic biology
Diploma in Forensic Chemistry

[Subsidiary]

Diploma in Science Laboratory Technology

d) SCHOOL OF LAW

Bachelor's Degree

Bachelor of Laws

Diploma Programme

Diploma in Laws

e) SCHOOL OF AGRICULTURE AND NATURAL RESOURCE MANAGEMENT

Doctor of Philosophy Degrees

Doctor of Philosophy in Agricultural Extension and Rural Development

Doctor of Philosophy in Agricultural Education and Extension

Doctor of Philosophy in Fisheries

Doctor of Philosophy in Limnology

Doctor of Philosophy in Natural Resources Management

Doctor of Philosophy in Agronomy

Doctor of Philosophy in Agricultural Education and Extension

Doctor of Philosophy in Environmental Science

Doctor of Philosophy in Sustainable Agriculture

Doctor of Philosophy in Agricultural and Applied Economics

Master's Degrees

Master of Science in Agronomy

Master of Science in Sustainable Agriculture

Master of Science in Agricultural Extension

Master of Science in Fisheries

Master of Science in Animal Physiology

Master of Science in Aquaculture

Master of Science in Economics

Master of Science in Agricultural Education

Master of Science in Limnology

Masters in Environmental Science and Water Management

Master of Science in Agricultural and Applied Economics

Master of Science in Livestock Production Systems

Bachelor's Degrees

Bachelor of Science in Agricultural Economics

Bachelor of Science in Agriculture

Bachelor of Science in Environmental Science

Bachelor of Agribusiness Management

Bachelor of Science in Agricultural Education and Extension

Bachelor of Science in Animal Science

Bachelor of Science in Aquatic Science
Bachelor of Science in Fisheries and Aquaculture
Bachelor of Science in Agricultural Extension and Rural Development
Bachelor of Science in Soil Environment and Land Resource Management
Bachelor of Science in Horticulture
Bachelor of Science in Natural Resource Management
Diploma Programmes
Diploma in Animal Health and Production
Diploma in Agricultural Extension
Diploma in Fisheries and Aquaculture Entrepreneurship
Diploma in Animal Science and Technology
Diploma in Agricultural Education and Extension
Diploma in Agricultural Economics and Resource Management
f) SCHOOL OF ARTS AND SOCIAL SCIENCES
Doctor of Philosophy Degrees
Doctor of Philosophy in History
Doctor of Philosophy in Counselling Psychology
Doctor of Philosophy in Disaster Management
Doctor of Philosophy in Development Studies
Doctor of Philosophy in Geophysics
Doctor of Philosophy in Kiswahili
Doctor of Philosophy in Linguistics
Doctor of Philosophy in Literature
Doctor of Philosophy in Project Planning and Management
Doctor of Philosophy in Counselling Psychology
Doctor of Philosophy in Geography
Doctor of Philosophy in Leadership and Governance
Doctor of Philosophy in Political Science
Masters Degrees
Master of Arts in Geography
Master of Arts in Counseling Psychology
Master of Arts in Criminology
Master of Arts in Development Studies
Master of Arts in History
Master of Arts in Kiswahili
Master of Arts in Linguistics
Master of Arts in Sociology
Master of Arts in Project Planning and Management

[Subsidiary]

Master of Arts in Public Administration and Political Science
Master of Arts in Religious in Studies
Master of Arts in Literature
Master of Arts in International Relations
Bachelor's Degrees
Bachelor of Arts
Bachelor of Arts in Geography
Bachelor of Arts in Kiswahili
Bachelor of Arts in Linguistics
Bachelor of Arts in Literature
Bachelor of Arts in Music
Bachelor of Arts in Psychology
Bachelor of Arts in Public Administration and Political Science
Bachelor of Arts in Social Work and Sociology
Diploma Programmes
Diploma in Public Administration & Political Science
Diploma in Community and Social Development
Diploma in Social Work
Diploma in Public Relations
Diploma in Music
Diploma in Criminology and Security Studies
Diploma in County Governance
Diploma in International Relations, Conflict Resolution and Peace Building
Diploma in Ethics and Anti-Corruption Studies
Diploma in Disaster Management
g) SCHOOL OF EDUCATION AND HUMAN RESOURCE DEVELOPMENT
Doctor of Philosophy Degrees
Doctor of Philosophy in Educational Management
Doctor of Philosophy in Educational Psychology
Doctor of Philosophy in Special Needs Education
Doctor of Philosophy in Educational Counseling Psychology
Doctor of Philosophy in Early Childhood Development
Doctor of Philosophy in Religion
Doctor of Philosophy in Sociology
Doctor of Philosophy in Educational Foundations
Doctor of Philosophy in Curriculum Studies
Master's Degrees
Master in Education

Master of Education in Special Needs Education
Master of Education in Early Childhood Development Education
Bachelor's Degrees
Bachelor of Education (Early Childhood Education)
Bachelor of Education (Primary Option)
Bachelor of Education (Arts)
Bachelor of Education (Science)
Postgraduate Diploma in Education
Postgraduate Diploma in Science
Diploma Programmes
Postgraduate Diploma in Education
Diploma in Education (Primary Option)
Diploma in Education - Arts (Secondary Option)
h) SCHOOL OF INFORMATION SCIENCE AND TECHNOLOGY
Doctor of Philosophy Degrees
Doctor of Philosophy in Information Science
Doctor of Philosophy in Knowledge Management
Doctor of Philosophy in Media and Communication
Doctor of Philosophy in Information Systems
Doctor of Philosophy in Communication Studies
Master's Degrees
Masters of Information Science
Master of Communication Studies
Master of Information Science
Master of Information System
Master of Journalism
Master of Knowledge Management
Masters of Communication Studies
Bachelor's Degrees
Bachelor of Information Technology
Bachelor of Library Information Science
Bachelor of Science Mathematics (Pure, Applied and Statistics)
Bachelor of Science Mathematics with Computing
Bachelor of Applied Computer Science
Bachelor of Arts (Communication Media)
Bachelor of Computer Science
Bachelor of Software Engineering
Diploma Programmes

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Diploma in Library and Information Science
Diploma in Journalism and Mass Communication
Diploma in Computer Science
Diploma in Information Technology

4. The Senate shall offer and recommend for conferment of any other degree or award of diploma or certificate as it may deem fit.

Statute XLIII: Staff Matters

1. Staff Associations

(1) The staff of the University shall have the right to join a staff association of their choice as recognized by the University.

(2) The conduct and affairs of the staff association shall be as provided in the constitutions of the said associations.

2. Employment of Staff

(1) The Council shall appoint such academic and administrative staff as it may deem necessary for the efficient functioning of the University.

(2) The Council may make such other appointments, whether paid or honorary, as it may deem fit.

(3) All members of staff shall be employed under the terms of service approved by the Council.

(4) All members of staff of the University shall be subject to the general authority of the Council and of the Vice- Chancellor.

3. Terms and Conditions of Service

(1) The Council shall, subject to the provisions of section 20(c) and (d) of the Act, determine the terms and conditions of appointment and promotion of all staff of the University, which shall be contained in the University Terms and Conditions of Service for Members of Staff as may be revised from time to time.

(2) The Council shall, subject to this Statute, appoint and promote such academic and administrative such staff as it may deem necessary for the efficient functioning of the University with such duties and upon such terms and conditions as the Council may prescribe from time to time.

(3) The Council may, subject to this Statute, make such other appointments and promotions, whether paid or honorary as it may deem fit.

(4) The council shall determine the categorization of staff for purposes of Terms and Conditions of Employment and these shall be limited to teaching, senior management, administrative, technical and support staff.

(5) The Council may review the conditions of appointment and promotion of any staff categories from time to time, provided that in so doing any changes in such conditions shall apply in individual cases only to the extent that the changes are mutually acceptable to the member of staff and the Council.

4. Staff Disciplinary Procedure

(1) The disciplinary procedure shall provide for a warning to be issued to an employee in order to accord them an opportunity of correcting the misconduct concerned.

(2) Heads of Departments responsible for discipline shall adhere to the following guidelines—

- (a) before issuing a warning, all facts shall be established and evaluated to determine whether the suspected misconduct occurred;
- (b) the employee shall, in all cases, be given the opportunity to defend their case;
- (c) appropriate action which may be taken may include—

- i) a warning;
- ii) training; or
- iii) supervision;
- (d) where a warning is issued, the nature of the misconduct shall be made clear to the employee, and the employee shall be required to correct the situation with an indication of possible consequences of failure to comply, and a date for reviewing of the matter shall be agreed with the employee; and
- (e) in cases of serious misconduct, including theft or use of violence in the workplace, the steps laid down in the disciplinary procedures under dismissal shall apply.

(3) Indiscipline shall include the following—

a) minor misconduct, including—

- i) habitual absence from work;
- ii) repeated lateness;
- iii) extended rest breaks; and
- iv) low work standards.

b) unacceptable behavior, including—

- i) recurring absence from work;
- ii) unauthorised absence from the workplace;
- iii) minor insubordination;
- iv) neglect of safety precautions; and
- v) lack of attention to duty.

c) serious misconduct, including—

- i) serious neglect of work standards;
- ii) insulting behavior; and
- iii) rowdiness at work and disobedience to those placed in authority.

d) gross misconduct, including—

- i) fighting;
- ii) pecuniary embarrassment;
- iii) incapacitation due to alcohol;
- iv) theft;
- v) intentional gross neglect of duty;
- vi) insubordination;
- vii) threats;
- viii) abuse;
- ix) intentional work practices which are dangerous;
- x) sexual harassment;
- xi) bullying; and
- xii) corruption among others.

4. (1) Verbal and written warnings issued shall depend on the seriousness of the misconduct.

(2) The discipline procedure shall take the following steps-

(a) *Step 1: Verbal Warning*

Shall involve informing the employee and explaining what the employee did wrong and recommend change, if any. To assist in the effective functioning of the Disciplinary Procedure

 [Subsidiary]

and verbal warnings need not be given for petty behaviour or where a timely word of advice would correct the unsatisfactory behaviour concerned.

The employee shall, in signing this record, acknowledge that the warning has been received and understood. The refusal by the employee to sign and acknowledge shall not invalidate the warning. Details of the warning shall be valid for a period of six (6) months from

b) Step 2: First Written Warning

When an employee who has been verbally warned continues to breach regulations but such breach, in the opinion of the University, does not warrant urgent and immediate interdiction or suspension, the University shall—

- i) issue the employee with a written notice of the complaint against the employee;
- ii) require the employee to give a written explanation within fourteen(14) days from the date of the notice;
- iii) consider the explanation given by the employee with any other information or evidence relevant to the matter and determine whether the employee is guilty or not;
- iv) if the employee is found guilty, the employee shall be issued with a first written warning and a copy sent to the Registrar (Administration, Human Resource and Central Services) for record keeping in the employee's file.
- v) The employee shall sign the record as an acknowledgment that the warning has been received and understood.

(vi) The warning shall state—

- A) the details of the complaint;
- B) the changes expected;
- C) the period of time during which the employee's performance shall again be reviewed;
- D) that failure to change may result in loss of employment;
- E) the period of time for which the warning shall remain valid; and
- F) a copy of this warning shall be kept in the employee's file. Refusal by the employee to sign the record shall not invalidate the written warning issued.

c) Step 3: Final Written Warning

- (i) Where a written warning is considered inadequate because of the seriousness of the misconduct or when an act of misconduct is committed within twelve (12) months of the employee having received an earlier written warning for misconduct. The final written warning shall be kept in the records of the employee's file.
- (ii) The employee shall sign the record as an acknowledgment that the warning has been received and understood.
- (iii) Refusal by the employee to sign the record shall not invalidate the written warning issued.
- (iv) The written warning shall be kept in the employee's file and shall be valid for a period of twelve (12) months.

d) Step 4: Final Decision and Action

Where steps 1 to 4 have been followed but the employee's performance remains unacceptable or where the employee continues to breach the University's regulations, a final recommendation to the Vice-Chancellor may be made by the relevant Staff Disciplinary Committee as follows—

i). Suspension or Interdiction

(A) An employee may be interdicted only if—

- i) proceedings which may lead to his dismissal are being taken;
- ii) proceedings which may lead to his dismissal are about to be taken; or
- iii) criminal proceedings are being instituted against him.

- (B) An employee may be suspended from duty under the following circumstances—
- i) if the employee has been convicted of a serious criminal offence;
 - ii) if as a result of the proceedings for dismissal taken against him the University considers that the employee ought to be dismissed; or
 - iii) when an employee is reported to have absconded duty without lawful excuse.
- (C) An employee who is interdicted shall receive salary, not being less than half of his salary as the Vice-Chancellor may deem fit.
- (D) For the purposes of this regulation, "salary" does not include allowances and benefits.
- (E) An employee who is to be suspended, under this regulation, shall not be entitled to any salary and commuting allowance.
- (F) But the employee shall be entitled to all allowances and medical cover. Where disciplinary or criminal proceedings instituted against an employee under interdiction or suspension and such an employee is neither dismissed nor otherwise punished, the whole or any salary withheld or stopped shall be reinstated to the employee upon termination of such proceedings.
- (G) If any punishment other than dismissal is inflicted, the employee may be refunded such proportion of salary withheld or stopped as a result of the employee's interdiction/suspension as the Vice-Chancellor shall determine.

ii). *Dismissal*

- (A) The relevant Staff Disciplinary Committee may, depending on the nature of the misconduct, recommend summary dismissal of an employee with notice or pay in lieu of notice. In case of misconduct, which may warrant dismissal, the University Management Board shall, through the Registrar (Administration, Human Resource and Central Services), convene a meeting of the relevant Staff Disciplinary Committee in accordance with *Schedule II* of these Statutes at the earliest possible opportunity.
- (B) The Disciplinary Committee shall investigate the case and make a report on the matter considering all the evidence and its recommendations, and the Committee shall grant the employee under investigation an opportunity to defend himself and call any witnesses if necessary.
- (C) The employee concerned shall be accorded an opportunity to state his case and respond to any accusations made. When the facts and circumstances have been considered, the Disciplinary Committee shall arrive at a decision and recommend the same to the Vice-Chancellor who shall forward the same to the University Management Board for final approval of the ruling.
- (D) The final determination made shall be communicated to the employee in writing.

iii. *Summary Dismissal or Termination of Employment*

An employee who engages in gross misconduct shall be summarily dismissed.

Gross misconduct includes any instances where the employee—

- (A) Without lawful cause, an employee absents himself from the proper and appointed place for the performance of his work;
- (B) is intoxicated during working hours, rendering himself incapable of performing his work;
- (C) Uses abusive or insulting language or insulting to a person placed in authority;
- (D) Fails or refuses to obey lawful and proper instructions which it is within the scope of his duty to obey issued by his employer or a person placed in authority;
- (E) Is arrested for a recognizable offence punishable by imprisonment and is not within ten days either released on bail or on bond or otherwise lawfully set at liberty;
- (F) Commits, or on reasonable and sufficient grounds is suspected of having committed a criminal offence against or to the substantial detriment of his employer or the employer's property;

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- (G) Constantly fails to meet set targets without justifiable cause;
- (H) Neglects to perform any work which was his duty to have performed, or if he carelessly and improperly performs any work which by its nature it was his duty, under his contract, to have performed carefully and properly.

iv. Termination of Employment

- (A) The University may terminate employment on the following grounds—
 - i) misconduct;
 - ii) poor performance; or
 - iii) physical incapacity.

The University shall explain to the employee, in a language the employee understands, the reason for which the University shall consider termination and the employee shall be entitled to have a union representative present during this explanation;

- (B) The University shall, before terminating the employment of an employee or summarily dismissing the employee, hear and consider any representations which the employee may have on the grounds of misconduct or poor performance; and
- (C) Disciplinary cases shall be finalized within a period of six (6) months which the Vice-Chancellor may in cases where investigation demands, extend and make a report to the Council.
- (D) The Vice-Chancellor shall, upon receiving serious disciplinary complaints against any employee in senior management of Grade XIV and above, assign the case to the relevant Council Committee, which shall determine the case and shall grant the employee an opportunity to defend himself.

5. Where an employee is satisfied with the determination regarding his case, the employee may appeal to the Council for a review of the case within 30 days from the date of communication and the Vice-Chancellor shall present the appeal to the Council for reconsideration.

6. Staff Complaints and Grievances Procedure

a) Phase 1: Verbal Discussion

Employees shall bring complaints to the attention of their immediate Supervisor in the first instance and the Supervisor shall respond to the complaint within two (2) working days and a resolution shall be encouraged at this stage through discussion and counselling.

b) Phase 2: Pre-grievance Hearing

If no agreement is reached under paragraph (a), the employee shall present the Supervisor with a written grievance and the supervisor shall be required to respond in writing within three (3) working days. Copies of this correspondence shall be sent to the Office of the Registrar (Administration, Human Resource and Central Services). A resolution shall be encouraged at this stage through discussion and the counselling of all parties concerned.

c) Phase 3: Grievance Hearing

Where the grievance is not resolved or the Supervisor is the offender, the matter may be referred to the next level of management. At this stage, the officer in charge shall convene a meeting to review the grievance with the complainant and the supervisor. The hearing shall be treated confidentially but the complainant may choose to be accompanied by a colleague or any other person who shall be an employee.

Minutes of the grievance meeting shall be taken. Both the accused and the aggrieved party shall provide evidence and the allegations shall be clearly stated. There shall be adequate allowance for enquiry and cross-examinations of and by both parties.

d) Phase 4: Judgment

The Registrar (Administration, Human Resource and Central Services) shall, having received the evidence, constitute and chair a committee to hear the case and confirm their decision in writing within seven (7) working days. The Officer handling the case shall state the recommendations, findings and disciplinary action where necessary. The Registrar (Administration, Human Resource and Central Services) shall retain all minutes on decisions made and they shall be filed in individual employee files.

e) *Phase 5: Conclusion*

If the issue is not resolved, the employee shall write a request for the matter to be discussed by the Council or relevant appeals committee as appropriate. If the employee shall still not be satisfied with the recommendations of the Committee, the employee shall further appeal to the Vice-Chancellor in writing, clearly stating reasons for his dissatisfaction. The Vice-Chancellor, may at his discretion determine the case, and may consult with the relevant Disciplinary Committee or the Council, whichever is applicable to bring the matter to a conclusion.

7. Staff Shortlisting Committees

The staff shortlisting committee shall be constituted as set out in Schedule II of these Statutes.

Statute XLIV: Student Matters

1. The Council reserves the right to determine the types and level of fees to be paid by students and the right to withhold a degree, diploma, certificate or any other award until any outstanding debts are settled with the University.

2. (1) The Senate shall exclude any student from participating in any academic activity or enjoying any other University services unless such a student pays in full all the requisite fees.

(2) The Senate reserves the right to exempt any student from this requirement.

3. The Senate may withhold the conferment of any degree, award of diploma, certificate or any award on any person until all outstanding fees and other dues are settled with the University.

4. (1) The "Rules and Regulations Governing the Students Association, Conduct and Discipline" issued by the Council shall, unless otherwise stipulated in these Statutes, govern matters affecting the education and discipline of students including their academic and general conductors approved by the Senate and the Council.

(2) The Students' Disciplinary Committee is composed of members set out in Schedule III of these Statutes.

5. A student shall be required to register within a period of three (3) weeks and any student who fails to so register shall be presumed to have deferred their studies to the next academic year.

6. A student who fails to register or attend classes for a period exceeding two (2) Weeks in any one Semester shall not be eligible to take examinations, and shall be subject to deregistration unless he submits a request for deferment.

7. A student may defer studies for one (1) or more academic years for a maximum of four (4) academic years or five (5) academic years in the case of a five (5) year programme or six years in the case of a six year programme with the authority of the Senate, provided that the student shall apply to the Registrar (Academic Affairs) through the Dean of School, for such deferment within the first two (2) Weeks of the semester.

8. A student who does not complete his academic programme within a period not exceeding twice the stated length of the academic programme shall automatically be deregistered unless under very special circumstances approved by the Senate.

Statute XLV: University Examinations

1. University examinations shall be conducted under the authority of the Senate.

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2. There shall be rules and regulations governing University examinations as set out in statutes XLVI and XLVII.
3. There shall be regular University examinations, special examinations, supplementary examinations and re-sit to be held under such conditions as the Senate may prescribe.
4. Unless the Senate otherwise determines, there shall be internal and external examiners of the University appointed by the Senate on terms to be prescribed by the Council. The internal examiners shall prepare and evaluate the examinations.
5. External examiners shall be appointed for periods and on such terms as the Senate may, from time to time determine, provided that no external examiner shall hold appointment for a period of two consecutive terms.
6. In case of re-examination of script of a candidate who has appealed for a remark, an independent examiner who did not teach the candidate in the course or the paper under examination shall be appointed.
7. Every candidate for a University examination shall pay, to the University in respect of such examination, such fees as the Council shall prescribe from time to time.
8. All University examinations shall be held at the end of the semester in which the courses have been taught unless otherwise approved by the Senate.
9. In the event of any alleged examination irregularity involving either a student or a member of staff, the same shall be dealt with in accordance with respective regulations in force.
10. Departments shall establish moderating committees chaired by the Chairperson of Department and consisting of members of academic staff who shall moderate examinations internally.
11. There shall be a Board of Examiners of each School.
12. (1) The membership of the Board shall consist of—
 - a) the Dean or the Director of Campus, who shall be the Chairperson;
 - b) internal examiners; and
 - c) external examiners.(2) The members of the Board referred to in (b) and (c) shall be appointed by the Senate.
13. The functions of the Board of Examiners shall be receiving and processing examination results and making recommendations thereon to the Senate.
14. Publication of all University examination results shall be the responsibility of the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
15. Any issues regarding the published examination results shall be made to the Registrar (Academic Affairs).

Statute XLVI: Rules and Regulations for Undergraduate and Diploma Programmes

1. Minimum Entry Requirements for Bachelor's Degree

A person may apply for a Degree programme if the person meets any of the following requirements—

- a) a mean grade of grade C+ (plus) in the Kenya Certificate of Secondary Education;
- b) a candidate with disabilities may be given special consideration with regard to the minimum requirement at Kenya Certificate of Secondary Education;
- c) two (2) relevant Principal passes obtained in the Kenya Advanced Certificate of Education Examination at the same sitting or different sittings;

d) a holder of a diploma of Kisii University with a "Credit" pass or higher or an equivalent qualification from a recognized institution in the relevant field of specialization acceptable to the Senate; or

e) meet additional entry requirements as may be specified by the respective Department.

2. Minimum Entry Requirements for Diploma Programmes

A person may apply for a diploma programme if the person meets the any of the following requirements—

a) a mean grade of grade C- (minus) in the Kenya Certificate of Secondary Education;

b) a candidate with disabilities may be given special consideration with regard to the minimum requirement at KCSE;

c) a holder of a certificate from a recognized institution with a "Credit" pass or higher or equivalent qualification from a recognized institution in the relevant field of specialization, acceptable to the Senate; or d) meet additional or specific entry requirements as may be specified by the respective Department or School offering the diploma programme.

3. Duration of Study and Course Loading

(1) The duration of study for a degree or diploma shall be as prescribed under the respective academic programmes and approved by the Senate.

(2) A candidate shall take and pass at least one hundred and twenty (120) Credit Factors of the prescribed courses to qualify for the award of a degree or at least sixty (60) Credit Factors for the award of a Diploma and at least thirty (30) Credit Factors for certificate programmes.

(3) The number of Credit Factors required for the award of diploma or conferment of degree shall vary from one programme to another or from one School to another.

(4) A full-time student shall register for and take fifteen (15) to twenty one (21) Credit Factors of courses per semester, while part-time students may take half that number of Credit Factors in consultation with the respective Department, School.

(5) The Senate may accept a Credit Transfer up to a maximum of forty nine percent (49%) of the required degree or diploma programme credits acquired from a recognized institution and taken within a period acceptable to the Senate provided that such credits shall have been obtained by passing the courses at the grade of "B" and above.

(6) A candidate shall fulfill other conditions as may be set by the respective Departments Schools from which the degree is sought.

4. Degree and Diploma Structure and Course Requirements

(1) The Bachelor's degrees and diplomas are structured as specified under individual academic programmes and approved by the Senate.

(2) Courses taken to fulfill graduation requirements shall be drawn from those specified by the respective Department or School and from the University common core courses.

(3) The University common core courses are intended to broaden the academic background of the student consistent with their respective professional training and facilitate a more profound appreciation of the society and environment of which they are a part.

(4) A candidate shall be required to take and pass at least nine (9) Credit Factors of common core courses selected from outside the candidate's area of specialization.

5. Examination Processing and General Requirements

(1) All examinations shall be conducted under the authority of the Senate as specified under various rules and regulations.

(2) Every candidate shall, to be eligible to take University examinations, pay to the University in respect of the examinations such fees as the Council shall prescribe from time to time.

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(3) A student shall register for scheduled courses within the first two (2) weeks of the semester and after fulfilling all other requirements shall be eligible to take examinations.

(4) There shall be Internal and External Examiners of the University appointed by the Senate upon the recommendation of the Boards of School who shall prepare examinations and examine students in papers assigned to them by the School.

(5) Final examination marks shall be agreed upon between the Internal and External Examiner, provided that where no such agreement can be reached the Chief Examiner concerned shall make the final decision.

(6) In the case of re-examination, a Moderator may be appointed from within or outside the University who had no part in teaching the candidate in the subject for the paper under examination.

(7) Subject to approval by the Senate, Departments may establish Moderating Committees chaired by the Chairperson of Department and consisting of senior academic staff that shall moderate the examinations.

(8) A student shall not be permitted to proceed to the subsequent year of study, unless the student satisfies all the previous examinations requirements.

(9) A student shall be permitted to proceed to the subsequent year of study, provided the student re-sits the courses failed when next offered

6. Invigilation of Examinations

(1) On examination day, the Chairperson of Department shall be the Chief Examiner of all papers in his Department. The course lecturer shall be the Chief Invigilator and shall be assisted by at least one other invigilator.

(2) The Chief Invigilator shall be in charge of supervising examinations.

(3) All candidates shall assemble in the exam hall 10 minutes before the start of the examination. No candidate shall be allowed into the examination room after 30 minutes of start of the examination.

(4) A candidate shall not be allowed to leave the examination room until 30 minutes before the end of the examination, and once a candidate leaves they shall not be permitted to return to the examination hall.

(5) A candidate shall produce Student Identity Card or National Identity Card and examination card for verification and identification.

(6) Before the lecturer administers an examination, examination regulations shall be read to all candidates.

(7) The Chief Invigilator shall record the registration number of a candidate taking the said examination in the prescribed attendance sheet.

(8) All candidates shall write their registration numbers on the answer booklets provided and no names shall be written on the answer booklet.

(9) After examinations, the Chief Invigilator shall collect all examination materials, answer booklets, extension sheets, question papers and attendance sheets and shall take them back to the examinations office for entry of returns.

(10) The Chief Examiner shall then submit the used scripts to the course lecturer for marking.

7. Assessment Criteria and Procedures

Ordinary Examinations

(1) The ordinary examinations shall be graded on the basis of percentage marks consisting of thirty percent (30%) as Continuous Assessment Tests (CAT) and seventy percent (70%) as final examinations.

(2) A course having three (3.0) Credit Factors or less shall be examined by a paper of two (2) hours only.

(3) Where a course is mainly practical in nature, it may be examined wholly or substantially by continuous or practical assessment.

(4) The total marks scored for each course shall be translated into Letter Grades as follows-

70 percent and above A (Excellent) 60 -69 percent B (Good)

50-59 percent C (Average)

40-49 percent D (Below average)

Below 40 percent F (Fail)

(5) Other designations related to examinations shall be as follows—

P Pass

I Incomplete

K Course in progress

CT Credit Transfer

AU Audit

//8. Special Examinations//

(1) Special examinations shall be administered at the end of the academic year for candidates who were unable to sit for end of semester examinations due to acceptable reasons.

(2) A student shall obtain prior written authorization to be eligible to sit for special examination.

(3) whereas authorization to sit for special examinations on account of sickness shall be obtained from the Chief Medical Officer, that on account of bereavement or any other social problem shall be obtained from the Dean of Students, using a prescribed Form.

(4) Special examinations shall be graded like ordinary examinations.

(5) A student who fails special examinations shall sit for supplementary examinations when next offered.

(6) A student shall not proceed to the next year of study unless the student passes all examinations for the current year of study.

//9. Supplementary Examinations//

(1) A student who fails an examination shall be required to sit for supplementary examinations upon payment of the requisite fees.

(2) Supplementary examinations shall be administered at the end of each academic year.

(3) Students who fail supplementary examinations shall not progress to the next academic year of study, but retake the failed course when next offered.

(4) Whereas results of passed supplementary examinations shall be awarded a pass grade, results of retaken courses shall be graded normally.

//10. Discontinuation//

A student shall be discontinued on academic grounds if the student—

a) fails more than fifty percent (50%) of all Credit Factors taken in an academic year;

b) fails a repeated course;

c) fails to register for, and attend scheduled classes for two weeks or longer without the consent of the Senate;

d) commits an examination malpractice; and

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e) fails to meet any other condition stipulated by the School for the award of degree or diploma.

11. *Remarking of Examinations*

(1) A candidate shall to appeal to the Dean of School through the Chairperson of Department for remarking of an examination, on payment of a non-refundable fee to be determined from time to time by the Council.

(2) Remarking shall be done by an Examiner (or Examiners) other than the original one and shall be moderated by a Moderating Committee as established under Sub-section 5 (7) of this Statute.

12. Assessment Criteria for Medical Programmes

(1) A student—

- (a) who fails an end-of-semester examination shall be required to re-sit the failed course;
- (b) who fails a re-sit course shall to repeat the academic year or level only once during the duration of the programme or level; and
- (c) who fails a course during a repeated academic year or level shall re-sit the failed courses.

13. Discontinuation:

A student shall be discontinued on academic grounds if the student—

- (a) fails more than fifty percent (50%) of all Credit Factors taken in an academic year or level;
- (b) fails re-sit course in a repeat year or level;
- (c) fails to register for, and attend scheduled classes for two weeks or longer without the consent of the Senate;
- (d) commits an academic or examination malpractice; or
- (e) fails to meet any other condition stipulated by the School for the award of degree or diploma.

14. Procedure for Processing Examinations Results

The procedure for processing examination results shall be as follows—

a) after administering of examinations, marked examination scripts, mark sheets, examination papers, attendance sheets and marking schemes for every course shall be received by Chairperson of Department from respective lecturers within three weeks;

b) within two weeks of receipt of the marked scripts, the Chairperson of Department shall forward them to the external examiner for moderation;

c) final examination marks shall be agreed upon between the Internal and External Examiner and where no such agreement can be reached, the Chairperson of Department shall arbitrate and determine the final mark;

d) the Chairperson of Department shall receive moderated results and the Dean or the Director shall convene the School Board meeting within one (1) week to discuss the results;

e) following the School Board meeting, the Dean or Director shall issue provisional results to the students; and t) the provisional results are forwarded to the Senate for approval.

15. Course Evaluation

Course evaluation comprises of—

a) evaluations of the programmes and the courses shall be conducted by students, lecturers, and Chairperson of Departments, and on a periodic basis by the peers;

b) at the end of every academic semester, students shall be given an opportunity to rate the course offered and taken, and the results forwarded to the Directorate of Academic Quality Assurance for analysis. The final result after analysis shall be submitted to the Chairperson of Department through the Dean of the School for reference and action;

c) the School alumni and the various industries shall be called upon to interrogate the courses and assess their market viability; and

d) the Commission for University Education Standards shall be upheld in the design and implementation of every new programme;

16. Examination Irregularities and Disciplinary Procedures and Penalties

Examination Malpractices

(1) A student shall be liable for expulsion or dismissal from the University if the student commits any of the following malpractices—

- (a) copying or reading from another candidate's script or from any other unauthorized source;
- (b) bringing into the examination room any unauthorized materials relevant to the examination like books, notes, electronic devices with pre-set formulae, mobile phones, tablet computers, pre-written answers etc.;
- (c) abetting, aiding or covering up an examination malpractice;
- (d) seeking or obtaining a deferment of examination on false pretence; and
- (e) plagiarism; or
- (f) engaging in any other misconduct relating to examinations such as, taking an examination script out of the examination room instead of handing it over to the examiner at the end of examination time.

17. Evidence Collection

Evidence collection shall be conducted as follows—

a) a student found cheating shall first record a statement and shall continue sitting for the examination.

b) a student found cheating who refuses to record a statement shall not continue sitting for the examination and the examination scripts shall be confiscated.

c) the Chief Examiner and Invigilators shall write and sign the statements about the incident.

d) the Chief Invigilator shall report immediately in writing to the Chairperson of Department about the examination malpractice as stipulated in the Statutes.

e) the Chairperson of Department shall immediately report in writing to the Dean of School, attaching the evidence.

18. Disciplinary Procedures and Penalties

Disciplinary procedures shall be as follows—

a) any examination malpractice shall immediately be reported in writing by the Invigilators through the Chief Examiner of the Department to the Dean of School where the course is taught. The report shall include statements by the student involved, invigilators and examiners;

b) on receiving the report of examination malpractice, the Dean of school shall convene, not later than two (2) Weeks after the end-of-semester examinations, a School Students' Disciplinary Committee to deliberate on the case;

c) the membership of the School Students Disciplinary Committee shall be as follows—

- i) the Dean of School where the course is offered as the Chairperson;

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ii) two (2) Chairpersons of Department where the course was taught and, if different, where the student was registered;

iii) two (2) School representatives from within the School where the course was offered; and

iv) the Registrar (Academic Affairs), who shall provide the Secretariat;

d) the School Students Disciplinary Committee shall conduct its own procedures and its findings shall be reported to the School Board of Examiners and the Senate as soon as possible, but before the Senate deliberates on the relevant examination results.

19. Review of Disciplinary Cases

Review of disciplinary cases shall be as follows—

(1) A student may, if not satisfied with the verdict of the Senate, apply for a review of the case to the Vice-Chancellor within twenty-one (21) days from the date the verdict is communicated.

(2) The Vice-Chancellor shall present applications for review of cases to the Senate for consideration.

(3) The Senate shall constitute a sub-committee to review the cases and make recommendations for consideration and approval.

(4) The Senate sub-committee shall consist of the following—

- (a) a Dean of School not associated with the case as the Chairperson;
- (b) three (3) Chairpersons of Departments from different Schools;
- (c) the Chief Legal Officer; and
- (d) the Registrar (Academic Affairs) as the Secretary.

(5) The sub-committee shall review the case and present its recommendations to the Senate within fourteen (14) days.

(6) The Senate shall consider the recommendations and make a verdict on the case after receiving the report.

(7) The verdict of Senate on reviewed cases shall be final.

20. Expulsion from the University

(1) A student may be expelled from the University under the following conditions—

- a) being involved in an examination malpractice;
- b) declared by the Students Disciplinary Committee to have demonstrated gross misconduct; and
- c) discovered to have been admitted irregularly.

(2) A student expelled from the University owing to irregular admission shall not be entitled to any previous academic records.

21. Classification of Degree and Diploma

(1) Except for the medical degree and diploma, the Bachelor's degree and diploma shall be classified on weighted average percentage marks of all the courses taken in all the years of study at the University as follows:

Percent (%)	Degree Classification
70 and above	First Class Honours
60-69	Upper Second Class Honours
50-59	Lower Second Class Honours
40-49	Pass
Below 40	Fail
Percent (%)	Diploma Classification
70 and above	Distinction
55-69	Credit
40-54	Pass
Below 40	Fail

(2) The student Academic Transcript shall show the following—

- (a) the Credit Factors for each course;
- (b) the score for each course and the respective letter grade, including the "F" grade;
- (c) the Weighted Average Score for the current academic year;
- (d) the Cumulative Weighted Average Score; and
- (e) courses and respective Credit Factor-Transfers, in case of in-service students.

(3) The Official Provisional Transcript shall be signed and issued by the Dean of School offering the degree or diploma.

(4) The Official Final Transcript shall be signed and issued by the Registrar (Academic Affairs).

(5) The Classification of the degree and diploma in medical programmes shall be as follows—

- (a) a student shall be required to pass normal requirements for the programmes; and
- (b) a student shall be required to pass the Qualifying Professional Examination(s) set by the School in collaboration with relevant professional bodies.

(6) Unless otherwise stated, medical certificates shall not be classified.

Statute XLVII: Rules and Regulations for Postgraduate Programmes

Master's Degree

1. Application and Admission Procedures

(1) An applicant may obtain application forms from the Board of Postgraduate Studies upon payment of a prescribed non-refundable fee and returned duly completed and signed.

(2) All applicants for registration shall be processed in the first instance through the relevant Department in which such registration is sought.

(3) The Department shall forward all applications received with appropriate recommendation to the Board of the School concerned for approval and onward transmission to the Board of Postgraduate Studies for admission on behalf of the Senate.

(4) Applicants shall be admitted to only one degree programme at a time.

(5) Admission shall be confirmed by letter from the Dean, Board of postgraduate Studies.

(6) Admission shall be offered to holders of a Bachelor's degree with an Upper Second Class Honours or above or equivalent qualification from recognized institutions:

provided that in exceptional cases, holders of lower second class honours may be admitted if they have two years of relevant experience.

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(7) In exceptional cases, the Senate may also admit to the Masters programme a non-holder of Upper Second Class Honours provided that such candidate can, on the basis of the research and other scholarly work done, demonstrate to the satisfaction of the Senate qualification to undertake postgraduate studies.

(8) Subject to approval by the Senate, Departments may formulate regulations requiring applicants to have attained other academic qualifications as may be consistent with the goals of their Masters programmes or to appear for interview to determine their suitability for admission.

2. Duration of Study and Course Loading

(1) Full-time candidates for the Master's degree shall be registered for a minimum of eighteen (18) months and a maximum of thirty-six (36) months except in the case of special cases where the School shall guide the Senate.

(2) Part-time candidates for the Master's degree by coursework, examination and thesis shall successfully complete thirty (30) Credit Factors of coursework and in addition successfully complete a Master's thesis of fifteen (15) Credit Factors and a Masters Project of 9 Credit Factors to qualify for the award of the Master's degree.

3. Credit Transfer

(1) Credit transfers shall only be accepted from accredited institutions and programmes.

(2) Credit transfers may be permitted up to a maximum of 49% of the course units for similar programmes at the same level.

(3) All course credits transferred shall be of grade B and above and shall be indicated in the transcript.

(4) The relevant Department shall guide the Board of Postgraduate Studies on transferable courses through their School or Campus.

4. Master's Degree Options

The options for the Master's degree programme shall be as follows—

a) Master's degree by Coursework, Examination and Thesis, whereby a candidate shall be required to do coursework, take examinations, conduct research, and submit a thesis at the end of the candidate's study programme.

b) Master's Degree by Coursework, Examination and Project a candidate shall be required to take prescribed courses and examinations and a project equivalent to three courses of 9 Credit Factors.

5. Conduct of Study and Supervision

(1) Candidates registered in accordance with these regulations shall be required to pursue their programmes of study under the guidance of Supervisors approved in that capacity by the Senate on the recommendation of the Department of the School Board concerned through the Board of postgraduate Studies.

(2) There shall be one (1) or two (2) Supervisors appointed for each candidate. At least one Supervisor shall be a member of the academic staff in relevant field of the Department offering the degree programme.

(3) Candidates shall be required to consult with their Supervisor at least twice per month.

(4) Supervisors shall submit progress reports on the candidate to the Board of Postgraduate Studies through the Chairperson of Department and Director, Board of Postgraduate Studies on a prescribed form once every four (4) months.

(5) Where the progress of the candidate is unsatisfactory, the candidate shall be warned in writing by the Director, Board of Postgraduate Studies through the Dean of School and the Chairperson of Department concerned. If the candidate shows no improvement after the warning within four (4) months, the Director of the Board of Postgraduate Studies shall recommend to the Senate for the candidate's deregistration.

(6) Where in the judgment of the Board of postgraduate Studies, a candidate is not receiving proper supervision from the supervisor the Board shall order change of the Supervisor.

6. Examinations

(1) Master's degree examinations shall be conducted under the authority of the Senate as specified under various rules and regulations of the University.

(2) Examinations shall consist of—

- (a) continuous Assessment based on Assignments, Laboratory practicals and such other tests as the regulations of the Department may prescribe, which shall constitute forty percent (40%) of the total marks for each course;
- (b) the final examinations which shall constitute sixty percent (60%) of the total marks for each course; and
- (c) continuous assessment for programmes conducted by research or thesis only shall be reflected in the candidate's progress reports submitted by the Supervisor.

(3) Courses which are purely of practical nature and seminars may be assessed entirely by Continuous Assessment.

(4) Marks obtained in examinations shall be converted into letter grades as follows, except for the School of Health Sciences which shall inform the Senate appropriately for approval-

70% and above A (Excellent) 60-69% B (Good)

50-59% C (Average)

0-49% F (Fail)

(5) Other designations related to examinations shall be as follows—

P Pass

I Incomplete

K Course in Progress

CT Credit Transfer

Au Audit

(6) Re-sit of Examinations

A candidate who fails in twenty five percent (25%) or less of the total Credit Factors in an academic year but has Cumulated Weighted Average marks of fifty percent (50%) or more shall be required to re-sit examination once only, and shall be awarded grade "C" fifty percent (50%) in all courses passed in re-sit examination.

7. Discontinuation

A student shall be discontinued for—

- (a) failing more than twenty five percent (25%) of the total Credit Factors taken in an academic year;
- (b) obtaining a Cumulative Weighted Average marks of less than fifty percent (50%) like average grade "C" for the academic year;
- (c) failing a re-sit examination;
- (d) committing serious examination malpractice as defined under section 23 of this Statute;
- (e) failing to register for and attend scheduled lectures for two (2) weeks or longer without the consent of the Senate; and
- (f) abscondment from research work for a maximum of sixty (60) days or more.

8. Special Examinations

[Subsidiary]

(1) Special examinations shall be administered at the end of the academic year for candidates who were unable to sit for end of semester examinations due to reasons acceptable to the Senate;

(2) Special examinations shall be graded in the same manner as ordinary examinations.

(3) A student shall not be permitted to proceed to the next year of study without having satisfied all examination requirements.

(4) Examination results shall be processed and approved by the School Board of Examiners and submitted to the Board of Postgraduate Studies for ratification before being presented to the Senate by relevant Dean of School.

9. Supplementary Examinations

(1) Students who fail in any examination shall be required to sit for supplementary examinations upon payment of the requisite fees.

(2) Supplementary examinations shall be administered at the end of each academic year.

(3) Students who fail in supplementary examinations shall not progress to the next academic year of study, but shall re-sit the failed course when next offered.

(4) Whereas results of passed supplementary examinations shall be awarded a pass grade, results of retaken courses shall be graded normally.

10. Submission and Examination of Thesis or Project

(1) At least two (2) months before a thesis or a project is submitted, the candidate shall with the consent of the Supervisor give notice in writing to the Director of the Board of Postgraduate Studies indicating intention to submit thesis or project.

(2) The thesis or the project shall be loosely bound and submitted in quadruplicate and shall be accompanied by a signed declaration by the candidate confirming that the thesis or the project has not been previously submitted for a degree in any other University and that the thesis or project is the original work of the candidate.

(3) The thesis or project shall bear the signature of the Supervisor indicating approval to submit.

(4) Upon receipt of the thesis or the project, the Board of Postgraduate Studies shall forward the same to the Examiners within two (2) weeks.

(5) The Senate shall, on the recommendation of the Board of Postgraduate Studies, appoint in respect of each candidate presenting a thesis or a project a Board of Examiners consisting of—

(a) the Dean of School as the Chairperson;

(b) the Director, Board of Postgraduate Studies;

(c) the Chairperson of the relevant Department;

(d) the Supervisor, acting as Internal Examiner;

(e) one Internal Examiner who has not supervised the candidate, but is competent in the candidate's area of study;

(d) the External Examiner, to be present if available, who shall however be required for the Masters projects;

(e) a representative of the Senate; and

(f) a representative of the Board of Postgraduate Studies.

(6) The External and Internal Examiners shall submit within two (2) months independent written assessments of the thesis or the project to the Director, Board of Postgraduate Studies indicating—

(a) whether or not the thesis or project is adequate in form and content; and

(b) whether or not the thesis or project reflects an adequate understanding of the subject and, in consequence whether or not the degree shall be awarded.

(7) the thesis or project shall be graded as per Section 6 of this Statute.

(8) The Director of the Board of Postgraduate studies shall, as soon as all examiners reports are received, convene a meeting of the Board of Examiners at which the reports and other academic matters arising from the thesis or the project shall be considered.

(9) The Board of Examiners shall subject the candidate to an oral examination to enable it to arrive at a satisfactory recommendation on the merit of the thesis or the project. The passing of the candidate shall be based on the decision of the majority of the Board of Examiners by voting.

(10) If the Board requires the candidate to resubmit and defend the thesis or the project, this shall be done once only.

(11) If the Board of Examiners judges the candidate to have failed in both the quality of the thesis or the project and the defence, the decision of the Board shall be final.

(12) The decision of the Board of Examiners shall be communicated verbally to the candidate immediately following the defence and thereafter in writing by the Director of the Board of Postgraduate Studies within two (2) weeks after the defence.

(13) Where required, a signed certificate of corrections shall be issued by the Supervisor;

(14) A consolidated report and appropriate recommendation shall be submitted to the Chairperson of the Senate through the Dean of the Board of Postgraduate Studies.

(15) The designation related to examination shall be as follows—

- (a) pass;
- (b) pass with correction;
- (c) re-submission; and
- (d) deferred.

11. Doctor of Philosophy

1. Eligibility for Registration

A Candidate qualifies to apply for Doctor of Philosophy programme at Kisii University if the candidate—

- (a) holds a relevant Master's degree of Kisii University or an equivalent academic qualification of any other recognized institution;
- (b) the Doctor of Philosophy degree being sought is relevant to the Master's Degree held by the candidate; and
- (c) fulfills specific requirements as stipulated by respective Department School with regard to the field of study.

12. Application and Admission Procedures

(1) Application forms for the Doctor of Philosophy Degree may be obtained from the Director of the Board of Postgraduate Studies upon payment of a prescribed non-refundable fee and returned duly completed and signed.

(2) A candidate pursuing the programme by dissertation or research only, shall be required to present a research proposal together with the application for registration.

(3) A candidate pursuing the programme by coursework, examination and dissertation, shall submit a brief summary of the intended area of study together with the application forms, shall submit a full research proposal within four (4) months of registration.

(4) All applications for registration shall be processed in the first instance through the relevant Department in which registration is sought, which shall then forward all such applications with appropriate recommendations to the School or the Campus Board concerned for approval and onward transmission to the Board of Postgraduate Studies.

(5) Before recommending a candidate for registration, the Department and the School or the Campus Board concerned shall ensure that—

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- (a) the proposed field of study is academically sound and can successfully be pursued and supervised;
- (b) there exist adequate facilities and resources for effective research; and
- (c) the appropriate fees have been paid.

13. Duration of Study

(1) The Doctor of Philosophy programme shall, except by special permission of the Senate, take a minimum of three (3) and a maximum of five (5) calendar years for fulltime candidates, and seven (7) calendar years for those studying on a part-time basis.

(2) Continuance of registration of a candidate shall be dependent on evidence of satisfactory progress report and seminar papers as approved by the Senate.

(3) The Senate may, on recommendation of the School or the Campus Board concerned, permit a candidate to change registration status from full-time to part-time or vice versa.

14. Credit Transfer

(1) In line with the existing qualification frameworks, credit transfers for Doctor of Philosophy shall only be accepted from accredited institutions and programmes.

(2) Credit transfers may be permitted up to a maximum of 49% of the course units for similar programmes at the same level.

(3) All course credits transferred shall be of grade B and above and shall be indicated in the transcript.

(4) The relevant Department shall guide the Board of Postgraduate Studies on transferable courses through their School, or Campus.

16. Conduct of Study and Supervision

(1) The Doctor of philosophy programme shall be conducted by coursework, examination and dissertation, and individual Schools or Campuses shall specify the duration of the coursework, examination and dissertation components.

(2) There shall be at least two (2) supervisors appointed for each candidate with at least one Supervisor being a member of the academic staff in relevant field of the Department offering the degree programme.

(3) Each candidate shall be required to attend and participate in seminars at the relevant Department and School or Campus.

(4) A candidate shall be required to pursue the programme of study under the supervision of academic staff appointed in that capacity by the Vice-Chancellor and the

Senate on the recommendation of the Department, the School, or the Campus Board through the Board of Postgraduate Studies.

(5) A candidate shall be required to consult the Supervisors at least once every three (3) months.

(6) The Supervisors shall be required to submit individually or jointly progress reports on the candidate to the Director of the Board of Postgraduate Studies through the Chairperson of Department and the Dean of School twice a year.

(7) Where the performance of the candidate is unsatisfactory, the candidate shall be given a written warning by the Director, Board of Postgraduate Studies through the Dean of School and the Chairperson of Department.

(8) A recommendation for de-registration shall be made to the Senate by the Director of the Board of Postgraduate Studies after receipt of two (2) consecutive negative reports following the warning.

17. Examinations

(1) Examinations for the PhD degree shall be conducted under the authority of the Senate as specified under various rules and regulations.

(2) Continuous assessment of programmes conducted by research or dissertation only shall be reflected in the candidate's progress reports submitted by the Supervisors.

(3) Continuous assessment for programmes conducted by coursework, seminars and dissertations shall be examined entirely by continuous assessment.

(4) For course work, except for the School of Health Sciences that shall inform the Senate accordingly for approval, marks obtained shall be converted into letter grades as follows—

70. % and Above A (Excellent)

60-69% B (Good)

50-59% C (Average)

Below 50% (Pass Grade) F (Fail)

(5) A candidate shall be required to maintain a minimum average "B" Grade in the courses taken equivalent to sixty percent (60%) in order to continue with the programme.

(6) A candidate who fails in a course shall be required to do a resit examination once only at his or her own expense, and the maximum grade to be obtained for a re-sit examination shall be "B" equivalent to sixty percent (60%).

18. Re-sit Examinations

(1) A candidate who fails in twenty five percent (25%) or less of the total Credit Factors in an academic year but has Cumulative Weighted Average marks of sixty percent (60%) or more shall be required to take re-sit examination once only in the course failed.

(2) Candidates shall be awarded grade "C" equivalent to fifty percent (50%) in all courses passed in re-sit examinations.

19. Discontinuation

A student shall be discontinued for—

a) failing more than twenty five percent (25%) of the total Credit Factors taken in an academic year;

b) obtaining a Cumulative Weighted Average marks of less than sixty percent (60%) or an average grade B for the academic year;

c) failing a resit examination;

d) committing serious examination malpractice as defined under Section 23 of this Statute; and

e) failing to register for and attend scheduled lectures for two (2) weeks or longer without the consent of the Senate.

20. Special Examinations

(1) Special examinations shall be administered at the end of the academic year for candidates who were unable to sit for end of semester examinations due to reasons acceptable to the Senate.

(2) Special examinations shall be graded in the same as ordinary examinations;

(3) A candidate shall not be permitted to proceed to the next year of study if the candidate shall not have satisfied all examination requirements.

(4) Examination results shall be processed and approved by the School Board of Examiners and submitted to the Board of Postgraduate Studies for ratification before being presented to the Senate by the relevant Dean of School.

21. Supplementary Examinations

(1) A candidate who fails in an examination shall be required to sit for supplementary examinations upon payment of the requisite fees.

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(2) Supplementary examinations shall be administered at the end of each academic year.

(3) A candidate who fails in supplementary examinations shall not progress to the next academic year of study, but retake the failed course when next offered.

(4) Whereas results of passed supplementary examinations shall be awarded a pass grade, results of retaken courses shall be graded normally.

22. Submission and Examination of Dissertation

(1) A candidate shall be required to submit a dissertation embodying the results of original research.

(2) The dissertation shall be written according to the format and specifications stipulated by Departments, Schools and Campuses and approved by the Board of Postgraduate Studies.

(3) The dissertation shall be submitted in quadruplicate and in loose binding and shall include a declaration by the candidate as follows—

"Dissertation has not been submitted for a degree in any other university and that it is the original work of the candidate"

(4) The dissertation shall bear the signature of the Supervisor indicating approval to submit.

(5) A candidate shall, with the consent of the Supervisors, give notice of intention to submit the dissertation at least one (1) month before the date of submission.

(6) Upon receiving the notice to submit dissertation, the Chairperson of the Department shall identify the External Examiner and two Internal Examiners to the Board of Postgraduate Studies through the Dean of the School.

(7) The Senate shall, on recommendation of the Board of Postgraduate Studies, appoint at least one (1) Internal Examiner who did not supervise the student but who is in a related discipline to examine and submit written reports on the dissertation.

(8) The examiners shall be required to submit to the Director of the Board of Postgraduate Studies within two (2) months independent written reports on the thesis indicating—

- (a) whether or not the dissertation is adequate in form and content;
- (b) whether or not the dissertation reflects an adequate understanding of the subject; and displays original thought and significant contribution to knowledge; and
- (c) whether or not the degree may be awarded.

(9) The dissertation shall be graded as per section 16(4) of these Statutes.

(10) The dissertation shall be defended before a Board of Examiners appointed by the Senate and constituted as follows—

- (a) the Dean of School as the Chairperson;
- (b) the Director, Board of Postgraduate Studies;
- (c) the Chairperson of the Department;
- (d) the Supervisor, acting as Internal Examiner;
- (e) one Internal Examiner who has not supervised the candidate, but is competent in the candidate's area of study;
- (f) the External Examiner;
- (g) a representative of the Senate; and
- (h) a representative of the Board of postgraduate Studies.

(11) The dissertation defense shall be held within one (1) month of the submission.

(12) The decision of the Board of Examiners which shall be required to be unanimous shall be communicated verbally to the candidate immediately following the defense and

thereafter in writing by the Director, Board of Postgraduate Studies within two (2) weeks after defense.

(13) In the event of lack of unanimity, the matter shall be referred to the Dean, Board of Postgraduate Studies, who shall, in consultation with the Board of Postgraduate Studies, make the final determination.

(14) The Director, Board of Postgraduate Studies shall subsequently communicate the decision of the Board of Examiners to the Chairperson of Senate.

(15) The Senate may require a candidate to resubmit a dissertation for re-examination in a revised form once only within six (6) months.

(16) Where corrections to the dissertation are required, the Supervisors shall submit a signed certificate of corrections to the Dean of the Board of Postgraduate Studies.

(17) A dissertation accepted by the University and subsequently published in part or whole and in whatever form shall bear the inscription—

"Work forming part of the requirements for the Degree of Doctor of Philosophy of Kisii University".

Examination Irregularities, Disciplinary Procedures and Penalties for Postgraduate Students

23. Examination and Research Malpractices

A student shall be liable to discontinuation or expulsion from the University if the student commits any or all of the malpractices set out hereunder—

(1) Examination

a) copying or reading from another candidate's script or from any other unauthorized source;

b) bringing books, notes, electronic devices with pre-set formulae, mobile phones, tablet computers, pm-written answers etc. into the examination room any unauthorized materials relevant to the examination;

c) abetting, aiding or covering up an examination malpractice;

d) seeking or obtaining a deferment of examination on false pretense; and

e) any other misconduct relating to examination.

(2) Research

a) plagiarism;

b) giving of false or forged research data and results and purporting them to be true;

c) any deviation from the research or project procedures as prescribed in the approved research project proposal without consent of the designated Supervisors; and

d) any other misconduct relating to research.

Disciplinary Procedures and Penalties

(3) Any examination malpractice shall immediately be reported in writing within twenty four (24) hours or the next day by the Invigilators through the Chief Examiner of the Department to the Dean of School where the course is taught. The report shall include statements by the student involved, Invigilators and Examiners.

(4) On receiving the report of examination malpractice, the Dean shall convene, not later than two (2) weeks after the examinations period or after the malpractice was reported, a School or Campus Students Disciplinary Committee to deliberate on the case.

(5) The membership of the sub-committee of the Students Disciplinary Committee shall be as follows—

(a) the Dean of School where the course is offered as the Chairperson;

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- (b) two (2) Chairpersons of Department one from the Department where the course was taught and the student was registered and the other Chairperson from the same School or Campus if the student is registered in the same Department;
- (c) two (2) School or Campus representatives of the rank of Senior Lecturer and above within the School where the course was offered; and
- (d) one (1) representative from the Board of Postgraduate Studies.

(6) The Sub-committee for the School Students Disciplinary Committee shall conduct its procedures, unless otherwise stated, in accordance with protocols stipulated by the School Students Disciplinary Committee.

(7) The recommendations of the sub-committee of the School Students Disciplinary Committee shall be reported to the School Board of Examiners and the Senate as soon as possible, but before the Senate deliberates on the relevant examination results.

(8) A discontinued or suspended student may appeal to the Senate through its Chairperson within a period of thirty (30) days from the date of the letter discontinuing or suspending the student. An appeal not submitted within the period shall not be considered.

(9) The University may withdraw any degree, diploma or certificate awarded to a graduate who, while registered in a particular programme, committed an academic offence which if it had been detected before graduation, would have resulted in expulsion.

(10) Notification of the withdrawal of a degree, diploma or certificate shall be communicated to all relevant parties.

24. Post-Doctoral Degree

A candidate shall be awarded a Post-Doctoral degree in relevant field of study if the candidate has fulfilled requirements prescribed by the Senate.

Statute XLVIII: Honorary Degree

(1) A candidate may be awarded an honorary degree if the candidate meets the following requirements set out in this Statute.

(2) An honorary degree shall be the highest recognition conferred to an individual who has attained outstanding achievements in the society and made distinguished contribution to scholarship, creativity, leadership, humanitarian or public service nationally or internationally.

(3) The nomination for consideration for honorary degree may originate from a member of the Council or the Senate and shall be communicated in writing to the Vice-Chancellor.

(4) The nominations shall be accompanied by a statement setting forth the degree recommended and details of the grounds on which the recommendation is based.

(5) The Vice-Chancellor shall refer such nominations to the Honorary Degree Award Committee as provided for under *Schedule III* of these Statutes for selection and vetting, provided that the Committee shall have the power to co-opt any person or persons to assist in the due assessment of the credentials of the nominees.

(6) The Vice-Chancellor shall be the Chairperson of the Honorary Degree Award Committee, and in the absence of the Vice Chancellor, the Committee shall appoint a person from among its members to preside over the meetings.

(7) Recommendation made by the Honorary Degree Award Committee shall be forwarded to the Senate for deliberation and thereafter to the Council for approval.

(8) Upon approval by the Council, the University shall award the honorary degree.

(9) A citation of the cause to award of the honorary degree shall be prepared by the University and an announcement made in at least one local daily newspaper with a wide circulation in Kenya.

(10) Prior to conferment of an honorary degree, a public citation including the name and outstanding achievement of the recipient shall be made to the Congregation by an Orator

nominated by the Honorary Degree Award Committee from among the Professors of the University.

(11) The University shall consider for conferment of an honorary degrees from the following categories—

- a) the *Honoris Causa* Doctor of Science;
- b) the *Honoris Causa* Doctor of Laws;
- c) the *Honoris Causa* Doctor of Humane Letters; and
- d) the *Honoris Causa* Doctor of Fine Arts.

(12) A person shall not be considered for the award of an honorary degree if the person has a close working relationship with the University or is an employee of the University.

Statute XLIX: Cancellation and Withdrawal of Degrees and other Awards

1. Power to Cancel or Withdraw Awards

Pursuant to section 10(2) of the Charter, a degree, including an honorary degree or an award, including a diploma or certificate may be cancelled or withdrawn and the procedure for the cancellation and withdrawal is prescribed by this Statute.

2. Circumstances for Cancellation or Withdrawal of Awards

(1) The Senate may cancel or withdraw a degree, diploma or certificate in accordance with Section 3 of this Statute if that degree, other than an honorary degree, diploma or certificate conferred or granted by the University has been obtained by a person as a result of fraud.

(2) "fraud" includes, for the purposes of this Statute—

- (a) an untrue or misleading certification by a candidate under the Board of Postgraduate Studies rules with respect to certification of originality of a thesis or work submitted in full or partial satisfaction of the requirements for the higher degree;
- (b) the use of material in any thesis or work which was knowingly false or fabricated; or
- (c) appropriating the ideas or work of another person and passing them off as the candidate's own.

(3) Subject to Section 3, the Senate may revoke an honorary degree if it is satisfied that—

- (a) the details provided in support of the nomination for the award of the degree are subsequently found to be incorrect or incomplete;
- (b) the recipient of an honorary degree is convicted of a criminal offence, the maximum penalty for a period of twelve (12) months or longer; or
- (c) the accuracy or completeness of the information which was the basis for the award of the honorary degree is or is found to be, materially deficient.

3. Manner of Cancellation or Withdrawal of Awards

(1) Where the Senate determines that a case exists for cancelling or withdrawing a person's degree, diploma or certificate, the Senate shall establish a Committee to investigate the facts.

(2) The Committee, which shall be chaired by the Vice-Chancellor, shall give the person against whom a case exists an opportunity to be heard.

(3) The Committee shall report its findings to the Senate.

(4) The Senate shall require a person whose degree, diploma or certificate is cancelled or withdrawn under this statute to return to the University the degree, diploma or certificate awarded to the University.

(5) This statute applies to degrees, diplomas and certificates conferred or granted whether before or after its date of commencement.

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Statute L: Emeritus Professorship

1. A person qualifies for appointment as an emeritus professor of the University if the person is—
 - a) of the rank of Professor; and
 - b) retired from active service in the University.
2. A person shall be considered for appointment as an Emeritus Professor where the person —
 - a) has demonstrated academic excellence through scholarship, as evidenced by research publications and innovation;
 - b) has taught with distinction at the University for at least ten years, five of which has been as a Professor; and
 - c) shall have achieved international reputation as a scholar.
3. Nominations for designations as Emeritus Professor shall originate from the Schools of the University and shall thereafter be forwarded to the Senate and once approved by the Senate, forwarded to the Human Resources and Appointments Committee of the Council for further consideration and then to the Council for appointment.
4. The terms of appointment as an Emeritus Professor shall be as follows—
 - a) an Emeritus Professor shall for all purposes be regarded as Professor of the University;
 - b) the position of Emeritus Professor shall be personal;
 - c) the Council, taking into account all relevant matters, shall make provision for compensation for services rendered and for housing, healthcare and any other matters for the benefit and welfare of the Professor and family;
 - d) an Emeritus Professor shall be provided with such facilities as may be required for the discharge of academic responsibilities; and
 - e) an Emeritus Professor shall be a full member of the Senate.

Statute LI: Congregation of the University

1. For the purpose of conferring degrees and awarding diplomas of the University, there shall be held from time to time a meeting of the University, which shall be called a Congregation or such other distinction as the Senate may determine.
2. The Congregation shall be constituted of the members of the University referred to in section 12 of the Charter.
3. The Congregation shall be presided over by the Chancellor.
4. The procedure for the conferment of the degrees in a Congregation and all other matters not provided for in this Statute shall be determined by the Senate and approved by the Council.
5. The Vice-Chancellor shall declare a meeting convened for the purpose of conferring degrees and awarding diplomas at the Congregation of the University, and shall pronounce such Congregation dissolved at the end of the meeting.

Statute Conferring of Degrees

1. Congregations of the University shall be at least once a year and shall be presided over by the Chancellor or in the absence of the Chancellor, by the Chairperson of Council as provided for in the Act.
2. Degrees shall be conferred at a Congregation of the University.

3. A candidate shall not be admitted to a degree other than an honorary degree, unless the candidate—

e) has paid such fees as may be prescribed by the Council; and

t) has satisfied all the conditions prescribed for the award of such degree certified by the Senate.

4. The procedure as to the conferring of degrees, the academic dress to be worn and all other matters regarding Congregation not provided for in this Statute shall be determined by the Senate.

Statute LIII: Financial Regulations

1. All the funds, assets and property, movable and immovable, of the University shall be managed and utilized by the Council in accordance with the provisions of this Statute and the Charter in such manner and for such purposes as in the opinion of the Council would promote the best interest of the University, provided that the Council shall not charge or dispose of any immovable property except in accordance with the procedures laid down by the Constitution, the Act, the Charter and these Statutes.

2. All the monies of the University shall be paid into one or any of the following accounts—

a) the Endowment Fund;

b) the Deposit Account;

c) the Capital Account;

d) the Revenue Account;

e) the Research Grant Account; and

f) any other Account approved by the Council.

3. The Endowment Fund

(1) There shall be paid into the Endowment Fund all such monies as may be received by the University and declared specifically to be payable into that Fund.

(2) The Council shall not expend any monies of the Endowment Fund but shall pay to the Revenue Account all interest received from the investment of the monies of the Endowment Fund.

4. The Deposit Account

(1) There shall be paid into the Deposit Account all such monies as may be received by the University for special purposes and as are not payable into the Endowment Fund; and

(2) The monies of the Deposit account and the interest there from shall be used and applied for purposes for which such monies were received.

5. The Capital Account

(1) There shall be paid into the Capital Account all such monies as may be received by the University for the purposes of capital expenditure and the construction and improvement of the University; and

(2) The monies and the interest there from of the Capital Account shall be used and applied on capital expenditure for the construction of infrastructure and improvement of the University facilities.

6. The Revenue Account

(1) There shall be paid into the Revenue Account—

(a) the interest received from the investment of the monies in the Endowment Fund;

(b) all fees and dues payable by or in respect of students; and

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- (c) all revenue grants by the Kenya Government or by any other Government or person.

(2) The monies standing to the credit of the Revenue Account shall be used and applied for the management and working for the University in such manner and for such purpose as, in the opinion of the Council, are best suited to promote the interest of the University.

7. The Research Grants Account

(1) There shall be paid into the Research Grants Account all such monies as may be received by the University for research purposes.

- (2) Monies in the Research Grants Account shall be used and applied by the Council for related purposes.

8. Subject to the provisions of the Charter—

- (a) the Council may borrow, either by way of overdraft from a Banker or otherwise, such sums as may from time to time are required for the administration of the University; and
- (b) the monies standing to the credit of the Endowment Fund shall be invested by the Council in such securities as trustees are authorized to invest in under the provisions of any law in Kenya, provided that where any sums are received by the Council for any payment into the Endowment Fund are in the form of stocks or shares without converting them into such securities.

9. The monies or any portion thereof standing to the credit of any of the accounts other than the Endowment Fund of the University may be invested by the Council in such securities as the Council may deem fit.

10. Any monies standing to the credit of any accounts of the University, including the Endowment Fund may be temporarily invested for a period not exceeding twelve (12) months pending utilization and in accordance with such policy as the Council may from time to time determine.

11. The Council shall cause to be prepared annual estimates of the revenue and expenditure, both Recurrent and Capital, of the University and such estimates shall be approved by the Council in accordance with the provisions of the Charter.

Statute LIV: Contracts and Pecuniary Interests

1. Contracts

Contracts on behalf of the University may, subject to any other provisions of law, be made as follows—

a) a contract by law required to be in writing and to be under Seal, may be made on behalf of the University in writing under the Common Seal;

b) a contract by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the University in writing signed by a duly authorized officer;

c) a contract made according to Paragraph (a) and (b) above may in addition to any other person authorized by law be varied or discharged in the same manner in which it is authorized to be made;

d) the Council may by regulations delegate the power to sign contracts for the University to the extent and in respect of the subject matter specified in the regulations;

e) the power given under paragraph (d) above may itself be delegated in writing, but no such delegation shall be operative until a copy of the instrument recording the delegation has been delivered to the Vice-Chancellor;

f) the Common Seal of the University shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council;

g) the Common Seal of the University shall be authenticated by the signature of the Vice-Chancellor and other members of the Council duly authorized by the Council on their behalf;

h) the Common Seal of the University when affixed to any document and duly authenticated under this Statute, any necessary order or authorization of the Council shall be presumed to have been duly given unless the contrary is proved;

i) all documents other than those required by law to be under Seal, made on behalf of Council and all decisions of the Council may be signed under the hand of the Chairperson, the Vice-Chancellor or the Deputy Vice-Chancellor (Administration, Planning and Finance) or any other member of the Council duly authorized by the Council in that behalf;

j) except where specified in regulations, no officer of the University, or any other person employed by the University or working in or in connection with a Department or body within or under the control of the University shall have authority to make any representations on behalf of the University or to enter into any contract on behalf of the University, except with the express consent of the Council;

k) no consent given by the Council shall be operative until a copy of the resolution of the Council, certified by the Vice-Chancellor has been delivered to such officer or other person;

l) the Vice-Chancellor shall keep a register of all delegations under this part and all documents to which the Seal has been affixed; and

m) the Vice-Chancellor shall, on request from any member of the Council, open the register for inspection by that member.

2. Pecuniary Interest

(1) No member of the University shall take or hold any interest in any property belonging to the University.

(2) If a member of the University has any pecuniary interest, direct or indirect, in any contract or proposed contract for the purpose, sale or other disposition of land, or for the supply of work or goods to or for the purpose of the University and is present at a meeting of one of the said members of a Committee or Sub-Committee thereof at which the contract is the subject of consideration, the member shall at the meeting, and as soon as practicable after the commencement thereof, disclose the fact and shall withdraw from the meeting during the consideration or discussion of or vote on any question with respect to the contract or proposed contract.

(3) The Council may prescribe in the regulations the rules for determining whether any member of the University has any pecuniary interest in such a contract.

Statute LV: Intellectual Property

1. Guiding Principles

(1) These Statutes and the associated intellectual property policy shall specify the manner in which intellectual property lawfully able to be regulated by the University shall be developed, protected, managed and commercialized.

(2) The University shall assert ownership of intellectual property, other than scholarly works, created by its members of academic staff. This shall be congruent with International law and reflect the prevailing expectation of national granting bodies. This approach shall provide clarity and security of ownership rights, thereby promoting the commercialization of research and the transfer of knowledge to the wider community. In relation to students, honorary appointees and visitors, the University shall assert ownership only if the intellectual property is a teaching material or the subject of specified agreement.

(3) In pursuit of its aims and functions, the University shall strive to deal expeditiously, expertly and thoroughly with opportunities to commercialise the intellectual property in which it asserts its rights, and in so doing, seek to realize its full value for itself, creators, and the wider community.

(4) The University shall administer this Statute and the intellectual property principles in a manner that ensures that proper regard is given to the interests of creators including,

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by sharing in the financial and other benefits of what is created, and that any assignment of intellectual property owned by the University shall not inconsistent with these guiding principles.

2. Ownership of Intellectual Property

(1) All rights, other than moral rights, to intellectual property created by members of staff in the course of or incidental to their employment shall be owned by the University, except in the case of scholarly works. Rights to scholarly works shall be owned by the member or members of academic staff who created such works.

(2) Except where Section 3 applies, the University shall have no rights to intellectual property solely developed by students, honorary appointees or visitors.

(3) The University shall have the power to enter into any specified agreement on such terms as it deems fit, whether or not it shall become the owner of any intellectual property otherwise identified or referred to in the specified agreement.

3. Ownership of Intellectual Property Created by Students, Honorary Appointees or Visitors

(1) All rights, other than moral rights, to intellectual property created by any student, honorary appointee or visitor whilst engaged in an activity which shall be the subject of a specified agreement shall be owned by the University.

(2) All rights in relation to teaching material created by a student, honorary appointee or visitor shall be owned by the University.

(3) All other rights to intellectual property, in relation to scholarly works, are owned by the student, honorary appointee or visitor to the extent to which that person created such works.

4. Scholarly Works

(1) The right to scholarly works created whilst the author thereof is a member of the academic staff, a student, an honorary appointee or a visitor of the University, shall be deemed to have been granted to the University, and unless otherwise agreed by the University, a non-exclusive, royalty-free, worldwide and irrevocable licence to use those scholarly works for educational, teaching and research purposes only, for the duration in which the intellectual property rights subsist in the scholarly works, shall be granted whether or not such author shall be employed or engaged by the University, or in the case of a student, enrolled at the University.

(2) In exercising its rights referred to above, the University recognizes the moral rights of the author, including the rights of attribution and integrity of authorship, and that any use shall be for the University's benefit only and not for the personal exploitation or gain of any third parties including, other members of staff or students.

5. Vice-Chancellor as Attorney

(1) A creator shall, as required by the University, execute all documents and do all acts that may be necessary or desirable to give full effect to the provisions of this statute and the intellectual property principles.

(2) If a creator fails to execute any document or do any act for that purpose, the Vice-Chancellor may execute all such documents and do all such acts as his or her attorney under power in accordance with the terms of any enrolment declaration signed by a student or any terms of employment or engagement of a member of staff, honorary appointee or visitor.

(3) The Vice-Chancellor may exercise such power of attorney even if the University benefits from such power.

6. Assignment of Intellectual Property

(1) The University may assign any intellectual property owned by the University to third parties, including creators, on such terms as it may deem fit or as otherwise provided in any specified agreement to which the University may be a party.

(2) The University may also acquire any intellectual property from third parties, including creators, on such terms as it may deem fit or as otherwise provided in any specified agreement to which the University may be a party.

(3) Unless intellectual property may already be assigned or may otherwise be the subject of an existing dealing by the University including, under the terms of a specified agreement, a creator may by notice in writing apply to the University for the Intellectual Property created by that creator to be assigned to that person or a designated third party. Any assignment by the University may only take place if an agreement shall be reached between the University and the applicant or as the case may be, the applicant or the designated third party may acquire rights to the intellectual property only by these means.

7. General Provisions

(1) The Council may establish an intellectual guidelines policy which shall to be used for the purposes of administering this Statute, including dealing with the interests of creators and giving effect to the guiding principles set out in the recitals to this statute and in the event of any inconsistency, the terms of this statute shall prevail.

(2) A creator shall comply with the terms of the invention disclosure policy.

(3) The University shall take into account, along with other relevant factors, any wishes of the creator made known to the University in reaching its own decision as to whether any intellectual property so disclosed to the University or any University owned company shall either—

- (a) be protected at law and, if applicable, later commercialized for the benefit of the University and other stakeholders; or
- (b) be made available for the general purposes of the creator.

(4) Where the University deals with intellectual property for the purposes of profit or gain, it shall share any net proceeds of commercialization with the creators of that intellectual property in accordance with the intellectual property policy.

(5) Any power or right to be exercised by the University under this Statute may be exercised by the Vice-Chancellor or the Vice-Chancellor's nominee, except that the power of attorney referred to in Section 5 shall be exercised personally by the Vice-Chancellor.

(6) All intellectual property created by members of staff, honorary appointees, visitors or students prior to the date of coming into effect of this statute shall be intellectual property governed by the terms of the University's intellectual property Statute in force at the date of their creation.

(7) The obligation to show that the intellectual property was created prior to the date of coming into effect of this statute rests with the creator.

(8) All other intellectual property created by members of staff, honorary appointees, visitors or students after coming into effect of this Statute governed by the terms of this Statute.

Statute LVI: Service of Notices and Documents

1. Except where otherwise expressly provided for by the Act, or any other written law, any notice or document required by or for the purposes of the Act, or the Statutes, to be given or sent to any other person, may be given or sent either personally, or by registered post to him or her at his or her last known physical or postal address.

2. Where a notice or other document is sent by registered post, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected seven (7) days after posting.

3. The accidental omission to give a notice to or to send a document to any person entitled to receive the same shall invalidate the proceedings consequent upon such notice or document.

Statute LVII: Statement of Equal Opportunity

1. Kisii University is an equal opportunity employer.

[Subsidiary]

2. The University endeavours to admit qualified students into its programmes irrespective of their ethnicity, nationality, race, religion or socio-economic status.
3. As an employer, the University shall fully adhere to the constitutional demand on gender equity and shall from time to time as need arises, deliberately appoint either gender to enhance affirmative action.
4. The University shall not discriminate on disability or religious affiliation in its staff appointment, promotion or appraisals.

Statute LVIII: Miscellaneous

1. Whereas the University recognizes the constitutional guarantee for freedom of association and assembly and fully subscribes to that guarantee, the University shall not permit its premises and other facilities to be used as offices or for the purpose of the management or promotion of the management or promotion of any political party.
2. There shall no political rallies, fetes or other activities on the University grounds or premises without the prior written approval of the Vice-Chancellor provided that in granting or refusing such approval, the Vice-Chancellor shall take into account the interests of the University including safety of its property.
3. Unless specifically authorized to do so by the Vice Chancellor, a member of staff shall not make public, political or policy statements on behalf of the University and if made contrary to this Statute, such statements shall be of no effect and the University shall not take any responsibility for such statements.
4. Subject to the Act and any written law, a member of staff interested in contesting a Senate, Parliamentary or County Assembly seat shall be required to resign from the service of the University before presenting himself or herself for nomination for such election.
5. A member of staff nominated to a Senate, Parliamentary or County Assembly seat or appointed to public service shall be required to obtain unpaid leave of absence from the University on such terms and conditions as the Council shall determine.
6. The Council may amend, add or alter these Statutes as it deems fit from time to time, provided that the Council shall only amend, alter or add to the Statutes governing courses of study and other academic matters on receipt of a proposal or report thereon by the Senate and shall not reject any such report or request or amend any Statutes so proposed without further reference to the Senate.
7. No person may, except with the written consent of the Council, use the word "University" together with the word "Kisii" in furtherance of, or as, or in connection with any advertisement for any trade, business, calling or profession provided nothing in this Statute shall be construed as preventing the bona fide use by any person of any title in pursuance of the grant to him or her of a degree, diploma, certificate or other award by the University.
8. Where there is a conflict in the interpretation of these Statutes, the interpretation given thereof by the Council shall prevail.

SCHEDULE I

COMMITTEES OF THE COUNCIL

1. Human Resources and Appointments Committee

The Committee shall comprise of—

- a) the independent Member of Council as the Chairperson;
- b) the Representative of the Principal Secretary, Ministry of Education;
- c) two other Members of Council;
- d) the Vice-Chancellor as the Secretary;
- e) the Deputy Vice-Chancellor (Administration, Planning and Finance);

- f) the Registrar (Administration, Human Resource and Central Services);
- g) the Chief Legal Officer; and
- h) the Human Resource Manager.

Terms of Reference

The terms of reference of the Committee shall be—

- a) recommending to the Council employment, appointment and promotion of all staff in grades XIV and above;
- b) considering and recommending to the Council approval of terms and conditions of service, criteria for recruitment, appointment and promotion for all staff;
- c) overseeing development and implementing of a human resource management policy in the University;
- d) receiving and considering reports on staff welfare;
- e) receiving, considering and recommending to the Council proposals on staff establishment and Schemes of Service of the University;
- f) adjudicating on staff disciplinary appeals;
- g) overseeing implementation of policies on gender mainstreaming, equal opportunities for persons with disabilities, minorities and other marginalized groups and submitting reports on the same to the Council;
- a) monitoring implementation and effectiveness of the Staff University Training and Appraisal Policy;
- b) overseeing industrial relations;
- c) handling disciplinary matters for staff from Grade XIV and above. Membership for respective staff Disciplinary Committees shall be as provided for in the Human Resource Manual;
- d) recommending to the Council improvements in the job grading classifications as it may consider appropriate;
- e) advising the Council on matters related to the Pension Scheme; and
- f) undertaking any other responsibility that may be assigned by the Council from time to time.

2. Audit, Governance, Risk Management Committee

The Committee comprises of—

- a) an independent Member of Council as the Chairperson;
- b) a representative of the Cabinet Secretary, National Treasury;
- c) one (1) other Member of the Council; and
- d) the Chief Internal Auditor as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) receiving, reviewing and recommending internal control mechanisms towards improving efficiency, effectiveness, transparency and accountability;
- b) receiving and discussing internal and external audit reports and recommending to the Council;
- c) reviewing and overseeing the settlement and implementation of recommendations from the Public Accounts and Public Investments Committees;

[Subsidiary]

d) reviewing and regularly reporting to the Council on the effectiveness and efficiency of the internal audit function;

e) reviewing management procedures and making proposals to the Council for mainstreaming of risk management, controls and governance;

f) reviewing and submitting for the Council's approval the Audit, Governance and Risk Management Committee and internal audit department charters, and the internal audit annual work plans;

g) reviewing and submitting proposals to the Council on improvement of efficiency and effectiveness of management systems, including and not limited to high risk areas such as public finance, human resource, academic programs, and general internal controls;

h) reviewing and submitting a report to the Council on compliance with policies laws, regulations, procedures, plans, and ethics;

i) initiating special audit or investigation on any allegations, concerns and complaints regarding corruption, lack of accountability and transparency;

j) receiving, considering and submitting to the Council progress reports from the Chief Internal Auditor including—

i) work performed compared with work planned;

ii) key issues emerging from internal audit work done;

iii) status of management response to audit findings and recommendations; and

iv) changes to the annual work plan.

k) undertaking any other responsibility assigned by the Council from time to time.

3. Planning, Finance, Building, Development and General Purposes Committee

The Committee comprises of—

a) an independent Member of the Council as the Chairperson;

b) representative of the Principal Secretary, Ministry of Education;

c) 2 other member of the Council;

d) the Vice Chancellor as the Secretary.

e) the Registrar (Administration, Human Resource and Central Services);

f) the Deputy Vice Chancellor (Administration, Planning and Finance);

g) the Finance Officer;

h) the Chief Procurement Officer; and

i) the Chief Planning Officer.

Terms of Reference

The terms of reference of the Committee shall be—

a) receiving, considering and recommending for the Council's approval, annual estimates of revenue and expenditure;

b) overseeing compliance of budgetary allocation as approved within its annual budgets;

c) generating and receiving proposals for subscription, donations and bequest for onward transmission to the Council for consideration;

d) overseeing proper recording of accounts of the income, expenditure and assets of the University and submission of financial reports as required by law;

e) overseeing proper vesting of all immovable property, shares, funds and securities in the name of the University;

f) receiving and considering for onward transmission to the Council proposal for investing the University funds subject to legal requirements;

g) receiving for consideration and onward transmission to the Council reports on management and administration of the University—

i) land and buildings;

ii) machinery and equipment;

iii) funds; and

iv) vehicles.

h) receiving and considering proposals for the University fees and any other charges and recommending to the Council for consideration and approval;

i) receiving recommending for onward transmission to the Council on scholarships, bursaries and other awards;

j) receiving proposals on opportunities for investments, for processing and onward transmission to the Council for consideration and approval;

k) receiving reports on performance of University investments and submitting proposals for the Council's consideration;

l) overseeing the development, review and implementing the University Strategic Plan in conformity with the medium term fiscal frame work and policy objectives;

m) receiving, considering and submitting for the Council's approval the annual Procurement Plan of the University;

n) recommending for the Council's approval the sale, purchase, exchange, lease or take of movable and immovable property;

o) recommending for the Council's approval—

i) the borrowing of money on behalf of the University; and

ii) mortgaging or charging all or any part of movable and immovable property;

p) receiving for consideration and recommending to the Council opening and closing of bank account for the funds of the University;

q) receiving, considering and making recommendation to the Council on reports of implementation of the University Master Plan;

r) receiving, considering and submitting for the Council's approval of proposals on new projects;

s) reviewing the performance of all ongoing projects and submitting reports to the Council on a quarterly basis;

t) receiving, considering and making recommendation to the Council on reports of implementation of the University Performance Contract and Consolidated Annual Work Plan;

u) recommending to the Council on acquisition of new fixed assets including land;

v) exploring ways of raising funds for the University, both internally and externally;

w) developing appropriate and conducive policies to guide and promote resource mobilization and income generation activities; and

x) undertaking any other responsibility assigned by the Council from time to time.

4. Academic, Research, Extension, Collaboration and Sealing Committee

[Subsidiary]

The Committee comprises of—

- a) an independent Member of Council as the Chairperson;
- b) a representative of the Principal Secretary, Ministry of Education;
- c) 2 other members of the Council; and
- d) the Vice-Chancellor as the Secretary.
- e) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- f) the Registrar (Research, Extension, Innovation and Resource Mobilization);
- g) the Registrar (Academic Affairs);
- h) the Registrar (Administration, Human Resource and Central Services); and
- i) the Director of Academic Quality Assurance.

Terms of Reference

The terms of reference shall be—

- a) receiving, considering, noting and forwarding to full Council proposals or reports on establishment, abolition or harmonization of campuses, university colleges, or colleges within the University, schools, units, departments and centers, as the Senate may from time to time determine;
- b) developing, establishing and reviewing structures and mechanisms for ensuring the implementation of academic and research policies, the maintenance of standards and enhancement of good practice;
- c) providing oversight in the implementation of academic and research policies, the maintenance of standards and enhancement of good practice;
- d) dealing with matters related to the Statutes, in particular, examining the format and the content of the University Statutes and make recommendations to the Council for appropriate legislation as provided for in the Kisii University Charter;
- e) receiving from the Senate, considering, noting and forwarding to full Council the cancellation or withdrawal of degrees, diplomas or certificates;
- f) advising the Council on the recommendation of the Senate on the status of research, innovation, extension programmes, collaborations and adequacy of teaching and learning resources in the University;
- g) receiving from the Senate, considering, noting and forwarding to full Council on students' admissions, teaching, curriculum development or review, students' reports welfare and status of academic quality assurance;
- h) receiving and considering proposals on nominations for the award of honorary degrees and recommending to full Council the award of honorary degrees;
- i) receiving, considering and recommending through full Council to the Finance Committee the types and amount of fees to be paid by students;
- j) receiving and recommending to full Council the use of the University Seal on University documents; and
- k) dealing with any matter that may be referred to it by the Council.

SCHEDULE II

COMMITTEES OF THE UNIVERSITY MANAGEMENT BOARD

1. Budget and Resource Allocation Committee

The Committee comprises of—

a) the Deputy Vice-Chancellor (Administration, Planning and Finance) as the Chairperson;

b) the Registrar (Administration, Human Resource and Central Services);

c) one elected member of the Senate;

a) the Chief Planning Officer;

b) the Chief Procurement Officer; and

c) the Finance Officer as the Secretary.

Terms of Reference

The terms of reference shall be—

a) coordinating, preparing, implementing and monitoring of annual the University budget and recommending the same to the University Management Board;

b) receiving, considering and advising the University Management Board on recommended allocation of expenditure;

c) receiving, considering and advising the University Management Board on recommended virement of the budget;

d) receiving, considering and advising the University Management Board on alternative sources of funding;

e) receiving, considering and advising the University Management Board on preparation and implementation of Annual University Procurement Plan and Strategic Plan operational budget; and

f) undertaking any other responsibility assigned by the University Management Board from time to time.

2. Staff Training and Human Resource Management Committee

The Committee comprises of—

i) the Deputy Vice-Chancellor (Administration, Planning, and Finance) as the Chairperson;

ii) the Deputy Vice-Chancellor (Academic, Research and Student Affairs)

iii) the Registrar (Academic Affairs);

iv) the Registrar (Research, Extension, Innovation and Resource Mobilization)

v) the Finance Officer;

vi) the Human Resource Manager;

vii) one (1) representative for each staff union.

viii) two (2) elected representatives of the Senate; and

ix) the Registrar (Administration, Human Resource and Central Services) as the Secretary.

Terms of Reference

The terms of reference shall be—

a) overseeing development of policies on staff recruitment, schemes of service, appraisal, staff establishment, promotion, remuneration and other terms and conditions of service, and recommending the same to the University Management Board;

b) monitoring and advising the University Management Board on staff performance appraisal;

[Subsidiary]

- c) considering and approving staff applications for training, study leaves, and fee waivers;
- d) recommending to the University Management Board, members of staff who are due for promotion;
- e) advising the University Management Board on staff welfare; and
- f) dealing with such matters as the University Management Board may refer to it from time to time.

3. Space Allocation Committee The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Administration, Planning and Finance) as the Chairperson;
- b) the Registrar (Administration, Human Resource and Central Services);
- a) the Deputy Registrar (Central Services);
- b) the Deputy Registrar (Admissions, Registration and Timetabling);
- c) the Catering and Accommodation Manager; and
- d) the Chief Planning Officer as the Secretary.

Terms of Reference

The terms of reference shall be—

- a) advising the University Management Board on acquisition or leasing of new buildings;
- b) assessing current and projected University space needs for teaching, learning and administrative purpose;
- c) allocating the University offices to entitled staff;
- d) reviewing the University space needs policy as the need arises and make appropriate recommendations to the University Management Board; and
- e) dealing with any matter referred to it by the University Management Board.

4. Staff Disciplinary Committees Terms of Reference

The terms of reference shall be—

- a) receiving and considering matters of disciplinary nature affecting staff on behalf of the University Management Board, and reporting to the University Management Board on the appropriate action to be taken, provided that the disciplined staff may appeal to the Council;
- b) investigating issues surrounding misconduct by staff which may have adverse effect on the staff and recommending to the University Management Board appropriate corrective measures;
- c) recommending to the University Management Board serious disciplinary cases that may require suspension or dismissal; and
- d) formulating and reviewing, from time to time, the regulations governing the conduct and discipline of staff.

(1) Administrative Staff (Grades I-XI)

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Administration, Planning and Finance) as the Chairperson;
- b) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- c) the Registrar (Academic Affairs);
- d) the Registrar (Research, Extension, Innovation and Resource Mobilization)

- e) the Finance Officer;
- f) the Chief Legal Officer;
- g) the Respective Head of Department;
- h) the Respective staff union representative; and
- i) the Registrar (Administration, Human Resource and Central Services) as the Secretary.

For administrative staff in Grades XII-XIII, the Vice-Chancellor shall chair the Disciplinary Committee.

(2) Academic Staff (Grades X-XI)

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Deputy Vice-Chancellor (Administration, Planning and Finance);
- c) the Registrar (Academic Affairs);
- d) the Registrar (Research, Extension, Innovation and Resource Mobilization);
- e) the Finance Officer;
- f) the Chief Legal Officer;
- g) two (2) Senate Representatives;
- h) the Respective Chairperson of the Department;
- i) one UASU Representative; and
- j) the Registrar (Administration, Human Resource and Central Services) as the Secretary.

For academic staff in Grades XII-XIII, the Vice-Chancellor shall chair the Disciplinary Committee.

5. Staff Shortlisting and Interviews Committees

(1) Administrative Staff

The Committee, for Grade I-IV staff, shall comprise of—

- i) the Deputy Vice-Chancellor (Administration, Planning and Finance) as the Chairperson;
- ii) the Deputy Vice-Chancellor (Academic, Research and Student Affairs)
- iii) the Finance Officer;
- iv) the Respective Heads of Departments; and
- v) the Registrar (Administration, Human Resource and Central Services) as the Secretary.

The Committee, for Grade V-XIII staff, shall comprise of—

- i) the Vice-Chancellor as the Chairperson;
- ii) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- iii) the Deputy Vice-Chancellor (Administration, Planning and Finance);
- iv) the Registrar (Academic Affairs);
- v) the Registrar (Research, Extension, Innovation and Resource Mobilization)
- vi) the Finance Officer;
- vii) the Respective Head of Departments; and
- viii) the Registrar (Administration, Human Resource and Central Services) as the Secretary.

The Vice-Chancellor may delegate the responsibility of chairing the meeting if need arises.

[Subsidiary]

(2) Academic Staff (Grade X-XIII)

The Committee shall comprise of—

- i) the Vice-Chancellor as the Chairperson;
- ii) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- iii) the Deputy Vice-Chancellor (Administration, Planning and Finance);
- iv) the Registrar (Academic Affairs);
- v) the Registrar (Research, Extension, Innovation and Resource Mobilization);
- vi) the Finance Officer;
- vii) the Respective Chairperson of Department; and
- viii) the Registrar (Administration, Human Resource and Central Services) as the Secretariat.

Terms of Reference

The terms of reference of the Committee shall be—

- a) receiving, considering and shortlisting candidates for various positions in the University;
- b) interviewing shortlisted candidates for various posts; and
- c) dealing with any matter that may be referred to the Committee by the University Management Board.

For Associate Professor and Administrative positions in Grade XIV and above, the University Council shall form the interviewing panel.

SCHEDULE III COMMITTEES OF THE SENATE

1. Deans' Committee

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Deans of Schools;
- c) the Dean of Students;
- d) the University Librarian;
- e) the Heads of Academic Directorates;
- f) the Campus Directors; and
- g) the Registrar (Academic Affairs) as the Secretary.

Terms of Reference

The terms of reference of the committee shall be—

- a) making recommendations to the Senate on proposals from Schools Boards that may have implications for other Schools, or for the systems in the University as a whole;
- b) making recommendations to the Senate on regulations governing levels of fees and other regulations governing academic programmes;
- c) considering and approving as appropriate applications for interschool transfer of students;
- d) administering all scholarship received by the University for undergraduate students;
- h) making recommendations to the Senate on regulations governing levels of fees and other regulations governing academic programmes; and
- i) dealing with any matter referred to it by the Vice-Chancellor or the Senate.

2. Library, Publishing and Printing Committee

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Registrar (Academic Affairs);
- c) the Registrar (Research, Extension, Innovation and Resource Mobilization);
- d) the Deans of Schools;
- e) the Director of Information and Communication Technology; and
- f) the University Librarian as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) preparing and submitting to the Senate annual report on the functioning of the University Library;
- b) making recommendations to the Senate on library policy regarding establishment of specialized libraries such as departmental, research or textbook collections;
- c) assisting and advising the Librarian on all matters relating to the Library;
- d) formulating up to date rules and regulations governing the use of University libraries;
- e) advising the Senate on the planning of major additions to the Library building and services;
- f) ensuring that all books, journals, and other materials acquired by the library comply with the ethical standards desired by the University;
- g) making recommendations to the Senate on the stocking, staffing and equipping of the Library;
- h) Considering the facilities and resources needed and advising the University Librarian on all matters relating to the development of the University Library as a resource centre for learning and research; and
- i) dealing with any matter referred to it by the Vice-Chancellor or the Senate.

3. Students Disciplinary Committee

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Dean of Students;
- c) two Students representatives one of whom is the Chairperson of the Students Association;
- d) the Relevant Dean of the School or Director of Campus;
- e) the Chairperson of relevant Department;
- f) the Registrar (Academic Affairs) as the Secretary;
- g) the Chief Legal Officer; and
- h) the Chief Security Officer.

Terms of Reference

The terms of reference of the Committee shall be—

[Subsidiary]

- a) investigating issues of misconduct and indiscipline by students and recommending to the Senate appropriate corrective measures;
- b) recommending to the Senate serious disciplinary cases that may require suspension or expulsion;
- c) formulating and reviewing the code of conduct for University students and recommending to the Senate amendments to the rule "rules and regulations governing the Conduct and discipline of students" if the need arises; and
- d) dealing with any matter referred to it by the Vice Chancellor or the Senate.

4. Examinations and Timetabling Committee

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Registrar (Academic Affairs) as the Chairperson;
- c) the Deans of Schools;
- d) the Deputy Registrar (Admissions, Registration and Timetabling);
- e) the Deputy Registrar (Examinations and Senate);
- f) the Registrar (Academic Affairs) as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) liaising with—
 - i) all Schools and the Campuses to harmonize the examination and teaching timetables;
 - ii) the Space Allocation Committee and the Academic, Research and Student Affairs Division to ensure that learning resources are optimally and effectively utilized;
- b) advising the Senate on the expansion of teaching facilities; and
- c) dealing with any matter referred to it by the Vice-Chancellor and the Senate.

5. Scholarships and Bursaries Award Committee

The Committee shall be comprised of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Deputy Vice-Chancellor (Administration, Planning and Finance)
- c) three members of Senate appointed by the Senate;
- d) the Finance Officer; and
- e) the Registrar (Academic Affairs) as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) reviewing and making recommendations to the Senate on criteria for scholarships and bursary awards;
- b) receiving applications for scholarships and bursaries, evaluate and award scholarships and bursaries on behalf of the Senate;
- c) soliciting for scholarships and bursaries on behalf of the University; and
- d) dealing with any matter referred to it by the Vice-Chancellor or the Senate.

6. Honorary Degree Award Committee The Committee shall comprise of—

- a) the Vice-Chancellor as the Chairperson;
- b) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- c) the Deputy Vice-Chancellor (Administration, Planning and Finance);
- d) the Registrar (Research, Extension, Innovation and Resource Mobilization)
- e) the Registrars (Administration, Human Resource and Central Services);
- f) three other elected members of the Senate; and g) the Registrar (Academic Affairs) as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) receiving and considering proposals and nominations for the award of honorary degrees;
- b) recommending to the Senate and the Council award of honorary degrees; and
- c) dealing with any matter referred to it by the Senate.

7. Graduation and Ceremonies Committee

The Committee shall comprise of—

- a) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) as the Chairperson;
- b) the Deputy Vice-Chancellor (Administration, Planning and Finance);
- c) the Principals of Colleges;
- d) the Directors of Campuses;
- e) the Deans of Schools;
- f) the Finance Officer;
- g) the Registrar (Administration, Human Resource and Central Services);
- h) the Registrar (Research, Extension, Innovation and Resource Mobilization);
- i) the Registrar (Academic Affairs) as the Secretary;
- j) the Catering and Accommodations Manager;
- a) the Chief Procurement Officer;
- b) the Chief Planning Officer;
- c) the Chief Medical Officer;
- d) the Chief Security Officer;
- e) the Deputy Registrar (Central Services); and
- f) the Chief Corporate Communications Officer.

Terms of Reference

The terms of reference shall be to deal with policy issues related to the ceremonial functions such as Graduation Ceremony, Open Days, National days, Cultural Days activities etc.

8. Ethics Review Committee

The Committee shall be composed of—

[Subsidiary]

- a) the Registrar (Research, Extension, Innovation and Resource Mobilization) as the Chairperson;
- b) a representative of each School at the grade of Senior Lecturer and above;
- c) the University Chaplain;
- d) the Dean of Students;
- e) the Chief Legal Officer; and
- f) the Director, Board of Postgraduate Studies as the Secretary.

Terms of Reference

The terms of reference of the Committee shall be—

- a) approving permits for researchers to conduct research;
 - b) providing guidelines for conducting research projects which involve human subjects or the usage of human derived material;
 - c) providing schools or faculties with guidelines on how to maintain ethical standards in their research projects;
 - d) counseling researchers from the University on the required ethical principles in research and creating awareness on the appropriate ethical code of conduct in research;
 - e) deliberating and giving ethical approval for research projects that engage human subjects, and human derived material;
 - f) ensuring participants shall be accorded ethical protection while taking part in research;
 - g) monitoring and evaluating research activities that involve human subjects, data collection and human derived material;
 - h) seeking guidance from externally certified bodies on ethical issues in research and providing advice to the University on good research practice;
 - i) providing the researcher with academic freedom, intellectual property rights emotional, psychological and physical protection;
 - j) preparing and submitting annual report to the Senate; and
 - k) dealing with any matter referred to it by the Vice-Chancellor or the Senate.
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THE NATIONAL DEFENCE UNIVERSITY-KENYA CHARTER

ARRANGEMENT OF PARAGRAPHS

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THE NATIONAL DEFENCE UNIVERSITY-KENYA CHARTER

[Legal Notice 95 of 2021]

PREAMBLE

WHEREAS the Government of Kenya realizing emerging global security threats which require highly specialized strategic training, research and decision making, wishes to establish National Defence University - Kenya as an institution of national strategic importance situated in Nakuru County in the Republic of Kenya;

AND WHEREAS the said National Defence University - Kenya has applied to the Commission for University Education, for the 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of National Defence University - Kenya are consistent with the provisions of Section 24 of the Act and the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that National Defence University - Kenya 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 Cabinet Secretary for Education on the said institution, and the Cabinet Secretary is satisfied that National Defence University - Kenya should be granted this Charter;

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

AND WHEREAS, I am satisfied that the granting of this Charter to National Defence University Kenya will be of strategic national importance in the area of national security through a whole of government approach;

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by Section 24 of the Universities Act (Cap. 210), I, Uhuru Muigai Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to National Defence University — Kenya.

PART 1 – PRELIMINARY**1. Short Title**

This Charter shall be cited as the National Defence University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"academic year" means a continuous period of teaching, examination and study organized in a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means the organization of all graduates, former students of the University and such other persons as may be declared under this Charter;

"Annual Estimates" means the estimates approved under Section 44 of the Act, in respect of any financial year;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for University Education;

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"Campus" means a campus established in the University pursuant to Section 20(d) of the Act;

"Chairperson of the Council" means the person appointed under paragraph 15 of this Charter;

"Chancellor" means the Chancellor of the University appointed under Section 38 of the Act;

"Commission" means the Commission for University Education established by Section 4 of the Act;

"Constituent College" means a college established under paragraph 9 of this Charter;

"Council" means the Council of the University established under paragraph 16 of this Charter;

"financial Year" means a financial year within the meaning of Section 50 of the Act;

"Institute" means an institute of the University established by the Statutes;

"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 qualifications of the University or any other person who is determined by the Senate to be a student;

"Statutes" means the Statutes of the University made under paragraph 36 of this Charter;

"Senate" means the Senate of the University established under paragraph 21 of this Charter;

"University" means National Defence University - Kenya established under paragraph 3 of this Charter;

"University Management Board" means the University Management Board established under paragraph 23 of this Charter; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 17 of this Charter;

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment of National Defence University — Kenya

(1) There is hereby established a University to be known as National Defence University — Kenya in accordance with the Universities Act (Cap. 210) and this Charter.

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

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

(3) The University shall focus on training and capacity building on practical realities of Kenya's national security concerns, act as a think tank or a policy institute for government and offer strategic thinking and direction.

(4) The overall management of the University shall be vested in the Ministry responsible for Defence in collaboration with the Ministry responsible for University Education.

(5) The seat of the University shall be situated in Nakuru County in the Republic of Kenya.

4. Vision and Mission

(1) *Vision*: "A Premier Centre of Excellence in training and research in National Security and Strategy."

(2) *Mission*: "to advance human intellectual capacity in management of national security through the pursuit of education, research, innovation and community outreach to produce graduates of honour and integrity, capable of securing the country and enhancing national performance."

5. Philosophy

The philosophy of the National Defence University- Kenya embodies the core belief, values, and commitment to excellence, integrity, and professionalism that inspire sustained advanced training, research, strategic thought leadership, and practice in national security and strategy to transform Kenyan society, and the University shall endeavour to train, nurture and inspire transformative leadership fused with passion, patriotism, and responsibility for national development.

6. Guiding Principles

The guiding principles of the University shall be—

- (a) academic freedom;
- (b) diversity, flexibility and open inquiry;
- (c) intellectual honesty and excellence;
- (d) institutional and personal responsibility;
- (e) collaboration; and
- (f) discipline, integrity and dignity.

7. Objects and Functions of the University

(1) The University is established to provide quality education in security matters and related areas to qualified participants in order to achieve excellence in training and research for enhanced national performance.

(2) The University shall have the following functions—

- (a) advancing knowledge through training of students to transform themselves;
- (b) promoting learning in the student body, train and retrain higher level professionals to build capacity for government;
- (c) providing directly, or in collaboration with other institutions of higher learning facilities for technological, professional, and scientific education;
- (d) contributing to industrial and technological development of society in collaboration with industry and other organizations;
- (e) equipping students with critical analytical skills for management and decision making at all levels;
- (f) providing a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (g) facilitating student mobility between programmes of study at different training institutions;
- (h) acting as a focal point and national think tank on national security matters by collaborating with like-minded institutions and agencies for national development;
- (i) providing a forum for national strategic thinking and address the gap in training for formulation of national security policy and strategy;
- (j) being a focal point for agencies on national strategic security research and development and dissemination for policy making;

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- (k) promoting the highest standards in, and quality of, teaching and research;
- (l) conducting examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
- (m) developing and offering courses of instruction to military personnel, public servants and students on security and related areas of study;
- (n) developing the content of academic and research programmes;
- (o) providing adequate equipment and facilities necessary for quality higher education, research, innovation and extracurricular activities; and
- (p) providing appropriate policies, infrastructure, institutional framework and other resources necessary for promoting quality teaching, research, innovation, industry linkages and community outreach.

8. Admission to the University

(1) Admission to the University of candidates for degrees, diplomas, certificates, or other awards shall be open to persons accepted as being qualified by the Senate in accordance with the prevailing admission criteria prescribed in the Statutes.

(2) The University shall charge such fees or levies as may, from time to time, be approved by the Council.

9. Establishment of Constituent Colleges

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

10. Establishment of Campuses and Colleges within the University

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

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

11. Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards

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

- (a) award Diplomas, Postgraduate Diplomas, Certificates or other awards;
- (b) confer Bachelors, Masters and Doctoral Degrees; and
- (c) confer honorary degrees or any other academic recognition upon a person who has rendered distinguished service as provided for in the Statutes.

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

12. Award of Scholarships

Subject to this Charter, the University may award scholarships, fellowships, bursaries, prizes and such other awards as may be provided for by the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

13. Membership of the University

(1) The members of the University shall be—

- (a) the Chancellor;
- (b) the members of the Council;
- (c) the Vice-Chancellor;

- (d) the Deputy Vice-Chancellors;
- (e) the Principals, Directors and Commandants of Colleges and Institutions of the University;
- (f) the Principals and Heads of Constituent Colleges;
- (g) the Deans and Directors of Faculties or Institutes;
- (h) the Head of Legal;
- (i) the Staff of the University;
- (j) the University Librarian;
- (k) the Registrars;
- (l) the Alumni;
- (m) the Students;
- (n) 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 specified in the Statutes.

14. The Chancellor

(1) The Chancellor of the University shall be the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces.

(2) The Chancellor shall—

- (a) be the titular head of the University and shall in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) from time to time recommend for a visitation of the University;
- (c) from time to time direct or give advice to the Council which the Chancellor considers necessary for the betterment of the university; and
- (d) enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.

15. The Chairperson of the Council

The Chief of the Defence Forces shall be the Chairperson of the Council.

16. The Council

(1) There shall be a Council of the University which shall consist of—

- (a) the Chairperson, referred to in paragraph 15;
- (b) the Vice-Chief of the Kenya Defence Forces;
- (c) the Director-General of the National Intelligence Service;
- (d) the three Service Commanders of the Kenya Defence Forces;
- (e) the Principal Secretary responsible for university education;
- (f) the Principal Secretary responsible for Defence;
- (g) the Principal Secretary, the National Treasury;
- (h) a person with experience in diplomacy, not being an employee of the University, appointed by the Cabinet Secretary for Defence;
- (i) one senior academician, not being an employee of the University and with experience in matters relating to higher education, appointed by the Cabinet Secretary responsible for university education;
- (j) one person from the public or the private sector with proven entrepreneurial or resource mobilization skills, appointed by the Cabinet Secretary responsible

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for university education in consultation with the Cabinet Secretary for Defence; and

(k) the Vice-Chancellor, who shall be the Secretary.

(2) The Council may co-opt such other persons whose skills or experience are necessary for the purposes of the functions of the Council for such period as it may deem appropriate.

(3) The terms of office of the members of the Council shall be as provided for in the instrument of their appointment.

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall notify the appointing authority within fourteen days and request for the appointment of a replacement.

(5) Subject to this Charter, the Council shall be the governing body of the University and its functions shall include—

- (a) making and approving Statutes in accordance with the Act;
- (b) determining, recruiting, appointing and promoting employees of the University who are not members of the National Security Organs;
- (c) requesting and accepting the secondment and transfer of service of public officers from relevant public agencies with the concurrence of the relevant appointing authority;
- (d) approving terms and conditions of service for employees of the University who are not members of the National Security Organs;
- (e) approving reports from the Senate on conferment of Honorary Degrees;
- (f) recommending the annual budget of the University to the Ministry responsible for Defence;
- (g) recommending to the Ministry responsible for Defence, the purchase, lease or hire or acquisition and holding of any land, buildings, easements or inheritances of any tenure and any other freehold or leasehold property, and construction or provision of any buildings, works, stores, plant and equipment which may from time to time be deemed requisite for any of the purposes of the University;
- (h) determining, after considering the recommendations of the Senate, all fees payable to the University;
- (i) on the recommendation of the Senate, providing 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;
- (j) instituting, on the recommendation of the Senate, fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (k) approving the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (l) setting up such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine, provided that the Council may not delegate its principal mandate to the committees;
- (m) approving regulations governing the conduct and discipline of students of the University;
- (n) receiving, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (o) providing for the welfare of the staff and students of the University;
- (p) monitoring and evaluating the implementation of strategies, policies, and the management criteria and plans of the University;

- (q) entering into association, collaboration or linkages with other bodies or organizations within or outside Kenya as the University may consider desirable or appropriate and in furtherance of the purpose for which the University is established;
- (r) ensuring that the University complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;
- (s) performing such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

17. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor on the advice of the Council.

(2) The Vice-Chancellor shall be a holder of at least a Master's degree in security or related studies from a University recognized in Kenya.

(3) The Vice-Chancellor shall be the chief executive of the University and shall, if a serving military officer, be not below the rank of Lieutenant-General or if a retired military officer should have held the rank of a Lieutenant General or General or if a person is neither a serving nor retired military officer, should have not less than 10 years of experience in strategic leadership in public service.

(4) The Vice-Chancellor—

- (a) shall be the academic and administrative head of the University;
- (b) shall have the overall responsibility for the direction, organization, development administration and programmes of the University;
- (c) shall be the Chairperson of the University Management Board and the Senate;
- (d) be responsible to the Council for the general conduct and discipline of the students and staff of the University; and
- (e) be responsible to the Council for academic, research and other programmes.

(5) The Vice-Chancellor shall be appointed upon such terms and conditions of service as shall be contained in the appointment instrument and in the Statutes.

18. The Deputy Vice-Chancellors

(1) There shall be two or more Deputy Vice-Chancellors, appointed in accordance with the Statutes and who shall be under the general authority of the Vice-Chancellor.

(2) The Deputy Vice-Chancellors shall exercise such powers and performs such duties as may be provided for by the Statutes.

(3) A Deputy Vice-Chancellor who is a serving officer shall be at the rank of Major General and appointed upon such terms and conditions of service as shall be contained in the appointment instrument and in the Statutes.

(4) A Deputy Vice-Chancellor who is a non-military officer or a retired military officer shall hold office for a period of three years, renewable once subject to performance.

19. The Heads of Constituent Colleges

(1) The Principal, Director or Head of a Constituent College shall be appointed by the respective Council and shall be the academic and administrative head of the Constituent College.

(2) The appointment provided for in subparagraph (1) shall be done in accordance with the Statutes of the respective Colleges and shall hold office upon such terms and conditions as maybe applicable in respective College.

(3) The Principal, Director or Head of a Constituent College shall be the academic and administrative head of the College and shall, under the general authority of the Vice-Chancellor, have such powers and duties as may be provided for by the Statutes.

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20. Heads of Colleges or Institutions of the University

The Commandant, Principal or Directors of the Colleges referred to in paragraph (39) shall be appointed in accordance with the Statutes and shall be the academic and administrative heads of their respective institutions.

21. The Senate

- (1) There shall be Senate of the University which shall consist of—
 - (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Deputy Vice-Chancellor (Academic Affairs), who shall be the Secretary;
 - (d) all Heads of Colleges, Constituent Colleges or Institutes of the University;
 - (e) the Chief Librarian;
 - (f) the Registrars;
 - (g) the Deans of Faculties, Directors of Schools, Institutes, Campuses and Centres;
 - (h) the Professors of the University;
 - (i) the Heads of Departments;
 - (j) one representative of the teaching staff;
 - (k) a representative of the University students; and
 - (l) such other member as the Council may determine in accordance with the Statutes.
- (2) The Senate shall have the following powers and duties—
 - (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) proposing Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) proposing Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
 - (d) deciding which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (e) initiating proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
 - (f) recommending 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;
 - (g) making recommendations to the Council, subject to the Act, for the establishment or abolition or supervision, degree and other academic programmes and their titles in the University;
 - (h) setting the dates of the academic year and to determine the schedule of academic programmes within the academic year;
 - (i) approving all syllabi of the University;
 - (j) making regulations governing methods of assessing and examining the academic performance of students;
 - (k) evaluating academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
 - (l) regulating the conduct of examinations;

- (m) appointing internal and external examiners;
- (n) recommending to the Council the terms and conditions for the appointment of internal and external examiners;
- (o) approving examination results;
- (p) approving, subject to the Act, the award of degrees including the award of honorary degrees and other academic distinctions;
- (q) determining which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (r) determining the procedure to be followed in the conferment of the degrees and other awards;
- (s) determining the design of academic dress and prescribing its use;
- (t) evaluating research, teaching, staffing and general work of anybody or section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (u) promoting and administering the extra-mural, external and extension work of the University;
- (v) promoting research and innovation work in the University;
- (w) promoting co-operation and linkages with other institutions of higher learning and industry;
- (x) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (y) developing, implementing and promoting quality assurance systems and structures in all University operations;
- (z) promoting the welfare of students and staff in the University;
- (aa) proposing regulations and procedures for the discipline of non-military students and making recommendations thereof to the Council;
- (bb) discontinuing a student from a programme of study on academic grounds;
- (cc) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and making appropriate decisions;
- (dd) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the University;
- (ee) reviewing the Statutes from time to time and making recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
- (ff) determining 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.

(3) 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.

(4) Notwithstanding any of the provisions 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 the Senate.

22. The Alumni Association

(1) There shall be an Alumni Association which shall consist of all persons whose names appear on the Alumni Association membership register, to be compiled and kept by the Secretary of the Association and such members as may be prescribed in the Statutes.

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(2) The functions and powers of the Alumni Association shall be as prescribed in the statutes.

PART IV – MANAGEMENT OF THE UNIVERSITY

23. The University Management Board

- (1) There shall be a University Management Board which shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Deputy Vice-Chancellor (Finance and Administration), who shall be the Secretary;
 - (d) the Heads of Colleges, Constituent Colleges and Institutions of the University;
 - (e) the Deans and Directors of Faculties and Institutes;
 - (f) the Registrars;
 - (g) the Head of Legal;
 - (h) the Chief Librarian;
 - (i) the Chief Finance Officer; and
 - (j) other officers who may be co-opted by the Board.
- (2) The functions of the Board shall be—
- (a) proposing rules and regulations to the Council for the administration of the University;
 - (b) managing and administering the day to day operations and affairs of the University;
 - (c) drawing the University budget for consideration by the Council;
 - (d) developing the institutions' Master and Strategic plans; and
 - (e) performing any other function in furtherance of the University objects as may be prescribed by the Statutes.

24. The Staff of the University

- (1) The Academic Staff of the University shall consist of all members of staff who are engaged in teaching, research or extension in the University.
- (2) The technical staff of the University shall consist of staff engaged in—
- (a) service in the laboratories;
 - (b) field instruction;
 - (c) operational training workshops;
 - (d) such similar environment in the teaching department under the general direction of the heads of the teaching departments; and
 - (e) such other members of staff as the Council may from time to time determine.
- (3) The administrative staff of the University shall consist of the following—
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals, Directors, Commandants of Colleges and Institutions of the University;
 - (d) the Principals and Heads of Constituent Colleges;
 - (e) the Deans and Directors of Faculties or Institutes;
 - (f) the Head of Legal Department;
 - (g) the University Librarian;
 - (h) the Registrars; and
 - (i) the Administrators.

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

(5) 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 the services prescribed in their mode of engagement either as defence officers or otherwise categorized in the Statutes;
- (b) in the case of a person seconded to the services of the University from another institution, the government or any other public service, on terms and condition agreed upon with the Council.

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

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

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

25. Convocation

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

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

26. Performance of functions during incapacity of Senior Office Holders

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

(2) In the event of simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor may, after consultation with the Chairperson of the Council, 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.

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

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

(5) Subject to the discretion of the Council upon the 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, or regulations may commence.

(6) For the purposes of this paragraph—

- (a) "absence" includes absence from Kenya or the inability for any reason to perform the functions of the office held; and
- (b) "Senior Office Holders" means the Vice-Chancellor, Deputy Vice-Chancellor, the Commandants, Principals and Directors of Colleges or Constituent Colleges.

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PART V – FINANCIAL PROVISIONS

27. Fiscal Year

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

(2) In the event of any change in the fiscal year, and for purposes of 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.

28. Investment of Funds

The Council may invest any of the funds of the University in accordance with the provisions of the Act.

29. Annual Estimates

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

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

- (a) 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 buildings or equipment and in respect of such other matters as the Council may think fit.

(3) The Vice Chancellor may incur expenditure for purposes of the University in accordance with estimates approved by the Council, and any approved expenditure under any head of the estimates may not be exceeded without the prior approval of the Council.

30. Accounts and Audit

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

(2) Within a period of four months from the end of each Fiscal Year, the Council shall submit to the Controller and Auditor-General, the accounts of the University.

(3) The accounts of the University shall be audited by the Controller and Auditor General in accordance with the provisions of the Public Audit Act (Cap. 412B).

31. Unexpended Monies

Any unexpended balance of the grant made in accordance to the Act may be carried forward in the account of the University from one year to the next and be expended as the University Council may determine.

32. Funds and Resources

Funds and resources of the University may be derived from—

- (a) the Government funding;
- (b) the Tuition fees and fees from services rendered;

- (c) the Donations and grants;
- (d) the Endowment;
- (e) the Gifts and trusts;
- (f) the Income from auxiliary activities; and
- (g) other sources as the University Council may from time to time identify.

PART VI – MISCELLANEOUS PROVISIONS

33. Associations, Collaborations or Linkages

The Council may enter into association, collaboration or linkages with other bodies or organizations within or outside Kenya for purposes of--

- (a) training and exchange programmes;
- (b) research and development;
- (c) running specialized programmes in support of government institutions;
- (d) any other areas as the University may consider desirable or appropriate and in furtherance of the purpose for which the University is established.

34. Instruments of Governance

(1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

(3) For the purpose of this paragraph, instrument of governance means the charter and the Statutes made by the Council.

35. Common Seal and Instruments of Authority

(1) The University shall possess the following instruments of power—

- (a) the University Mace;
- (b) the Common Seal for signification of documents;
- (c) the University Logo; and
- (d) the Assessment Report

(2) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct.

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

(4) 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 paragraph shall be presumed to have been duly given.

(5) 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 under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorized by the Council on its behalf.

(6) The Mace shall be kept in such custody as the Council may direct.

(7) The Mace shall be used as specified in the Statutes.

(8) No person, body, authority and or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, shall use the Common Seal and Logo of the University except with the consent of the Council and or authorized representative of the Council.

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36. The Statutes

In the performance of its functions under this Charter, the 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—

- (a) establishment of Colleges, Faculties, Schools, Institutes and Centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) defining the requirement for conferment of degrees and award of diplomas, certificate other academic qualifications;
- (d) conduct of examinations;
- (e) determination and collection of fees and other charges;
- (f) prescription of 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 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; and
- (i) providing for or prescribing anything, which, under this Charter may provide for or prescribed by Statutes.

37. Protection of the Name

(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 registration any name which includes the words "National Defence" together with the word "University" unless the application for the registration is accompanied by the written consent of the Council.

(2) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade or profession, without the written consent of the Council.

(3) Any person who, except with the written consent of the Council, uses the word "National Defence" together with the word "University" 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 Kenya shillings, or imprisonment for a term not exceeding three years or both.

(4) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the bona-fide use by staff, students and Alumni in pursuance of the functions of the University.

38. Transitional

The following colleges, existing immediately before the grant of this Charter, shall be deemed to be colleges of the University established under paragraph 10 of this Charter—

- (a) the National Defence College, Karen, Nairobi;
- (b) the Defence Staff College, Karen, Nairobi;
- (c) the Kenya Military Academy, Nakuru;
- (d) the International Peace Support Training Centre, Karen, Nairobi; and
- (e) the Defence Technical College, Embakasi Garrison, Nairobi.

(2) All students pursuing degree, diploma or certificate programmes under a Memorandum of Understanding or any other arrangement with a University or Institution, shall, at the commencement of this Charter, be allowed to complete their courses and be

awarded degrees, diplomas and certificates of the University or Institution to which they are admitted.

(3) All academic programmes leading to the award of diploma and certificates by the colleges specified in subparagraph (1) pursuant to a Memorandum of Understanding or any other arrangement with a University or Institution, shall, at the commencement of this Charter and upon alignment with the established National Qualifications Framework, be recognised as academic programmes of the University leading to the award of diplomas and certificates of the University.

(4) The University shall commence the admission of students within twelve months of the award of this Charter.

39. Variation and Revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the Universities Act (Cap. 210).

**THE NATIONAL INTELLIGENCE AND
RESEARCH UNIVERSITY COLLEGE ORDER**

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**THE NATIONAL INTELLIGENCE AND
RESEARCH UNIVERSITY COLLEGE ORDER**

[Legal Notice 96 of 2021]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the National Intelligence and Research University College Order.

2. Interpretation

In this Order, unless the context otherwise requires—

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

"Act" means the Universities Act (Cap. 210);

"Alumni association" means the alumni association of the University College established under paragraph 16;

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

"Chancellor" means the Chancellor of the National Defense University;

"Council" means the Council of the University College established under paragraph 11;

"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under paragraph 9;

"Director-General" means the Director-General of the Service, appointed under section 7 of the National Intelligence Service Act (Cap. 206);

"faculty" means a faculty of the University College established under the Statutes;

"financial year" means the financial year of the University College as provided for under paragraph 19;

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

"incapacity" means inability to perform functions of the office concerned;

"institute" means an institute of the University College established under the Statutes;

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

"librarian" means the person appointed to be the librarian of the University College;

"Management Board" means the Management Board of the University College established under paragraph 14;

"National Intelligence Service" means the disciplined civilian service established under section 242(1) of the Constitution;

"National Intelligence Service Council" means the Council established under Section 64(1) of the National Intelligence Service Act (Cap. 206);

"Principal Secretary" means the Principal Secretary for the time being responsible for matters relating to higher education;

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"Principal" means the principal of the University College appointed under paragraph 8;

"professor" means a professor of the University College;

"Registrar" means the registrar appointed by the Council of the University College;

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

"Senate" means the Senate of the University;

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

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

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

"students" organization" means an association of the students recognized by the Council being an organization representative of the students of the University College;

"University College" means the National Intelligence and Research University College established under paragraph 3;

"University" means the National Defense University-Kenya; and

"Vice-Chancellor" means the Vice-Chancellor of the University.

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

3. Establishment of the University College

(1) There is established a university college to be known as the National Intelligence and Research University College which shall be a constituent college of the National Defence University-Kenya.

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

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding as well as transferring, selling, leasing, charging or in any other way disposing of absolute or partial rights and interests in any movable and immovable property;
- (c) borrowing or lending money, receiving grants, gifts and donations for purpose of furthering education;
- (d) entering into contract with other institutions, organizations, bodies corporate or individual persons and;
- (e) doing or performing such other things or acts necessary for the proper discharge of its functions under this Order, which may lawfully be done or performed by a corporate body.

(3) The seat of the University College shall be within Nairobi County.

4. Functions and the objects of the University College

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

- (a) developing and maintaining a specialized institution of higher learning offering high quality university education for the benefit of individual learners and the intelligence community;
- (b) providing resources for university level education, training and research and for the establishment of faculties, departments, institutes and such other institutional arrangements for the purpose of enabling the University College to fulfill its mission;

- (c) participating in the discovery, preservation, processing and dissemination of knowledge for the betterment of humankind and providing an opportunity for development of intellectual activities, academic freedom and scholarly acumen;
- (d) identifying, admitting and training qualified students drawn from the intelligence community;
- (e) conducting examinations for such academic awards as may be provided for in the Statutes pertaining to the University College;
- (f) recruiting, retaining and supporting the highest quality academic and management staff;
- (g) determining who may teach, what may be taught and how it may be taught at the University College within the philosophy and objects of the University College;
- (h) developing, reviewing and implementing academic programmes and determining methods of instruction and research;
- (i) developing and managing the Institution's land, facilities and equipment to support the goals of the University College;
- (j) developing and establishing, affiliate colleges and campuses, schools, institutes, faculties and centers for education that the University College Governing Council may determine;
- (k) implementing an organizational structure that supports the attainment of the goals;
- (l) providing appropriate facilities for sports and other extra-curricular activities to support students' wholesome development;
- (m) providing appropriate learning materials, including books, journals and equipment;
- (n) providing adequate equipment and facilities for a high quality education including classrooms, library resources, laboratories, research facilities, classrooms and buildings to support various programmes;
- (o) establish partnerships and linkages with other local, regional and international universities, research institutions and industry;
- (p) institute and award fellowships, scholarships, bursaries, prizes and other such awards to aid study, research and outreach activities;
- (q) participate in educational conferences, seminars and workshops;
- (r) undertake research and publish research findings and other relevant and important findings for the benefit of the society;
- (s) providing professional development opportunities to staff and enhance their individual growth, job performance and leadership capabilities; and
- (t) providing ancillary services.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be as per admission criteria set by the Statutes.

5. Conferment of Degree and Award of Certificates and Diplomas

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas conferred by the National Defence University-Kenya.

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

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6. Award of Scholarships, Bursaries and other Awards

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the National Defence University-Kenya;
- (b) the Vice-Chancellor of the National Defence University-Kenya;
- (c) the Principal;
- (d) the Deputy Principals;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the Head of legal services for the University College;
- (o) the students of the University College;
- (p) the Alumni association; and
- (q) such other members of staff of the University College or any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the University College Council.

(2) The Principal shall be the chief executive officer of the University College and shall—

- (a) be the academic and administrative head of University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provided by the Statutes.

(3) The Principal shall hold office for a period of five years and upon such terms as maybe spelt out in the instrument of appointment of five years and shall be eligible for re-appointment for a further term of five years.

9. The Deputy Principals

There shall be Deputy Principal of the University College who shall be appointed through a competitive process by the University College Council.

10. Deans, Directors and Chairpersons of Departments

(1) The Council shall, after a competitive process, appoint for each faculty, school, institute, center, or department, a Dean, Director, or a Chairperson who shall be the academic and administrative head of the faculty, school, institute, center, or department and shall, under the general direction of the Principal, have such powers and duties as may be provided by Statutes.

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

11. The Council

(1) There shall be a Council of the University College which shall be appointed by the National Intelligence Service Council.

(2) The Council shall consist of—

- (a) the Director-General of the National Intelligence Service, who shall be the Chairperson;
- (b) the Vice-Chancellor of the National Defence University-Kenya;
- (c) the Principal Secretary responsible for Treasury or his/her appointee;
- (d) the Principal Secretary responsible for Interior and Co-ordination of government services or his/her appointee;
- (e) the Principal Secretary for Foreign Affairs or his/her appointee;
- (f) the Principal Secretary in charge of university education or his/her appointee;
- (g) the Inspector-General of Police;
- (h) one Senior Academician, being an employee of the University College with experience in higher education;
- (i) one person from the public or the private sector with vast resource mobilization skills; and
- (j) the Principal of the University College, who shall be the Secretary to the Council and an *ex officio* member.

(3) Subject to subparagraph (4), the terms of office of the members of the Council shall be as provided for by the instrument of their appointment.

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

- (a) not being an *ex officio* member, resigns from office in writing addressed to the Principal as the Secretary of the Council;
- (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- (c) dies; or
- (d) is otherwise unable or unfit to continue being a member of the council.

(4) Where the office of a member of the Council becomes vacant, the Principal shall notify the vacancy to the appointing authority within fourteen days.

(5) The procedure, conduct and regulation of the affairs of the Council shall be in accordance with this Order and the Statutes.

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

12. Functions of the Council

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

- (a) shall administer the property and funds of the University College in a manner and for the purposes which shall promote the interest of the University College; but the Council shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;

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- (c) shall approve the appointment criteria and the terms and conditions of service of staff who are not members of the National Intelligence Service;
- (d) shall provide for the welfare of the staff and students of the University College;
- (e) with the approval of the National Intelligence Service Council may enter into association with universities, other university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College; and
- (g) 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 signed under the hand of the Chairperson, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

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

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

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

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

(7) The Council may delegate to any Committee or to any member, officer or employee the exercise of some of its functions or duties under this Order or any written law.

13. The Academic Board

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

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

(2) The Deputy Principal (Academics), who shall be the Secretary to the Academic Board.

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

- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University College and reporting its findings thereon to the Senate;

- (b) proposing regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (c) proposing regulations for consideration by the Senate regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University college;
- (d) deciding which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University College and reporting its decision thereon to the Senate;
- (e) making regulations governing such other matters as are within its powers in accordance with this Order or the Statutes; and
- (f) overseeing over academic programmes including learning resources, quality assurance, appraisal of programmes and academic awards.

(4) Notwithstanding any of the provision of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b), (c) or (d) of subparagraph (3) except upon receipt of a report or proposal thereunder, and the Senate shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Academic Board.

14. Management Board

(1) There shall be a Management Board of the University College which shall be responsible for assisting the Principal in the implementation of University College policies.

(2) The membership of the Management Board shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principal (Finance and Administration), who shall be the Secretary;
- (c) the Deputy Principals;
- (d) the Registrars;
- (e) the Chief Security Officer;
- (f) the Head of legal services;
- (g) the Finance Officer; and
- (h) such other member of senior management as the Council may determine.

(3) The functions of the Management Board shall include assisting the Principal in the day to day management of the University College and shall, in this respect, be responsible for—

- (a) the efficient management of the human, resources, programmes, facilities and finances of the University College;
- (b) planning for the development and needs of the University College;
- (c) developing strategies for the generation of revenue to secure adequate financial support for the University College;
- (d) making proposals to the Council and the Academic Board on policies that have institution wide application;
- (e) overseeing the design, procurement and installation of the technological infrastructure required to run the University College;
- (f) reviewing regulatory requirements affecting staff and students including but not limited to Occupational Health and Safety Administration;
- (g) formulating and continuous development of a strategy for information and communication technology in furtherance of University College aims and objectives;
- (h) identifying of methods of maximizing and improving the communication strategy;
- (i) coordinating the University College strategic and development plans; and

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- (j) any other matters related to the management of the University College.

15. Student's Association

(1) Pursuant to Section 41 of the Universities Act amendment 2016, there shall be a Student Association of the University College which shall be established in accordance with the statutes.

(2) The association shall have the following functions—

- (a) providing moral and academic leadership to all students;
- (b) promoting high ethical standards, integrity, honesty, transparency and cohesion among students;
- (c) providing a forum where students can exercise their leadership skills; and
- (d) providing student representation in the Academic Board.

16. Alumni Association

(1) There shall be an Alumni Association of the University College which shall consist of graduates of the University and such other persons as may be provided for in its constitution and the statute.

(2) The Alumni Association shall exercise such powers and functions as may be provided for in its constitution and the Statute which shall include—

- (a) bringing all the graduates of the university college together for their mutual affirmation;
- (b) maintaining liaison between the members and the university college;
- (c) mobilizing alumni support for the benefit of the university college;
- (d) serving as a platform for resource mobilization for the university college;
- (e) providing mentorship opportunities;
- (f) organizing events, meetings and conferences for the alumni and the community;
- (g) conducting other programs and activities the association may consider incidental or conducive to the attainment of its objectives; and
- (h) organizing National Defence University College alumni chapters in different parts of the world.
- (i) performing such other functions as may be specified in its constitution and the statutes.

17. Staff of the University College

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

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

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

- (a) the Principal;
- (b) the Deputy Principals;
- (c) the Registrars;
- (d) the Chairpersons of Departments;
- (e) the Finance Officer;
- (f) the head of legal services;
- (g) the Deans and Directors of faculties, schools, centers and institutions;

- (h) the Directors of administrative units; and
- (i) such other members of staff, not engaged in teaching or research, as the Council may from time to time determine.

(3) The technical staff of the University College shall consist of the staff engaged in laboratory, ICT support, technology innovation hub, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.

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

(5) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of person seconded to the University College from another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

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

18. Performance of Functions on the absence of an office holder

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

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

(3) In the absence of a member of staff of the University College other than the Principal and Deputy Principals, the Principal may appoint a suitable person to perform the functions of the said officer for a period of up to three months.

PART V – FINANCIAL PROVISIONS

19. Financial Year

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

20. Annual Estimates

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

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

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;

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

(3) In drawing its annual estimates and development plans, the University College shall consult with the Director-General National Intelligence Service.

(4) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and after such approval, the Council shall not increase any sum provided in the estimates without the consent of the Director General-National Intelligence Service.

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

21. Investments of Funds

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

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

22. Accounts and Audits

(1) The Council shall cause to be kept all books and records of account of the University College revenue and expenditure in accordance with the Public Finance Management Act (Cap. 412A).

(2) Within a period of three months from the end of each financial year, the Council shall submit to the auditors the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) Audit of both Public and Non-Public books of accounts shall be done in accordance with the Public Audit Act (Cap. 412B).

(4) The Auditor will submit to the Council the report of their audit as per the provision of the statutes and the Public Audit Act (Cap. 412B).

PART VI – MISCELLANEOUS PROVISIONS

23. The Common Seal and Signification of Documents

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

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

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

24. Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

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

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

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

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the regulations.

25. Protection of Name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "National Intelligence and Research" together with words "University College" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "National Intelligence and Research" together with the words "University College" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both.

Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

26. Instruments of Accreditation

(1) The University College shall conspicuously display all its instruments of accreditation at such places as the Council may elect.

(2) Where any instrument is revoked, the University College shall, within fourteen days of such revocation, return the original instrument of governance to the Commission.

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27. Interpretation of Order

This Order shall be valid and effectual in law according to its true intent and meaning and shall be construed, subject to the provisions of the Act, in the best interest of the University College and the promotion of its objectives.

28. Conversion into a fully-fledged University

The status accorded to the University College by this Order as a constituent college of National Defence University-Kenya, shall be transitional only and the University College may initiate the necessary administrative and legal measures to ensure that the University College becomes a fully-fledged University under Section 24 of the Act and with the approval of the National Security Council.

29. Transitional

(1) All students pursuing degree, diploma and certificate programmes under a Memorandum of Understanding or any other arrangement with any university or institution, shall, at the commencement of this Order, be allowed to complete their courses and be awarded degrees, diplomas and certificates of the university or institution to which they are admitted.

(2) On the award of this Order and within twelve months thereafter the University College shall commence the admission of students.

30. Variation and Revocation of Order

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

THE LAIKIPIA UNIVERSITY STATUTES

[Legal Notice 116 of 2021]

Statute I: Citation

1. These Statutes shall be cited as the Laikipia University Statutes.

Statute II: Interpretation

1. In these Statutes, unless the context otherwise requires-

"Academic Dean" means a person who, upon a competitive electoral process in accordance with the Senate prescribed criteria, is appointed by the Vice-Chancellor to head a School or an Institute in the University;

"Academic staff" means any person appointed to teach, train or undertake research at the University and any other employee designated as such by the Council;

"Academic year" means a period of study consisting of two consecutive semesters and any other additional period of study or research as may be prescribed in the regulations for a particular programme of study;

"Accreditation" means the procedure by which the Commission for University Education recognises an institution as a University and as having fulfilled the prescribed criteria for mounting its academic programmes;

"Act" means the Universities Act (Cap. 210);

"Administrative staff" means the employees of the University who are appointed on administrative terms of service;

"Alumni" means members of the convocation of the University;

"Alumni Association" means the Association as established under the Charter;

"Board" means a body of appointed members who jointly oversee the activities of the University organs and its activities are determined by the powers, duties, and responsibilities delegated to it or conferred on it by these Statutes;

"Cabinet Secretary" means a person appointed as a Cabinet Secretary for the time being responsible for matters related to university education;

"Campus" means the smallest unit of the University having adequate resources to support its students' population which shall mirror those of the main University;

"Chairperson of the Council" means the Chairperson of the Council of the University as defined by the Charter and the Act;

"Chairperson of Department" means a person heading a teaching department in a School or Institute in the University;

"Chancellor" means the person appointed as the Chancellor of the University as prescribed by the Act;

"Charter" means the Laikipia University Charter granted in accordance with the Act;

"College" means a College established within the University pursuant to the Charter, but does not include a Constituent College;

"Commission" means the Commission for University Education established in the Act;

"Constituent College" means a Constituent College of the University established in accordance with the Act;

"Convocation" means an assembly of the University for the purpose of conferment of Degrees, award of Diplomas, grant of Certificates and other awards of the University;

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"Co-ordinator" means a person appointed to head a section within a department, School or directorate of the University;

"Council" means the governing body of Laikipia University established in the Charter and the Act;

"Credit factor" corresponds to instructional hours as per the respective curricula and as provided for in the Commission's Universities Standards and Guidelines;

"Dean of Students" means a person appointed to head the office of the Dean of Students in the University;

"Department" means an academic or administrative unit in the University;

"Deputy Vice-Chancellor" means a person appointed as a Deputy Vice-Chancellor by the Council under the provisions of the Charter and the Act;

"Director" means a person appointed to head a Campus or a Directorate of the University;

"Directorate" means an academic, research or administrative unit of the University, which for administrative purposes, has been designated so by the Council;

"Financial year" means the financial year of the University as provided for in the 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;

"Head of Department" means a person appointed to head a non-teaching department in the University;

"Institute" means an academic unit whose main function is to provide specialized education and training or to do research, and whose status is similar to that of a School of the University established under these Statutes;

"Lecturer" means a member of staff in the University who, in terms of appointment, holds a teaching or a research position as recognised by the Council;

"Professor" means a lecturer at the rank of a professor of the University;

"School" means an academic unit of the University constituted by departments, whose fundamental function is to teach and do research;

"semester" means a period of study consisting of fifteen teaching and examination weeks or its equivalent in credit factors as may be determined by the Senate;

"Senate" means the Senate of the University as established in the Charter and the Act;

"Staff union" means a Union of the staff recognized by the Council as being representative of the staff of the University as per these Statutes;

"Stakeholders" means a person or group of persons or institutions with a vested interest in the University's education, training and research or other interests of benefit to the University;

"Statutes" means the Laikipia University Statutes made by the Council pursuant to the Charter and the Act;

"Student" means a person registered by the University for the purposes of obtaining a qualification of the University;

"Students' Association" means an association comprised of all students of the University;

"Student Council" means the governing body of the students' association according to the Act;

"Support staff" means a member of staff of the University who is appointed for purposes of providing support services for the general management and administration of the University in accordance with the contract of employment;

"University" means Laikipia University as established by the Charter;

"University Management Board" means the Management Board of the University as established by the Charter and the Act;

"Vice-Chancellor" means the person appointed as the Vice-Chancellor of the University in the Charter and the Act; and

"Visitation" means an official visit of inspection or survey or review of the University.

Statute III: Governance

1. The University shall be governed in accordance with the provisions of the Constitution, the Act, the Charter, the Statutes and any other relevant law.
2. Under section 35 of the Act, the governance, control and administration of the University shall be vested in-
 - (a) the University Council;
 - (b) the University Senate; and
 - (c) the University Management Board.

Statute IV: The University Council

1. There shall be established a University Council, in accordance with sections 35 of the Act and section 19 of the Charter, which shall be the governing body of the University.
2. The Chairperson and members of the University Council shall be appointed by the Cabinet Secretary in accordance with the provisions of section 36 of the Act.
3. The membership of the University Council shall be as prescribed by sections 36(1) of the Act and section 19(2) of the Charter.
4. The Vice-Chancellor shall be an *ex officio* member and Secretary to the Council.
5. The University Council shall have the overall responsibility over governance and operations of the University and shall, subject to section 35 (1)(a) of the Act and section 20 of the Charter, perform the following functions—
 - (a) making and approving the Statutes of the University;
 - (b) approving the policies of the University;
 - (c) establishing and discontinuing campuses, schools, departments, curricula and degrees or diplomas in harmony with the Act, the Charter and these Statutes;
 - (d) employing staff;
 - (e) approving the budget;
 - (f) appointing the Vice-Chancellor, Deputy Vice-Chancellors, Principals and Deputy Principals of Constituent Colleges in accordance with the Act; and
 - (g) undertaking any other functions as set out in the Act, the Charter and these Statutes.
6. Unless the Council otherwise determines, meetings of the Council shall be held at least four times in a calendar year.
7. At any regular meeting of the Council, a quorum shall be fifty percent plus one of the membership.
8. Decisions of the Council shall be by a simple majority vote of those present and voting, provided that the Chairperson or the person presiding shall, where there is an equality of votes, have a casting vote.
9. Meetings of the Council shall be presided over by the Chairperson. In the absence of the Chairperson, the members present and constituting a quorum shall elect one from amongst themselves to preside at the meeting of the Council.

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10. The Council may, subject to such limitation as provided under section 37 of the Act, delegate any of its powers or duties to the Committees consisting of such members of the Council and other persons as it may deem fit.
11. The Secretary to the Council shall cause the minutes to be circulated within seven working days after the date of the meeting.
12. The Council shall cause minutes of its proceedings to be kept by the Secretary and such minutes shall be confirmed subject to any necessary amendment at a subsequent meeting.
13. Subject to the provisions of the Act, the Charter and the Statutes, the Council shall have power to regulate by such means as it may deem fit its own procedures or that of any of its Committees.
14. Subject to section 37 of the Act, the Council may set up such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine from time to time, provided that the Council shall not delegate its principal mandate to the committees.
15. The Council shall establish a committee responsible for audit and any other related functions and any other committees, to discharge the functions of the Council.
16. The Council may constitute any other *ad hoc* committee as and when the need arises.
17. The membership and terms of reference of the Council Committees shall be as prescribed by the Council.
18. Each Committee shall have at least three members of the Council.
19. Each Committee shall elect a Chairperson from its membership, who shall be a Council member.
20. In the absence of the Chairperson of any such Committee, the members present and constituting a quorum may elect an acting Chairperson from among themselves to preside at the meeting of the Committee.
21. The Chairperson of Council shall be an *ex officio* member of every Committee of the Council but shall not be the Chairperson of any such Committee except for an *ad hoc* committee.
22. A quorum of any Committee of the Council shall be fifty percent plus one of the membership of the Committee.
23. The Vice-Chancellor shall be the secretary to all Council Committees except the Audit, and Appeals and Grievances Handling Committees.
24. The secretary of the Council shall cause minutes to be circulated to all members within seven working days from the date of the meeting.
25. Where a vacancy arises in the office of the Chairperson or member of the Council, the provisions of section 36(4) of the Act shall apply.

Statute V: The University Senate

1. Subject to section 35 (1)(b) of the Act and paragraph 21 of the Charter, there is established a Senate which shall be in charge of all academic matters of the University.
2. The Senate shall consist of the following—
 - (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Constituent Colleges;
 - (d) the Principals of Colleges within the University;
 - (e) the Registrars;
 - (f) the Finance Officer;

- (g) the Registrar Academic Affairs, who shall be the Secretary;
- (h) the Deans of Schools or Institutes of the University;
- (i) the Directors of Campuses and other academic units;
- (j) the Heads of Directorates;
- (k) the Chairpersons of Academic Departments of the University;
- (l) the Professors of the University;
- (m) the University Librarian;
- (n) the Dean of Students;
- (o) one representative from each of the School and Institute appointed by the respective Boards from amongst its members;
- (p) the Legal Officer;
- (q) two members of the Student Council in accordance with its Constitution; and
- (r) such other member as the Senate may deem fit to invite.

3. The Senate shall exercise full responsibility over the academic matters of the University and shall, subject to the Charter and these Statutes, take appropriate measures to promote the academic matters in teaching, examinations, research, extension, innovation, and the enforcement of students' discipline.

4. Pursuant to Article 21(4) of the Charter and these Statutes, the Senate shall have the following functions—

- (a) identifying and proposing, in consultation with key stakeholders, suitable persons for appointment as Chancellor in accordance with the Act;
- (b) recommending to the Council for the establishment, or abolition or harmonization of Colleges, Campuses, Schools, Directorates, Institutes, Units and Departments as the Senate may, from time to time, deem necessary;
- (c) proposing to the Council policies governing all academic matters of the University;
- (d) approving academic programmes of the University;
- (e) regulating content, standards and quality of academic programmes;
- (f) approving and monitoring implementation of rules and regulations governing all academic matters of the University;
- (g) recommending to the Council for approval the conferment of degrees including the award of honorary degrees, award of diplomas, certificate or any other academic distinctions of the University;
- (h) determining which qualifications or credits from other universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (i) promoting research, innovation, extension, outreach and consultancy work in the University;
- (j) promoting the welfare of students and staff in the University;
- (k) receiving and discussing reports on all academic matters of the University and making appropriate decisions;
- (l) proposing amendments to the Statutes to the Council;
- (m) recommending to the Council for revocation for good cause, from any persons any degrees or other distinctions or titles conferred on them and terminating any diplomas or certificates granted to them by the University and withdrawing all privileges connected therewith;
- (n) approving the appointment of external examiners and set the terms and conditions for their appointment; and

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- (o) performing any other duties assigned or delegated by the Council, the Charter and these statutes.

5. Meetings of the Senate shall be held at least once a month when the University is in full session.
6. The Chairperson may at any time call for a special meeting when need arises.
7. At any meeting of the Senate, a quorum shall be at least fifty percent plus one of its membership.
8. The quorum for a special Senate meeting shall be at least one-third of the membership of the Senate.
9. In the absence of the Chairperson of the Senate, the Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall preside at the meetings of the Senate.
10. In the absence of both the Chairperson of the Senate and the Deputy Vice-Chancellor (Academics, Research and Student Affairs), any other Deputy Vice-Chancellor shall chair the meeting.
11. In the absence of the Vice-Chancellor and the Deputy Vice-Chancellors, the members present and constituting a quorum shall elect one from among their number to preside at the meeting.
12. Decisions of the Senate shall be by a simple majority vote of those present and voting, provided that the Chairperson shall, in the event of an equality of votes, have a casting vote.
13. Subject to such limitation as it may deem fit, the Senate may delegate any of its powers or functions to its Chairperson or its Committees consisting of such members of the Senate and other persons as it may deem fit, and the Senate may empower any such Committee to act jointly with any Committee appointed by the Council.
14. The Student representatives shall sit in all Senate meetings except meetings to discuss examinations, grades or such other matters as may be determined by the Senate to pose a conflict of interest.
15. The Registrar (Academic Affairs) shall cause minutes to be circulated to all members within seven working days from the date of the meeting.
16. The Senate may, pursuant to section 37 of the Act and these Statutes, establish such committees to assist in its functions. Such committees shall have their functions and responsibilities prescribed by the Senate.
17. The Senate shall, subject to the provisions of the Charter and these Statutes, have power to regulate its own procedure and that of its Committees.
18. The Vice-Chancellor shall be an *ex officio* member of every Committee of the Senate but shall not be the Chairperson of any such Committee unless expressly so provided.

Statute VI: The University Management Board

1. There shall be established a University Management Board in accordance with the provisions of section 35(1)(c) of the Act and Article 24 of the Charter.
2. The membership of the Board shall comprise of—
 - (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University;
 - (d) the Registrars;
 - (e) the Finance Officer;
 - (f) the Registrar (Administration and Human Capital), who shall be the Secretary; and

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

3. The University Management Board shall—

- (a) be responsible for implementation of the policies of the University;
- (b) assist the Vice-Chancellor in the day-to-day management of the University; and
- (c) perform any other duties as may be prescribed in the Charter or assigned by the Council and the Senate.

4. The Board shall hold meetings at least once every month, at such a time and place within Kenya as the Chairperson may determine, provided that the Chairperson of the Board may at any time call a special meeting as and when need arises.

5. The quorum of a meeting of the University Management Board shall be fifty percent plus one of the membership.

6. The quorum of a special meeting shall be at least a third of the membership of the Board.

7. Decisions of the University Management Board shall be by consensus or a simple majority vote of those present and voting, provided that the Chairperson shall, in the event of an equality of votes, have a casting vote.

8. In the absence of the Vice Chancellor, the Deputy Vice-Chancellor (Administration, Finance and Planning) shall preside at meetings of the University Management Board, and in the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor (Administration, Finance and Planning), any of the Deputy Vice-Chancellors may chair that meeting.

9. In the absence of the Vice-Chancellor and Deputy Vice-Chancellors, the members present and constituting a quorum shall elect one from among their number to preside over the meeting.

10. The Secretary to the Board shall cause the minutes to be circulated to all members within seven working days from the date of the meeting.

11. Subject to the provisions of the Charter and these Statutes, the University Management Board shall regulate its own procedure and that of its Committees.

12. The University Management Board may assign or delegate any of its duties to a staff member or to Committees consisting of such members of the University Management Board and other persons as it may deem fit. The University Management Board may empower any such Committee to act jointly with any Committees appointed by either the Senate or the Council,

13. The Vice-Chancellor shall be an *ex officio* member of every Committee of the University Management Board but shall not be the Chairperson of any such Committee unless expressly so provided.

Statute VII: The Chancellor

1. The Chancellor shall be the titular head of the University and, in the name of the University, shall confer degrees and diplomas and other awards of the University.

2. The Chancellor shall be appointed by the President in accordance with the Act and the Laikipia University Charter.

3. The Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term in accordance with section 38(2) of the Act.

4. A person qualifies to be appointed as Chancellor if the person is of high moral character and integrity in accordance with Chapter Six of the Constitution.

5. The Chancellor may from time to time, recommend to the Cabinet Secretary a visitation of the University;

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6. The Chancellor may from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University;
7. The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided in the Charter.
8. In the absence or incapacity of the Chancellor, the functions herein above may be performed by the Chairperson of the Council for a period not exceeding three months but may be extended subject to approval by the Cabinet Secretary.

Statute VIII: The Vice-Chancellor

1. There shall be a Vice-Chancellor who shall be appointed competitively in accordance with the provisions of the Act.
2. The Vice-Chancellor shall be the chief executive and accounting officer of the University vested with the day to day management of the University pursuant to section 43 of the Act.
3. The Vice-Chancellor shall be responsible to the Council.
4. A person appointed under this Statute shall hold office for a term of five years and shall be eligible for re-appointment for one further term.
5. A person shall qualify for appointment as a Vice-Chancellor if the person—
 - (a) has an earned Doctor of Philosophy degree and is a Professor of a University recognized in Kenya;
 - (b) has served successfully as a Principal of a Constituent College or as a Deputy Vice-Chancellor of a University recognized in Kenya for at least three years;
 - (c) has at least ten years academic, research and administrative experience at senior management level; and
 - (d) is a person of integrity in accordance with Chapter Six of the Constitution.
6. The Vice-Chancellor shall—
 - (a) be the chief executive officer of the University;
 - (b) be the academic and administrative head of the University;
 - (c) have the responsibility of managing, directing, organizing, and administering programmes of the University;
 - (d) provide leadership to senior management and staff;
 - (e) prepare the annual budgets for approval by the Council and establish proper internal control systems;
 - (f) be responsible for the communication, implementation and execution of the Council's strategies, decisions and policies;
 - (g) develop and recommend to the Council, strategic and business plans for the University;
 - (h) ensure that the University has an effective management structure including succession plans and implementation of all the University policies;
 - (i) serve as liaison between the Council and the University Management Board;
 - (j) put in place effective administrative structures, processes and systems;
 - (k) ensure compliance with relevant statutory requirements and prepare reports to the Council and respective government agencies; and
 - (l) perform such other duties as may be assigned by the Council or provided for in the Charter and contract of appointment.
7. The Vice-Chancellor shall, by virtue of his office, be a member of every committee appointed by the Council or the Senate, unless otherwise expressly provided.
8. The Vice-Chancellor may assign or delegate any duties of office to a Committee or to a member of the University staff and may withdraw any such assignment or delegation at

any time. Provided that the Vice-Chancellor shall not delegate his principal responsibilities to any committee or a member of the University.

9. In the absence of the Vice-Chancellor—

- (a) for a period not exceeding one calendar month, the Vice-Chancellor shall appoint any of the Deputy Vice-Chancellors to be in charge of the Office of the Vice-Chancellor;
- (b) for a period exceeding a month but less than three months, the Vice-Chancellor may propose to the Council to nominate any of the Deputy Vice-Chancellors to be in charge of the Office of the Vice-Chancellor; and
- (c) for a period exceeding three months, the Council shall, in consultation with the Cabinet Secretary, appoint a person to act as Vice-Chancellor.

10. The office of the Vice-Chancellor shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council; or
- (c) is removed from office by the Cabinet Secretary, on the recommendation of the Council, in which case he shall be entitled to six months' notice or six months' pay in lieu of notice.

Statute IX: The Deputy Vice-Chancellors

1. There shall be such Deputy Vice-Chancellors as the Council shall determine, responsible for the following—

- (a) administration;
- (b) finance;
- (c) planning;
- (d) development;
- (e) academics;
- (f) students' affairs;
- (g) research;
- (h) extension;
- (i) innovation;
- (j) resource mobilisation; and
- (k) quality assurance;

2. The Deputy Vice-Chancellors shall be appointed in accordance provision of the Act and Article 16 of the Charter.

3. A Deputy Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

4. A person shall qualify for appointment as a Deputy Vice-Chancellor if the person—

- (a) has an earned Doctor of Philosophy Degree and is at least an Associate Professor of a University recognized in Kenya;
- (b) has served successfully for a period of at least three years as a Principal of a Constituent College, University Campus, Dean, or a Director of an academic unit or Directorate of a University recognized in Kenya;
- (c) has at least eight years' academic, research and administrative experience as a senior lecturer; and
- (d) is of integrity in accordance with Chapter Six of the Constitution.

5. There shall be a Deputy Vice-Chancellor (Academic, Research and Student Affairs) who shall be responsible to the Vice-Chancellor and who shall have the following functions—

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- (a) ensuring that the Senate is properly and promptly advised on the development of academic, research, innovations and student matters in conformity with set standards, guidelines and requirements of statutory and professional bodies;
- (b) being responsible for promoting and coordinating research and research outputs, scientific publications, innovation, extension and technology transfer to industry and the community;
- (c) mobilizing funds for the furtherance of the academic mission of the University;
- (d) coordinating academic linkages and collaborations;
- (e) implementing and monitoring academic research, innovation and student affairs policies, rules and regulations;
- (f) overseeing development and reviewing of academic programmes;
- (g) developing and monitoring implementation of divisional plans, performance targets, and budgets;
- (h) monitoring, assuring and enhancing quality and standards of academic matters in the University;
- (i) being in charge of students' welfare, discipline, counselling, chaplaincy, work study placement, bursary allocation and management, as provided by the University policies;
- (j) overseeing the Student Council matters;
- (k) overseeing the co-ordination of student entertainment, sports, cultural, recreation and co-curricular activities;
- (l) preparing and submitting periodic reports on the overall status of the division to the Vice-Chancellor; and
- (m) undertaking such other responsibilities as shall be assigned or delegated by the Vice-Chancellor.

6. There shall be a Deputy Vice-Chancellor (Administration, Finance and Planning) who shall be responsible to the Vice-Chancellor and who shall have the following functions—

- (a) ensuring that the University Management Board is properly and promptly advised on administration, finance and planning matters in conformity with set standards, guidelines and requirements of statutory and professional bodies;
- (b) being responsible for administration, finance, resource mobilization, human capital, performance contracting, planning and infrastructure development matters in the University;
- (c) ensuring timely preparation and implementation of the University's budget estimates;
- (d) establishing, implementing and monitoring administrative and financial control systems and procedures;
- (e) implementing and monitoring administration, finance, human capital, and planning policies, procedures, rules and regulations;
- (f) developing and monitoring implementation of divisional plans, performance targets, and budgets;
- (g) being in charge of staff discipline and welfare as per approved policies;
- (h) overseeing staff unions;
- (i) monitoring, assuring and enhancing quality and standards in administration matters in the University;
- (j) having responsibility on the implementation and monitoring of Information Communication and Technology and Records management systems;
- (k) coordinating the preparation of statutory reports for presentation to the University Management Board for necessary action;

- (l) preparing and submitting periodic reports on the overall status of the division to the Vice-Chancellor; and
- (m) undertaking such other responsibilities as shall be assigned by the Vice-Chancellor.

7. In the absence of any Deputy Vice-Chancellor—

- (a) for a period not exceeding one calendar month, the Deputy Vice-Chancellor shall consult the Vice-Chancellor who shall then appoint an acting Deputy Vice-Chancellor from any of the Deans or a Director who is an academic member of the University;
- (b) for a period exceeding one month but less than three months, the Vice-Chancellor shall nominate to the Council for appointment any of the Deans or a Director who is an academic member to be in charge of the Office of the Deputy Vice-Chancellor; and
- (c) for a period exceeding three months, the Vice-Chancellor shall nominate to the Council for appointment any Dean or a Director who is an academic member to act as the Deputy Vice-Chancellor.

8. The office of a Deputy Vice-Chancellor shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Cabinet Secretary and copied to the Chairperson of the Council; or
- (c) is removed from office by the Cabinet Secretary, on the recommendation of the Council, in which case the Deputy Vice-Chancellor shall be entitled to or payment in lieu of notice as stipulated in the terms and conditions of service.

9. In the event of a vacancy in the office of the Deputy Vice-Chancellor, the provisions of the Act shall apply.

Statute X: The Principal of a College Within the University

1. Each College within the University shall have a Principal who shall be competitively recruited by the Council in accordance with article 17 of the Charter and who shall have the overall responsibility for the academic and administrative direction, organization and administration of the College.

2. The Principal shall be responsible to the Vice-Chancellor.

3. A person appointed under this Statute shall hold office for a term of five years and shall be eligible for re-appointment for one further term upon satisfactory performance.

4. A person shall qualify for appointment as a Principal of a College within the University if the person—

- (a) is of the rank of an Associate Professor;
- (b) has served as a Dean or a Director for a period of not less than three years; and
- (c) is a person of integrity in accordance with Chapter Six of the Constitution.

5. A Principal of a College within the University shall—

- (a) be the academic and administrative head of the College;
- (b) have overall responsibility for the direction, organization, administration and programmes of the College;
- (c) be responsible for the general conduct and discipline of staff and students;
- (d) develop and co-ordinate the College corporate strategies;
- (e) provide leadership for the strategic growth of the College;
- (f) maintain efficiency and good order for the proper management of the College;
- (g) efficiently manage College resources;

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- (h) make proposals on College policies to the University Management for approval;
- (i) receive, consider and recommend to the University Management annual estimates and performance reports;
- (j) prepare and submit reports on student admissions, recommended academic programmes, examiners, supervisors and list of graduates to the Senate;
- (k) be an *ex officio* member of respective School, Institute or Centre Boards of the College;
- (l) be the Chair of the College Academic and Management Boards;
- (m) prepare and submit periodic reports on academic, financial, strategic direction, development and overall status of the College to the Vice-Chancellor; and
- (n) undertake such other responsibilities as may be assigned or delegated by the Vice-Chancellor.

6. A Principal of a College within the University may assign or delegate any duties to a committee or to a member of staff of the College.

7. In the absence of a Principal of a College within the University—

- (a) for a period not exceeding one calendar month, a Principal of a College shall consult the Vice-Chancellor who shall then appoint an acting Principal of a College within the University from any of the Deans or a Director of an academic Unit of the University;
- (b) for a period exceeding a month but less than three months, the Vice-Chancellor shall nominate to the Council for appointment of an acting Principal of a College within the University from any of the Deans or a Director of an academic Unit; and
- (c) for a period exceeding three months, the Vice-Chancellor shall nominate to the Council for appointment of an acting Principal of a College within the University from any Dean.

8. The office of a Principal of a College within the University shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council, on the recommendation of the Vice-Chancellor, in which case the Principal of a College within the University shall be entitled notice or payment in lieu of notice as stipulated in the University terms and conditions of service.

9. In the event of a vacancy in the office of a Principal of a College, the provisions of these Statutes shall apply.

Statute XI: Registrars

1. There shall be such number of Registrars as may be determined by the Council, from time to time.

2. The Council shall competitively appoint Registrars in charge of—

- (a) administration;
- (b) human capital;
- (c) development;
- (d) planning;
- (e) academics;
- (f) students' affairs;

- (g) research;
- (h) extension;
- (i) innovation;
- (j) resource mobilisation;
- (k) quality assurance; and
- (l) any other duty as may be assigned or delegated by the Council.

3. The Registrars shall be responsible to their respective Deputy Vice-Chancellors.

4. A Registrar shall hold office for a term of five years and shall be eligible for re-appointment upon satisfactory performance.

5. A person shall qualify for appointment as a Registrar if the person—

- (a) has a Doctor of Philosophy degree from a University recognised in Kenya;
- (b) is an active member of at least one recognized professional body;
- (c) has at least six years' experience in the administration of a University or in the public sector, three of which should be as a Deputy Registrar or an equivalent position;
- (d) is computer literate with demonstrable practical experience;
- (e) has proven qualities of leadership, coordination and organization at senior management level; and
- (f) has knowledge and experience in the formulation and provision of guidelines on administration, planning, management of University services and academic matters.

6. There shall be a Registrar (Academic Affairs) who shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) and who shall have the following functions—

- (a) co-ordinating, enrolling and registering of students;
- (b) developing, maintaining and securing student records;
- (c) supervising the process of issuance of certificates and final transcripts;
- (d) co-ordinating academic planning including use of classrooms and other academic facilities;
- (e) co-ordinating administration of student academic affairs;
- (f) being in charge of interpretation and enforcement of academic policies and regulations;
- (g) advising the Deputy Vice-Chancellor (Academic, Research and Student Affairs) on formulation and evaluation of academic programmes, policies and procedures;
- (h) being the Secretary to the Senate, the Deans' Committee and the Deputy Vice-Chancellor, Academic, Research and Student Affairs' Student Disciplinary Committee;
- (i) preparing and submitting periodic reports on academic affairs, relevant statutory requirements and overall status of the Department to the Deputy Vice-Chancellor (Academic, Research and Student Affairs); and
- (j) undertaking such other responsibilities as shall be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

7. There shall be a Registrar (Administration and Human Capital) who shall be responsible to the Deputy Vice-Chancellor (Administration, Finance and Planning) and who shall have the following functions—

- (a) co-ordinating the management of human capital;
- (b) co-ordinating staff training and development programmes;

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- (c) ensuring proper working conditions and employee welfare which includes health, safety and welfare services that relate to the physical and social wellbeing of the employees;
- (d) ensuring that employee records are developed, maintained and secured;
- (e) being in charge of transport services;
- (f) being in charge of catering services;
- (g) being in charge of estates and maintenance services;
- (h) being in charge of the central registry;
- (i) ensuring good industrial relations by assisting in collective bargaining, joint consultation and amicable settlement of employment disputes;
- (j) ensuring that the University complies with legal requirements in the process of employee separation or termination and release of terminal benefits and pension;
- (k) advising the Deputy Vice-Chancellor (Administration, Finance and Planning) in formulation and evaluation of human resource policies and procedures;
- (l) preparing and submitting periodic reports on administration and human capital, relevant statutory requirements and overall status of the department to the Deputy Vice-Chancellor (Administration, Finance and Planning);
- (m) being the Secretary to the University Management Board; and
- (n) performing such other duties as may be assigned or delegated by the Deputy Vice-Chancellor in charge of Administration, Finance and Planning.

8. The office of a Registrar shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council, on the recommendation of the Vice-Chancellor, in which case the Registrar shall be entitled to notice or payment in lieu of notice as stipulated in the University terms and conditions of service.

Statute XII: The Chief Finance Officer

1. There shall be a Chief Finance Officer who shall be appointed by the Council through a competitive recruitment process.

2. A person appointed as the Chief Finance Officer shall hold office for a term of five years and shall be eligible for re-appointment upon satisfactory performance.

3. The Chief Finance Officer shall be in charge of the financial matters of the University.

4. The Chief Finance Officer shall be responsible to the Deputy Vice-Chancellor (Administration, Finance and Planning).

5. A person shall qualify for appointment as a Chief Finance Officer if the person—

- (a) has a degree in Finance or Accounting or their equivalent from a University recognized in Kenya;
- (b) is qualified either as a Certified Public Accountant (K) or Association of Chartered Certified Accountants or Chartered Accountant or their equivalent;
- (c) is an active member of the Institute of Certified Public Accountants of Kenya;
- (d) has at least six years' experience in finance, three of which should be as a Deputy Finance Officer in a University or equivalent institution;
- (e) is computer literate with demonstrable practical experience; and
- (f) has proven qualities of leadership, coordination and organization at senior management level.

6. The Chief Finance Officer shall have the following functions—

- (a) managing and overseeing prudent utilization of all financial resources of the University;
- (b) managing insurance and non-current assets;
- (c) preparing and submitting annual estimates of revenue and expenditure to the University Management Board;
- (d) supervising compliance to budgetary allocation in accordance with the approved annual budgets;
- (e) receiving and processing proposals for subscription, donations and requests for necessary approvals;
- (f) preparing and submitting financial reports on income, expenditure and assets of the University;
- (g) submitting all necessary reports including all statutory reports relating to finances of the University;
- (h) advising the Vice-Chancellor on all public sector accounting matters;
- (i) implementing public sector accounting standards including accounting policies, bases and concepts of government accounting systems, both manual and computerized;
- (j) advising the University on the best and appropriate financial reporting formats;
- (k) overseeing the implementation of approved University financial and accounting policies and regulations;
- (l) overseeing the development, review and implementation of the University financial management framework and policy;
- (m) preparing proposals and submitting reports on borrowing, mortgaging or charging all or any part of movable and immovable property by the University;
- (n) preparing and submitting periodic reports on administration, relevant statutory requirements and overall status of the department to the Deputy Vice-Chancellor (Administration, Finance and Planning); and
- (o) performing any such other duties as shall be assigned or delegated by the Deputy Vice-Chancellor (Administration, Finance and Planning).

7. The office of the Chief Finance officer shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Chief Finance officer shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XIII: The University Librarian

1. There shall be a University Librarian who shall be appointed by the Council through a competitive recruitment process.

2. The University Librarian shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

3. A person appointed as the University Librarian shall hold office for a term of five years and shall be eligible for re-appointment upon satisfactory performance.

4. A person shall qualify for appointment as the University Librarian if the person—

- (a) has a degree in Library and Information Sciences or its equivalent from a University recognized in Kenya;

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- (b) has at least six years' experience as a Librarian, three of which should be as a Deputy Librarian in a University or equivalent institution;
- (c) is a member of at least one recognized professional body;
- (d) is computer literate with demonstrable practical experience; and
- (e) has proven qualities of leadership, coordination and organization at top management level.

5. The University Librarian shall have the following functions—

- (a) being responsible for library planning, budgeting, and staffing in consultation with the human capital office as well as the office responsible for infrastructural development;
- (b) being responsible for development and implementation of library policies;
- (c) co-ordinating all the library services in the University;
- (d) acquiring and conserving library research materials by ensuring that the library is a viable repository of current academic materials and other reading materials of scholarly value;
- (e) being responsible for the organization and operation of library services;
- (f) adopting, maintainm, and ensuring compliance with library standards;
- (g) managing the provision of conducive reading space for library users;
- (h) establishing and facilitating the use of e-Library;
- (i) facilitating the networking and exchange of materials with other libraries locally and internationally;
- (j) making proposals for acquisition and conservation of library research materials;
- (k) promoting provision of library support services;
- (l) being responsible for setting technical standards for all branches of the University's library, providing the necessary centralized services and their coordination; and
- (m) performing such other duties as may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

6. The office of the University Librarian shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council, on the recommendation of the Vice-Chancellor, in which case the University Librarian shall be entitled to notice or pay in lieu of notice as stipulated in the University tenns and conditions of service.

Statute XIV: The Dean of Students

1. There shall be a Dean of Students who shall be appointed by the Council through a competitive recruitment process.
2. The Dean of Students shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
3. The Dean of Students shall hold office for a period of five years and shall be eligible for re-appointment upon satisfactory performance.
4. A person shall qualify for appointment as a Dean of students if the person—
 - (a) has a degree in social sciences, education from a University recognized in Kenya or their equivalent;

- (b) has a Master's degree in Psychology, Guidance and Counselling, Education from a University recognised in Kenya or their equivalent;
- (c) has a Doctorate Degree in Psychology, Guidance and Counselling, Education from a University recognised in Kenya or their equivalent;
- (d) is a member of a recognized professional body;
- (e) is computer literate with demonstrable practical experience;
- (f) has proven qualities of leadership, coordination and organization at top management level; and
- (g) has at least six years' experience in management of students' affairs, three of which should be as a deputy dean of students.

5. The Dean of Students shall be responsible for—

- (a) students' affairs, which shall include social welfare, organization, discipline, counselling, chaplaincy, accommodation, recreation, sports, work study placement, bursary allocation and management, in accordance with the University policies;
- (b) coordinating the Student Council matters;
- (c) organizing and coordinating students' entertainment and all other cultural and co-curricular activities;
- (d) overseeing student accommodation services;
- (e) supervising and coordinating all students' publications;
- (f) maintaining a communication link between the University administration and the students through their association;
- (g) planning, preparing and directing students' welfare activities;
- (h) the custody of the constitution of the Students Association;
- (i) handling students' minor conflicts and preparing periodic reports on the same to the Registrar (Academic Affairs);
- (j) the conduct, as secretariat during students' elections, of office-bearers of the Student Council;
- (k) coordinating students' financial support programmes; including, bursary, work-study and Higher Education Loans Board matters;
- (l) preparing and submitting periodic reports on the overall status of the Department to the Deputy Vice-Chancellor (Academic, Research and Student Affairs); and
- (m) any other duties as may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

6. The office of the Dean of Students shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Dean of Students shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XV: The Corporation Secretary

1. There shall be a Corporation Secretary appointed by the Council through a competitive recruitment process, who shall be the legal advisor to the University Council.

2. The Corporation Secretary shall be responsible to and report operationally to the Council, whilst administratively to the Vice-Chancellor.

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3. The Corporation Secretary shall hold office for a term of five years and shall be eligible for re-appointment upon satisfactory performance.
4. A person qualifies to be appointed as a Corporation Secretary if the person—
- (a) has a Bachelor of Laws Degree or their equivalent from a recognized University;
 - (b) has a Master's degree in law from a university recognised in Kenya;
 - (c) is an advocate of the High Court of Kenya with a current practising certificate;
 - (d) is a member of the Law Society of Kenya and is a registered Certified Secretary with the Institute of Certified Secretaries Kenya or equivalent;
 - (e) is computer literate with demonstrable practical experience;
 - (f) demonstrates outstanding qualities of leadership, coordination and organization at top management level; and
 - (g) has six years' experience in the legal field environment.
5. The Corporation Secretary shall have the following duties and responsibilities—
- (a) ensuring compliance with statutory and regulatory requirements especially on decisions made by the Council;
 - (b) providing guidance and advising the Council and Council members individually on their duties, responsibilities and powers and how these should be exercised in the best interests of the University;
 - (c) ensuring that the Council procedures are followed and reviewed regularly, and that the Council complies with the Laws, rules and regulations;
 - (d) assisting the Chairperson in organizing Council activities, including provision of information, preparation of agenda, issuance of notices and preparation for meetings, Council evaluations and development programs;
 - (e) providing secretarial services to the Council including ensuring that the Council work plan is prepared and adhered to, circulating Council documents in advance of the meeting, keeping records of attendance at meetings, keeping safe custody of the seal and a record of its usage, and preparing the Council for annual general meetings where applicable;
 - (f) ensuring that the minutes of the Council and Council committees are promptly prepared and circulated;
 - (g) ensuring implementation of the decisions of the Council;
 - (h) keeping the Council abreast of and informed on, current governance thinking and practice;
 - (i) coordinating the governance auditing process and other Council governance issues; and
 - (j) performing such duties as may be assigned by the Council or the Vice-Chancellor.
6. The office of the Corporation Secretary shall become vacant if the holder—
- (a) dies;
 - (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
 - (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Corporation Secretary shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XVI: The Chief Legal Officer

1. There shall be a Chief Legal Officer appointed by the Council through a competitive recruitment process.

2. The Chief Legal Officer shall be responsible to and report operationally to the Council, whilst administratively to the Vice-Chancellor.
3. The Chief Legal Officer shall hold office for a period of five years and shall be eligible for re-appointment upon satisfactory performance.
4. A person shall qualify for appointment as a Chief Legal Officer if the person—
 - (a) has a Bachelor of Laws Degree or their equivalent from a University recognized in Kenya;
 - (b) is an advocate of the High Court of Kenya;
 - (c) is a member of the Law Society of Kenya and is a registered Certified Secretary;
 - (d) is computer literate with demonstrable practical experience;
 - (e) has proven qualities of leadership, coordination and organization at top management level; and
 - (f) has six years' experience in the legal field environment.
5. The Chief Legal Officer shall have the following functions—
 - (a) being the legal advisor to the University;
 - (b) being the custodian of legal contracts and documents of the University;
 - (c) ensuring legal representation for the University when and where necessary;
 - (d) providing legal input in the development of university documents with legal implications;
 - (e) regularly reviewing the legal documents for compliance with respective legal provisions;
 - (f) preparing and witnessing the execution of the University's legal documents;
 - (g) enhancing legal awareness in the University;
 - (h) developing and implementing strategies to mainstreaming of ethical values in the University;
 - (i) developing and implementing strategies to mainstream integrity in the University;
 - (j) preparing and submitting periodic reports on administration and overall status of the Department to the Vice-Chancellor; and
 - (k) performing such duties as may be delegated or assigned by the Vice-Chancellor.
6. The office of the Chief Legal Officer shall become vacant if the holder—
 - (a) dies;
 - (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
 - (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Chief Legal Officer shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XVII: The Chief Procurement Officer

1. There shall be a Chief Procurement Officer who shall be appointed by the Council through a competitive process and who shall be in charge of procurement services in the University.
2. The Chief Procurement Officer shall be responsible to the Vice-Chancellor.
3. A person appointed as a Chief Procurement Officer shall hold office for a period of five years and shall be eligible for re-appointment upon satisfactory performance.
4. A person shall qualify for appointment as a Chief Procurement Officer if the person—

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- (a) has a Bachelor's Degree in Procurement or Supplies Chain Management or their equivalent from a University recognized in Kenya;
- (b) is computer literate with demonstrable practical experience;
- (c) is an active member of Kenya Institute of Supplies Management or Chartered Institute of Purchasing Management;
- (d) has three years' experience working as a Deputy Procurement Officer or six years' relevant work experience as Senior Procurement Officer; and
- (e) has proven qualities of leadership, coordination and organization at top management level.

5. The Chief Procurement Officer shall have the following functions—

- (a) advising the Vice-Chancellor on procurement and supplies matters;
- (b) preparing and overseeing the implementation of the University Procurement Plan;
- (c) planning and co-ordinating purchases and procurements;
- (d) co-ordinating and managing distribution of stores;
- (e) implementing and enforcing the Public Procurement and Asset Disposal Act;
- (f) verifying and disposing unserviceable stores;
- (g) preparing and implementing departmental budget;
- (h) being secretary to evaluation Committees;
- (i) preparing and submitting periodic reports on procurement, relevant statutory requirements and overall status of the Department to the Vice-Chancellor; and
- (j) performing such other duties as may be assigned or delegated by the Vice-Chancellor.

6. The office of the Chief Procurement Officer shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor, or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Chief Procurement Officer shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XVIII: The Chief Internal Auditor

1. The Council shall appoint a Chief Internal Auditor through a competitive recruitment process.

2. The Chief Internal Auditor shall be responsible operationally to the Council, whilst administratively to the Vice-Chancellor.

3. A person appointed as the Chief Internal Auditor shall hold office for a period of five years and shall be eligible for re-appointment upon satisfactory performance.

4. A person shall qualify for appointment as the Chief Internal Auditor if the person—

- (a) has a degree in finance or accounting or their equivalent from a University recognised in Kenya;
- (b) has Certified Internal Auditor (K) or Certified Public Accountants (K) or Certified Information Systems Auditor final or their equivalent;
- (c) is an active member of the Institute of Certified Public Accountants of Kenya;
- (d) has at least six years' experience in internal audit services, three of which should be as a deputy Internal Auditor in a University or equivalent institution;
- (e) is computer literate with demonstrable practical experience; and

- (f) has proven qualities of leadership, coordination and organization at top management level.

5. The Chief Internal Auditor shall have the following functions—

- (a) being in charge of the Internal Audit Department;
- (b) being responsible for formulation, coordination and implementation of all audit policies and work plans;
- (c) initiating and conducting *ad-hoc* investigations when need arises;
- (d) designing, reviewing, coordinating, implementing, and ensuring adherence with internal control systems;
- (e) developing and implementing audit work plans;
- (f) preparing and presenting audit reports to the Audit Committee of the Council;
- (g) serving as the Secretary to the Audit Committee of the Council;
- (h) being responsible for formulation and implementation of the departmental strategic plan;
- (i) being responsible for preparation and control of the departmental budget;
- (j) ensuring compliance with national and international audit and accounting standards;
- (k) preparing and submitting periodic reports on internal audit, relevant statutory requirements and overall status of the department to the Vice-Chancellor; and
- (l) performing such other duties as may be assigned or delegated by the Vice-Chancellor.

6. The office of the Internal Auditor shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Chief Internal Auditor shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XIX: The Chief Medical Officer

1. The Council shall appoint a Chief Medical Officer through a competitive process.

2. The Chief Medical Officer shall be responsible to the Deputy Vice-Chancellor (Administration, Finance and Planning).

3. The Chief Medical Officer shall hold office for a term of five years and shall be eligible for re-appointment upon satisfactory performance.

4. A person shall qualify for appointment as the Chief Medical Officer if the person-

- (a) has a Bachelor of Medicine, Bachelor of Surgery or their equivalent from a University recognised in Kenya;
- (b) is a member in good standing of the Kenya Medical Practitioners and Dentists Board;
- (c) has at least three years' experience as a Deputy Medical Officer in a University or equivalent Institution;
- (d) is computer literate with demonstrable practical experience; and
- (e) has proven qualities of leadership, coordination and organization at top management level.

5. The Chief Medical Officer shall have the following functions—

- (a) being in charge of the health services of the University;

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- (b) being responsible for formulation and implementation of health service policies of the University;
- (c) being responsible for management of patients;
- (d) being responsible for management of resources meant for the operations of medical services;
- (e) formulating, co-ordinating and implementing the departmental strategic plan;
- (f) being responsible for preparation and control of the departmental budget;
- (g) being responsible for the development and implementation of the departmental procurement plan;
- (h) preparing and submitting periodic reports on medical matters, relevant statutory requirements and overall status of the department to the Deputy Vice-Chancellor (Administration, Finance and Planning); and
- (i) performing such other duties as may be assigned or delegated by the Deputy Vice-Chancellor (Administration, Finance and Planning).

6. The office of the Chief Medical Officer shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Council on the recommendation of the Vice-Chancellor, in which case the Chief Medical Officer shall be entitled to notice or pay in lieu of notice as stipulated in the University terms and conditions of service.

Statute XX: Schools, Institutes and Campuses

1. There shall be such Schools, Institutes and Campuses within the University as the Council may, on the recommendation of the Senate, determine.

2. Each School, Institute or Campus shall consist of such bodies as the Council may, on the recommendation of the Senate, determine.

3. It shall be the role of the Management Board of the respective School or Institute to provide strategic guidance for the School or Institute and to effectively oversee and review the management of the School.

4. The membership of the management Board of a School or Institute shall comprise of—

- (a) the Dean of School or Institute, who shall be the Chairperson;
- (b) the Chairpersons of the Academic Departments; and
- (c) the Administrative officer of the School or the Institute, who shall be the Secretary.

5. A Management Board of a School or Institute shall be responsible for-

- (a) the efficient management of human, physical and financial resources of the School or Institute;
- (b) making proposals to the University Management Board and the Senate on policies that have application across the entire School or Institute;
- (c) co-ordinating the School or Institute strategic and development plans;
- (d) preparing annual estimates of funds required by the School or Institute and generating revenue;
- (e) providing for the welfare of staff and students of the School or Institute;
- (f) implementing the rules and regulations governing the association, conduct and discipline of students of the School or Institute in accordance with the Statutes;
- (g) co-ordinating quality assurance and standards matters;

- (h) co-ordinating development and monitoring implementation of the curriculum;
- (i) developing procurement plans and monitoring implementation;
- (j) developing, coordinating and monitoring performance contracts;
- (k) receiving and deliberating on external examiners' reports; and
- (l) any other matters related to the management of the School or Institute.

6. Unless the School or Institute Management Board otherwise determines, the meetings of the Board shall be held at least once every month.

7. At any regular or special meeting of the School or Institute Management Board, the quorum shall be fifty percent plus one of its membership.

8. The Chairperson may at any time call a meeting of the School or Institute Management Board, and shall call a meeting as and when need arises.

9. Subject to the provisions of these Statutes, the School or Institute Management Board shall have power to regulate by such means as it may deem fit its own procedure and that of its Committees.

10. There shall be School or Institute Academic Boards.

11. The membership of the School or Institute Academic Boards shall consist of—

- (a) the Dean or Director, who shall be the Chairperson;
- (b) the Chairpersons of Departments in the School or Institute;
- (c) the School or Institute Academic Staff;
- (d) one student representatives from the School or Institute; and
- (e) the School or Institute Administrator, who shall be the Secretary.

12. The School or Institute Academic Board shall have the following functions—

- (a) considering and making recommendations to the Senate regarding the academic progress of the students;
- (b) considering and making recommendations to the Senate concerning syllabi, teaching, research and regulations for the courses of study for degree, diploma and other awards;
- (c) regulating the conduct of examinations in the relevant disciplines and making recommendations thereon to the Senate;
- (d) recommending to the Senate the names of External Examiners for appointment, and considering and making any other recommendations to the Senate in respect thereof;
- (e) formulating development plans for the School or Institute;
- (f) acting as the Board of Examiners and shall in that respect, receive and deliberate on examination results and reporting to the Senate;
- (g) deliberating on recommendations from the External Examiners; and
- (h) dealing with any matters referred to it by the Senate.

13. The School or Institute Academic Board may establish such number of Committees as it deems necessary.

14. The decisions of the Committees shall be forwarded to the School or Institute Academic Board for noting, approval or ratification.

15. The School or Institute Academic Board shall meet at least once every semester, and the quorum for the meeting shall be fifty per cent plus one of the membership for regular meetings.

16. The quorum for a special meeting of the academic Board shall be one third of the membership of the School or Institute Academic Board.

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- 17.** Subject to the provisions of these Statutes, the School or Institute Board may regulate its own procedures and those of its Committees.
- 18.** Unless the School or Institute Board otherwise determines, a Committee of the School or Institute Board shall cause a copy of its minutes to be sent to both the Chairperson and the Secretary of the School or Institute Board as soon as such minutes have been confirmed, but not later than seven working days from the date of the meeting.
- 19.** The Chairperson of the School or Institute Board shall be an *ex officio* member of every Committee of the School or Institute Board unless otherwise expressly provided.
- 20.** The Secretary of the Academic Board shall cause a copy of its minutes to be sent to both the Chairperson and Members of the School Board as the case may be, as soon as such minutes have been confirmed, but not later than seven working days from the date of the meeting.
- 21.** Each Board of the School or Institute may, at its own discretion, invite other persons to attend its meetings in an advisory capacity, provided that persons so invited shall neither acquire membership of the Board nor have voting rights.
- 22.** There shall be a Dean of School or Institute who shall be appointed by the Vice-Chancellor through a competitive elective process conducted in accordance with Senate rules and regulation and who shall have the overall responsibility of the School or Institute.
- 23.** The Dean of School shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) of the University.
- 24.** A person shall be qualified to be appointed as the Dean of School if the person is of the rank of Senior Lecturer and above.
- 25.** In the absence of a person of the rank of Senior Lecturer and above in the School or Institute, the Vice-Chancellor shall appoint an acting Dean of School from suitably qualified persons with the rank of Lecturer within the School.
- 26.** An Acting Dean of School shall not hold office for a continuous period longer than six calendar months.
- 27.** The Dean of School shall hold office for a period of four years, and shall not be eligible for re-appointment.
- 28.** Where a person previously served as a Dean of School, that person shall not become eligible for re-appointment until four years have elapsed since their last appointment.
- 29.** A member of a School or Institute Academic Board may present a petition to the Senate for the removal of a Dean of School from office and such a petition must have been endorsed by two-thirds of the relevant School or Institute Academic Board membership in a formal School Board meeting.
- 30.** In the absence or incapacity of a Dean of School from the University for a continuous period exceeding six months, or in the event of a vacancy occurring due to sufficient cause, the Vice-Chancellor shall appoint an acting Dean of School.
- 31.** The Dean of School shall be responsible for—
- (a) maintaining student records within the School or Institute;
 - (b) convening School or Institute Board meetings;
 - (c) managing academic programmes of the School or Institute as required by the Senate under various rules and regulations;
 - (d) managing examinations in the School or Institute as the Chief Internal Examiner;
 - (e) processing students' applications and recommending applicants to the Registrar (Academic Affairs) for admission into academic programmes;

- (f) implementing the University's policy decisions and regulations in respect to the School or Institute;
- (g) representing the School or Institute in the Senate and its Committees;
- (h) working in liaison with other University organs for the effective and efficient management of the School or Institute;
- (i) promoting and maintaining a conducive working environment in the School or Institute;
- (j) planning and coordinating the School's or Institute's annual budgetary estimates and inter-departmental activities;
- (k) preparing annual work plans and reports for the School or Institute;
- (l) managing quality assurance and standards matters in the School or Institute;
- (m) developing the curriculum and monitoring its implementation in the School or Institute;
- (n) developing procurement plans and monitoring implementation of the plans in the School or Institute;
- (o) developing, coordinating and monitoring performance contracts; and
- (p) performing such other duties and responsibilities as may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

32. The office of the Dean of School shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by one months' notice in writing addressed to the Vice-Chancellor; or
- (c) is removed from office by the Vice Chancellor on recommendation of Senate after a petition motion for removal from the Academic Board.

33. Every Campus of the University shall have a Director of a Campus who shall be appointed by the Vice-Chancellor from among senior academic staff in the University.

34. The Director of a Campus shall be in charge of the management of the Campus and shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).

35. A person shall be qualified to be appointed as Director of a Campus if the person has served as a Dean of School, Director, Chairperson of Department or equivalent with proven managerial capabilities.

36. A Director of a Campus shall hold office for a period of four years and shall not be eligible for re-appointment.

37. Where a person previously served as a Director of a Campus, that person shall not become eligible for re-appointment until four years have elapsed since their last appointment.

38. In the absence or incapacity of a Director of a Campus from the University for a continuous period exceeding six months or in the event of a vacancy, the Vice-Chancellor shall appoint an acting Director from the Academic staff.

39. An Acting Director of a Campus shall not hold office for a continuous period longer than six calendar months.

40. A Director of Campus shall have the following functions—

- (a) being in charge of the management of the Campus and academic programmes as required by the Senate under various rules and regulations;
- (b) being the Chief Internal Examiner in the campus;
- (c) maintaining students' records in the campus;

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- (d) where applicable, overseeing and managing human resources, infrastructure and assets in the campus;
- (e) implementing the University's policy decisions and regulations in respect to the Campus;
- (f) attending the Senate meetings as a representative of the campus;
- (g) working in liaison with other University organs for the effective and efficient management of the Campus;
- (h) promoting and maintaining a conducive working environment in the Campus;
- (i) planning and coordinating the Campus' budgetary estimates and interdepartmental activities;
- (j) preparing annual work plans and reports for the Campus;
- (k) being in charge of quality assurance and standards matters in the campus;
- (l) developing procurement plans and monitoring implementation in the campus;
- (m) developing, coordinating and monitoring performance contracts;
- (n) performing such other duties and responsibilities as may be assigned or delegated by the Vice-Chancellor.

41. The office of the Director of a Campus shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by one months' notice in writing addressed to the Vice-Chancellor; or
- (c) is removed from office by Vice-Chancellor.

Statute XXI: Graduate School

1. There shall be a Graduate School to cater for post graduate studies in the University.
2. There shall be a Director of the Graduate School who shall be appointed by the Vice-Chancellor from among academic staff of the rank of Senior Lecturer and above and who shall be in charge of the School.
3. The Director of Graduate School shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
4. A person shall be qualified to be appointed as the Director of Graduate School if the person has served as a Dean of School, or Director, or Chairperson of a Department, or a Coordinator for at least three years with proven managerial experience.
5. The Director of the Graduate School shall hold office for a period of four years, and shall not be eligible for re-appointment.
6. Where a person previously served but has ceased to be a Director of the Graduate School, that person shall not be eligible for appointment until four years have elapsed since ceasing to be such Director.
7. In the absence or incapacity of the Director of the Graduate School from the University for a continuous period not exceeding six months, the Vice-Chancellor shall appoint an acting Director from among the members of the Graduate School Board referred to in subparagraph 10.
8. The Acting Director of Graduate School shall not hold office for a continuous period longer than six calendar months.
9. The office of the Director of Graduate School shall become vacant if the holder—
 - (a) dies;
 - (b) resigns from office by one-month notice in writing addressed to the Vice-Chancellor; or
 - (c) is removed from office by the Vice-Chancellor.

10. There shall be a Graduate School Board which shall provide strategic guidance to the School.

11. The Graduate School Board shall comprise of—

- (a) the Director of the Graduate School, who shall be the Chairperson;
- (b) one representative from each School who is the rank of a Senior Lecturer and above;
- (c) the Director of Research, Innovation and Consultancy;
- (d) the Director of Examination and Timetabling;
- (e) the University Librarian;
- (f) any other co-opted member as may be determined by the Board; and
- (g) the administrator to the Directorate, who shall be the Secretary.

12. The Graduate School Board shall have the following functions—

- (a) promoting post-graduate education at a local, national and international level;
- (b) providing quality control for all aspects of graduate education and establish policies and standards that define good practice in all graduate programmes;
- (c) representing the interests of graduate students;
- (d) providing strategic planning and vision for graduate education at Laikipia University;
- (e) fundraising for graduate programmes and education;
- (f) promoting internationalization of the Laikipia University graduate studies;
- (g) taking lead in the development of graduate school curriculum, implementation, monitoring and evaluation; and
- (h) exercising such other powers or perform such other functions as may be assigned or delegated to it by the Senate.

Statute XXII: Chairperson of Academic Department

1. There shall be a Chairperson of an Academic Department who shall be appointed by the Vice-Chancellor in consultation with the Deputy Vice-Chancellor (Academic, Research and Student Affairs) from among the academic staff of the Department.

2. The Chairperson of an Academic Department shall be the academic and administrative head of the Department and shall be responsible to the Dean of School or Institute.

3. The Chairperson of an Academic Department shall hold office for a period of four years non-renewable.

4. A person shall qualify to be appointed as a Chairperson of an Academic Department if the person—

- (a) holds a Doctor of Philosophy Degree; and
- (b) is of the rank of a Senior Lecturer and above.

5. In the absence of a Senior Lecturer and above in the Department, the Vice-Chancellor shall appoint an acting Chairperson of an Academic Department from persons with the rank of Lecturer to serve for a period not exceeding six months.

6. In the absence or incapacity of a Chairperson of an Academic Department from the University for a continuous period exceeding six calendar months or in the event of a vacancy, the Vice-Chancellor shall appoint an acting Chairperson of an Academic Department for a period not exceeding six calendar months.

7. The office of the Chairperson of an Academic Department shall become vacant if the holder—

- (a) dies;

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- (b) resigns from office by one-months' notice in writing addressed to the Chairperson of the Council and copied to the Vice-Chancellor; or
- (c) is removed from office by the Vice-Chancellor.

8. The Chairperson of Department shall have the following functions—

- (a) providing overall planning, development, and reviewing of academic programmes in line with the University strategic plan;
- (b) liaising with External Examiners on matters of quality assurance of academic programmes;
- (c) supervising students' admissions and ensuring quality in terms of teaching, examinations and other processes and programmes in the department;
- (d) participating in the process of staff acquisition, development, promotion and maintenance in the department;
- (e) evaluating on a regular basis, the quality of teaching and research with appropriate recommendations to the Dean;
- (f) representing the Department internally in administrative matters and externally with professional groups;
- (g) maintaining personal and professional competence in order to set a good example for the Department in research and teaching;
- (h) initiating operational policies within the department for approval and implementation;
- (i) establishing effective working relationship within the non-academic divisions of the University in order to effectively deliver on departmental expectations;
- (j) managing the teaching loads in a fair, transparent and productive manner;
- (k) disseminating information of interest on programmes and services to students;
- (l) acting effectively and efficiently on student requests and grievances;
- (m) developing and managing the Departmental budget and fiscal affairs in line with regulatory requirements;
- (n) maintaining Departmental files and records;
- (o) preparing teaching schedules and other assignments as may be required;
- (p) being the Chief Internal Examiner of the Department; and
- (q) performing any other duties as may be assigned by the Dean.

Statute XXIII: Staff Matters

1. All members of staff shall be subject to the authority of the Council and the Vice-Chancellor pursuant to section 35(1)(a) of the Act and Article 25 of the Charter and these statutes.
2. All University staff shall be employed in accordance with sections 35(1)(a)(i) and 40 of the Act, Article 25 of the Charter and these statutes, namely—
 - (a) the Academic staff;
 - (b) the administrative staff; and
 - (c) the support staff.
3. The Council shall determine the categorization and terms and conditions of service for the staff in the University in accordance with the relevant laws, the Charter, the Human Resource Management Policy and the respective Collective Bargaining Agreements.
4. The Council may review the Terms and Conditions of Appointment of any staff categories from time to time.
5. The Council may make appointments, whether paid or honorary, as it may deem fit in accordance with the Act, Charter and these Statutes.

6. The Committee for appointment, review and promotion of staff in Grade XIV to Grade XV shall consist of—

- (a) the Chairperson of the Council, who shall be the Chairperson;
- (b) the Chairperson, Human Resource Management Committee;
- (c) two other Council members;
- (d) any other member as may be co-opted by the Committee; and
- (e) the Vice-Chancellor, who shall be the Secretary.

7. The Committee for appointment, review and promotion of staff in Grade XI to XIII shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal, in case of a College of the University;
- (d) the Registrars;
- (e) the Finance Officer;
- (f) the respective Dean or Director of School, Institute or Campus;
- (g) the respective Chairperson or Head of Department;
- (h) any other member as may be co-opted by the Committee; and
- (i) the Registrar (Administration and Human Capital), who shall be the Secretary.

8. The Committee for appointment, review and promotion in Grades XII and below shall consist of—

- (a) the Deputy Vice-Chancellor (Administration, Finance and Planning), who shall be the Chairperson;
- (b) other Deputy Vice-Chancellors;
- (c) the Registrars;
- (d) the Finance Officer;
- (e) the respective Dean or Director of School or Institute or Campus;
- (f) the respective Chairperson or Head of Department;
- (g) the Registrar (Administration and Human Capital), who shall be the Secretary; and
- (h) any other member as may be co-opted by the Committee.

9. The respective union representatives shall be in-attendance during the shortlisting, interview or review of a prospective member.

10. The Council shall develop and approve the course of disciplinary action in accordance with the principles set out in section 63 of the Act, the Employment Act, Collective Bargaining Agreements and other relevant legislation.

11. There shall be established three disciplinary Committees, to handle disciplinary matters for staff, taking into account the grade of the staff involved.

12. The Committees shall conduct disciplinary matters in accordance with relevant employment laws, terms and conditions of service and collective bargaining agreements.

13. There shall be a Committee to handle disciplinary matters for staff in grade I to X and whose membership shall be as follows—

- (a) the Deputy Vice-Chancellor (Administration, Finance and Planning), who shall be the Chairperson;
- (b) the Finance Officer;
- (c) two Senate representatives; and
- (d) the Registrar (Administration and Human Capital), who shall be the Secretary;

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- (a) the Head of respective Department;
- (b) the Legal Officer; and
- (c) one union representative or another employee of their choice.

14. There shall be a Committee to handle disciplinary matters for staff in grade XI to XIII whose membership shall be as follows—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellor (Administration, Finance and Planning);
- (c) the Deputy Vice-Chancellor (Academic, Research and Student Affairs);
- (d) the Registrar (Academic Affairs);
- (e) the Finance Officer;
- (f) One Senate Representative; and
- (g) the Registrar (Administration and Human Capital), who shall be the Secretary;

In-Attendance

- (a) the Legal officer;
- (b) the Head of respective Department; and
- (c) one union representative or another employee of their choice.

15. There shall be a Committee to handle disciplinary matters for staff in grade XIV and XV whose membership shall be as follows—

- (a) the Chairperson of the Council Human Resource and Management Committee, who shall be the Chairperson;
- (b) three other Council members;
- (c) the Vice-Chancellor, who shall be the Secretary;
- (d) the Deputy Vice-Chancellors;

In-attendance

- (a) the Legal Officer;
- (b) one union representative or another employee of their choice; and
- (c) any other officer that may be invited by the Committee.

16. There shall be a Committee to handle disciplinary matters for the Vice-Chancellor, Deputy Vice-Chancellors and Principals of Colleges within the University whose membership shall be as follows—

- (a) the Chairperson of the Council, who shall be the chair the meeting;
- (b) a representative of the Principal Secretary for the time being responsible for university education;
- (c) a representative of the Principal Secretary for the time being responsible for the National Treasury;
- (d) one other Council members;
- (e) the Chairperson of the Council Human Resource and Management Committee, who shall be the Secretary;

In-Attendance

- (a) the Legal Officer; and
- (b) any other officer that may be invited by the Council.

17. A member of staff aggrieved by a decision of the disciplinary committees may appeal the decision as follows—

- (a) the staff in Grades XI and above shall appeal to the Chairperson of the Council, who shall constitute an *ad hoc* appeals committee of at least three (3)

Council members, one being a member of the Human Resources Committee to handle the Appeal; and

- (b) the staff in Grades 1-X shall appeal to the Vice-Chancellor, who shall constitute an *ad hoc* appeals committee of at least three (3) members, chaired by a Deputy Vice-Chancellor who was not part of the initial Disciplinary Committee to handle the Appeal

18. The Vice-Chancellor and the Chairperson of the Council shall constitute respective *ad hoc* Committees comprising at least three members to handle the appeals.

19. All appeals shall be lodged in writing within fifteen (15) days from the date the decision was communicated to the employee.

20. All appeals shall be dispensed with, within sixty (60) days from the date of receipt of the letter of appeal.

21. Retirement of staff shall be guided by the relevant legislation, human capital manual and policies, and government circulars in operation at the time.

22. The office of a member of staff shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by giving notice in accordance with the relevant laws, the Charter, the contract of service and Collective Bargaining Agreements; or
- (c) is removed from office by the Council in accordance with relevant laws, the Charter, the Terms and Conditions of Service and Collective Bargaining Agreements.

23. The Council shall remunerate staff in accordance with the relevant University and Government policies and any other legislation.

24. The Council shall remunerate staff appointed in an acting capacity in accordance with the relevant University and Government policies and any other legislation.

25. Staff Unions

Members of staff shall be eligible to join trade unions established in accordance with section 12 of the Labour Relations Act (Cap. 233) and other relevant laws.

26. Unions shall manage their operations as provided under the relevant laws.

27. Unions shall enter into Recognition Agreements and Collective Bargaining Agreements with the Council as provided for under section 54 of the Labour Relations Act (Cap. 233).

Statute XXIV: Students Matters

1. Unless otherwise expressly provided in these Statutes, all matters affecting the education, social, and general welfare of students, including their academic and general conduct, shall be governed by the Laikipia University Student Handbook and Laikipia University Students' Association constitution approved by the Senate and the Council.

2. There shall be a Students Association referred to as Laikipia University Students Association as established by Article 21 of the Charter and in accordance with section 41 of the Act.

3. The Students Association shall be governed by a Student Council elected pursuant to section 41(1)(A-I) of the Act.

4. There shall be a returning officer appointed by the Vice-Chancellor to oversee the students' Council elections.

5. The Student Council shall undertake such other functions as provided in section 41(2) of the Act, the Student Association constitution and the Charter.

6. The Students Association shall have regard to, and reflect national diversity and gender equality.

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7. The Students' Association shall operate according to the Act, these Statutes and its constitution as approved by the Council.
8. There may be such other student clubs or associations as may be approved by the Senate.
9. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) shall have the overall responsibility of students' discipline.
10. The following shall be the Committees dealing with students' discipline -
- (a) the Dean of Students' Disciplinary Committee; and
 - (b) the Deputy Vice-Chancellor (Academic, Research and Student Affairs) Disciplinary Committee.
11. The Dean of Students' disciplinary Committee shall—
- (a) be responsible for handling petty offences committed by students as prescribed in the Laikipia University Student Handbook;
 - (b) have the power to issue a warning or recommend any other disciplinary action to the Disciplinary Committee chaired by the Deputy Vice-Chancellor (Academic, Research and Student Affairs); and
 - (c) comprise of—
 - (i) the Dean of Students, who shall be the Chairperson;
 - (ii) the University Security Officer;
 - (iii) the students Counsellor;
 - (iv) one student Council Representative; and
 - (v) one representative from the Registrar (Academic Affairs), who shall be the Secretary;
12. The Deputy Vice-Chancellor (Academic, Research and Student Affairs) Disciplinary Committee shall—
- (a) hear and determine all other student disciplinary matters except for examination malpractices or offences;
 - (b) receive recommendations on disciplinary actions from the Dean of Students' Disciplinary Committee;
 - (c) have power to caution or recommend to the Senate, a student for suspension or expulsion; and
 - (d) comprise of—
 - (i) the Deputy Vice-Chancellor (Academic, Research and Student Affairs), who shall be the Chairperson;
 - (ii) the Registrar (Academic Affairs), who shall be the Secretary;
 - (iii) two Senate Representatives;
 - (iv) the Security Officer;
 - (v) the Dean of Students;
 - (vi) the Students Counsellor;
 - (vii) two Students Association Representatives; and
 - (viii) the Legal Officer.
13. A student aggrieved by a decision of the Dean of Students' disciplinary Committee may appeal the decision to the Deputy Vice-Chancellor (Academic, Research and Student Affairs) who shall constitute and Chair an *ad-hoc* Committee consisting of at least three members of staff one being a Senate Representative to hear the appeal.
14. All appeals shall be lodged in writing within fifteen days from the date the decision was communicated to the student.

15. All appeals shall be dispensed with, within thirty days from the date of receipt of the letter of appeal.
16. The decision of the Deputy Vice-Chancellor (Academic, Research and Student Affairs) appeals Committee shall be final.
17. A student aggrieved by a decision of the Disciplinary Committee chaired by Deputy Vice-Chancellor (Academic, Research and Student Affairs) may appeal against the decision to the University Council.
18. Upon receipt of an appeal under paragraph 18, the Council shall constitute an *ad-hoc* Committee consisting of at least three members of the Council, one being a member of the Academic, Research and Sealing Committee to handle the appeal.
19. All appeals shall be lodged in writing within fifteen days from the date the decision was communicated to the student.
20. All appeals shall be dispensed with, within sixty days from the date of receipt of the letter of appeal.

Statute XXV: The Alumni Association

1. There shall be established the Laikipia University Alumni Association pursuant to section 42 of the Act and Article 23 of the Charter that shall consist of members of the convocation of the University and such other persons as may be declared to be members pursuant to the Alumni Association constitution.
2. The roll of Alumni members shall be compiled and kept by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
3. The Alumni Association shall develop a constitution to regulate its operations.
4. The Association shall perform such functions as prescribed in the Charter, its Constitution and the Act.

Statute XXVI: Rules and Regulations for Students

1. Admission of students to any academic programme shall be in accordance with the Laikipia University Admissions Policy and these Statutes.
2. All academic irregularities and disciplinary procedures shall be handled in accordance with the Laikipia University Examination Policy, Laikipia University Postgraduate Policy, the Laikipia University Student Handbook, and these Statutes.
3. Any examination malpractice shall be reported by the invigilator to the Chairperson of Department or a Director of Campus within twenty-four hours.
4. The Chairperson of Department or Campus Director shall submit a report of any examination malpractice received to the Dean of School or Institute within two working days for determination by the Disciplinary Committee.
5. Any examination malpractice shall be handled by a Disciplinary Committee chaired by the respective Dean of the School where the student belongs.
6. The Disciplinary Committee shall be constituted as prescribed in the Laikipia University Examination Policy.
7. The Disciplinary Committee shall convene within fourteen days upon completion of the examination period and shall thereafter present its recommendations to the Senate for deliberations within Fourteen days.
8. The Senate shall communicate its decision to the student through the Registrar (Academic Affairs) within seven days.
9. A student aggrieved by a decision of the Senate may appeal the decision to the University Council.

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10. All appeals shall be lodged in writing within fifteen days from the date the decision was communicated to the student and no appeal shall be admitted after the expiry of the time limit.
11. The Council shall constitute an *ad hoc* committee consisting of at least three members, one being a member of the Academic, Research and Sealing Committee.
12. All appeals shall be dispensed with, within sixty days from the date of receipt of the letter of appeal.

Statute XXVII: Designation of Degrees, Diplomas and Certificates

1. Subject to section 20(e) of the Act and paragraph 10 of the Charter, and these Statutes, the University may confer, grant or award the following—
- (a) a Bachelor's Degrees;
 - (b) a Postgraduate Diploma;
 - (c) a Master's Degree;
 - (d) a Doctorate Degree;
 - (e) an Honorary Degree;
 - (f) a Diploma; and
 - (g) a Certificate.
2. A candidate shall qualify to be conferred with a Bachelor's degree if the candidate—
- (a) undertakes an approved programme of study in the University as provided in the regulations;
 - (b) undertakes an approved programme of study at a recognized institution and the candidate's period of attendance as a student at such a university or institution and at the University are together not less than the complete period prescribed for the conferment of the degree and as provided in the regulations;
 - (c) passes the prescribed examinations and such other examinations of the University as the Senate may determine;
 - (d) pays such fees to the University as the Council may determine from time to time; and
 - (e) complies in other respects with the requirements for the degree.
3. The Senate shall, on the recommendation of Schools or Institutes, approve a candidate for the award of Postgraduate Diploma.
4. A candidate shall be awarded a Postgraduate Diploma if they have been registered in the University and have successfully completed the Credit Factors according to the requirements of the programme approved by the Senate.
5. The Senate shall, on the recommendation of Schools or Institutes, approve a candidate for the conferment of a Master's Degree.
6. A candidate may be conferred with a Master's degree in any School or Institute, provided that they are registered for the degree as a student of the University as specified in the regulations, and pursued such advanced study or research, or both as may be approved by the Senate.
7. The Senate shall, on the recommendation of Schools or Institutes, approve a candidate for the conferment of a Doctorate Degree.
8. A candidate shall be conferred with a Doctorate degree in a School or Institute of the University provided that they have been registered for the degree as a student of the University as specified in the regulations for Admission, and pursued such advanced study or research, or both as may be approved by the Senate.

9. Subject to the provisions of Act, the Charter, these Statutes, and the relevant guidelines, the University may confer honorary degrees.

10. A proposal to grant an honorary degree from the relevant School may be made by a member of the Council or a member of the Senate or a member of academic staff or the Alumni Association and shall be communicated in writing to the Vice-Chancellor by the Dean of the respective School.

11. Every proposal under subparagraph (10) shall be accompanied by a statement setting forth the degree recommended and the detailed grounds on which the recommendation is based.

12. There shall be a Committee for the conferment of honorary degrees consisting of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellor (Academics and Student Affairs); and
- (c) three members of the Senate.

13. In each case set out in subparagraph (12), the Dean of the School in which the degree is proposed to be conferred shall be consulted. The proposal for conferment of an honorary degree shall be considered by the Senate and shall be approved by the Council.

14. An honorary degree shall be conferred by the Chancellor presiding at the Convocation at which it is being conferred, and where the recipient is the presiding Chancellor, by the Vice-Chancellor.

15. A candidate shall be awarded a Diploma or Certificate if they have been registered in the University and have successfully completed the Credit Factors according to the requirements of the programme approved by Senate.

Statute XXVIII: Convocation of the University

1. For the purpose of conferring Degrees and awarding Diplomas of the University, there shall be held from time to time, a meeting of the University, which shall be called "The Convocation". If the Senate so decides, other academic distinctions may be conferred and Certificates awarded at a Convocation.

2. Subject to the provisions of the Act and the Charter, the Convocation shall be constituted of graduands and the members of the University as prescribed by the Charter.

3. The Convocation shall be convened at least once every academic year and shall be presided over by the Chancellor. In the absence of the Chancellor, the Chairperson of the Council shall preside over the convocation.

4. The procedure for summoning the Convocation, for the presentation of graduands, conferment of degrees and granting of diplomas and certificates and all other such matters regarding the Convocation, shall be determined by the Senate and approved by the Council.

5. The Vice-Chancellor shall declare a meeting convened for the purpose of conferring Degrees and awarding Diplomas as the Convocation of the University and shall pronounce such Convocation dissolved at the end of the meeting.

Statute XXIX: Processing and Issuance of Certificates

1. The certificates conferred or awarded in respect of degree or diploma programmes shall be approved by the Senate.

2. All certificates in respect of degrees and diplomas shall be sealed in a meeting by the Academic, Sealing and Research Committee of the Council.

3. The certificates awarded in respect of certificate programmes shall be recommended to the Senate for approval by the College or Institute or School Academic Boards.

4. The format and features to appear on the certificate shall be determined by the Senate and approved by the Council.

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5. The degree and diploma certificates shall be signed by the Vice-Chancellor, the Deputy Vice-Chancellor (Academic, Research and Student Affairs) and the Registrar (Academic Affairs).
6. The certificates for certificate programmes shall be signed by the Deputy Vice-Chancellor (Academic, Research and Student Affairs) and the Dean of the respective School.
7. All certificates shall be issued by the office of the Registrar (Academic Affairs) upon presentation by the student of the clearance and relevant identification documents.
8. No certificate shall be issued to a person other than the student.

Statute XXX: Cancellation or Withdrawal of Certificates

1. The Senate may cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards presented for any of the following reasons—
 - (a) where evidence of falsification of academic documents for entry into the University to pursue the programme for which the certificate was issued is discovered after one has graduated from the University;
 - (b) where a graduate or one purporting to be a graduate of the University is found guilty of falsifying transcripts or the certificate; and
 - (c) where a graduate is involved in plagiarism or any other form of academic dishonesty in respect to the awarded degree.

Statute XXXI: Intellectual Property

1. The term "Intellectual Property" shall be used broadly to include inventions, copyright works and tangible research findings or property.
2. Any intellectual property developed in the University shall be guided by the Industrial Property Act (Cap. 509) and the Laikipia University Intellectual Property Policy.

Statute XXXII: General Financial Provisions

1. The University Management Board shall consider and forward the annual budget to the Council for consideration and approval before submission to the Cabinet Secretary for the time being responsible for university education.
2. The budget for the University shall be rationalized by the Council and distributed to various vote heads.
3. The funds of the University shall comprise—
 - (a) such sums as may be provided by Parliament;
 - (b) monies or assets that may accrue to or vest in the University in the course of the exercise of powers vested in the University or in the performance of the functions of the University as prescribed in the Act and any other written law; and
 - (c) all monies from any other source provided for, donated or lent to the University.
4. The University may, subject to any other written law, regulations and guidelines, appeal to the general public or otherwise for subscriptions, donations or bequests for its benefit.
5. The University shall incur expenditure in accordance with approved budget by the Cabinet Secretary for the time being responsible for university education, and any other approved expenditure under any head of the estimates may not be exceeded without approval by the Council.
6. All the funds, assets and all movable and immovable property of Laikipia University shall be sourced, managed and utilized by the Council in accordance with the provisions of these Statutes, the Charter, the Public Finance Management Act (Cap. 412A), the Universities Act Cap. 210), the Public Procurement and Asset Disposal Act Cap. 412C) and any other

relevant legislations, in such manner and for such purposes as in the opinion of the Council would promote the best interest of the University.

7. The Council shall have power to purchase, retain, sell or transfer real or personal property and securities, including financial instruments of any description, on behalf of the University, and may also apply monies to any purpose to which capital monies arising under the Act may be applied provided that this does not contravene the Constitution of Kenya, 2010.

8. All such movable 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 may from time to time determine subject to the provisions of the Public Finance Management Act (Cap. 412A).

9. All the monies of the University shall be paid into the respective University bank accounts approved by the Council from time to time, in accordance with the Laikipia University Financial Management Policy and any other relevant written law, regulations and guidelines.

10. There shall be designated signatories to all University bank accounts, approved by the Council to sign all cheques, RTGS or EFT forms for the purposes of disbursement of University monies in accordance with the provisions of the University Financial Management Policy.

11. The Council may designate a bank account where payments of a general nature shall be disbursed from, subject to the provisions of the Public Finance Management Act (Cap. 412A) and Laikipia University Financial Management Policy.

12. There shall be paid into a Special Account all such as may be received by the University for special purposes and which are not payable into any other University account and such monies and the interest from the Special Account shall be used and applied for the purposes for which such monies were received.

13. Subject to the approval of the Treasury, and in line with the provisions of the Public Finance Management Act (Cap. 412A), the Council may borrow such sums, either by way of overdraft from a Bank or otherwise, as may from time to time be required for the administration of the University.

14. Subject to the provisions of the Act, the Public Finance Management Act (Cap. 412A), and in furtherance of the University's purposes, the Council shall have power to carry on any business which the University is authorized to carry on by means of, or through the agency of a body corporate.

15. The University may invest any of its funds or any portion thereof in securities which the Treasury or any other authorized body may, from time to time, approve for that purpose, in line with the provisions of the Universities Act and the Public Finance Management Act (Cap. 412A).

16. Subject to approval by the National Treasury, the University may deposit any monies not immediately required for the purposes of the University, with such bank or banks as may be determined from time to time.

17. Any unexpended balance of the grant made under the Act may be carried forward in the account of the University from one year to the next and may be expended as the University may determine.

18. The Council shall cause to be kept proper books of records of all accounts of income, expenditure and assets of the University and the preparation of financial reports on quarterly, annually or any other period in accordance with the provisions of Public Finance Management Act (Cap. 412A) and the International Public Sector Accounting Standards.

19. The University shall within three months from the end of each financial year submit to the Kenya National Audit Office the accounts of the University in accordance with section 47 of the Act and provisions of the Public Finance Management Act (Cap. 412A).

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20. In accordance with the Act, the financial year of the University shall be the period of twelve months ending on the thirtieth day of June in each year.

21. The University accounts shall be audited and reported upon in accordance with the provisions of the Public Audit Act (Cap. 412B), the Public Finance Management Act (Cap. 412A), the Constitution of Kenya and any other relevant legislation.

Statute XXXIII: Miscellaneous

1. The Council may, on its own motion or through a proposal from the Senate, amend, add to, or alter these Statutes or Regulations made pursuant to these Statutes as it deems fit from time to time, provided that the amendments shall not be inconsistent with the provisions of any written law.

2. The Council may, and where required by the Act and the Charter, issue such guidelines and directions as it considers appropriate to regulate the affairs of the University.

3. Any Statutes in existence immediately before the effective date hereby stand revoked.

4. Any rules, regulations, order, notification, policies and other administrative actions made or issued immediately before the effective date shall remain in force as long as they are not inconsistent with these Statutes, subject to being brought into conformity within a period not exceeding six months from the effective date.

5. All pending disciplinary matters immediately before the effective date shall be determined as if they were commenced and conducted in accordance with these Statutes and in compliance with the Charter and the relevant law.

6. All instruments issued under the repealed Statutes and in force immediately before the effective date shall be deemed to have been issued under these Statutes.

7. Any existing office or position changed under these statutes shall be brought into conformity with these statutes within a period not exceeding two years from the effective date except where a holder of such position or office are on other terms of employment, such officer shall remain in office as per their terms and conditions of service.

8. Where there is a conflict in the interpretation of these Statutes, the interpretation given thereof by the Council shall prevail.

9. Where there is a conflict between these Statutes and any other written law, the provisions of the written law shall apply to the extent of the inconsistency.

10. Subject to the provisions of section 23(2) of the Act, these Statutes and any subsequent amendments or review thereto shall be published in the Kenya *Gazette*.

Annexure: 1

A - DIRECTORATES UNDER THE OFFICE OF THE VICE-CHANCELLOR

1. There shall be established a Directorate of Quality Assurance and Standards.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the academic staff in the University after a competitive recruitment process.
- (b) A person shall qualify for appointment as a Director of Quality Assurance if the person is a holder of Doctor of Philosophy and has a minimum of three years' experience in quality assurance and standards.
- (c) The Director shall be responsible for quality and assurance matters in the University.
- (d) The Director shall be responsible to the Vice-Chancellor.
- (e) A person appointed as a Director for Quality Assurance and Standards shall hold office for a term of four years and shall be eligible for re-appointment for one further term.

- (f) The Director of Quality Assurance and Standards shall have the following functions—
- (i) ensuring that set performance standards and indicators in all aspects of University functions are appropriate and relevant;
 - (ii) monitoring and implementing quality assurance activities in all units in accordance with the set standards;
 - (iii) providing advice and guidance to implementation units on the execution of quality assurance activities;
 - (iv) co-ordinating internal evaluation of quality assurance systems;
 - (v) analysing quality assurance reports and identifying issues arising from them for the attention of the University Management Board at all academic and administrative levels;
 - (vi) coordinating all professional accreditation activities and external evaluation activities of the University and its academic programmes;
 - (vii) monitoring the implementation of recommendations of internal and external evaluations;
 - (viii) analysing topical quality assurance matters in higher education, arising from debates and practices in the regional and global contexts, and updating the University community and Management Board accordingly;
 - (ix) updating the Vice-Chancellor on the operations of the Laikipia University quality assurance system and on the overall quality status of the University;
 - (x) linking Laikipia University with the Commission for University Education and other relevant agencies in quality assurance matters;
 - (xi) coordinating the award of certificates of international standard as set by the International Organization for Standardization;
 - (xii) monitoring the maintenance of the awarded certificates of international standard in the University as set by the International Organization for Standardization; and
 - (xiii) undertaking such other responsibility that may be assigned or delegated by the Vice-Chancellor.
- (g) The office of the Director of Quality Assurance and Standards shall become vacant if the holder—
- (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed from office by the Vice-Chancellor on reasonable grounds.

2. There shall be established a Directorate of Resource Mobilization and Investments.

- (a) The Directorate shall be headed by a Director who shall be outsourced or appointed by the Vice-Chancellor from amongst the University staff after a competitive recruitment process.
- (b) A person shall qualify for appointment as a Director of Resource Mobilization and Investments if the person holds a minimum of a Master's Degree in a relevant field with at least three years' experience in resource mobilization or equivalent position.
- (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director shall be responsible to the Vice-Chancellor.
- (e) The Director of Resource Mobilization and Investment shall have the following functions—

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- (i) developing, implementing and monitoring fundraising strategies;
 - (ii) engaging county and national governments, companies, trusts, partners, donors, banks and foundations within Kenya and abroad to raise funds;
 - (iii) coordinating University endowment fund;
 - (iv) ensuring preparation of periodic updates and reports on the Directorate to the Vice-Chancellor and partners as need be;
 - (v) assisting in the preparation of project proposals for corporate and other funding agencies;
 - (vi) organising fundraising events for partnership building between implementers and potential partners;
 - (vii) managing and optimising returns from Income Generating Units;
 - (viii) identifying, recommending and implementing means to grow the Endowment Fund;
 - (ix) identifying, recommending and implementing means to attract funds through strategic collaborations, linkages, partnerships and networks;
 - (x) coordinating capacity building for raising funds through research, innovation projects and consultancies; and
 - (xi) undertaking such other responsibilities that may be delegated or assigned by the Vice-Chancellor.
- (f) The office of the Director of Resource Mobilization and Investment shall become vacant if the holder—
- (i) dies;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed by the Vice-Chancellor on reasonable grounds, except where the Director was outsourced, in which case the Director of Resource Mobilization and Investment shall be entitled to notice or pay in lieu of notice as provided for in the terms of employment.

3. There shall be established a Directorate of Corporate Affairs.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the University staff after a competitive recruitment process.
- (b) A person qualifies to be appointed as a Director of Corporate Affairs if the person holds a minimum of a Master's degree in Communications or Marketing or any other relevant field.
- (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director shall be responsible to the Vice-Chancellor.
- (e) The Director of Corporate Affairs shall have the following functions—
 - (i) developing and implementing strategies to ensure maintenance of the University's corporate image;
 - (ii) ensuring participation and coverage of the University in relevant exhibitions and marketing activities;
 - (iii) undertaking market analysis and research to identify trends and opportunities for the furtherance of the mission of the University;
 - (iv) issuing press releases, arrange interviews, and compile press kits;
 - (v) being responsible for marketing of the University and its products;
 - (vi) coordinating Trade Fairs and Exhibitions and the participation of the University in such activities;

- (vii) developing and maintaining a University newsletter, web and social media presence;
 - (viii) coordinating resolution of public complaints and access to information in the University; and
 - (ix) undertaking such other responsibilities that may be assigned or delegated by the Vice-Chancellor.
- (f) The office of the Director of Corporate affairs shall become vacant if the holder—
- (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed from office by the Vice-Chancellor on reasonable grounds.

B - DIRECTORATES UNDER THE OFFICE OF THE DEPUTY VICE-CHANCELLOR (ACADEMIC, RESEARCH AND STUDENT AFFAIRS)

1. There shall be established a Directorate of Research, Innovation and Consultancy.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the academic staff in the University after a competitive recruitment process.
- (b) A person qualifies to be appointed a Director of Research, Innovation and Consultancy if the person holds at least a Doctor of Philosophy Degree with proven work record in research, innovation and consultancy.
- (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (e) The Director of Research, Innovation and Consultancy shall have the following functions—
 - (i) developing and reviewing a research policy and operational procedures which shall assist in setting out research priorities;
 - (ii) facilitating funding for research;
 - (iii) facilitating community outreach with the neighbouring communities;
 - (iv) providing and creating a conducive research environment for producing quality proposals, research outputs, benefit sharing, and adherence to ethical practices in research;
 - (v) ensuring transparency and accountability in the conduct of all research activity;
 - (vi) establishing research priorities and agenda;
 - (vii) providing capacity building and monitoring of research projects;
 - (viii) organising seminars and conferences at the University for dissemination of Research findings;
 - (ix) coordinating research, innovation and consultancy services in collaboration with other departments;
 - (x) strengthening capacity in research and innovation; and
 - (xi) undertaking such other responsibilities that may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (f) The office of the Director of Research, Innovation and Consultancy shall become vacant if the holder—
 - (i) dies in office;

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- (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
- (iii) is removed from office by the Vice-Chancellor on reasonable grounds.

2. There shall be established a Directorate of TVET, Careers Placement and Alumni.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the academic staff in the University after a competitive recruitment process.
- (b) A person shall be eligible for appointment as a Director of TVET, Careers Placement and Alumni if the person holds at least a Doctor of Philosophy with proven knowledge in career placement, alumni and endowment matters.
- (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (e) The Director of TVET, Careers Placement and Alumni shall be responsible for—
 - (i) co-ordinating the TVET functionality in the University;
 - (ii) linking students with employment industry;
 - (iii) engaging in recruitment of high school students who wish to join the University;
 - (iv) co-ordinating career guidance for students in the University;
 - (v) maintaining and updating the Alumni Association roll;
 - (vi) co-ordinating University engagement with Alumni Association;
 - (vii) creating and maintaining network with the corporate world; and
 - (viii) undertaking such other responsibility that may be assigned by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (f) The office the Director of TVET, Careers Placement and Alumni shall become vacant if the holder—
 - (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) removed from office by the Vice-Chancellor on reasonable grounds.

3. There shall be established a Directorate of External Linkages.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the academic staff of the University after a competitive recruitment process.
- (b) A person qualifies to be appointed a Director of External Linkages if the person holds a Doctor of Philosophy with proven knowledge in external linkages matters.
- (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (e) The Director of External Linkages shall have the following functions—
 - (i) developing strategies and policy for linkages and collaborations with institutions and industry;
 - (ii) coordinating University engagement with external clients, partners and stakeholders;

- (iii) developing agreements with regional and international institutions of higher learning, and the corporate world in areas of strategic benefit;
 - (iv) nurturing regional and international academic and administrative research linkages and consultancies;
 - (v) expanding the University's academic and customer driven programmes to have a global perspective;
 - (vi) facilitating student and School, Institute or campus exchange programmes regionally and internationally; and
 - (vii) undertaking such other responsibility that may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (f) The office of a Director of External Linkages shall become vacant if the holder—
- (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed from office by the Vice-Chancellor on reasonable grounds.
4. There shall be established a Directorate of Human Rights and Gender Affairs.
- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst academic staff of the University.
 - (b) A person qualifies to be appointed a Director of Human Rights and Gender Affairs if the person holds a Doctor of Philosophy with proven record in gender or human rights affairs.
 - (c) The Director shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
 - (d) The Director shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
 - (e) The Directorate shall have the department of Human Rights and the department of Gender Affairs each headed by a coordinator.
 - (f) The Director of Human Rights and Gender Affairs shall have the following functions—
 - (i) coordinating outreach programmes on gender;
 - (ii) developing programmes and training on gender issues;
 - (iii) coordinating gender initiatives;
 - (iv) mainstreaming gender in the University;
 - (v) undertaking and coordinating human rights in the University;
 - (vi) advising the University on statutory requirements on gender; and
 - (vii) undertaking such other responsibility that may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
 - (g) The office of the Director of Human Rights and Gender Affairs shall become vacant if the holder—
 - (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed from office by the Vice-Chancellor on reasonable grounds.
5. There shall be established a Directorate of Examination and Time Tabling.

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- (a) The directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst academic staff of the University after a competitive recruitment process.
- (b) A person qualifies to be appointed a Director of Examination and Time Tabling if the person is holder of a Doctor of Philosophy with proven knowledge on academic matters.
- (c) The Director of Examination and Time Tabling shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (d) The Director of Examination and Time Tabling shall be responsible to the Deputy Vice-Chancellor (Academic, Research and Students' Affairs).
- (e) The Director of Examination and Time Tabling shall have the following functions—
 - (i) preparing master timetable for teaching and examination;
 - (ii) co-ordinating the administration of University examinations;
 - (iii) co-ordinating internal and external examination moderation;
 - (iv) overseeing the processing of examinations from setting to the declaration of results;
 - (v) co-ordinating the marking centre and ensuring security of examinations; and
 - (vi) undertaking such other responsibility that may be assigned or delegated by the Deputy Vice-Chancellor (Academic, Research and Student Affairs).
- (f) The office of the Director of Examination and Time Tabling shall become vacant if the holder—
 - (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
 - (iii) is removed from office by the Vice-Chancellor on reasonable.

**C - DIRECTORATES UNDER THE OFFICE OF THE DEPUTY VICE-CHANCELLOR
(ADMINISTRATION, FINANCE AND PLANNING)**

1. There shall be established a Directorate of Planning and Performance Management.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the University staff after a Competitive recruitment process.
- (b) A person shall qualify for appointment as a Director of Planning and Performance Management if the person holds a Master's Degree in Business Administration or Economics or their equivalent, with three years' experience in Planning and Performance Contracting.
- (c) A person appointed as the Director of Planning and Performance Management shall hold office for a term of four years and shall be eligible for reappointment for one further term.
- (d) The Director of Planning and Performance Management shall be responsible to the Deputy Vice-Chancellor (Administration, Finance and Planning).
- (e) The Director of Planning and Performance Management shall have the following functions—
 - (i) developing and regularly reviewing performance management framework as aligned to the national performance management guideline and appraisal system which shall include but not limited to performance management, indicators, targets, standards and weights;
 - (ii) co-ordinating the drafting of the University Council performance targets and weights for performance indicators;

- (iii) co-ordinating implementation of performance contracting and annual work plans;
- (iv) co-ordinating the mainstreaming of the performance contracting system including preparation of reports in the University;
- (v) compiling and coordinating the announcement of performance evaluation results;
- (vi) co-ordinating environmental management activities in the University;
- (vii) co-ordinating the development or reviewing of the University Strategic and Master Plans;
- (viii) preparing bi-annual rolling plans for the University's Strategic and Master Plans;
- (ix) co-ordinating activities that promote National Cohesion and National Values mainstreaming in the University;
- (x) undertaking and coordinating disability mainstreaming in the University; and
- (xi) undertaking such other responsibility that may be assigned or delegated by the Deputy Vice-Chancellor (Administration, Finance and Planning).

1. The office of the Director of Planning and Performance Management shall become vacant if the holder—

- (i) dies;
- (ii) resigns from office by notice in writing addressed to the Vice-Chancellor; and
- (iii) is removed from office by the Vice-Chancellor on reasonable grounds.

2. There shall be a Directorate of Information, Communication and Technology.

- (a) The Directorate shall be headed by a Director who shall be appointed by the Vice-Chancellor from amongst the University staff after a competitive recruitment process.
- (b) A person qualifies to be appointed as a Director of Information, Communication and Technology if the person holds a minimum qualification of a Master's Degree in Computer Science or Information Technology or a related qualification, within three years' experience in Information, Communication and Technology.
- (c) The Director of Information, Communication and Technology shall be responsible to the Deputy Vice-Chancellor (Administration, Finance and Planning) in the functions of his office.
- (d) A person appointed as a Director of Information, Communication and Technology shall hold office for a term of four years and shall be eligible for re-appointment for one further term.
- (e) The Director shall have the following functions—
 - (i) developing SMART metrics for hardware, software, and storage;
 - (ii) ensuring strategic capacity planning of the directorate;
 - (iii) managing the Information and Communication Technology Department including directly supervising staff;
 - (iv) communicating with technology team and other departments as the collaboration requires;
 - (v) Development business requirements for Information and Technology;
 - (vi) Coordinating Information Technology activities to ensure data availability and network services with as little downtime as necessary;
 - (vii) overseeing departmental finances including budgeting and forecasting;

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- (viii) implementing Information and Communication Technology policies;
 - (ix) identifying security vulnerabilities and eliminate them with strategic solutions that increase data security;
 - (x) directing and supporting the implementation of new software and hardware;
 - (xi) identifying and recommending new technology solutions; and
 - (xii) preparing periodic reports on the overall status of the Directorate to the Deputy Vice-Chancellor (Administration, Finance and Planning).
- (f) The office of the Director of Information, Communication and Technology shall become vacant if the holder—
- (i) dies in office;
 - (ii) resigns from office by notice in writing addressed to the Vice-Chancellor, and
 - (iii) is removed from office by the Vice-Chancellor on reasonable grounds.
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THE MAMA NGINA UNIVERSITY COLLEGE ORDER

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THE MAMA NGINA UNIVERSITY COLLEGE ORDER

[Legal Notice 193 of 2021]

PART I – PRELIMINARY**1. Citation**

This Order may be cited as the Mama Ngina University College Order.

2. Interpretation

In this Order, unless the context requires otherwise—

"Act" means the Universities Act (Cap. 210);

"academic Board" means the Academic Board of the University College established under paragraph 13;

"academic staff" means a member of staff who is a Professor, Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer and such other persons in the employment of the University College engaged in teaching or research therein as the Council, acting in accordance with the recommendation of College Academic Board, may from time to time grant the status of members of the University College;

"academic year" means a period of twelve calendar months ending on such date as may be designated from time to time by the academic Board, provided, however, that academic Board may designate different dates and different period of more or less than twelve months for different purposes;

"administrative staff" includes the Principal, the Deputy Principals, the Principals of Colleges, the Registrars, the Deans of Faculties, the Directors of Schools, Centres and Institutes, the Heads of Departments, the Finance Officer and such other members of staff, not being engaged in teaching or research as the Council may from time to time determine;

"affiliated institution" means an institution which has an academic linkage with the University College for the purpose of granting of degrees and award of diplomas and certificate in accordance with the Statutes;

"Alumni" means the Alumni of the University College referred to in paragraph 22;

"Alumni Association" means the organization of all graduates and former students of the University College established under paragraph 15;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for University Education;

"Campus" means a centre for education, learning or research which is so designated by the Council;

"Chairperson of the Council" means the Chairperson of the Council of the University College as specified in paragraph 14;

"Chancellor" means the Chancellor of the Kenyatta University as defined in paragraph 13;

"College" means a College of the University College established pursuant to paragraph 7;

"Commission" means the Commission for University Education established under the Act;

"Convocation" means the convocation of the University College established under paragraph 24;

"Council" means the Council of the University College established under paragraph 19;

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"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under paragraph 16;

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

"fiscal year" means the financial year of the University College as provided for in paragraph 28;

"graduate" means a person upon whom a degree of the Kenyatta University has been conferred or to whom a qualification of the University College has been awarded as determined by the College Academic Board and Kenyatta University Senate;

"Head of Department" means the person appointed by the Principal on behalf of the Council to be the head of a teaching department of the University College;

"Institute" means an institute of the University College established by the Statutes;

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

"Management Board" means the University College Management Board established under paragraph 16;

"Principal" means the principal of the University College appointed under paragraph 8;

"Professor" means a professor of the University College;

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

"Senate" means the Senate of Kenyatta University;

"Statutes" means the Statutes of the University College made by the Council under paragraph 24;

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

"students Association" means an association of the students recognized by the Council as being an organization representative of the students of the University College and as provided for in the Act, this Order and the Statutes;

"support staff" means a member of staff of the University College who is appointed for purposes of providing support services for the general management and administration of the University College;

"technical staff" means a member of staff of the University College who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University College;

"University" means Kenyatta University;

"University College" means Mama Ngina University College established under paragraph 3;

"Principal" means the Principal of the University College appointed under paragraph 15.

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

3. Establishment and incorporation of Mama Ngina University College

(1) There is established a University College to be known as Mama Ngina University College, which shall be a constituent college of the Kenyatta University.

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

- (b) suing and being sued;
- (c) taking, purchasing or otherwise acquiring, holding as well as transferring, selling, leasing, charging or in any other way disposing of absolute or partial rights and interests in any movable and immovable property;
- (d) borrowing or lending money, receiving grants, gifts and donations for purpose of furthering education;
- (e) entering into contract with other institutions, organizations, bodies corporate or individual persons; and
- (f) doing or performing any such other things or Acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Order which may be done by a corporate body.

4. Functions and objects of the University College

(1) The functions of the University College shall be—

- (a) providing directly, or in collaboration with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advancing knowledge and its practical application by research and other means;
- (c) disseminating the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participating in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contributing to industrial and technological development of society in collaboration with industry and other organizations;
- (f) determining who may teach, who may be taught, how it may be taught, when it may be taught and examined;
- (g) making proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (h) making proposals for the establishment of Colleges, schools, centres, campuses, institutes, departments, and other resource and administrative units as may be appropriate;
- (i) inculcating a culture of innovation and creativity amongst staff, students and society;
- (j) developing an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products.
- (k) providing a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) facilitating student mobility between programmes of study at different training institutions;
- (m) promoting critical inquiry and creativity in education, training and research;
- (n) participating in commercial ventures and activities that promote the objectives of the University College;
- (o) fostering the general welfare of staff and students;
- (p) providing opportunities for development and further training for staff of the institution;

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- (q) developing and providing educational, cultural and professional services to the community and in particular the fostering of corporate social responsibility;
- (r) providing programmes, products, and services in ways that reflect the principles of equity and social justice;
- (s) conducting examinations for, and grant such, academic awards as may be provided for in the Statutes, and syndicating examinations for awards at other institutions as may be approved by the College Academic Board;
- (t) generally facilitating the development and provision of appropriate and accessible academic and other programmes.

(2) Admission to the University College as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the College Academic Board in accordance with this Order without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, marital status, religion, physical ability, gender or age;

(3) No barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University College, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

5. Conferment of Degrees and Award of Certificates and Diplomas

(1) The degrees and postgraduate diplomas to be awarded by the University College shall be the degrees and postgraduate diplomas of the Kenyatta University.

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

(3) Subject to this Order, Kenyatta University in consultation with the University College Council and on the recommendation of College Academic Board may cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

6. Award of Scholarship, Bursaries and other Awards

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

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. Membership of the University College

- (1) The members of the University College shall be—
- (a) the Chancellor of Kenyatta University;
 - (b) the Vice-Chancellor of Kenyatta University;
 - (c) the Council;
 - (d) the Principal;
 - (e) the Deputy Principals;
 - (f) the members of the Academic Board;
 - (g) the members of the College Management Board;
 - (h) the Principal of Colleges within the University College;
 - (i) the Registrars;
 - (j) the professors of the University College;
 - (k) the lecturers of the University College;
 - (l) the Finance Officer;
 - (m) the University College Librarian;
 - (n) the Chief Legal officer;

- (o) the Chief Medical Officer;
- (p) the Academic Staff;
- (q) the Information and Communications Technology Director;
- (r) the Dean of students;
- (s) the administrative and support staff;
- (t) the Students;
- (u) the Alumni; and
- (v) such other members of the University College as the Council may determine from time to time;

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

8. The Chancellor

(1) The Chancellor of Kenyatta University shall be the Chancellor of the University College.

(2) The functions of the Chancellor and the tenure of the office shall be in accordance to the provisions of the Act, Kenyatta University Charter and this Order.

(3) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided in the Act, Kenyatta University Charter, this Order and the College Statutes.

9. The Council

(1) There shall be a University College Council which shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall be the secretary to the Council and an *ex officio* member.

(3) Subject to this paragraph, a member of the Council, other than an *ex officio* member, shall hold office for a period of three years, and shall be eligible for re-appointment for one further term.

(4) The office of a member of the Council shall become vacant if the member-

- (a) not being an *ex officio* member, resigns from office by notice in writing addressed to the Principal;
- (b) is unable to exercise the functions of his office for reasons of physical or mental infirmity;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
- (d) is adjudged or declared by any competent court or tribunal to be of unsound mind;
- (e) is convicted of an offence and is sentenced to imprisonment for a period of six months or more;
- (f) is guilty of gross misconduct;
- (g) dies.

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

(6) The procedure conduct and regulation of the affairs of the Council shall be as provided for in the Act.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University College and shall always act in the best interest of the University College and subject to this Order, the Council shall be the governing body of the University College through which the University College shall—

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

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- (b) make and approve Statutes for *gazettement* in accordance with the Act;
- (c) determine the method of recruitment, appointment and promotion of all staff of the University College;
- (d) appoint and determine the terms and conditions of service for all staff of the University College;
- (e) confer after receiving a report from the College Academic Board, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (f) approve the budget;
- (g) promote and to make financial provisions and facilities for execution of the functions of the University College;
- (h) determine, after considering the recommendations of the academic Board, all fees payable to the University College;
- (i) approve the investment of any money belonging to the University College 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 immovables property on behalf of the University College;
- (k) subject to the laid down government procedures, to approve the borrowing of money on behalf of the University College; 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 immovables property or otherwise as the Council may deem fit;
- (l) on the recommendation of the academic Board 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 College, whether formed by the subdivision 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) institute on the recommendation of the academic Board fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (n) approve the terms and conditions upon which internal and external examiners shall be appointed by the academic Board;
- (o) authorise committees to act jointly with any Committees appointed by the academic Board, provided that the Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
- (p) approve regulations governing the conduct and discipline of the students of the University College;
- (q) receive, on behalf of the University College, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (r) 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) provide for the welfare of the staff and students of the University College;

- (t) approve regulations governing the recruitment, conduct and discipline of the staff of the University College;
- (u) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University College;
- (v) constantly review the viability and financial sustainability of the University College, and shall do so once every year;
- (w) ensure that the University College complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;
- (x) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

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

10. The Principal

(1) There shall be a Principal of the University College who shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall be the Chief Executive of the University College and shall—

- (a) be the academic and administrative head of the University College;
- (b) have overall responsibility for the direction, organization, administration and programmes of the University College; and
- (c) have such responsibilities and duties as may be provided for in this Order and the Statutes.

(3) The Principal shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

(4) Notwithstanding subparagraph (1), the Cabinet Secretary may at the coming into operation of this Order appoint the first Principal of the University College in an acting capacity for a period of six months on the recommendations of the Kenyatta University Council, after which the appointment process shall be conducted in accordance with the Act.

11. The Deputy Principals

(1) There shall be a Deputy Principal of the University College, who shall be appointed in accordance with the provisions of the Act.

(2) The Deputy Principals shall perform the functions of office under the general direction of the Principal and exercise such powers and perform such duties as may be provided for by the Statutes.

(3) A Deputy Principal shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

12. Deans and directors of faculties, Schools, Institutes and Centers

(1) The Council shall, after a competitive process, appoint for each Faculty, School, Centre, or Department a Dean, Director, or Chairperson, who shall be the academic and administrative head of the School, Institute, or Centre, and shall under the general direction of the Principal, have such powers and duties as may be provided for by the Statutes.

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

13. The College Academic Board

(1) There shall be an academic Board of the University College as provided for in the Statutes whose membership shall be—

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- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Deans of Schools, Directors of Institutes, Centres and other academic units;
- (d) the Registrars;
- (e) the heads of teaching Departments;
- (f) the Professors of the University College;
- (g) the University College Librarian;
- (h) one representative of each of the School Boards appointed by the respective boards from amongst its members;
- (i) the Dean of Students;
- (j) the Director of Information, Communication and Technology services of the University College;
- (k) two members elected by the students' organization in the manner provided in the statutes, who shall however not be entitled to attend deliberations of the academic Board on matters which are considered by the Chairperson of the academic Board to be confidential or which relate to examinations, the general discipline of students, and other related matters;
- (l) such other member as the Council may determine in accordance with the Statutes.

(2) The Deputy Principal (Academic and Students Affairs) shall be the secretary to the academic Board.

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

- (a) recommending to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the College Academic Board, may from time to time deem necessary;
- (b) subject to the Act, and in consultation with the Senate, making recommendations to the Council for the establishment, abolition or supervision of degree and other academic programmes and their titles in the University College;
- (c) in consultation with the Senate, setting the dates of the academic year and determining the schedule of academic programmes within the academic year;
- (d) in consultation with the Senate, approving all syllabi of the University College;
- (e) in consultation with the Senate, making regulations governing methods of assessing and examining the academic performance of students;
- (f) proposing regulations for consideration by the Senate regarding the eligibility of persons for admission to a course of study;
- (g) regulating the conduct of examinations;
- (h) in consultation with the Senate, appointing internal and external examiners and recommending to the Council the terms and conditions for their appointment;
- (i) in consultation with the Senate, approving the examination results;
- (j) subject to the Act and in consultation with the Senate, approving the award of degrees including the award of honorary degrees and other academic distinctions;
- (k) in consultation with the Senate, determining the procedure to be followed in the conferment of the degrees and other awards;
- (l) evaluating research, teaching, staffing and general work of anybody or section of the University College and if it so wishes reporting and making recommendations thereon to the Council;

- (m) promoting and administering the extra-mural, external and extension work of the University College;
- (n) promoting research and innovation work in the University College;
- (o) promoting co-operation and linkages with other institutions of higher learning and industry;
- (p) in consultation with the Senate, making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (q) developing, implementing and promoting quality assurance systems and structures in all University College operations;
- (r) promoting the welfare of students and staff in the University College;
- (s) proposing regulations and procedures for the discipline of students and making recommendations thereof to the Council;
- (t) in consultation with the Senate, discontinuing a student from a programme of study on academic grounds;
- (u) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and making appropriate decision;
- (v) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the University;
- (w) reviewing the Statutes from time to time and presenting recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
- (x) determining 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 College.

(4) The academic Board shall exercise such other powers as may be conferred by the Act, the Statutes or by the regulations and to do such other acts as the Council shall authorize.

(5) Notwithstanding the provisions of this Order, 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 the academic Board.

14. Students' organization

- (1) There shall be a Students' Association established in accordance with the Act.
- (2) The Students' Association shall comprise all the students of the University.
- (3) The Students' Association shall elect a Student Council which shall have the following functions—
 - (a) overseeing and planning, in consultation with the Senate and the University Management Board, the activities of the students for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
 - (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;
 - (c) undertaking such other functions as may be provided in its governance instruments approved by the Senate; and
 - (d) undertaking such other functions as provided in its governance instrument as approved by the University Council.

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15. The Alumni Association

(1) There shall be Alumni Association of the University College, which shall consist of graduates of the University College and such other persons as may be prescribed by the Statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University College and transmit resolutions thereon to the Council and the academic Board, and may exercise such other functions as the Statutes may prescribe.

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

(4) The Council shall make rules for the promotion of the Alumni Association.

PART IV – MANAGEMENT OF THE UNIVERSITY COLLEGE

16. The Management Board

(1) There shall be a University College Management Board which shall perform such functions as provided for in this Order and the Statutes.

(2) The Management Board shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principals;
- (c) the Registrars;
- (d) the Finance Officer;
- (e) the Chief legal officer; and
- (f) such other member of the senior management as the Council may determine.

(3) The Deputy Principal for the time being in charge of finance and administration, shall be the secretary;

(4) The Chairperson of the Management Board may invite other officers of the University College 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.

(5) The Management Board shall assist the Principal in the day-to-day management of the University College and shall—

- (a) encourage the rationalization and efficiency of the University College services;
- (b) co-ordinate and control the development, planning, management and administration of the University College and its resources in accordance with approved policies, rules and regulations;
- (c) submit proposals to the University College 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 College;
- (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the University College;
- (e) propose to the University College Council rules and regulations for the administration of the University College and for the execution of its programmes and plans;
- (f) propose establishment of University College charges and fees; and
- (g) perform any other duties assigned to the University College Board.

17. The staff of the University College

(1) The senior management staff of the University College shall consist of, the Principal, the Deputy Principals, the Principals of Colleges of the University College, and such other members of staff as the Council may from time to time determine.

(2) The teaching staff of the University College shall consist of, the Principal, the Deputy Principals, the Principals of Colleges of the University College, the Librarian and all members of staff who are engaged in teaching and research.

(3) The Administrative Staff of the University College shall consist of the Registrars, the Directors, Finance Officer and such other members of staff not being engaged in teaching or research, as the Council may, from time to time determine.

(4) The Technical Staff of the University College 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.

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

(6) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Order and the Statutes; or
- (b) in the case of a person seconded to the service of the University College from the service of another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(7) 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 College.

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

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

18. Performance of functions in absence of office holder

(1) In the event of the incapacity of the Principal, the Council shall appoint one of the Deputy Principals to carry out the functions of the Principal during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Principal and the Deputy Principals, the Council may appoint one of the Principals of the Colleges of the University College to perform the functions of the Principal during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Principal, the Deputy Principals, the Principals of Colleges of the University College, the Council may appoint a member of the academic staff at the level of professor to perform the functions of the Principal during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University College, the Principal 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.

(5) In this paragraph, "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

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vacant and the process of filling up the position as provided for in the Act, Statutes, or regulations shall commence.

PART V – FINANCIAL PROVISIONS

19. Financial year

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

20. Investment of funds

The Council may invest any of the funds of the University College in accordance with the provisions of the Act and the applicable legal provisions.

21. Annual estimates

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

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions; gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;
- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (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 buildings or equipment and in respect of such other matters as the Council may think fit.

(3) In drawing its annual estimates and development plans, the University College shall consult with the Government agency responsible for the making of university grants.

(4) Annual estimates shall be approved by the Council before the commencement of financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary have given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(5) No expenditure shall be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in pursuance of an authorization of the Council given with prior approval of the Cabinet Secretary.

22. Accounts and Audit

(1) The Council shall cause to be kept all audit proper books of accounts of the income, expenditure and assets of the University College.

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Controller and Auditor-General, the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act (Cap. 412B).

PART VI – MISCELLANEOUS PROVISIONS

23. The common seal and signification of documents

(1) The Common Seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The Common Seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) The Common Seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

24. The Statutes

(1) In the performance of its functions under this Order, the Council shall, subject to this Order, make Statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;
- (f) 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 staff of the University College;
- (h) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (i) providing for or prescribing anything, which, under this Order may be provided for or prescribed by the Statutes.

(2) Notwithstanding subparagraph (a), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or the College Academic Board without first ascertaining the opinion of the College Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.

(4) Statutes made by the Council under the Act shall be published in the Kenya *Gazette* as provided for under section 23 of the Act.

25. Protection of name

(1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "University College", or "Mama Ngina" together in any order, unless the application for the registration is accompanied by a written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the word "University College", or "Mama Ngina" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits

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an offence and shall be liable to conviction to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University College.

THE AGA KHAN UNIVERSITY-KENYA CHARTER

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2. Interpretation

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4. Vision
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8. Objects and Functions of the University
9. Establishment of Constituent Colleges
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THE AGA KHAN UNIVERSITY-KENYA CHARTER

[Legal Notice 75 of 2022]

PREAMBLE

WHEREAS the Aga Khan Foundation wishes to establish an institution in the name of the Aga Khan University-Kenya, situated in Nairobi County in the Republic of Kenya;

AND WHEREAS the said the Aga Khan University-Kenya has applied to the Commission for University Education for the grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of the Aga Khan University-Kenya are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that the Aga Khan University-Kenya has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education, on the said institution, and the Cabinet Secretary, Ministry of Education is satisfied that the Aga Khan University-Kenya be granted the Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that the granting of the Charter to the Aga Khan University-Kenya 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 (Cap. 210), I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed here to the Aga Khan University-Kenya.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Aga Khan University-Kenya Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means the body established under Paragraph 20 of this Charter;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to university education;

"Chancellor" means the Chancellor of the University appointed under Paragraph 17 of this Charter;

"Commission" means the Commission for University Education established under section 4 of the Act;

"Council" means the governing body of the University established under Paragraph 18, of this Charter;

"Dean" means a person appointed to head a College, School, Faculty, Academic Unit, Center or Institute of the University;

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"Dean of Students" means the person appointed to be in charge of the student experience and welfare in accordance with the Statutes;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of the University appointed under Paragraph 22 of this Charter;

"Faculty" means a division within the University comprising of one subject area, or a number of related subject areas;

"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;

"Institute" means an institute of the University established by the Statutes;

"Senate" means the body established under Paragraph 25 of this Charter;

"Sponsor" means the Aga Khan Foundation;

"Statutes" means Statutes of the University made by the Council under Paragraph 39 of this Charter;

"Student" means a person for the time being registered by the University for the purpose of obtaining a qualification of the University;

"Student Association" means the body established under paragraph 19 of this Charter;

"University" means the Aga Khan University-Kenya established under Paragraph 3 of this Charter;

"University Staff" means a member of staff of the University appointed under Paragraph 27 of this Charter;

"University Management Board" means the committee established under Paragraph 26 of this Charter;

"University Campus" means an extension of a university set up by the University pursuant to its Statutes and established in accordance with Section 20 of the Act; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under Paragraph 21 of this Charter.

PART II – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE UNIVERSITY

3. Establishment and Incorporation of the Aga Khan University

(1) There is established a University to be known as the Aga Khan University-Kenya.

(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, granting, borrowing and lending money; and
- (d) doing or performing any such other things or Acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University is the successor of the Aga Khan University constituted under the Universities Act (now Repealed) and issued with a Letter of Interim Authority dated 11th July, 2002 under *Gazette* Notice No. 4537.

(4) Subject to this Charter, all rights, duties, obligations, assets and liabilities of the Aga Khan University held by or by or on behalf of the Aga Khan University-Kenya, and existing at the commencement of this Charter, shall be automatically and fully transferred to and vest in the University.

4. Vision

The University is an autonomous, international institution of distinction, primarily serving the developing world in innovative and enduring ways.

5. Mission

(1) The University is committed to the development of human capacities through the discovery and dissemination of knowledge, and application through service.

(2) It seeks to prepare individuals for constructive and exemplary leadership roles, and shaping public and private policies, through strength in research and excellence in education, all dedicated to providing meaningful contributions to society.

6. Philosophy

(1) The University operates on the core principles of quality, relevance, impact and access.

(2) The University is committed to building an environment that fosters intellectual freedom, distinction in scholarship, pluralism, compassion and humanity's collective responsibility for a sustainable physical, social and cultural environment.

(3) The University shall operate as a non-profit organization.

7. Core Values

In pursuit of its philosophy, the University shall adhere to the following—

- (a) offering programmes of international quality;
- (b) responding to identified needs in the countries and regions which it serves;
- (c) prioritizing teaching and research which will inform and underpin intellectual innovation and change;
- (d) providing service to advance its educational and research mandate;
- (e) fostering and developing leadership capacity through its education and research programmes;
- (f) assessing its impact and effectiveness;
- (g) promoting access and equity by taking positive measures to make the University inclusive of all socio-economic groups, addressing the particular needs and circumstances of the disadvantaged;
- (h) promoting the welfare and advancement of women;
- (i) engaging in knowledge networking and emerging technologies; and
- (j) adding value by promoting partnership and networking across the Aga Khan Development Network and with other national and international institutions.

8. Objects and Functions of the University

The objects and functions of the University shall be—

- (a) providing directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advancing knowledge and its practical application by research and other means;
- (c) disseminating the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participating in technological innovation as well as in the discovery, transmission and enhancement of knowledge and stimulating the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contributing to industrial and technological development of society in collaboration with industry and other organizations;

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- (f) inculcating a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (g) promoting education in health science including medicine, nursing, science, technology, engineering, mathematics, media and other relevant disciplines within the institution and society;
- (h) developing an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (i) providing a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (j) providing for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (k) playing a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (l) providing high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (m) promoting critical enquiry and creativity in education, training and research within the institution;
- (n) fostering the general welfare of staff and students;
- (o) providing opportunities for development and further training for staff of the institution;
- (p) developing and providing educational, cultural, professional and technical services to the community and in particular the fostering of corporate social responsibility;
- (q) providing programmes, products, and services in ways that reflect the principles of equity and social justice;
- (r) establishing, administering, managing and supporting hospitals, clinics, laboratories, pharmacies and other sites and facilities for education, training and research; and
- (s) generally facilitating the development and provision of appropriate and accessible academic and other programmes.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, color, creed, physical ability or gender.

(3) 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.

(4) The University shall charge such fees or levy as the Council may, with the advice of the Senate, approve from time to time, for students admitted to the University for defraying expenses connected with their education.

(5) The University shall operate as a non-profit organization.

9. Establishment of Constituent Colleges

The Cabinet Secretary may, on the recommendation of the Council, and on the advice of the Commission for University Education, by order published in the *Gazette*, establish or declare an institution of learning or higher education or any training establishment to be a Constituent College of the University.

10. Establishment of Colleges and Campuses, Schools and Institutes

(1) The University Council may, on the advice of the Senate, establish Colleges within the University or Campuses, to offer training and courses of instruction consistent with its mission and objects whose functions and powers shall be as provided for by the Statutes.

(2) A College or Campus which is established shall consist of such Faculties, Schools, Institutes or Centres as may be provided by the Statutes.

11. Conferment of Degrees and Grant of Diplomas, Certificates and other Awards

(1) Subject to this Charter, the University shall—

- (a) confer Bachelor's degree, Master's degree, Doctorate degree and other awards;
- (b) grant diplomas, certificates and other academic awards 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 endeavor worthy of such a degree or academic distinction.

(2) Subject to this Charter, the University may award fellowships, scholarships, bursaries and prizes and make other awards as may be provided for in the Statutes.

12. Convocation

(1) There shall be a convocation of the University which shall consist of such members as prescribed by the Statutes.

(2) The convocation shall be convened for purposes of conferment and granting of awards and for such other functions as may be outlined in the Statutes.

13. Withdrawal of Degrees, Diplomas, Certificates and other Awards

The Council may, subject to this Charter, and on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

14. Membership

The members of the University shall be—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges within the University;
- (g) the Deans, Directors of Faculties, Schools or Institutes;
- (h) the Senate;
- (i) the University Faculty;
- (j) the Registrars;
- (k) the University Librarian;
- (l) the University Chaplain;
- (m) the Dean of Students;
- (n) the Staff of the University;
- (o) the Students;

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- (p) the Alumni;
- (q) the Convocation; and
- (r) 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.

15. Governance

The governance of the University is vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Sponsor;
- (b) the Chancellor;
- (c) the University Council;
- (d) the Vice-Chancellor;
- (e) the Management Board;
- (f) the University Senate;
- (g) the Alumni Association; and
- (h) the Students Association

16. Sponsor

- (1) The sponsor of the Aga Khan University-Kenya is the Aga Khan Foundation.
- (2) The Sponsor shall, in addition to any other functions set out in this Charter—
 - (a) appoint members of the Council;
 - (b) raise funds for the benefit of the University;
 - (c) promote the objects of the University; and
 - (d) appoint the Chancellor.

17. The Chancellor

(1) The Chancellor of the University shall be the sole Imam of the Shia Imami Ismaili Muslims, chosen by successional designation in terms of the applicable customary law, as referenced in the Constitution of the Shia Imami Ismaili Muslims.

- (2) The Chancellor—
 - (a) shall be the titular head of the University.
 - (b) shall, in the name of the University, in person or his designated appointee, confer, grant or award degrees, diplomas, certificates and other awards 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; and
 - (d) shall enjoy such powers and privileges and perform such other functions as may be necessary and expedient to achieve the objectives of the University.

18. The Council

- (1) The University shall have a Council appointed as follows—
 - (a) the Chairperson who shall have at least a master's degree and who shall be appointed by the Sponsor;
 - (b) three persons with distinguished qualifications and experience in the field of education appointed by the Sponsor;
 - (c) two persons of international renown with distinguished qualification and experience in leadership, appointed by the Sponsor; and
 - (d) the Vice-Chancellor, who shall be the Secretary and an *ex officio* member of the Council.

(2) Under special circumstances the Sponsor may appoint not more than two additional members, being persons whose skills or experience are necessary for the purposes of the functions of the Council.

(3) The composition of the Council shall ensure that at least a third of the membership are Kenyan citizens by birth.

(4) The members of the Council, except the Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(5) The members of the Council shall appoint from amongst its members or otherwise form such committees as may, in the opinion of the Council, lead to its more efficient and effective functioning.

(6) The position of a member of the Council shall become vacant if the member—

- (a) dies;
- (b) not being an *ex-officio* member, resigns from office by notice in writing addressed to the appointing authority or fails to attend three consecutive meetings of the Council without sufficient cause or leave of absence; and
- (c) is removed from office by the Sponsor or the appointing authority upon being satisfied that the member is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required.

(7) Where the office of a member of the Council becomes vacant under subparagraph (6), the Vice-Chancellor shall notify the vacancy to the appointing authority.

(8) A vacancy in the office of a member of the Council shall be filled by a person appointed by the Sponsor.

(9) In addition to the powers and responsibilities vested to it under the Act and this Charter, the Council shall be responsible for the general supervision and control over the affairs of the University, and the power to lay down regulations and policies of the University, including the power to—

- (a) manage, control supervise and administer the assets and resources of the University in such a manner as best promotes the purpose for which the University is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the University;
- (c) receive any grants, donations or endowments on behalf of the University and make legitimate disbursements therefrom;
- (d) enter into association, collaboration or linkages with other bodies or organizations within or outside Kenya as the University may consider desirable or appropriate and in furtherance of the purpose for which the University is established;
- (e) open a banking account or accounts for the funds of the University;
- (f) employ staff of the University;
- (g) approve any proposed amendments to the Charter of the University;
- (h) make Statutes for the University under the Charter in accordance with the Act;
- (i) promote the objects of the University and to solicit or raise funds either directly or through any other agency or entity established for that purpose, or other friends and supporters of the University and to apply such funds for the purpose and objects of the University;
- (j) borrow or raise money for the purposes of the University upon such security and other terms as may be required;
- (k) establish, promote, create or participate in the establishment, promotion, creation of a subsidiary, subsidiaries or an affiliated legal entity or entities either directly by itself or through or in partnership with other legal entity or

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entities in furtherance of the objects and purposes of the University including income generating activities to sustain the operations of the University;

- (l) formulate or approve the principles, policies and plans governing the activities and operations of the University so as to ensure that the academic staff enjoy academic freedom in their research and educational work;
- (m) prepare or have prepared and revised Statutes, rules and regulations from time to time for the efficient and effective operation of the University;
- (n) review and approve the creation of any standing component of the University, such as Faculties, Colleges, Campuses, programmes, Institutes, standing committees and councils and other administrative bodies necessary to assist or improve the working of the University;
- (o) approve the plans of work and annual budget of the University submitted by the Vice-Chancellor;
- (p) require of, and consider reports submitted by the Vice-Chancellor relating to the activities of the University and the execution of the plans of work and to direct the Vice-Chancellor to submit reports relating to any matters as may be specified by the Council from time to time;
- (q) to create such academic or administrative positions as it may consider necessary for the purposes of the University and to approve appointments to such of these positions as it may specify, including the positions of provost, deans, directors, head of the library, professors and associate professors;
- (r) undertake responsibility for the financial integrity of the University, including responsibility for ensuring sustainability and effectiveness of its future operations, their continuity and the preservation of the autonomy of the University;
- (s) approve all affiliations and other similar arrangements through which institutions or individuals may become associated with the University;
- (t) enter into agreements, contracts, collaborations, understandings and arrangements with governments, organizations, institutions, bodies, individuals and other persons for the purpose of carrying out its functions and activities.
- (u) take all such initiatives, as it may consider necessary or desirable for the efficient or effective management and functioning of the University; and
- (v) perform such other functions as may be assigned or delegated to it by the Sponsor.

(10) The Council shall regulate its own rules of procedure and may amend or modify them from time to time provided that such rules of procedure are consistent with the provisions of the Act, the Universities Regulations and this Charter and provided further that where any such rules of procedure are in conflict with or inconsistent with the provisions of the Act, the Universities Regulations and this Charter, such rules of procedure shall be invalid and ineffective to the extent of the inconsistency.

(11) The Council shall meet at least four times in a year for regular or scheduled meetings and may meet at any other time at which a special meeting thereof may be called by the Chairperson or requisitioned in writing by not less than one third of the Council members, a fraction being counted as one.

(12) Not less than ten clear days' notice of a special meeting shall be given to the members of the Council and the agenda of the meeting shall be restricted to the matters specified in the agenda to be annexed to such notice.

(13) The quorum for a meeting of the Council shall be one-half of its members, a fraction being counted as one.

(14) The decisions of the Council shall be by a simple majority of the members present and voting and, the Chairperson or person presiding shall, in the event of equality of votes, have a casting vote.

(15) Meetings may be held in person or through electronic means including audio, video-conferences or through circulation of written resolutions at the discretion of the Council. Written resolutions may be in two or more counter parts, which together and signed by the minimum number of Council members prescribed in the relevant resolution will be deemed to constitute a resolution of the Council. Such a written resolution of the Council will be filed with minutes of the proceedings of the Council and will be deemed to be passed on the date stated therein or, in the absence of such a date being stated, on the latest date stated on any of the relevant counterpart.

19. The Students' Association

(1) There shall be a Student Association of the University, which comprises all the students of the University.

(2) The Students Association shall elect a Student Council which shall have the following functions—

- (a) overseeing and planning, in consultation with the Senate and the University Management Board, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
- (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;
- (c) undertaking such other functions as provided in its governance instruments approved by the Senate; and
- (d) undertaking such other functions as provided in its governance instrument as approved by the University Council.

20. The Alumni Association

(1) The University may establish an Alumni Association as provided for in the Act, which shall consist of the graduates of the University, beginning with the first graduation, and such other persons as may be declared to be members by the Council.

(2) The objectives and the governance of the Alumni Association shall be guided by a constitution drawn up by the group of individuals who are the alumni of the University on the date of this Charter.

(3) The constitution of the Alumni Association shall be approved by the Council and shall not be inconsistent with this Charter.

PART IV – MANAGEMENT OF THE UNIVERSITY

21. The Vice-Chancellor

(1) The Vice-Chancellor shall be appointed upon such terms and conditions of service as the Council shall determine.

(2) The Vice-Chancellor shall be required to be the holder of a Doctor of Philosophy degree and shall be the Chief Executive Officer of the University.

(3) The Vice-Chancellor shall—

- (a) be the academic and administrative head of the University;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the University; and
- (c) have such responsibilities and duties as may be provided for in the Charter.

(4) The Vice-Chancellor shall, with the support and assistance of the University Management Board and the Senate, and in accordance with the guidelines and general policies formulated by the Council from time to time and for the implementation of the decisions and policies of the Council—

- (a) submit the plans of work and budget estimates of the University for the approval of the Council;

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- (b) direct the activities connected with the execution of programmes for instruction, training, research, demonstration, and service and authorize expenditure provided for in the budget as approved by the Council;
- (c) appoint, with the approval of the Council where necessary, members of the academic and administrative staff of the University and such other personnel as may be necessary in accordance with policies and procedures approved by the Council so as to ensure the highest intellectual and moral qualities and appropriate qualifications in the persons appointed;
- (d) submit to the Council, in accordance with the rules of procedure framed by it, report on the activities of the University and the execution of the plans of work;
- (e) prepare and revise from time to time rules and regulations for the efficient and effective operation of the University;
- (f) provide the necessary services to the Council; and
- (g) act for and on behalf of the University as required and necessary.

(5) The Vice-Chancellor may, subject to the approval of the Council, assign or delegate such of his powers and functions under the Charter to such persons as the Vice-Chancellor may determine. Every such person shall report, and be responsible, to the Vice-Chancellor, who shall be responsible to the Council.

(6) The Vice-Chancellor shall perform such other functions as may be assigned or delegated to the Vice-Chancellor by the Council from time to time.

22. The Deputy Vice-Chancellors

(1) The University shall have one or more Deputy Vice-Chancellor as the Council deems fit.

(2) The Deputy Vice-Chancellor shall be appointed by the Council upon such terms and conditions as the Council shall determine.

(3) The Deputy Vice-Chancellor of the University shall support and assist the Vice-Chancellor on matters of the University.

(4) The Deputy Vice-Chancellor shall perform such other academic and administrative functions as assigned or delegated to the Deputy Vice-Chancellor by the Vice-Chancellor from time to time.

23. Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed by the Council through a competitive recruitment process 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.

24. The Principals of Colleges of the University

(1) The Council shall, for each College and Campus of the University, appoint a Principal through a competitive recruitment process 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.

25. The Senate

(1) There shall be a Senate of the University as provided for in the Statutes whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;

- (c) the Principals of each Constituent College 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 of each Constituent College from among the members of such board or body;
 - (i) the Professors of the University
 - (j) the University Librarian;
 - (k) one representative of each of the School Boards appointed by the respective boards from amongst its members;
 - (l) the Dean of Students;
 - (m) the Directors of the respective directorates established in the University;
 - (n) subject to the Statutes, two members elected by the students' organization, who shall however not be entitled to attend deliberations of the Senate on matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters; and
 - (o) such other member as the Council may determine in accordance with the Statutes.
- (2) The Deputy Vice-Chancellor (Academic and Students Affairs) shall be the Secretary.
- (3) The Senate shall set admission and graduation standards and requirements.
- (4) The Senate shall initiate and implement academic policies of the University that have previously been approved by the Council and shall perform such academic functions as are prescribed by the Council from time to time.
- (5) The Senate shall select, examine and admit students.
- (6) The Senate shall cancel or withdraw degrees, certificates, achievement designations, and other academic distinctions as may be provided when deemed necessary.
- (7) In addition, the Senate shall have the following powers and duties—
- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) proposing Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) proposing Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
 - (d) deciding which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (e) initiating proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
 - (f) recommending 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;
 - (g) subject to the Act, making recommendations to the Council for the establishment or abolition, supervision, degree and other academic programmes and their titles in the University;

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- (h) setting the dates of the academic year and determining the schedule of academic programmes within the academic year;
- (i) approving all syllabi of the University;
- (j) making regulations governing methods of assessing and examining the academic performance of students;
- (k) evaluating academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
- (l) regulating the conduct of examinations;
- (m) appointing internal and external examiners and recommending to the Council the terms and conditions for their appointment;
- (n) approving the examination results;
- (o) subject to the Act, approving the award of degrees including the award of honorary degrees and other academic distinctions;
- (p) determining which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (q) determining the procedure to be followed in the conferment of the degrees and other awards;
- (r) determining the design of academic dress and prescribing its use;
- (s) evaluating research, teaching, staffing and general work of a body or section of the University and if it so wishes to report and making recommendations thereon to the Council;
- (t) promoting and administering the extra-mural, external and extension work of the University;
- (u) promoting research and innovation work in the University;
- (v) promoting co-operation and linkages with other institutions of higher learning and industry;
- (w) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (x) developing, implementing and promoting quality assurance systems and structures in all University operations;
- (y) promoting the welfare of students and staff in the University;
- (z) proposing regulations and procedures for the discipline of students and making recommendations thereof to the Council;
- (aa) discontinuing a student from a programme of study on academic grounds;
- (bb) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and making appropriate decision;
- (cc) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the university;
- (dd) reviewing 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; and
- (ee) determining 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.

26. The University Management Board

(1) There shall be a University Management Board which shall assist the Vice-Chancellor with the day-to-day management operations of the University and implementation of the policies of the University and further undertake such other functions as shall be set out in this Charter.

- (2) The membership of the University Management Board shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Registrar;
 - (d) the Chief Financial Officer;
 - (e) the Chief Legal Officer; and
 - (f) the Quality Assurance Officer.

27. The Staff of the University

- (1) The Academic Staff of the University shall consist of—
- (a) the Vice Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University;
 - (d) the University Professors;
 - (e) the University Librarian; and
 - (f) all members of staff who are engaged in teaching, research or extension in the University.
- (2) The Management staff of the University shall consist of—
- (a) the Council;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) the Principals of Colleges within the University;
 - (e) the Deans of Faculties and Schools, Directors of Centers and Institutes of the University;
 - (f) the University Librarian;
 - (g) the Chairpersons of departments;
 - (h) the Registrars;
 - (i) the Finance Officer of the University; and
 - (j) such other members of the staff as the Council may from time to time determine.
- (3) The administrative staff of the University shall consist of such members of staff engaged in general administration as the Council may, from time to time determine
- (4) The technical staff of the University shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environment in the teaching department under the general direction of the heads of the teaching departments, and as Council may, from time to time determine.
- (5) 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.
- (6) 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 the services prescribed by the Statutes; or
 - (b) in the case of a person seconded to the services of the University from the services of another institution, the government or any other institution, on terms and condition agreed upon with the Council.
- (7) The Council may, subject to such restrictions as it may impose, delegate either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.

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28. Performance of duties during the incapacity of an Office Holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the office of the Vice-Chancellor during the period of incapacity for a maximum of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council shall appoint one of the Principals of Colleges within the University to perform the functions of the office of the Vice-Chancellor during the incapacity for a maximum of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges within the University, the University Council shall appoint a member of the academic staff at the level of a professor to perform the functions of the office of the Vice-Chancellor during the incapacity for a maximum of one hundred and eighty calendar days.

(4) In this section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes 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.

PART V – FINANCIAL PROVISIONS

29. Financial Year

The financial year of the University shall be a consecutive period of twelve months commencing on the 1st day of January and ending on the 31st day of December each year or such other consecutive period of twelve months as the Council may determine from time to time.

30. University Fund and Resources

(1) The University shall have a Fund and whose resources may be derived from tuition and other fees, donations, gifts, trusts, bequests, endowments, grants, contributions, income from auxiliary activities such as consultancy, fees for services rendered and any other sources and which shall be under the control of the Council.

(2) Capital and recurrent expenditure of the University shall be met from the Fund and out of the contribution made by the Aga Khan Foundation and any other sources, including other foundations, universities and individuals as may be approved by the Council from time to time, and from the income derived therefrom.

(3) No contribution, donation or grant which may directly or indirectly involve any immediate or subsequent financial liability for the University, or which may involve an activity not included in its programmes for the time being, shall be accepted without the prior approval of the Council.

31. Investment of Funds

(1) The Council may invest any of the funds of the University in securities, treasury bonds, trust funds or in such other securities as the Sponsor may approve.

(2) The Council may place on deposit with such banks as it may determine, any monies not immediately required for the purposes of the University.

32. Annual Estimates

(1) Before the commencement of a fiscal year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University for the 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.

33. Accounts and Audit

(1) The accounts of the University shall be maintained in such form and manner as may be determined by the Council and shall be audited each year within four months of the closing of the financial year of the University by a Certified Public Accountant appointed by the Council.

(2) The University shall be operated on a non-profit basis. Any surplus made by it shall accrue to the University and shall be used to promote the objects of the University and to sustain its academic and service programmes. The University shall not distribute its surplus or any part thereof to any person or a legal entity other than those collaborating with the University in furtherance of its objectives.

(3) The accounts, together with the report of the auditor thereon, shall be submitted annually to the Council for approval and availed to the Commission whenever required.

(4) The auditor's report shall certify that the auditor has complied with the standards of audit and certification laid down by the Institute of Certified Public Accountants of Kenya.

PART VI – MISCELLANEOUS PROVISIONS

34. Instruments of Governance

(1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

35. Instruments of Authority

Subject to this Charter, the University shall possess the University Mace, the Common Seal for signification of documents and the University Logo as its instruments of Authority.

36. The Common Seal

(1) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct and may be affixed, as and when required under the applicable law, to legal documents and instruments or as determined by the Council. A document or an instrument duly sealed and purporting to be signed by the duly authorized officers of the University shall be binding and considered as properly executed by the University.

(2) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor and or other person duly authorized by the Council.

(3) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially 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.

(4) 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 under the hand of the Chairperson,

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the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorized by the Council on its behalf.

(5) No person, body, authority and or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, shall use the Common Seal and Logo of the Aga Khan University-Kenya except with the consent of the Council and or authorized representative of the Council.

37. Indemnity and Bar of Jurisdiction

No matter or thing done by a member of the University or any officer, employee or agent of University shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the university, render the member, officer, employee or agent or any person acting under the directions personally liable to any action, claim or demand whatsoever.

38. Interpretations and Amendment of the Charter

(1) The Charter shall be valid and effectual in law according to its true intent and meaning and shall be construed, subject to the provisions of the Act and applicable regulations, in the best interest of the University to ensure effective promotion and implementation of its objectives, and optimal utilization of its resources in accordance with the provisions of this Charter.

(2) Any proposed amendment of this Charter shall be made by a two-thirds majority vote of the Council and such proposed amendment shall have prior approval of the Chancellor and the Sponsor provided that no such proposed amendment shall be inconsistent with the provisions of the Charter.

39. Statutes

(1) In the performance of its functions under this Charter, the 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—

- (a) establishment of Colleges, Faculties, Schools, Institutes and Centers of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees, diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) determination and collection of fees and other charges;
- (f) prescription of rules and regulations for the conduct and organization of student affairs;
- (g) setting the terms and conditions of service, including the appointment, dismissal & 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; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

(2) The Council of Aga Khan University shall have the powers to make Statutes for the University under this Charter in accordance to the provisions of the Act.

40. Convocation

(1) There shall be Convocation of the University which shall consist of such members as prescribed by the Statutes.

(2) The convocation shall be convened for purposes of conferment of awards and for such other functions as may be outlined in the Statutes.

41. Variation or Revocation

The Charter of the University may be varied or revoked as provided for in the Act.

42. Protection of University Name

(1) Despite the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names is to accept for the registration any name that includes the word "The Aga Khan" together with the word "University", "College", "Institute" or "Centre".

(2) A person shall not use the name of the University as established by this Charter for the purposes of—

- (a) advertisement;
- (b) publication;
- (c) business;
- (d) trade; or
- (e) profession, without the consent of the University Council.

43. Transitional

(1) The University Council in place at the time of grant of this Charter, shall continue to be in place for a period of six months after which appointment shall be done in accordance with this Charter.

(2) The University Council in place at the time of grant of this Charter may make Statutes for the University under this Charter and the Statutes so made shall be deemed to be made under this Charter.

(3) The persons occupying the offices of the Vice-Chancellor and the Deputy Vice-Chancellors of the Aga Khan University-Kenya at the time of grant of this Charter, shall continue to discharge their responsibilities and exercise such powers as set out in the Act and this Charter with respect to the University for a period of six months after which appointment shall be done in accordance with this Charter.

(4) All persons who were members of staff of Aga Khan University shall be deemed to have been appointed under this Charter on the same Terms and Conditions of Service.

(5) All the students of the Aga Khan University-Kenya, Kenya who were pursuing degree, diploma, certificate, and post degree programmes as at the commencement date of this Charter, shall be deemed to be students of the University and shall complete their courses and be awarded degrees, diploma, certificate, and post degree programmes certificate, as the case may be, of the University.

(6) For the purposes of this paragraph "the Aga Khan University-Kenya" means the University operating under a Letter of Interim Authority issued on the 11th July, 2002.

44. Dissolution

The University may be wound-up as provided for under the applicable law, or upon the initiative of the Sponsor and subject to the approval of the Commission. Liquidation of the University shall be performed by a liquidator appointed by the Council with the prior written approval of the Sponsor. Upon dissolution or winding-up of the University, the net assets of the University shall, after satisfaction of all its debts and liabilities, be distributed by the Sponsor, or such other entity or entities, as may be determined by the Sponsor.

**THE KENYA ADVANCED INSTITUTE OF
SCIENCE AND TECHNOLOGY ORDER**

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**THE KENYA ADVANCED INSTITUTE OF
SCIENCE AND TECHNOLOGY ORDER**

[Legal Notice 130 of 2022]

PART I – PRELIMINARY

1. Citation

This Order may be cited as the Kenya Advanced Institute of Science and Technology Order.

2. Interpretation

In this Order, unless the context otherwise requires—

"Academic Board" means the Academic Board of the University College established under paragraph 12;

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means the Alumni Association of the University College established under paragraph 15;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to university education;

"Chancellor" means the Chancellor of Dedan Kimathi University of Technology;

"Council" means the Council of the University College established under paragraph 10;

"Deputy Principal" means the Deputy Principal appointed by the Council of the University College under paragraph 9;

"faculty" means a faculty of the University College established under the Statutes;

"financial year" means the financial year of the University College as provided for under paragraph 18;

"graduate" means a person upon whom a degree has been conferred in accordance with paragraph 5;

"incapacity" means inability to perform functions of the office concerned;

"institute" means an institute of the University College established under the Statutes;

"lecturer" means a member of the staff of the University College who is a Professor, an Associate Professor, a Senior Lecturer, a Lecturer, or a person who holds any other teaching post recognized by the Council as recognized as a post having academic status in the University College;

"Librarian" means the person appointed to be the librarian of the University College;

"Management Board" means the Management Board of the University College established under paragraph 13;

"Principal Secretary" means the Principal Secretary for the time being responsible for matters relating to university education;

"Principal" means the principal of the University College appointed under paragraph 8;

"professor" means a professor of the University College;

"Registrar" means the registrar appointed by the Council of the University College;

"research fellow" means a person conducting post doctorate research or a visiting professor at the University College.

"School" means a school of the University College established under the Statutes;

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"Senate" means the Senate of the University;

"Staff Association" means an association of the staff recognized by the Council as being an association representative of the staff of the University College;

"Statutes" means Statutes of the University College made by the Council under this Order;

"student" means a person registered by the University College for the purposes of obtaining a qualification of the University College or any other person who is determined by the Academic Board to be a student;

"students' organization" means an association of the students recognized by the Council being an organization representative of the students of the University College;

"University College" means the Kenya Advanced Institute of Science and Technology established under paragraph 3;

"University" means the Dedan Kimathi University of Technology; and

"Vice-Chancellor" means the Vice-Chancellor of the University.

PART II – ESTABLISHMENT, POWERS AND
FUNCTIONS OF THE UNIVERSITY COLLEGE

3. Establishment of the University College

(1) There is established a University College to be known as the Kenya Advanced Institute of Science and Technology which shall be a constituent college of the Dedan Kimathi University of Technology.

(2) The University College shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring holding as well as transferring, selling, leasing, charging or in any other way disposing of absolute or partial rights and interests in any immovable property;
- (c) borrowing or lending money, receiving grants, gifts and donations for the purpose of furthering education and research for national development;
- (d) entering into contracts with other institutions, organizations, bodies corporate or individual persons; and
- (e) doing or performing such other things or acts necessary for the proper discharge of its functions under this Order, which may lawfully be done or performed by a corporate body.

(3) The overall management of the University College shall be vested in the Ministry of Education.

(4) The seat of the University College shall be at Konza Technopolis within Machakos County.

4. Functions of the University College

(1) The functions and objects of the University College shall be—

- (a) developing and maintaining an all-post graduate institution of higher learning offering high quality university education for the benefit of the learners and the Country;
- (b) educating highly skilled scientists and engineers at the Masters and Doctorate levels with theoretical and practical knowledge to foster future industries in Kenya and beyond;
- (c) conducting research and development at national level to improve Kenya's national competitiveness and accelerate industrial growth;

- (d) creating social and economic values to improve the quality of life of the Kenyan people through various forms of education; and research and development cooperation;
- (e) providing comprehensive support to research conducted by other research centers and industries;
- (f) establishing partnerships and linkages with other local, regional and international universities, research institutions and industry;
- (g) approaching the relevant State Departments to finance the University College's research and development object for the attainment of the Government's short term and medium term development plans;
- (h) providing resources for university level education and research; and for the establishment of faculties, departments, institutes and such other institutional arrangements for the purpose of enabling the University College to fulfill its mission;
- (i) participating in the discovery, preservation, processing and dissemination of knowledge for the betterment of humankind and providing an opportunity for development of intellectual activities, academic freedom and scholarly acumen;
- (j) identifying, admitting and educating qualified and suitable students drawn from Kenya and elsewhere;
- (k) conducting examinations for such academic awards may be provided for in the Statutes pertaining to the University College;
- (l) recruiting, retaining and supporting the highest quality academic and management staff;
- (m) determining who may teach, what may be taught and how it may be taught at the University College within the philosophy and objects of the University College;
- (n) developing, reviewing and implementing academic programmes and determining methods of instruction and research;
- (o) developing and managing the Institution's land, facilities and equipment to support the goals of the University College;
- (p) developing and establishing, affiliate colleges and campuses, schools, institutes, faculties and centers for education that the University College Governing Council may determine;
- (q) implementing an organizational structure that supports the attainment of the University College's goals;
- (r) providing appropriate facilities for sports and other extra curricular activities to support students' wholesome development;
- (s) providing appropriate learning materials, including books, journals and e-resources;
- (t) providing adequate equipment and facilities for a high quality education including classrooms, library resources, laboratories, research facilities, and buildings to support various programmes;
- (u) institute and award fellowships, scholarships, bursaries, prizes and other such awards to aid study, research and outreach activities;
- (v) participate in educational conferences, seminars and workshop;
- (w) undertaking research, publish and patent intellectual property on the research findings and other relevant and important findings for the benefit of the society;
- (x) working with the State Department responsible for national development planning; so as to align the University College's research objective with the Government's long term and short term development goals; and to source and mobilise for funds for these research projects;

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- (y) providing professional development opportunities to staff and enhance their individual growth, job performance and leadership capabilities; and
- (z) providing any other services related to the above.

(2) Admission to the University College as candidates for degrees shall be based on admission criteria set by the Statutes.

5. Award of degrees

The degrees to be awarded by the University College shall be the degrees conferred by the Dedan Kimathi University of Technology.

6. Award of Scholarships, Bursaries and other Awards

Subject to this Order, the University College may award scholarships, bursaries and prizes and make other awards which may be provided for by the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY COLLEGE

7. Membership of the University College

The members of the University College shall be—

- (a) the Chancellor of the Dedan Kimathi University of Technology;
- (b) the Vice-Chancellor of the Dedan Kimathi University of Technology;
- (c) the Principal;
- (d) the Deputy Principal;
- (e) the members of the Council;
- (f) the members of the Academic Board;
- (g) the librarian of the University College;
- (h) the professors of the University College;
- (i) the lecturers and research fellows of the University College;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Dean of students;
- (m) the Director of ICT services;
- (n) the Head of legal services at the University College;
- (o) the students of the University College;
- (p) the Alumni Association; and
- (q) such other members of staff of the University College any other body formally admitted into association with the University College, as the Council may from time to time determine.

8. The Principal

(1) There shall be a Principal of the University College who shall be appointed by the University College Council in accordance with the Act.

(2) The qualifications for appointment as a Principal of the University College shall be as prescribed in the Act and Statutes.

(3) The Principal shall be the chief executive officer of the University College and shall—

- (a) be the academic and administrative head of University College;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University College; and
- (c) have such powers and duties as may be provide by the Statutes.

(4) The Principal's term of office shall be as provided for in the Act.

9. The Deputy Principal

There shall be a Deputy Principal of the University College who shall be appointed in accordance with the Act.

10. The Council

(1) There shall be a Council of the University College which shall be appointed by the Cabinet Secretary.

(2) The Council shall consist of—

- (a) a Chairperson appointed by the Cabinet Secretary,
- (b) the Principal Secretary in the Ministry for the time being responsible for university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for Finance;
- (d) five members appointed by the Cabinet Secretary through an open process in such a manner as may be prescribed in guidelines issued by the Cabinet Secretary; and
- (e) the Principal of the University College who shall be an *ex officio* member of the Council.

(3) Subject to sub-paragraph (4), the terms of office of the members of the Council shall be as provided for in the Act.

(4) The Office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from office in writing addressed to the Principal as the Secretary of the Council;
- (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- (c) dies; or
- (d) is otherwise unable or unfit to continue being a member of the council.

(5) Where the office of a member of the Council becomes vacant, the Principal shall notify the vacancy to the appointing authority within fourteen days.

(6) The procedure, conduct and regulation of the affairs of the Council shall be in accordance with this Order and the Statutes.

(7) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University College in the best interests of the University College.

11. The functions of the Council

(1) The Council shall be the governing body of the University College and shall—

- (a) administer the property and funds of the University College in a manner and for the purposes which shall promote the interests of the University College but shall not charge or dispose of immovable property of the University College except in accordance with the procedures laid down by the Statutes;
- (b) on behalf of the University College, receive donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University College or other bodies or persons;
- (c) approve the appointment criteria and the terms and conditions of service of staff;
- (d) provide for the welfare of the staff and students of the University College;
- (e) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (f) may, after consultation with the Academic Board, make regulations governing the conduct and discipline of the students of the University College; and

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- (g) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.
- (2) In the performance of its functions under this Order, the Council shall—
- (a) ensure that a proper management structure is in place and that the structure functions to maintain corporate integrity, reputation and responsibility of the University College,
 - (b) monitor and evaluate the implementation of strategies policies, and management criteria and plans of the University College;
 - (c) continuously review the viability and financial sustainability of the University College, and shall do so once every year;
 - (d) work closely with the Ministry responsible for Education, the Ministry responsible for National Planning, the Ministry responsible for Information and Communication Technology, the Ministry responsible for Energy and the Ministry responsible for Industry and Trade; in the furtherance of the University College's objectives;
 - (e) promote effective linkages between the University College and its strategic partners;
 - (f) develop policies and mechanisms to ensure that the University College jointly uses research facilities and equipment with other research institutes, universities and professional organisations to enhance research productivity and to encourage efficient use of research facilities. The policies and mechanisms that will be developed should indicate how the expenses that will be incurred will be defrayed; and
 - (g) ensure that the University College complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.
- (3) The Council may delegate to any Committee or to any member officer or employee the exercise of any of its functions duties under this Order or any written law.

12. The Academic Board

- (1) There shall be an Academic Board of the University College which shall consist of—
- (a) the Principal, who shall be the Chairperson;
 - (b) the Deputy Principal;
 - (c) the Deans of the Schools, and Directors of Institutes and Centres;
 - (d) the heads of the teaching departments of the University College;
 - (e) the Registrar in charge of academic affairs;
 - (f) the Librarian;
 - (g) the Dean of Students;
 - (h) one Professor from each department elected by lecturers of that department to be their representative;
 - (i) the Director of ICT services; and
 - (j) two members elected by the students' association, who shall not be entitled to attend deliberations of the Academic Board on matters which are considered by the chairperson of the Academic Board to be confidential and which relate to examinations, the general discipline of students, and other related matters.
- (2) The Deputy Principal shall be the Secretary to the Academic the Board.
- (3) The Academic Board shall have the following powers and duties—
- (a) satisfy to itself regarding the content and academic standard of any course of study in respect of any degree programme offered in the University and report its findings thereon to the Senate;
 - (b) make recommendations to the Senate regarding the eligibility of persons for admission to a course of study and;

- (c) the standard of proficiency to be gained in each examination in respect of such programme;
- (d) decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, of the University and reporting its decision thereon to the Senate; and
- (e) oversight over academic programmes including learning resources, quality assurance, appraisal of programmes and academic awards.

(4) Notwithstanding any of the provisions of this Order, the Senate shall not initiate any action in respect of paragraph (a), (b) or (c) of subparagraph (3) except upon receipt of a report or proposal thereunder, and shall not reject any such report, or reject any recommendations as proposed without further reference to the Academic Board.

13. The Management Board

(1) There shall be a Management Board of the University College which shall be responsible for assisting the Principal in the implementation of the policies of the University College.

(2) The membership of the Management Board shall consist of—

- (a) the Principal, who shall be the Chairperson;
- (b) the Deputy Principal, who shall be the Secretary;
- (c) the Registrars;
- (d) the Head of legal services;
- (e) the Finance Officer; and
- (f) such other member of senior management as the Council may determine.

(3) The functions of the Management Board shall include assisting the Principal in the day-to-day management of the University College and shall, in this respect, ensure—

- (a) ensure the efficient management of the human resource, programmes, facilities and finances of the University College;
- (b) plan for the development and needs of the University College;
- (c) develop strategies for the generation of revenue to secure adequate financial support for the University College;
- (d) make proposals to the Council and the Academic Board policies applying to the University College;
- (e) oversee the design, procurement and installation of the technological infrastructure required to run the University College;
- (f) review regulatory requirements affecting staff students, including but not limited to occupational health and safety administration;
- (g) formulate and implement a strategy for information and communication technology in furtherance of University College aims and objectives;
- (h) identify methods of maximizing and improving the communication strategy of the University College;
- (i) coordinate the strategic and development plans of the University, and
- (j) any other matters related to the management of the University College.

14. Students' Association

(1) Pursuant to section 41 of the Universities Act (Cap. 210), there shall be a Student Association of the University College which shall be established in accordance with the statutes.

(2) The student association shall have the following functions—

- (a) providing moral and academic leadership to all students;
- (b) promoting high ethical standards, integrity, honesty, transparency and cohesion among students;

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- (c) providing a forum where students can exercise their leadership skills; and
- (d) providing student representation in the Academic Board.

15. Alumni Association

(1) There shall be an Alumni Association of the University College which consist of graduates of the University college and such other persons as be provided for in its constitution and the Statutes.

(2) The functions of the Alumina Association shall be to—

- (a) bring all the graduates of the University College together for their mutual affirmation;
- (b) maintain liaison between the members and the University College;
- (c) mobilise alumni support for the benefit of the University College;
- (d) serve as a platform for resource mobilization for the University College;
- (e) provide mentorship opportunities for the students;
- (f) organize events, meetings and conferences for the alumni and the community;
- (g) conduct other programs and activities the association may consider incidental or conducive to the attainment of its objectives;
- (h) organize Alumni Chapters in different parts of the world; and
- (i) perform such other functions as may be prescribed in its constitution and the Statutes.

16. Staff of the College

(1) The academic staff of the University College shall consist of—

- (a) the Principal;
- (b) the Deputy Principal;
- (c) the Deans and Directors of faculties, schools, centers and institutions;
- (d) the Chairpersons of Departments;
- (e) the Librarian; and
- (f) all members of staff who are engaged in teaching, research and outreach.

(2) The University College shall have Professors, Associate Professors, Senior Lecturers and Lecturers as part of its faculty and may have Visiting and Adjunct Professors where appropriate.

(3) The Council shall appoint faculty with outstanding evaluation in education research and university-industry cooperation or faculty recognised in a specific professional area as tenured Professors.

(4) The terms and conditions of all the other faculty members of the University College shall be as provided for in the Statutes.

(5) The Council shall put in place mechanisms and policies for; the recruitment of tenured Professors and other members of the faculty and their continuous evaluation and appraisal.

(6) The University College shall appoint such number of researchers as may be required to carry out research in relation to the matters undertaken by it.

(7) The administrative staff of the University College shall consist of—

- (a) the Principal;
- (b) the Deputy Principal;
- (c) the Registrars;
- (d) the Chairpersons of Departments;
- (e) the Finance Officer;
- (f) the head of legal services;

- (g) the Deans and Directors of faculties, schools, centers and institutions;
- (h) the Directors of administrative units; and
- (i) such other members of staff not engaged in teaching or research as the Council may from time to time determine.

(8) The technical staff of the University College shall consist of the staff engaged in laboratories, Information and Communication Technology support, technology innovation hub, 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.

(9) The support staff of the University College shall consist of such staff engaged in general duties, and as the Council may from time to time determine.

(10) All members of staff of the University College shall, subject to this Order, be appointed either—

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the University College from another institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

(11) The Council may, subject to such conditions as it may specify, delegate either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University College.

(12) All members of staff of the University College shall—

- (a) be subject to the general authority of the Council and of the Principal; and
- (b) be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

17. Performance of functions in the absence of an office holder

(1) In the absence of the Principal, the Council may appoint the Deputy Principal to carry out the functions of the Principal for a period of up to three months.

(2) In the absence of the Principal and the Deputy Principal, the Council may, in consultation with the Cabinet Secretary, appoint any member of the academic staff of the University College to perform the functions of the Principal for a maximum of three months.

(3) In the absence of a member of staff of the University College other than the Principal and Deputy Principal, the Principal may appoint a suitable person to perform the functions of the said officer for a period of up to three months.

PART V – FINANCIAL PROVISIONS

18. Financial year

The financial year of the University College shall be the period of twelve months commencing on the 1st July and ending on the 30th June in the following year.

19. Annual estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University College for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the University College for the financial year concerned, and in particular shall provide—

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University College;
- (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University College;

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- (c) for the proper maintenance of the buildings and grounds of the University College;
- (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University College;
- (e) for the funding of the cost of teaching, research and outreach activities of the University College;
- (f) for development; 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 deem fit.

(3) In drawing its annual estimates and development plans the University College shall consult with the Principal Secretary.

(4) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and after such approval, the Council shall not increase any sum provided in the estimates without the consent of the Principal Secretary.

(5) Expenditure shall not be incurred for the purpose of the University College except in accordance with the annual estimates approved under subparagraph (4) or in accordance with authorization of the Council.

20. Funds and resources

Funds and resources of the University College may be derived from—

- (a) funds provided by Parliament;
- (b) such funds as may accrue to the University College in the performance of its functions;
- (c) such monies as may be donated or lent to the University College;
- (d) the endowment;
- (e) gifts and trusts from any source; or
- (f) other sources as the University College Council may from time to time identify.

21. Investment of Funds

(1) The Council may invest any of the funds of the University College in securities, treasury bonds, trust funds or in any other securities which the Treasury may, from time to time approve.

(2) The Council may place on deposit with such banks may determine, any moneys not immediately required for purposes of the University College.

22. Accounts and audit

(1) The Council shall cause to be kept all books and records of account of the University College's revenue and expenditure in accordance with the Public Finance Management Act (Cap. 412A).

(2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General the accounts of the University College together with—

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the University College on the last day of that year.

(3) The accounts of the University College shall be audited by the Auditor-General in accordance with the Public Audit Act (Cap. 412B).

(4) The Auditor-General will submit to the Council the report of their audit as per the provision of the Statutes and the Public Audit Act (Cap. 412B).

PART VI – MISCELLANEOUS PROVISIONS

23. The Common Seal and Signification of documents

(1) The common seal of the University College shall be kept in such custody and used only as the Council shall direct.

(2) The common seal of the University College shall be authenticated by the signatures of the Principal together with any other person duly authorized by the Council.

(3) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signed under the hand of the Chairperson, the Principal or any other members of the Council generally or specifically authorized by the Council in that behalf.

(4) The common seal of the University College when affixed to any document and duly authenticated shall be judicially and officially noticed and, unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

24. Statutes

(1) In the performance of its functions under this Order, the Council may, subject to this Order, make Statutes generally for the governance, control and administration of the University College and for the better carrying into effect of the purposes of this Order, and in particular for the—

- (a) establishment of faculties, schools, and institutes of the University College;
- (b) conduct of examinations;
- (c) prescribing fees and other charges;
- (d) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University College;
- (e) constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (f) providing for or prescribing anything, which, under this Order, may be provided for or prescribed by Statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Principal or Academic Board without prior approval of the Academic Board.

(3) Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three fourths of the members present and voting, being not less than two thirds of the total membership of the Council.

(4) Statutes or Regulations made by the Council under this Order shall not be published in the *Gazette* and sections 27, 31(e) and 34 of the Interpretation and General Provisions Act (Cap. 2) shall not apply to the Statutes or to the regulations.

25. Protection of name

(1) Despite the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name

which includes the words "Kenya Advanced Institute" together with words "of Science and Technology"; or the acronym "Kenya-AIST" unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Kenya Advanced Institute" together with the words of Science and Technology" or the acronym "Kenya-AIST" in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable to a fine not exceeding one million shillings or imprisonment for a term of twelve months, or both.

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26. Instruments of accreditation

(1) The University College shall conspicuously display all its instruments of accreditation at such places as the Council may elect.

(2) Where any instrument is revoked, the University College shall, within fourteen days of such revocation, return the original instrument of governance to the Commission for University Education.

THE CHARTER FOR ALUPE UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR ALUPE UNIVERSITY

[Legal Notice 161 of 2022]

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Alupe University situated in Busia County in the Republic of Kenya;

AND WHEREAS the said Alupe 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Alupe University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Alupe University has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary in the Ministry of Education on the said institution, and the Cabinet Secretary in the Ministry of Education is satisfied that Alupe University should be granted this Charter;

AND WHEREAS the Cabinet Secretary for Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that granting of this Charter to Alupe University 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, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Alupe University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Alupe University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"Act" means the Universities Act (Cap. 210);

"Administrative Staff" means a member of staff of the University in any of the Grades 5 to 15, who is appointed for general purposes of performing duties related to general management and administration of the University;

"Alumni Association" means the organization of all graduates and former students of the University;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for university education;

"Chairperson of the Council" means the Chairperson of the Council of the University as defined in this Charter;

"Chairperson of Department" means a Chairperson of a teaching department as provided for in the Statutes;

"Chancellor" means the Chancellor of the University;

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"Charter" means the Alupe University Charter;

"College" means a College established within the University made under paragraph 8 of this Charter; but does not include a Constituent College;

"constituent college" means a constituent College of the University established under paragraph 9 of this Charter;

"Convocation" means the convocation of the University established under paragraph 22 of this Charter;

"Council" means the Council of the University established under paragraph 15 of this Charter;

"Dean" means a person appointed as a Dean of a School as provided for in the Statutes;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor appointed by the Council of the University under paragraph 20 of this Charter;

"Director" means a person appointed by the Council as a Director in the University;

"faculty" means a member of teaching staff of the University as provided for in the Statutes;

"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 may be 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 appointed as 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 and includes Research Fellows, Research Professors;

"School" means a School of the University established under the Statutes;

"Senate" means the Senate of the University established under paragraph 18 of this Charter;

"Statutes" means Statutes of the University made by Council under 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 for by paragraph 15 of this Charter;

"support staff" means a member of staff of the University in any of the Grades 1 to 4 who is appointed for purposes of providing support services for the general management and administration of the University;

"teaching staff" means a member of staff of the University who is, in terms of appointment, a lecturer or an instructor of the University;

"Technical Staff" means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, demonstrations, examinations and research of the University;

"University Management Board" means the University Management Board of the University provided by section 43 of the Act and paragraph 19 of this Charter;

"University Secretary" means a person appointed by the Council as the University Secretary in the University;

"University" means the Alupe University established under paragraph 3 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 17 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

(1) There is hereby established a university to be known as the Alupe University in accordance with the provisions of the Act and this Charter.

(2) The University shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provisions of this Charter which may be done by a body corporate.

(3) The University shall be the successor to the Alupe University College established under the Alupe University Order of 2015.

(4) All rights, duties, obligations, liabilities and assets held by Alupe University College or by any other body on behalf of Alupe University College existing immediately before the award of this Charter, shall automatically and fully be transferred to and vest in Alupe University and any reference to Alupe University College in any contract or document shall for all purposes be deemed to be a reference to the Alupe University.

4. Vision and Mission

- (a) Vision: To be a world-class University that is committed to achieving academic excellence, integrity and quality research.
- (b) Mission: To create, evaluate, apply, preserve and share knowledge in a free, open and inclusive environment of intellectual inquiry, for the betterment of the society.

5. Philosophy

To educate to empower the mind and develop competencies through teaching, research and community outreach by integration of technology, sciences and the social sciences for the total growth of graduates.

6. Core Values

The core values of the University are—

- (a) professionalism;
- (b) creativity and innovation;
- (c) excellence;
- (d) good corporate governance;
- (e) customer focus; and
- (f) team work.

7. Aims, functions, and objectives of the University

(1) The Aims, functions, and objectives of the University include—

- (a) to provide directly, or in collaboration with other institutions of higher learning, facilities for university education including health, technology, scientific and professional education, integration of teaching, research and effective

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application of knowledge and skills to the life and work and welfare of the citizens of Kenya;

- (b) to participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual participation of students in the economic, social, scientific, technological and cultural development of Kenya;
- (c) to provide and advance university education and training to appropriately qualified candidates leading to the conferment of degrees and the award of diplomas and certificates and such other qualifications as the Council and the Senate may determine from time to time and in so doing, contribute to the manpower needs;
- (d) to conduct examinations for such academic awards as may be provided for in the Statutes of the University;
- (e) to examine and make proposals for new faculties, schools, institutes, departments, resource and research centres, degree courses and subjects of study;
- (f) to play a leading role in the development and expansion of the opportunities for higher education and research;
- (g) to contribute to industrial and technological development through innovations and technology transfer;
- (h) to develop as an institution of excellence in teaching, training, scholarship, entrepreneurship, innovations, research, and consultancy services;
- (i) to participate in commercial ventures and other activities for the benefit of the University, the community and stakeholders;
- (j) to contribute to agriculture, industrial and technological development of Kenya in collaboration with industry and other institutions through the transfer of appropriate technology;
- (k) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular foster corporate social responsibility and the practical arts;
- (l) to provide programmes, products and services, in ways that reflect the principles of equity and social justice.
- (m) to facilitate student mobility between different programmes at different technical training institutions, universities and industry;
- (n) to foster the general welfare of all staff and students; and
- (o) to foster strong connections and collaboration with the Alumni for the development of the University.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter and the Statutes without distinction of race, ethnicity, language, 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.

8. Establishment of Colleges and Campuses within the University

(1) The Council may, on the advice of the Senate, establish Colleges and Campuses 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, departments, centers and other resource and administrative units as may be provided for by the Statutes.

9. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and 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.

10. Conferment of Degrees and other Awards

(1) Subject to the Act and this Charter, the University may—

- (a) confer Bachelor's, Postgraduate Diplomas, Master's, and Doctoral degrees and such other degrees as may be provided for by the Statutes;
- (b) grant Diplomas or Certificates or other awards; and
- (c) confer an honorary degree 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 endeavor worthy of such a degree or academic distinction.

(2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

11. Award of Scholarships

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

12. Membership of the University

The members of the University shall be—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges within the University;
- (g) the members of the Council;
- (h) the members of the Senate;
- (i) the Lecturers;
- (j) the Corporation Secretary and Chief Legal Officer;
- (k) the administrative, technical and support staff;
- (l) the students;
- (m) the Alumni association;
- (n) the Convocation; and
- (o) such other members of staff of the University or any other body formally admitted into association with the University, as the Council may determine from time to time.

13. The Chancellor

There shall be a Chancellor of the University who shall be appointed and who shall hold office in accordance with the Act.

14. The Council

(1) There shall be a Council of the University appointed in accordance with the Act and which shall consist of—

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- (a) the Chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) five other members appointed by the Cabinet Secretary in accordance with the provisions of the Act; and
- (e) the Vice-Chancellor who shall be an *ex officio* member.

(2) Subject to this paragraph, a member of the Council, other than an *ex officio* member, shall hold office for a term of three years, but shall be eligible for re-appointment for one further term.

(3) There shall be a University Secretary who shall be appointed in accordance with the provisions of the Statutes and shall be responsible for organizing and keeping the records of the meetings of the Council.

(4) Subject to the Act and this Charter, the Council may invite any person to attend its meetings to providing technical expertise or advice as and when necessary.

(5) The office of a member of the Council shall become vacant, if the member—

- (a) not being an *ex officio* member, resigns from office by notice in writing addressed to the appointing authority through the Vice-Chancellor;
- (b) is unable to exercise the functions of his office by reasons of physical or mental infirmity to the satisfaction of the appointing authority;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
- (d) is adjudged or declared by any competent court or tribunal to be of unsound mind;
- (e) is convicted of an offence and is sentenced to imprisonment for a period of six months or more;
- (f) is found guilty of gross misconduct; or
- (g) dies.

(6) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to the appropriate appointing authority.

(7) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance with this Charter and the Statutes.

(8) 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.

(9) Subject to this Charter, the Council shall be the governing body of the University through which the Council—

- (a) shall administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University but the Council shall not charge or dispose of immovable property of the University except in accordance with the procedures laid down by the Government of Kenya;
- (b) shall, on behalf of the University, receive donations, endowments, gifts, grants or other monies and make disbursements therefrom to the University or other bodies or persons;
- (c) shall provide for the welfare of the students and staff of the University;
- (d) may enter into collaborations and linkages with other universities, or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) may, after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University in accordance with the Statutes;

- (f) may, after consultation with the University Management Board, make regulations governing the conduct and discipline of the staff of the University in accordance with the Statutes.

(10) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council may be signified under the hand of the Chairperson, the Vice-Chancellor or any other members of the Council generally or specifically authorized by the Council on its behalf.

(11) The Council shall ensure that a proper management structure is in place and make sure that the structure, functions of the Management Board maintains corporate integrity, reputation and responsibility.

(12) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University.

(13) The Council shall constantly review the viability and financial sustainability of the University, and shall do so at least once every quarter.

(14) The Council shall ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and

(15) shall perform such other duties as may be provided for in the Statutes.

15. The Student Association

(1) There shall be a student's association of the University as provided for by the Act and the Statutes whose membership shall be as prescribed in the association's constitution.

(2) There shall be a Student's Council elected in accordance with section 41(3) of the Act.

(3) The student's council shall have the following functions—

- (a) 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 students;
- (b) draw to the attention of appropriate authority where necessary special needs from 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 its governance instruments and as may be approved by the Council.

16. Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of the graduates of Alupe University.

(2) The alumni association shall have the right to meet and discuss matters relating to the University and transmit resolutions thereon to the Council and the Senate and may exercise such other functions as the Act and the Statutes may prescribe.

PART IV – MANAGEMENT OF THE UNIVERSITY

17. Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the Act.

(2) The Vice-Chancellor shall be the chief executive of the University and shall—

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the good and proper management of the University; and
- (c) have such powers and duties as may be provided for by the Statutes.

(3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term of five years.

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18. Senate

(1) There shall be a Senate of the University, as provided for in the Statutes, whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principals of each College within the University;
- (e) the Deans of Schools, Directors of institutes, Centres and other academic units;
- (f) the Chairpersons of Departments;
- (g) the full Professors of the University;
- (h) the Corporation Secretary or Chief Legal Officer;
- (i) 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;
- (j) the University Librarian;
- (k) one representative of each of the College Academic Boards appointed by the respective boards from amongst its members;
- (l) one representative of each of the school academic boards appointed by the respective boards from amongst its members;
- (m) the Dean of Students;
- (n) the Director of Information, Communication and Technology services of the University;
- (o) the Director of Quality Assurance;
- (p) two members elected by the students' organization, who shall however 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, or other related matters; and
- (q) such other member as the Council may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor (Academic Affairs, Research and Student Affairs) shall be the Secretary to the Senate.

(3) The Senate shall have the following functions, 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, abolition or supervision of 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 anybody or a 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 the 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 may authorize.

(5) Notwithstanding the provisions of this Charter, the Council shall not initiate any action in respect of academic matters except upon receipt of a report or proposal, from the Senate and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to the Senate.

19. The University Management Board

(1) There shall be a University Management Board which shall perform the functions provided for in this Charter and the Statutes.

(2) The University Management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;

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- (c) the Principals of Colleges within the University;
- (d) the Finance Officer;
- (e) the Corporation Secretary;
- (f) the Chief Legal Officer; and
- (g) such other member of senior management as the Council may determine in accordance with the Statutes.

(3) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical, and financial resources of the University;
- (b) making proposals to the Council and the Senate on policies that have a University-wide application;
- (c) coordination of the University strategic and development plans; and
- (d) any other matters related to the management of the University.

20. The Deputy Vice-Chancellors

(1) The Council shall appoint two or more Deputy Vice-Chancellors in accordance with the Statutes and the Deputy Vice-Chancellors 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 as may be provided for by the Statutes and shall serve for a term of five years and shall be eligible for re-appointment for one further term of five years.

21. The Principals of Colleges within the University

(1) The Council shall, for each college within the University and in accordance with the Statutes, appoint a Principal for each college 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 as may be provided for by the Statutes and shall serve for a period of five years and shall be eligible for re-appointment for one further term.

22. The Convocation

(1) There shall be a convocation of the University which shall consist of the graduates of the University, faculty members 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 may be provided for in the Statutes.

23. The Staff of the University

(1) The teaching staff of the University shall consist of all the members of staff who are engaged in teaching and research.

(2) 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 Finance Officer, the Corporation Secretary and Chief Legal Officer and such other members of staff as the Council may determine from time to time.

(3) 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 determine from time to time.

(4) The technical staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the

general direction of the heads of the teaching departments, and as the Council may from time to time determine.

(5) The support staff of the University shall consist of the staff engaged in support services and such other persons as the Council may determine from time to time.

(6) 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.

(7) The Council may, subject to such restrictions as it may impose, delegate, either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.

(8) All members of staff of the University shall—

- (a) be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment; and
- (b) be subject to the general authority of the Council and of the Vice-Chancellor.

24. Performance of Functions in Absence of Office Holders

(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 subject to a maximum of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may appoint one of the Principals of Colleges within the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the Council may appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor and Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(5) In this paragraph, "incapacity" includes absence from Kenya and inability for any reason to perform the functions of the office concerned or as may be provided for in the Statutes.

PART V – FINANCIAL PROVISIONS

25. Annual Estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of all revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision 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;

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- (d) for the proper maintenance, repair and replacement of plant, 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 death benefits insurance or replacement of building, plant and equipment and in respect of such other matters as the Council may deem fit.

(3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

26. Funds of the university

(1) The funds of the University shall be sourced in accordance with provisions of sections 44 (3) and 45 of the Act, and shall include—

- (a) capitation grants;
- (b) income generating activities undertaken by the University;
- (c) loans from government and financial institutions; and
- (d) such other subscriptions, donations or bequests as the Council may, subject to any other written law, regulations and guidelines, appeal for and receive from the general public for the benefit of the University.

(2) Unexpended balances of grants may be expended from one year to the next in accordance with provisions of section 46 of the Act.

27. Accounts and Audit

(1) The Council shall cause to be kept audited proper books of accounts of the income, expenditure and assets of the University.

(2) Within a period of three 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 (Cap. 412B).

(4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, the Act and the Public Audit Act (Cap. 412B) shall apply to any report made under this paragraph.

28. Investment of Funds

(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 National Treasury may approve from time to time.

(2) The Council may place on deposit with such banks as it may determine any monies not immediately required for the purposes of the University.

29. Financial Year

(1) The financial 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.

(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 fiscal year.

PART VI – MISCELLANEOUS PROVISIONS

30. Instruments of Governance

(1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

31. Instruments of Authority

(1) Subject to this Charter, the University shall possess following instruments of authority

- (a) the University Mace;
- (b) the Common Seal;
- (c) the University Logo;
- (d) the University Flag;
- (e) the Anthem; and
- (f) the Assessment Report.

(2) The Mace shall be kept in such custody as the Council may direct.

(3) The Mace shall be used as specified in the Statutes.

(4) The Flag and the Anthem shall be as specified in the Statutes.

(5) No person, body, authority and or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, use of the Common Seal and Logo of the Kaimosi Friends University except with the consent of the Council and any authorized representative of the Council.

32. The Common Seal

(1) The common seal of the University shall be kept in such custody and used only as the Council may direct.

(2) The common seal of the University shall be authenticated by the signatures of the Vice-Chancellor together with any other person duly authorized by the Council.

(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 paragraph shall be deemed to have been duly given.

33. The Statutes

(1) In the performance of its functions under this Charter, the 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—

- (a) establishment of colleges, campuses, faculties, schools, directorates, institutes and centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;

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- (f) prescribing the rules and regulations for the conduct and organisation of student affairs;
- (g) setting the terms and conditions of service, including the appointment, 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; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for by the Statutes.

(2) Notwithstanding subparagraph (i), 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) The Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.

(4) Provided that the Council shall, immediately after the award this Charter to the University, have the powers to make Statutes for the University under this Charter.

(5) Notwithstanding the generalities of subparagraph (4) the Statutes made hereof shall not be in force before the award of this Charter to the University.

34. Protection of Name

(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 "Alupe" and "University", together in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Alupe" and "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.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to the person of a degree, diploma or certificate by the University.

35. Revocation

(1) The Alupe University College Order of 2015 is revoked.

(2) Notwithstanding subparagraph (1)—

- (a) all directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired by virtue of that Order, shall, insofar as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter; and
- (b) the persons constituting the Council of the Alupe University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Act until the Council of the University is appointed in accordance with the Act.

36. Transitional

(1) The Council in existence immediately before the award of this Charter shall remain in office and shall function as the Council of the Alupe University until the appointment of the substantive Council of the University.

(2) The Council under subparagraph (1) may develop Statutes for Alupe University under this Charter and the Statutes so made shall be deemed to have been made under this Charter.

(3) The persons occupying the positions of Principal and Deputy Principals of the Alupe University College shall continue to discharge their responsibilities and exercise such powers as set out in the Act, this Charter and the Statutes of Alupe University until the Vice-Chancellor and other officers of the University are appointed and assume office.

(4) Any student pursuing a degree programme at the Alupe University College immediately before the award of this Charter and who has completed more than 50% of the subject matter of the programme, or less than 50% in exceptional cases to be determined by the Senate, may upon such award have an option—

- (a) to continue and be awarded a degree of the Alupe University; or
- (b) to be awarded a degree of the Moi University.

(5) The option referred to in subparagraph (4) shall only be exercised by a student subject to an agreement between the Alupe University and the Moi University, after consideration of relevant matters including—

- (a) the availability of space; and
- (b) the accreditation of the relevant academic programme.

37. Variation and Revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the provisions of the Act.

THE CHARTER FOR KAIMOSI FRIENDS UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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-

THE CHARTER FOR KAIMOSI FRIENDS UNIVERSITY

[Legal Notice 165 of 2022]

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Kaimosi Friends University situated in Vihiga County in the Republic of Kenya;

AND WHEREAS the said Kaimosi Friends University has applied to the Commission for University Education, for the grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said the institution, and is satisfied that the objects of the Kaimosi Friends University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Kaimosi Friends University has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education on the said institution and the Cabinet Secretary, Ministry of Education is satisfied that Kaimosi Friends University should be granted the Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that granting of the Charter to Kaimosi Friends University 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 (Cap. 210), I, Uhuru Kenyatta, President and Commander-in-Chief of the Defense Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Kaimosi Friends University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as Kaimosi Friends University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"academic year" means a continuous period of teaching, examination and study organized in a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

"Alumni Association" means the body established under Paragraph 20 of this Charter;

"Act" means the Universities Act (Cap. 210);

"affiliated institution" means an institution which has an academic linkage with the University for the purpose of granting certificates, diplomas and degrees in accordance with the Statutes;

"Alumni" means a person who is a former student of the University who completed an approved programme of study and qualified for the award of the degree, diploma or certificate and staff of the University.

"Alumni Association" means the Alumni association of the University established under paragraph 15 of this Charter;

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"Annual Estimates" means the estimates approved under paragraph 28 of this Charter in respect of any financial year;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for university education;

"Campus" means a campus established in the University pursuant to paragraph 7 of this Charter.

"Chairperson of Department" means the person appointed by the Vice-Chancellor to be the Chairperson of a teaching department or the head of any unit of the University;

"Chancellor" means the Chancellor of the University appointed under paragraph 12 of this Charter;

"College" means a College established by the University pursuant to the recommendation made under paragraph 7 of this Charter but does not include a Constituent College;

"Commission" means the Commission for University Education established by section 4 of the Act;

"Constituent College" means a Constituent College established under paragraph 8 of this Charter;

"Council" means the Council of the University established under paragraph 13 of this Charter;

"Dean" means dean of a faculty, school or centre as appointed by the Vice-Chancellor in accordance with the Statutes;

"Dean of Students" means the person appointed to be the Dean of Students of the University in accordance with the Statutes.

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor appointed under paragraph 19 of this Charter;

"Director" means a person appointed by the Vice-Chancellor as a head of a Directorate, institute or center in the University;

"Librarian" means the person appointed to be a University Librarian of the University.

"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 scholar with qualifications in the relevant discipline, teaching experience and engagement in research and publication;

"Principal" means a person appointed under paragraphs 20 and 21 of this Charter to be Principal of a campus, college or a Constituent College;

"Professor" means a Professor of the University, but does not include an Associate Professor;

"faculty or school" means a faculty or school as defined by the Statutes;

"Staff Union" means a union of staff as defined by the Labour Relations Act (Cap. 233);

"student" means a person for the time being registered by the University for the purpose of obtaining a qualification of the University or any person who is determined by the Senate to be a student;

"Students' Association" means the organization of students recognized by the Council as being an organization representative of the students of the University;

"Senate" means the Senate of the University established under paragraph 17 of this Charter;

"University" means the Kaimosi Friends University established by paragraph 3 of this Charter;

"University Management Board" means the University Management Board of the University provided by paragraph 18 of this Charter.

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 16 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is hereby established a University to be known as Kaimosi Friends University.

(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) carrying out or performing any such functions or acts, including entering into such contracts as may be necessary or expedient, for the proper performance and furtherance of the provision of this Charter, which may lawfully be done by a body corporate.

(3) The Kaimosi Friends University shall be the successor to Kaimosi Friends University College established under Legal Notice No. 87 of 2015.

(4) All rights, duties, obligations, staff, liabilities and assets held by Kaimosi Friends University College or by anybody on behalf of the Kaimosi Friends University College, existing at the commencement of this Charter, shall be automatically and fully transferred to the University, and any reference to Kaimosi Friends University in any contract or document shall, for all purposes, be deemed to be a reference to the University established under subparagraph 3(1) of this Charter.

4. Vision and Mission

- (a) Vision: To be a center of excellence in teaching, innovation and holistic development.
- (b) Mission: To provide quality education and training, research and innovation to meet the needs of a dynamic Society.

5. Philosophy

The University endeavors to be ranked amongst the world class universities based on academic excellence and research that impact on societal needs.

6. Functions, Aims and Objectives of the University

(1) The functions of the University shall be to—

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for university education including technological, scientific, professional education and research;
- (b) advance knowledge and its practical application by research, innovation and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;

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- (d) participate in technological innovation as well as in the discovery, creation, transmission and enhancement of knowledge, and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society in collaboration and partnership with industry and other organizations;
- (f) develop quality and relevant programmes for degrees, diplomas and certificates;
- (g) establish colleges, faculties, schools, centres, institutes, departments, and other resources and administrative units as may be appropriate;
- (h) inculcate and promote a culture of innovation, critical inquiry and creativity in art, science, technology, engineering, and education, amongst staff, students, and society;
- (i) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (j) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (k) provide high quality facilities for educational, research, residential, commercial, cultural, social, recreational, sporting, and other activities;
- (l) facilitate student mobility between programmes of study at different universities;
- (m) participate in commercial ventures and activities that promote the objectives of the institution;
- (n) foster the general welfare of staff, students, and the community;
- (o) provide opportunities for development and further training for staff of the institution;
- (p) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular fostering of corporate social responsibility;
- (q) facilitate the development, provision, and expansion of services, programmes, and other products in ways that are easily accessible and reflect the principles of equity and social justice;
- (r) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
- (s) determine who may teach, what may be taught, and how it may be taught in the University;
- (t) promote socio-economic development in line with the country's development agenda; and
- (u) ensure the University sustainability and adoption of the best practices in University management and institutionalization of systems of checks and balances.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender, and no barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University,

or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

(3) The University shall charge such fees or levy as may, from time to time, be approved by the Council for students admitted to the University for defraying expenses connected with their education.

7. Establishment of Campuses and Colleges within the University

(1) The Council may, on the advice of the Senate, establish colleges within the University whose functions and powers shall be provided for in the Statutes.

(2) A College established within the University shall consist of such faculties, schools, institutes, departments, centers and other resource and administrative units as may be provided for by the Statutes.

8. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and the recommendation of the Commission, by order published in the *Gazette*, establish or declare an institution of learning or higher education or any other training establishment to be a Constituent College of the University.

9. Conferment, granting, cancellation and withdrawal of Degree, Diplomas, Certificates and other awards.

(1) Subject to this Charter, the University may—

- (a) award diplomas or certificates or other awards;
- (b) confer the degrees of Bachelors, Masters and Doctorate and such other degrees as may be provided for by the Statutes; and
- (c) confer honorary degrees or any other academic distinction upon 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 endeavor worthy of such a degree or academic distinction as may be provided for in the Statutes.

(2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas and degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

10. Awards of Scholarships

Subject to this Charter, the University may award scholarships, fellowships, bursaries, prizes and other awards which may be provided for by the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

11. The membership of the University

(1) The members of the University shall be—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges and Campus within the University;
- (g) the members of the Senate;
- (h) the University Management Board;
- (i) the Lecturers;
- (j) the Registrars;
- (k) the Librarians;

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- (l) the Corporation Secretary and Chief Legal Officer of the University;
- (m) the Finance Officer;
- (n) the Dean of Students;
- (o) the members of Governing Body of each Constituent College;
- (p) the students;
- (q) the Alumni;
- (r) the non-teaching staff; and
- (s) such other persons as may be declared members of the University by the Council on the recommendation of the Senate.

(2) The members of the University shall enjoy such rights and privileges as may be outlined in the Statutes.

12. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed and hold office in accordance with the Act.

(2) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;
- (c) may arrange for visitation into the general administration and organization of the University in such a manner as may be provided by the statutes;
- (d) may from time to time give advice to the Council which he considers necessary for the betterment of the University; and

(3) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided by the statutes.

13. The Council

(1) There shall be a Council of the University whose members shall be appointed in accordance with the Act.

(2) The Council shall consist of—

- (a) the Chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for the university education;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) five members appointed by the Cabinet Secretary through an open process in such a manner as may be prescribed in the guidelines issued by the Cabinet Secretary; and
- (e) the Vice-Chancellor or, in the case of a Constituent College, the Principal of such College, shall be an *ex officio* member of the Council.

(3) Subject to this paragraph, a member of the Council, other than an *ex officio* member, shall hold office for a term of three years and shall be eligible for re- appointment for one further term.

(4) The members of Council other than the *ex officio* members shall at the first meeting after their appointment determine by lot which of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council.

(5) The Council shall be the governing body of the University.

(6) The office of a member of the Council shall become vacant if the member—

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- (a) not being an *ex officio* member, resigns from office by notice in writing addressed to the Vice-Chancellor;
- (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the office of the member to the satisfaction of the Council;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into composition or scheme or arrangement for the benefit of creditors;
- (d) is adjudged or declared by any court of competent jurisdiction or tribunal to be of unsound mind;
- (e) is convicted of an offence by a court of competent jurisdiction and sentenced to imprisonment for a term exceeding six months;
- (f) is guilty of gross misconduct; or
- (g) dies.

(7) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to appropriate appointing authority.

(8) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance to this Charter and the Statutes.

(9) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always charter in the best interest of the University.

(10) Subject to this Charter, the functions of the Council shall include—

- (a) subject to the provisions of the Act and after consultation with the Senate, to make Statutes for the University;
- (b) to approve policies of the University;
- (c) to make and approve Statutes for the University;
- (d) to determine the method of recruitment, appointment and promotion of all staff of the University;
- (e) to appoint and determine the terms and conditions of service for all staff of the University;
- (f) to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting professors, Honorary Professor, Honorary lecturer or Honorary Fellow;
- (g) to approve the budget of the University;
- (h) to promote and to make financial provisions and facilities for execution of the functions of the University;
- (i) to determine, after considering the recommendations of the Senate, all fees payable to the University;
- (j) 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 the 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 yielding rents and subject to the provisions of the Act, with the powers of varying such investment from time to time by sale or re-investment or otherwise;
- (k) subject to the laid down Government procedures, to approve the sale, purchase, exchange, or take-over, or lease of movable and immovable property on behalf of the University;
- (l) subject to the laid down Government procedures, 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

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whether upon movable and immovable property or otherwise as the Council may deem fit;

- (m) on the recommendation of the Senate, to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centres or other bodies of learning, research and production in the University, whether formed by sub-division of one or more than one of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;
- (n) on the recommendation of the Senate, to institute fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
- (o) to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
- (p) to empower committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairperson or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
- (q) to approve regulations governing the conduct and discipline of the students of the University;
- (r) to receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
- (s) 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;
- (t) to provide for the welfare of the staff and students of the University;
- (u) to approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (v) to monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (w) to constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (x) to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards; and
- (y) to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

(11) The Council shall ensure that a proper management structure is in place and ensure that the structure functions to maintain corporate integrity, reputation and responsibility of the University.

(12) The Council may delegate the exercise of any of its functions or duties set out in this Charter or other written law to committees, member or employee of the Council.

14. Students' Association

There shall be a Students' Association established in accordance with the Statutes.

15. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other persons as may be prescribed by the Statutes.

(2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council or the Senate, and may exercise such other functions as the Statutes may prescribe.

(3) The Senate shall propose rules for consideration by the Council regarding establishment and promotion of the Alumni Association.

PART IV – MANAGEMENT OF THE UNIVERSITY

16. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the Act.

(2) The Vice-Chancellor shall be Chief Executive Officer of the University and shall—

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility of the direction, organization, administration and programmes of the University; and
- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes.

(3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one a further term.

17. The Senate

(1) There shall be Senate of the University, whose membership shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principal of each College and Directors of Campuses of the University;
- (e) the Finance Officer;
- (f) the Registrars;
- (g) the Deans of Faculties, Schools, Institutes, Centres and other academic units that admit students;
- (h) the Chairpersons of Departments;
- (i) the Professors of the University;
- (j) the members elected by the Academic Board or equivalent body of each Constituent College from amongst its members;
- (k) the University Librarian;
- (l) the Dean of Students;
- (m) the Directors for the time being responsible for various units in the University;
- (n) one representative of each of the staff union;
- (o) two members elected by the Students' Association, who shall however not be entitled to attend deliberations of the Senate considered by the Chairperson to be confidential or which relate to examinations, the general discipline of students, and other related matters; and
- (p) such other member as Senate may determine in accordance with the Statutes.

(2) The Deputy Vice-Chancellor (Academic Affairs) shall be the Secretary to the Senate.

(3) The powers and duties of the Senate shall include—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
- (b) to propose Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
- (c) to propose the Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;

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- (d) to decide which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
- (e) to initiate proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
- (f) 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;
- (g) subject to the Act, to make recommendations to the Council for the establishment or abolition or supervision, degrees and other academic programmes and their titles in the University;
- (h) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (i) to approve all syllabi of the University;
- (j) to make regulations governing methods of assessing and examining the academic performance of students;
- (k) to evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
- (l) to regulate the conduct of examinations;
- (m) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (n) to approve the examination results;
- (o) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
- (p) to determine which qualifications or credits from other universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (q) to determine the procedure to be followed in the conferment of the degrees and other awards;
- (r) to determine the design of academic dress and prescribe its use;
- (s) to evaluate research, teaching, staffing and general work of anybody or a section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (t) to promote and administer the extra-mural, external and extension work of the University;
- (u) to promote research and innovation work in the University;
- (v) to promote co-operation and linkages with other institutions of higher learning and industry;
- (w) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (x) to develop, implement and promote quality assurance systems and structures in all the University operations;
- (y) to promote the welfare of students and staff in the University;
- (z) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
- (aa) to discontinue any student from a programme of study on academic grounds;
- (bb) to receive proposals from various Boards and Faculties, institutes, Schools, and Centers and to consider their recommendations and make appropriate decisions;
- (cc) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the University;

- (dd) to review the Statutes from time to time and to present recommendations thereon to the Council, provided that all the Statutes shall be reviewed at least once every five years; and
 - (ee) 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 by the Act, the Statutes or by the regulations and do such other acts as the Council may authorize.
- (5) Notwithstanding the provisions of this Charter, the Council shall not initiate any action with respect to academic matters or reject or amend any regulations relating to academic matters, as proposed by the Senate without further reference to the Senate.

18. The University Management Board

- (1) There shall be a University Management Board which shall function as provided for in this Charter and the Statutes.
- (2) The University Management Board shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University;
 - (d) the Registrars;
 - (e) the Finance Officer;
 - (f) the Corporation Secretary and Chief Legal Officer;
 - (g) the Dean of Students; and
 - (h) such other member of Senior Management as the Council may determine in accordance with the Statutes.
- (3) 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 not be eligible to vote.
- (4) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—
- (a) the efficient management of the human, physical, and financial resources of the University;
 - (b) ensuring that resources are available to various units of the University to ensure efficient operations;
 - (c) making proposals to the Council and the Senate on policies that have a University wide application;
 - (d) coordinating and implementing the University strategic and development plans;
 - (e) ensure that decisions of the Council are implemented;
 - (f) implementing the University policies;
 - (g) recommending to the Council budgets for approval for programmes for various sections of the University;
 - (h) forming management committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine for efficient running of the University;
 - (i) monitoring and evaluation of the University projects and the use of resources; and
 - (j) performance such other functions as may be delegated by the Council.

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(5) The Deputy Vice-Chancellor (Administration) shall be the secretary to the University Management Board.

19. Deputy Vice-Chancellors

(1) There shall be such number of Deputy Vice-Chancellors as may be appropriate, who shall be appointed in accordance with the Act and who shall be under general authority of the Vice-Chancellor and shall exercise such powers and performs such duties as may be provided for by the Statutes;

(2) A Deputy Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

20. Principals of Constituent Colleges

(1) The Principal of a constituent college shall be appointed in accordance with the Act and shall be the academic and administrative head of such college.

(2) The Principal shall hold office upon such terms and for such period as may be provided for by the Statutes and shall be eligible for re-appointment for one further term.

21. Principals of Colleges and Campuses within the University

(1) The Council shall appoint for each college a Principal and for each campus a Director in accordance with the Statutes.

(2) The Principal or campus Director shall be the academic and administrative head of the college or campus, as the case may be and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the Statutes.

(3) The Principal and the campus director shall hold office for such period as may be specified in the Statutes.

22. Staff of the University

(1) The Senior Management Staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, and such other members of staff as the Council may determine from time to time.

(2) The Teaching Staff of the University shall consist of the all members of staff who are engaged in teaching, research or extension in the University.

(3) The Administrative Staff of the University shall consist of the Registrars, the Directors, the Finance Officer and such other members of staff not engaged in teaching or research, as the Council may determine from time to time.

(4) The Technical Staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar areas in the teaching departments under the general direction of the heads of such teaching departments, and as the Council may determine from time to time.

(5) The support staff of the University shall consist of the staff engaged in general duties and such other persons as the Council may determine from time to time.

(6) The 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 the services prescribed by the Statutes; and
- (b) in the case of a person seconded to the services of the University from the services of another institution, the Government or any other public services, on terms and condition agreed upon with the Council.

(7) The Council may, subject to such restrictions as it may impose, delegate either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.

(8) All members of staff of the University shall—

- (a) be employed in accordance with the Statutes or otherwise specifically provided by the Statutes or by the terms of a particular appointment;
- (b) be subject to the general authority of the Council and of the Vice-Chancellor; and

23. Convocation

(1) There shall be a 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 its resolutions thereon to the Council and the Senate, and may exercise such other functions as the Statutes may prescribe.

24. Performance of Functions in the absence of Office holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chairperson of the Council after consultation with the Chancellor may appoint a Principal of any of the colleges of the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges of the University, the Chancellor after consultation with the Chairperson 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 period of incapacity subject to a maximum of one hundred and eighty calendar days.

(4) In the event of the incapacity of any other member of staff of the University, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity subject to a maximum period of one hundred and eighty calendar days.

(5) In this paragraph, "incapacity" includes absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may otherwise be provided for in the Statutes.

(6) At the expiry of the period provided in this paragraph the position in respect of which the vacancy has arisen shall be filled following the prescribed procedure.

PART V – FINANCIAL PROVISIONS

25. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing on 1st of July and ending on 30th of June in the following 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.

26. Funds of the University

The funds of the University shall comprise—

- (a) such sums as may be granted to the University by the Exchequer;
- (b) such monies or assets as may accrue to or vest in the University in the course of performance of its functions under this Charter and the Statutes; and
- (c) all monies from any other source provided for or donated or lent to the University with the approval of the Council.

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27. Investments of Funds

(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 National Treasury may approve from time to time.

(2) The Council may place on deposit with such banks as it may determine any monies not immediately required for the purposes of the University.

28. Annual Estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(2) The annual estimates shall make provision 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) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

29. Accounts and Audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets of the University.

(2) Within a period of three months after 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 financial year; and
- (b) a statement of the assets and liabilities of the University on the last day of that financial year.

(3) The accounts of the University shall be audited and reported upon in accordance with the provisions of the Public Audit Act (Cap. 412B) and any other relevant law.

(4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and the Public Audit Act (Cap. 412B).

PART VI – MISCELLANEOUS PROVISIONS

30. Instruments of Governance

(1) The University shall conspicuously display all its instruments of governance.

(2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

31. Instruments of Authority

(1) Subject to this Charter, the University shall possess the following instruments of Authority—

- (a) the University Mace;
- (b) the Common Seal;
- (c) the University Logo;
- (d) the University Flag;
- (e) the Anthem; and
- (f) the Assessment Report.

(2) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct.

(3) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor and any other person duly authorized by the Council.

(4) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially noticed, and unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.

(5) 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 under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorized by the Council on its behalf.

(6) The Mace shall be kept in such custody as the Council may direct.

(7) The Mace shall be used as specified in the Statutes.

(8) The Flag and the Anthem shall be as specified in the Statutes.

(9) No person, body, authority or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, use of the Common Seal and Logo of the Kaimosi Friends University except with the consent of the Council and the authorized representative of the Council.

32. Statutes

(1) The Council may, subject to the provisions of the Act and this Charter, make Statutes generally for the governance, control and administration of the University, for the better carrying into effect the purposes of this Charter, and for all purposes connected, and in particular for—

- (a) the establishment of Campuses, Colleges, Faculties, Schools, Institutes, Centers, and Departments of the University;
- (b) the description of degrees, diplomas, certificates and other academic qualifications;
- (c) the requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) the conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University;
- (g) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;
- (h) prescribing the rules and regulations for the students' organizations;

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- (i) providing for or prescribing anything, which, under this Charter, may be provided for by the Statutes;

(2) Notwithstanding subparagraph (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 reference to the Senate.

(3) The Statutes shall only be made or amended by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.

(4) The Statutes or regulations made by the Council under this Charter shall be published in the *Gazette*.

33. Protection of Name

(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 "Kaimosi Friends", together with the word "University", unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the words "Kaimosi Friends", together with the word "University", 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 three million shillings, or to imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona-fide* use by any person of any title in pursuance of the grant to her/him of a degree, diploma or certificate by the University subject to the Act.

34. Revocation of Kaimosi Friends University College Legal Notice No. 87 of 2015

(1) The Kaimosi Friends University College (L.N. 87/2015) is revoked.

(2) Notwithstanding subparagraph (1), all agreements, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets, and other property acquired by 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.

35. Transitional

(1) Notwithstanding the provisions of this Charter, the persons constituting the Council of Kaimosi Friends University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Legal Notice until the Council of Kaimosi Friends University is appointed.

(2) The University Council may make Statutes for Kaimosi Friends University under this Charter and the Statutes so made shall be deemed to be made under this Charter.

(3) The persons occupying the positions of the Principal and the Deputy Principals of Kaimosi Friends University College shall continue to discharge their responsibilities and exercise such powers as acting Vice-Chancellor and acting Deputy Vice-Chancellors respectively of Kaimosi Friends University as set out in the Act and the Statutes of Kaimosi Friends University until the Vice-Chancellor and other officers of the University are appointed and assume office.

(4) Any student pursuing degree programmes at Kaimosi Friends University College immediately before the grant of this Charter and who has completed more than 50% of the subject matter of the programme, or less than 50% in exceptional cases to be determined by the Senate, may upon such award have an option—

- (a) to continue and be awarded a degree of the Kaimosi Friends University; or
(b) be awarded a degree of the Masinde Muliro University of Science and Technology.

(5) The option referred to in subparagraph (3) shall only be exercised by a student subject to an agreement between the Kaimosi Friends University and the Masinde Muliro University of Science and Technology, after consideration of several matters including—

- (a) the availability of space; and
- (b) the accreditation of the relevant academic programme.

36. Variation and Revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the Act.

**THE CHARTER FOR KIRIRI WOMEN'S
UNIVERSITY OF SCIENCE AND TECHNOLOGY**

ARRANGEMENT OF PARAGRAPHS

Paragraph

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AND MANAGEMENT OF THE UNIVERSITY

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13. The Sponsor
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**THE CHARTER FOR KIRIRI WOMEN'S
UNIVERSITY OF SCIENCE AND TECHNOLOGY**

[Legal Notice 166 of 2022]

PREAMBLE

WHEREAS Kiriri Women's University Company Limited wishes to establish a university in the name of Kiriri Women's University of Science and Technology, situated in Kiambu County in the Republic of Kenya;

AND WHEREAS the said Kiriri Women's University of Science and Technology 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Kiriri Women's University of Science and Technology are consistent with the advancement of University education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Kiriri Women's University of Science and Technology has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary Ministry of Education, on the said institution, and the Cabinet Secretary is satisfied that Kiriri Women's University of Science and Technology should be granted the Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education 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 (Cap. 210), I, Uhuru Kenyatta, President and Commander-in-chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to Kiriri Women's University of Science and Technology.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Kiriri Women's University of Science and Technology Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"academic staff" means a person who is appointed to teach, train or do research at the University and any other employee designated as such by the Council under paragraph 25 of this Charter;

"Act" means the Universities Act (Cap. 210);

"administrative staff" means staff responsible for the administrative duties in the University established under paragraph 25 of this Charter;

"Alumni Association" means the association of past students and such other persons as maybe declared to be members under paragraph 18 of this Charter and the Statutes;

"Board" means the Board of Trustees of Kiriri Women's University of Science and Technology established under paragraph 14 of this Charter;

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"Council" means the Council established under paragraph 16 of this Charter;

"College" means an academic unit of the University made up of faculties' schools or institutes and includes a Constituent College under paragraphs 7 and 8 of this Charter;

"Chancellor" means the Chancellor of the University appointed under paragraph 15 of this Charter;

"Dean" means a person appointed to head a faculty, school or an institute of the University;

"Deputy Vice-Chancellor" means Deputy Vice-Chancellor appointed under paragraph 22 of this Charter;

"Director" means a person appointed as Director under this Charter;

"faculty" means a faculty of the University;

"financial year" means the fiscal year of the University;

"graduate" means a person upon whom a degree or to whom a qualification of the University has been awarded as determined by the Senate;

"Lecturer" means a member of the academic staff of the University designated as a full professor, associate professor, senior lecturer, lecturer or assistant lecturer or a person who holds any other teaching or research position recognized by the University;

"Librarian" means a person appointed to be the librarian of the University under the Statutes;

"Management Board" means the Management Board established under paragraph 21 of this Charter;

"Principal" means Principals appointed under paragraphs 23 and 24 of this Charter;

"Senate" means the Senate of the University established under paragraph 20 of this Charter;

"Statutes" means the Statutes made by the Council in accordance with section 23 of the Act;

"Students' Association" means the students association established by the University in accordance with paragraph 17 of this Charter;

"Sponsor" means the Kiriri Women's University Company Limited established under the Companies Act (Cap. 486);

"University" means the Kiriri Women's University of Science and Technology established under paragraph 3 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 19 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

(1) There is hereby established a university to be known as the Kiriri Women's University of Science and Technology.

(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 or lending money;
- (d) entering into contracts;

- (e) receiving bequests and gifts which shall be sued for the purposes stated by the persons making such bequests and gifts; and
- (f) doing or performing all such other duties or acts for the proper performance of its functions, and under, and for the furtherance of the provisions of this Charter, which may lawfully be done or performed by a body corporate.

(3) The University shall be the successor to Kiriri Women's University of Science and Technology established under Letter of Interim Authority issued in 2002.

(4) All rights, duties, obligations, liabilities and assets held by the Kiriri Women's University of Science and Technology or by anybody on behalf of the Kiriri Women's University of Science and Technology and existing at the commencement of this Charter, shall automatically and fully be transferred to the University.

4. The Vision and Mission

(1) Vision: A leading women's University of academic excellence, intellectual growth, research and social responsibility in science and technology.

(2) Mission: To educate and train high achieving professional and ethical women leaders in academics, research and community engagements so as to flourish in the modern technologies and innovation in an ever competitive global environment.

5. Philosophy

The University is committed to producing a holistic, trained competent women leaders and scholars with capacity to offer guidance and solutions that are able to deal with contemporary issues through development of intellect, skills, attitudes, and values through quality teaching and learning.

6. Objects and Functions of the University

(1) The objects and functions of the University shall be—

- (a) promoting the development and expansion of higher education opportunities for advancement of knowledge through teaching, scholarly research and scientific investigation;
- (b) promoting development of students' welfare and society in general for attainment of academic excellence;
- (c) promoting of cultural and social life of society through corporate social responsibility;
- (d) providing an environment that nurtures excellence and high standards of professionalism in teaching, learning, research and community service;
- (e) disseminating of the outcomes of the research conducted by the University to the general community;
- (f) promoting human resource development and proactive management practices as well as good governance to enhance service delivery;
- (g) supporting gender balance and equality of opportunity among employees;
- (h) promoting of equalization for persons with disabilities, minorities and other marginalized groups;
- (i) facilitating of life-long learning through provision of adult and continuing education; and
- (j) promoting competitive corporate image through enhanced marketing and publicity to a wider customer market.

(2) The University shall not discriminate against any woman with regards to admission to the University on the basis of race, ethnicity, place of origin or residence or other local connections, economic and social standing, colour, creed, physical ability or gender, pregnancy, marital status, religion, conscience, belief, culture, dress, language or birth, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

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(3) The University shall not discriminate against any person with regards to appointment and promotion of staff on the basis of race, ethnicity, place of origin or residence or other local connections, economic and social standing, colour, creed, physical ability or gender, pregnancy, marital status, religion, conscience, belief, culture, dress, language or birth, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

(4) No barrier based on any of the distinctions set out in subparagraphs (2) or (3) 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.

(5) The University shall charge such fees or levy as the Council may, with the advice of the Senate, approve from time to time, for students admitted to the University for defraying expenses connected with their education.

7. Establishment of Colleges and Campuses within the University

(1) The Council may, on the advice of the Senate, establish Colleges and Campuses whose functions and powers shall be provided for in the Statutes.

(2) A College or Campus established shall consist of such faculties, schools, institutes, departments, directorates, centres and other resource and administrative units as may be provided for by the Statutes.

8. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and on 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.

9. Conferment, granting, cancellation and withdrawal of Degrees, Diplomas, Certificates and other Awards

(1) Subject to this Charter, the University may—

- (a) grant diplomas or certificates or other awards;
- (b) confer the degrees of Bachelor's, Master's and Doctorate and such other qualifications as may be provided for by the Statutes; or
- (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 endeavor worthy of such a degree or academic distinction as may be provided for in the Statutes.

(2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

10. Award of Scholarships

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, GOVERNANCE AND MANAGEMENT OF THE UNIVERSITY

11. Membership of the University

(1) The membership of the University shall be—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;

- (d) the University Council;
- (e) the Vice-Chancellor;
- (f) the Deputy Vice-Chancellors;
- (g) the members of the Council;
- (h) the members of the Senate;
- (i) the Principals of constituent colleges;
- (j) the principals of colleges within the University;
- (k) the Deans;
- (l) the Academic Staff;
- (m) the University Registrars;
- (n) the University Librarian;
- (o) the Finance officer;
- (p) the chief legal officer;
- (q) the Medical Officer;
- (r) the staff of the University;
- (s) the students;
- (t) the convocation;
- (u) the Alumni; and
- (v) such other members of staff of the University, or of any other body, formally admitted into association with the University, as the Council may determine from time to time.

(2) A member of the University shall enjoy such rights and privileges as may be provided for in the Statutes.

12. Governance of the University

- (1) The governance of the University shall be vested in the following organs—
- (a) the Sponsor;
 - (b) the Board of Trustees;
 - (c) the Chancellor;
 - (d) the University Council;
 - (e) the Students' Association; and
 - (f) the Alumni Association.

(2) The Governance organs may set up committees to perform such functions as stipulated by the Statutes.

13. The Sponsor

(1) The Sponsor of the University is Kiriri Women's University Company Limited.

(2) The Sponsor shall have and exercise the following functions—

- (a) appoint members of the Board of Trustees;
- (b) receive reports on the operations and progress of the University;
- (c) receive certified copies of the annual Auditors report;
- (d) initiate the process of variation of this Charter; and
- (e) in consultation with the Cabinet Secretary and the Commission appoint a person to administer or manage the University in the event of revocation of this Charter.

[Subsidiary]

14. The Board of Trustees

(1) The Board of Trustees of the University shall be the Kiriri Women's University Trust, which is a body corporate with perpetual succession under the Trustees (Perpetual Succession Act) (Cap 164) of the Laws of Kenya.

(2) The Board of Trustees shall act and exercise all legal rights, powers and privileges of the University as provided for in the Statutes.

(3) The functions of the Board of Trustees shall be to—

- (a) appoint or remove from office the Chairperson and members of the Council;
- (b) raise funds for the benefit of the University in accordance with any written law or financing arrangement;
- (c) promote the objects of the University; and
- (d) appoint the Chancellor.

15. The Chancellor

(1) The Board of Trustees shall, in consultation with the Sponsor, appoint the Chancellor of the University.

(2) The Chancellor shall hold office for a term of five years, and shall be eligible for re-appointment for one further term.

(3) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may, from time to time, recommend to the Board of Trustees a visitation of the University in such a manner as shall be described in the statutes;
- (c) may, from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in the statutes.

(4) The functions of the Chancellor under subparagraph (3) may, in the absence or during the period of incapacity of the Chancellor, be performed by the Chairperson of the Council subject to a maximum of three months.

(5) The procedure for the appointment of the Chancellor shall be provided for in the Statutes.

(6) The office of the Chancellor shall become vacant if the Chancellor—

- (a) resigns from office by notice addressed to the chairperson of the Board of Trustees;
- (b) by reason of physical or mental infirmity, gross misconduct or conflict of interest, is unable to exercise the functions of the office to the satisfaction of the Board of Trustees;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
- (d) is convicted of an offence and is sentenced to imprisonment for a period of six months or more; and
- (e) dies.

16. The Council

(1) The University shall have a Council consisting of—

- (a) the Chairperson who shall be appointed by the Board of Trustees and shall have at least a Master's degree from a recognized University and experience in management;

- (b) one person with over five years' experience in auditing, and who is a member in good standing of the profession, appointed by the Board of Trustees;
- (c) one person of integrity and wide experience in finance who should be a member in good standing of the Institute of Certified Public Accountants of Kenya for over seven years, appointed by the Board of Trustees;
- (d) one female Professor, with over ten years' experience in the management of university education appointed by the Board of Trustees;
- (e) one person in leadership position either in public or private sector appointed by Board of Trustees;
- (f) one person appointed by the Sponsor from amongst its members;
- (g) an advocate of the High Court of Kenya with over five years' post admission experience in a university environment;
- (h) two senior academic scholars who are not employees of the University appointed by the Board of Trustees in consultation with the Chancellor; and
- (i) the Vice-Chancellor who shall be an *ex-officio* member of the Council.

(2) The Council may co-opt such other person whose skills or experience are necessary for the purposes of the functions of the Council for such period as it may deem appropriate by the Board of Trustee.

(3) The members of the Council, except the Vice-Chancellor, shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(4) The members of the Council shall form committees and appoint from amongst themselves, such members of the committees as may in the opinion of the Council increase its efficiency and effectiveness in its operations.

(5) The Council may delegate to any committee or to any members, officers or employees the exercise of some of its functions or duties under this Charter or any written law.

(6) The Chairperson of the Council shall preside over all the Council meetings and in the absence of the Chairperson, members shall appoint one amongst themselves to be an acting Chairperson, who shall exercise the powers, privileges and functions as provided for in the Statutes.

(7) The quorum for conducting business at a meeting shall be half of all the members of the Council excluding *ex officio* members.

(8) The procedure, rules and regulations for meetings of the Council shall be as prescribed in the Statutes.

(9) 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.

(10) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from the office in writing addressed to the appointing authority through the Vice-Chancellor as the Secretary;
- (b) is by reason of physical or mental infirmity or gross misconduct, unable to discharge duties of a Council member to the satisfaction of the Board of Trustees;
- (c) ceases to hold the office whose interest he represented in the Council;
- (d) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
- (e) is adjudged or declared by any competent court or tribunal to be of unsound mind;
- (f) is convicted of an offence and is sentenced to imprisonment for a period of six months or more;
- (g) is guilty of gross misconduct; or

[Subsidiary]

- (h) dies.

17. Functions of the Council

Subject to this Charter, the functions of the Council shall be to—

- (a) promote objects of the University;
- (b) approve the Statutes of the University and cause them to be published in the *Kenya Gazette*;
- (c) approve policies for governing the operations and activities of the University;
- (d) recruit, retain and support the staff of the University;
- (e) develop and manage land, facilities and equipment of the University;
- (f) provide appropriate facilities for sports and other extracurricular activities to support wholesome development of the students;
- (g) provide adequate learning materials including books journals and equipment to facilitate a smooth learning environment for the students;
- (h) provide adequate equipment and facilities including classrooms, library resources, laboratories, research facilities, and building to support various programmes;
- (i) provide professional development opportunities to staff and enhance their individual growth, job performance and leadership capabilities;
- (j) following recommendation from the Senate, revoke or withdraw a certificate, diploma, degree or an award already conferred, granted or awarded to any person if subsequent upon conferment or award, the Council is satisfied that, such conferment or award was contrary to any regulations prescribed in the statutes, or the qualification was obtained through fraudulent or other improper means;
- (k) enter into contracts;
- (l) enter into partnerships;
- (m) following recommendation from the Senate, enter into affiliations or academic linkages with any individual, group or institution consistent with the objects of the University as provided for in the Statutes;
- (n) erect buildings and structures and carry out works;
- (o) appoint agents;
- (p) engage persons to perform services for the University;
- (q) open a banking account or accounts for the University;
- (r) receive any grants, donations, investments or endowments on behalf of the University and make legitimate disbursements thereof;
- (s) front and promote the image of the University by all lawful means including undertaking corporate social responsibility activities;
- (t) determine the provisions to be made for capital and recurrent expenditure and for reserves of the University;
- (u) demand and receive fees, subscriptions deposits and impose charges for services;
- (v) act on behalf of the trustees or managers of property, legacy, endowment, bequest or gift for the purpose of education, research, repay or distribute or otherwise for the furtherance of the work of the University, and to invest any monies representing any such property, or fund not immediately required for the purpose aforesaid in accordance with the provisions of the Statutes;
- (w) determine the method of recruitment, appointment and promotion of all staff of the University;
- (x) approve upon recommendation of the Management Board terms and conditions of service of the staff;

- (y) establish policies governing the conduct and discipline of the staff of the University;
- (z) constitute the disciplinary committee for members of staff of the University;
- (aa) determine, after considering the recommendations of the Senate, all fees payable to the University;
- (bb) provide stability and continuity to the University through an organized system of institutional planning and evaluation;
- (cc) on the recommendation of the Senate and with the approval of the Board of Trustees, provide in accordance with the Statutes, for the creation of new division, faculties, schools, institutes, departments, centers of other bodies of learning, research and production in the University, whether formed by the subdivision of any 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;
- (dd) propose annual work plans and budget of the University to the Board of Trustees;
- (ee) approve the courses of study to be offered in the University on the recommendation of the Senate;
- (ff) approve on the recommendation of the Senate, policies for the admission of students, their physical and spiritual welfare, their maintenance, and their discipline;
- (gg) approve and enter into association with other Universities or any institutions of higher learning and research or other bodies either within or outside Kenya;
- (hh) receive reports on the operations of the University;
- (ii) establish University scholarships, bursaries and other awards and to determine in consultation with the Senate the conditions and modalities to govern them;
- (jj) provide for welfare of the staff and the students of the University;
- (kk) make regulations governing the conduct and discipline of the staff and students of the University;
- (ll) to provide resources for University education, training and research and for the establishment of colleges, faculties, schools, departments, institutes, centers and such other institutions as the Council and Board of Trustees may determine;
- (mm) set up committees and sub-committees with specific terms of reference and delegated powers as may be provided for in the statutes;
- (nn) to ensure that the University complies with the Constitution, other relevant laws, regulations, governance practices, accounting and auditing standards; and
- (oo) perform any other functions as may be prescribed in the Statutes.

18. Students association

- (1) There shall be a Students' Association of the University as provided for in the Act.
- (2) The Student Association shall elect a Student Council in accordance with the Act.
- (3) The Student Council shall perform such functions as are prescribed in the Act, including—
 - (a) overseeing and planning, in consultation with the Senate and the University Management Board, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
 - (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;
 - (c) undertaking such other functions as may be provided in its governance instruments approved by the Senate; and
 - (d) undertaking such other functions as provided in its governance instrument as approved by the Council.

[Subsidiary]

19. Alumni Association

(1) There is established an Alumni Association of the University as provided for in the Act.

(2) The Alumni Association shall consist of graduates of the University and such other persons as may be provided for in the Statutes.

(3) The Alumni Association shall exercise such powers and functions as may be provided for in its constitution which may include—

- (a) bringing together graduates of the University;
- (b) engaging in fund raising activities to assist the University;
- (c) promoting the University's welfare and image;
- (d) promoting cooperation between the University and industry; and
- (e) promoting academic and professional excellence.

(4) The Alumni Association shall govern the conduct of its proceedings.

(5) The Alumni Association may meet and discuss any matters relating to the University and shall transmit its resolutions to the Vice-Chancellor.

PART IV – MANAGEMENT OF THE UNIVERSITY

20. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council and who shall be the Chief Executive of the University.

(2) The Vice-Chancellor shall be the holder of a Doctor of Philosophy degree and have experience in the management of Universities.

(3) The Vice Chancellor shall—

- (a) be the academic and administrative head of the university;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the university;
- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes; and
- (d) assume administrative responsibilities for the day-to-day running of the University and its management.

(4) The functions of the Vice-Chancellor shall be to—

- (a) provide leadership in achieving the vision and the mission of the University;
- (b) direct, promote and co-ordinate all the programmes and activities of the University;
- (c) act as the representative of the University and be its spokesperson on its external relations;
- (d) preside over the Senate and the Management Board in accordance with the Statutes;
- (e) be responsible for the general welfare, conduct and discipline of staff and students;
- (f) work collegially with the personnel of the University for the realization of its objectives;
- (g) mobilize resources for the University; and
- (h) have such responsibilities and duties as may be provided for in the Statutes.

(5) The Vice-Chancellor shall serve for a term of five years and shall be eligible for re-appointment for one further term.

(6) The Vice-Chancellor shall enjoy such terms and conditions of service as the Council may determine from time to time, which shall be prescribed by the statutes or the instrument of appointment.

21. The Senate

(1) There shall be a Senate of the University as provided for in the Statutes whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of each College and Campus of the University;
- (d) the Professors of the University;
- (e) the Deans and Directors of faculties, schools and Institutes;
- (f) the University Registrar;
- (g) the University Librarian;
- (h) the director of Enrollment Management;
- (i) the director of Quality Assurance;
- (j) the Chief Legal Officer;
- (k) the Chief Medical Officer;
- (l) the Chief Security Officer;
- (m) four members elected by the academic staff whose appointment may be prescribed by the Statutes;
- (n) two students elected by the Students Association who shall however not attend meetings that are deemed to be confidential or touching on academic matters; and
- (o) such other member as may be provided for in the Statutes or co-opted by the Senate.

(2) The Deputy Vice-Chancellor (Academic and Students 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) to propose to the Council for approval the short-term and long-term academic plans and their modifications based on a continuous evaluation;
- (c) to programme and plan areas of training and subjects of research for the University;
- (d) to develop new academic programmes for approval by the University Council;
- (e) to develop criteria and policies for the admission of students, their retention and progression to the next years of study, the award of degrees, diplomas and certificates;
- (f) to approve the academic calendar and academic programmes of studies;
- (g) to approve candidates for the awards of University degrees, Diplomas and Certificates;
- (h) to discuss and approve the annual academic reports presented by the Deans and Principals.
- (i) to settle academic matters within the faculties and departments and to deal with academic disputes arising therefrom;
- (j) to receive and approve examination results;
- (k) to regulate the conduct of examinations;
- (l) to recommend to the Council changes in the Statutes and Regulations;
- (m) to propose to the Council, the financial needs of the academic, training and research programmes of the University;
- (n) to recommend to the Council appointments and promotions of academic staff;

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- (o) to promote and supervise the development of the library and the archives;
- (p) to propose and support professional development of the academic staff;
- (q) to facilitate research and encourage the conduct of research and dissemination of knowledge;
- (r) to provide the resources necessary for University level education, training research and for the establishment of faculties, departments and institutes;
- (s) to participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development of Kenya;
- (t) to recruit, admit and train students;
- (u) to conduct examinations;
- (v) to award degrees, diplomas and certificates to qualified students;
- (w) to determine who may teach, who may be taught, what may be taught and how it may be taught in the University in line with the prevailing regulations for university education in Kenya;
- (x) to develop, review and implement academic programmes and to determine methods of instructions and research;
- (y) to develop and establish constituent colleges and campuses, schools, institutes, faculties and centers of education as the University Council may determine;
- (z) to establish partnerships with other local, regional and international universities, research institution's and industry;
- (aa) to institute and award scholarships, bursaries, prizes and other such awards to aid study, research and outreach activities;
- (bb) to participate in educational conferences, seminars and workshops;
- (cc) to provide industrial placement within organizations and institutions both in Kenya and regionally to student so as to gain practical skills and experience and to provide ancillary services.
- (dd) develop and approve courses of study, research and such other programmes consistent with its mission and objects;
- (ee) recommend conferment of degrees, diplomas, certificates and other awards;
- (ff) vet and recommend conferment of confer honorary degrees or academic distinction or awards upon a person or persons who have rendered distinguished service in the advancement of knowledge; or themselves worthy of such awards;
- (gg) to formulate and recommend to the Council regulations governing the conduct and discipline of the staff and students of the University;
- (hh) subject to the Act, to make recommendations to the Council for the establishment, abolition or supervision, degree and other academic programmes and their titles in the University;
- (ii) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (jj) to approve all syllabi of the University; and
- (kk) to act on matters related to the mass indiscipline or unrest of staff and/or students of the University as provided in the Statutes.
- (4) The Senate shall meet at least twice in every semester.
- (5) The Senate may—
 - (a) establish such committees as may be deemed necessary for efficient discharge of its functions and duties; or
 - (b) delegate any of its powers to other Committees of the Senate consisting of such members or bodies as they may deem fit.

(6) All committees established by the Senate shall, in the exercise of their powers so delegated, conform to any regulations that may be imposed by the Senate.

(7) The Senate shall undertake any other functions, and duties as may be provided for by the Statutes.

22. The University Management Board

(1) There shall be a Management Board of the University, which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Constituent Colleges;
- (d) the Principals of colleges and campuses;
- (e) the Registrars;
- (f) the Finance Manager;
- (g) the Chief Medical Officer;
- (h) the Chief Legal officer;
- (i) the Chief Security Officer;
- (j) the Deans of Schools or Faculty;
- (k) the Dean of Students;
- (l) the University Librarian;
- (m) the Heads of Colleges, Campuses, Institutes and Schools; and
- (n) any other member as may be provided for in the Statutes, or co-opted by the Management Board.

(2) The Management Board shall assist the Vice-Chancellor in management of the day to day operations of the University and shall—

- (a) ensure efficient management of the personnel, facilities and finances of the University;
- (b) plan for the development and the needs of the University;
- (c) prepare, in consultation with the Senate, the annual plans and budgets for submission to the Council for approval and on ward transmission to the Board of Trustees;
- (d) develop strategies for generation of revenue and fund raising to secure adequate financial support for the University;
- (e) monitor revenue collection trends and identify new revenue sources;
- (f) identify and operate income generating activities to support the University;
- (g) implement the rules and regulations governing the conduct and behavior of staff or students of the University as approved by the Board of Trustees;
- (h) recommend such policies and strategies that achieve the objectives of the University and work for the maintenance of the character of the University; and
- (i) undertake any other functions and duties as may be provided for in the Statutes.

(3) The Deputy Vice-Chancellor (Administration and Finance) shall be the Secretary to the Management Board.

(4) The Management Board may delegate any of its powers to other committees of the Management Board consisting of such members or bodies as it may deem fit. All such committees shall in the exercise of their powers so delegated conform to regulations set by the Management Board.

[Subsidiary]

23. The Deputy Vice-Chancellors

(1) The Council shall appoint one or more Deputy Vice-Chancellors, who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be assigned by the Statutes or the instrument of appointment.

(2) The Deputy Vice-Chancellors shall be responsible to the Vice-Chancellor and shall support and assist the Vice-Chancellor in the management of the University.

24. Principals of colleges and campuses within the University

(1) There shall be Principals of Colleges or Directors of Campuses within the University who shall be appointed in accordance with the Statutes of the University.

(2) The Principals of Colleges or Directors of Campuses shall report to the Vice-Chancellor and in that regard assist the Vice-Chancellor in direction, organization, administration and programmes of Colleges or Campuses.

25. Principals of Constituent Colleges

The Council may, in consultation with the Senate, appoint the Principals of Constituent Colleges of the University who shall be responsible for the administration of the Constituent College, and in that regard shall give direction, organization, administration and programmes of the Constituent College.

26. Staff of the University

(1) The University shall have the following members of staff—

- (a) the academic staff who shall consist of the Vice-Chancellor, Deputy Vice-Chancellors, Principals of Constituent Colleges and Colleges within the University, Professors, Librarian of the University and all members of staff who are engaged in teaching, research or extension in the University.
- (b) the administrative or management staff shall consist of members of staff not engaged in teaching or research work.
- (c) the technical staff of the University shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environment in the teaching department under the general direction of the heads of the teaching departments, and as Council may from time to time determine.
- (d) the support staff of the University shall consist of those staff engaged in general duties as the Council may from time to time determine.

(2) The duties and responsibilities of University staff shall be as prescribed by the Statutes or in the instruments of appointment.

(3) The members of the University staff shall be subject to the authority of the Council through the Vice-Chancellor.

(4) All members of staff of the University shall, subject to this Charter, be appointed either, in the manner and upon the terms and conditions of the services prescribed by the Statutes or in the case of a person seconded to the services of the University from the services of the government or any other institution, on terms and condition agreed upon with the Council.

27. Performance of duties during the incapacity of an office holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the University Council shall appoint one of the senior academic staff within the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges within the University, the University Council shall

appoint a member of the academic staff at the level of a professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.

(4) In this paragraph, "incapacity" includes 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.

(5) Subject to the provisions of this paragraph, at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in this Charter, the Statutes, and or regulations shall commence.

PART V – FINANCIAL PROVISIONS

28. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing on the first day of January and ending on the thirty first day of December each year.

(2) In the event of any change in the financial year and for the transition from the old financial year to the new financial year, consequent upon the changes, the transitional period, whether more or less than twelve months, shall be deemed, for the purposes of this Charter, to be a financial year.

29. Sources of University Funds

The funds of the University shall be derived from—

- (a) tuition fees and other charges;
- (b) income from University auxiliary enterprises and investments;
- (c) research grants and consultancies;
- (d) endowments, gifts and trusts; and
- (e) such other sources as the University may from time to time identify.

30. Investment of University Funds

(1) The University may invest any of the University funds in investments portfolios approved by the Council.

(2) The Council may place or deposit with such banks or financial institutions, as it may determine, any fund not immediately required for use by the University.

(3) The Council in consultation with the Board of Trustees may create or appoint other corporate bodies to manage its investments, pensions, provident funds and properties.

31. University Annual Budget

(1) Six months before the commencement of a financial year, the Council shall cause to be prepared an annual budget of estimates or revenue and expenditure of the University for that year.

(2) The budget shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) 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) the funding of the cost of institutional scholarships, teaching and research activities;
- (d) the development of the fiscal plan;
- (e) the proper maintenance of the building and grounds of the University;
- (f) the proper maintenance, repair and replacement of the equipment and other movable property of the University; and

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- (g) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Board of Trustees deem fit.

(3) The annual budget shall be approved by the Council and ratified by the Board of Trustees at least three months before the commencement of the financial year to which it relates.

(4) No expenditure shall be incurred for the purposes of the University, except in accordance with subparagraph (3), or in pursuance of an authorization of the Board of Trustees.

32. Accounts and Audit

(1) The Council shall cause to be kept proper books and records of accounts of Income and expenditure, assets and liabilities of the University.

(2) The accounts of the University shall be audited annually by a firm of external auditors appointed by the Council.

(3) An auditor appointed under subparagraph (2) above shall report directly to the Council.

(4) The fees for the external auditors shall be fixed and paid by the Council.

(5) Within a period of three months from the end of each fiscal year, the Vice-Chancellor shall submit to the Council audited accounts of the University.

(6) The University shall maintain an internal audit function.

PART VI – MISCELLANEOUS PROVISIONS

33. Instruments of Authority

(1) The symbols of authority shall be the Mace, Seal and Logo.

(2) The University mace shall be the symbol of power and shall be stored, displayed, and used as provided for in the Statutes.

(3) The Common Seal of the University shall be kept in such custody under the Vice-Chancellor and shall be used upon the order and direction of the University Council, or the Vice-Chancellor.

(4) The Common Seal of the University shall be authenticated by the signature of the Chairperson of the University Council or the Vice-Chancellor as shall be authorized by the University Council.

(5) The Common Seal of the University when affixed to any document and duly authenticated under this paragraph shall be judicially and officially noticed, and any necessary order or authorization of the University Council or the Vice-Chancellor under this paragraph shall be deemed to be duly given, unless the contrary is proved.

34. The Statutes

In the performance of its functions under this Charter, the 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—

- (a) establishment of Colleges, schools, institutes, parks and centres of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) conduct of examinations;
- (e) prescribing fees and other charges;

- (f) prescribing the rules and regulations for the conduct and 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 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; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by the Statutes.

35. Instruments of accreditation

The University shall display all its instruments of accreditation conspicuously and at such places as the Vice Chancellor may elect.

36. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing the functions relating to the registration of companies or business names, shall accept for such registration any name which includes together the word "University" and the word "Kiriri" unless the application for such registration is accompanied by the written consent of the Council.

(2) Any person who, except with written consent of the Council, uses the word "University" and the name "Kiriri" in furtherance of, or in connection with any advertisement for any trade, business, calling or profession shall be guilty of an offence and liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding three years or to both.

(3) Notwithstanding subparagraph (3), nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant of any degree, diploma or certificate of the University.

37. Convocation

(1) There shall be a Convocation of the University which shall consist of such members as prescribed by the Statutes.

(2) The Convocation shall be convened for purposes of conferment of awards and for such other functions as may be outlined in the Statutes.

38. Variation and Revocation of this Charter

This Charter may be varied or revoked in accordance with the Act.

39. Transitional

(1) The Council in place immediately before the grant of this Charter, shall continue to be in place for a period of six months after which appointments shall be done in accordance with this Charter.

(2) The Council in place immediately before the grant of this Charter may make Statutes for the University under this Charter and the Statutes so made shall be deemed to be made under this Charter.

(3) The persons occupying the positions of the Vice-Chancellor and the Deputy Vice-Chancellors of the University immediately before the grant of this Charter, shall continue to discharge their responsibilities and exercise such powers as set out in their instrument of appointment.

(4) Any person who is a member of staff of the Kiriri Women's University of Science and Technology operating under Letter of Interim Authority, immediately before the appointed day shall be deemed to be a member of staff of the University under the same terms and conditions.

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(5) All the students of the University, who were pursuing degrees, diploma, certificate, and post degree programmes as at the commencement date of this Charter, shall be awarded degrees, diploma, certificate, and post degree programmes certificate, of the University.

40. Dissolution of the University

Subject to the provisions of this Charter, in the event of the dissolution or winding up of the University, after the satisfaction of all its debts and liabilities, the remainder of funds, assets or properties will be vested in the University Board of Trustees.

THE CHARTER FOR LUKENYA UNIVERSITY

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THE CHARTER FOR LUKENYA UNIVERSITY

[Legal Notice 162 of 2022]

PREAMBLE

WHEREAS The Lukenya University Board of Trustees, wishes to establish an institution in the name of Lukenya University, situated in Makueni County within the Republic of Kenya;

AND WHEREAS the said Lukenya University has applied to the Commission for University Education, for the grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Lukenya University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Lukenya University has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education on the said institution, and the Cabinet Secretary, Ministry of Education is satisfied that Lukenya University be granted the Charter;

AND WHEREAS the Cabinet Secretary in the Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that the granting of the Charter to Lukenya University will be of benefit to the advancement of university education in Kenya;

NOW THEREFORE, by these presents, be it known that in the exercise of the power conferred upon me by section 19 of The Universities Act (Cap. 210), I, UHURU MUIGAI KENYATTA, President and Commander in-Chief of the Defence Forces, of the Republic of Kenya, grant the Charter to Lukenya University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Lukenya University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Act" means the Universities Act (Cap. 210);

"administrative staff" means employees of the University;

"Alumni Association" means the organization of the past students and stakeholders established in accordance with paragraph 20 of this Charter;

"annual estimates" means the estimates prepared in accordance with paragraph 32 in respect of any financial year;

"Board of Trustees" means the Board of trustees of Lukenya University Trust established under the Trustee (Perpetual Succession) Act (Cap 164);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to university education;

"Campus" means a campus established by the University pursuant to paragraph 7 of this Charter;

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"Chancellor" means the Chancellor of the University appointed under paragraph 17 of this Charter;

"College" means an academic unit made up of faculties, Schools or institutes, and includes a Constituent College;

"Commission" means the Commission for University Education established under the Act;

"constituent college" means a semi-autonomous academic unit of the University, established under paragraph 6 of this Charter;

"Convocation" means the Convocation of the University established under paragraph 10 of this Charter;

"Council" means the Council of the University established under paragraph 18 of this Charter;

"Dean" means an academic officer of the Faculty responsible for matters of Academic Policy that affect the faculty;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor of the University appointed under paragraph 24 of this Charter;

"faculty" means a faculty of the University;

"financial year" means the financial year of the University as prescribed by the Council;

"graduate" means a person upon whom an earned academic qualification has been awarded and or conferred by the University;

"Institute" means an institute of the University established by the statutes;

"lecturer" means a staff of the University who is a full professor, associate professor, senior lecturer, lecturer or tutorial fellow or a person who holds any other teaching or research position which the Council, on the recommendation of the Senate, has recognized as a position having academic status in the University;

"Librarian" means the person appointed to be the Librarian of the University;

"Senate" means the Senate of the University established under paragraph 23 of this Charter;

"School" means a school of the University established by the Statutes;

"Statutes" means statutes of the University made by the Council as provided under paragraph 37 of this Charter;

"student" means a person registered by the University for the purposes of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

"Students Association" means association of Lukenya University students recognized by the Council as being an organization representative of the students of the University as established under paragraph 19 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 21 of this Charter;

"Sponsor" means the Lukenya University Trust established under the Trustee (Perpetual Succession) Act (Cap 164);

"University Management Board" means the Management Board of the University established in paragraph 22 of this Charter;

"University" means the Lukenya University established by this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

- (1) There is established a University to be known as the Lukenya University.
- (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 or 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 is the successor of the Lukenya University constituted under a Letter of Interim Authority issued on 16th November, 2015.
- (4) Subject to this Charter, all rights, duties, obligations, staff, liabilities and assets of the Lukenya University held by or by or on behalf of the Lukenya University and existing at the commencement of this Charter, shall be automatically and fully transferred to and vest in the University.

4. Vision, Mission, Philosophy and Core Values

- (a) Vision
To be a dynamic University committed to excellence in teaching, research, training and community service.
- (b) Mission
Provide solutions through education, training, research and community service.
- (c) Philosophy
The Lukenya University embraces a Green Philosophy. In this undertaking, we believe in the use of renewable technologies in global food security, energy and sustainability, health and universal education.
- (d) Core Values
Lukenya University shall have the following as its core values—
 - (a) innovativeness;
 - (b) responsiveness to customer needs;
 - (c) inclusiveness;
 - (d) integrity;
 - (e) team work;
 - (f) community Service; and
 - (g) excellence.

5. Aims, objectives and functions of the University

- (1) The aims of the University are to—
- (a) provide post basic-education training by use of practical pedagogy methodology ideal for each academic programme;
 - (b) conduct research in collaboration with the industry and other key stakeholders;
 - (c) develop a world-class higher education learning environment and provide required resources ideal for training, education and research for students, staff, industry and community;

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- (d) recruit, develop and retain exceptional staff with outstanding teaching and research background and capacity;
- (e) develop and implement a university curriculum that inculcates positive attitudes towards work, research, innovation, honesty and self-discipline;
- (f) maximize the impact of research and scholarship to students, staff, industry and community;
- (g) be at the forefront in the pursuit for market-oriented courses and student-centred methods of study; and
- (h) uphold learning, professionalism and employability through the integration of academic theory and relevant professional and vocational practice.

(2) The objectives of the University are—

- (a) to help students and graduates understand and develop the necessary skills to equip them for whatever career path they choose;
- (b) to source and provide up-to-date information about occupations, fields of work, postgraduate courses and research opportunities, organizations and their vacation work and post-graduation vacancies;
- (c) to provide opportunities for students and graduates to understand their competencies, aspirations and options through a variety of means, including personal discussion with professional advisers;
- (d) to provide services impartially, confidentially, efficiently and free from discrimination, adhering to national and international codes of good practice and professional standards;
- (e) to recruit, train and develop staff at all levels, to enable these aims and objectives to be met;
- (f) to align the University research agenda into national and international priorities;
- (g) to promote the development of the skills and attributes of students which will strengthen their employability and career development; and
- (h) to widen and strengthen links with industry and local employers to meet local and regional skills needs.

(3) Functions of the University shall be to—

- (a) establish and maintain facilities and provide resources required for effective teaching, learning, research and community service;
- (b) determine credentials and qualifications for academic and non-academic staff to perform various functions within the University;
- (c) recruit, develop, and manage a qualified and competent workforce;
- (d) market the University, attract and register qualified learners;
- (e) offer quality academic services to students, scholars and researchers;
- (f) assess and examine students; and grant degrees, diplomas, certificates and other awards to qualified candidates;
- (g) offer training to the industry;
- (h) promote research and innovation;
- (i) establish, implement and manage a system for preservation, processing, transmission and dissemination of knowledge;
- (j) offer community service; and
- (k) carry out any other function in furtherance of the provisions of this Charter which may lawfully be done or performed in line with the Act.

(4) 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, color, creed, physical ability or gender.

(5) No barrier based on any such distinction shall be imposed upon any person as a condition of their becoming, or continuing to be, a professor, lecturer, graduate or student of the University, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

6. Establishment of Constituent Colleges

The Cabinet Secretary may, on the recommendation of the Council, and on the advice of the Commission for University Education, by order published in the *Gazette*, establish or declare an institution of learning or higher education or any training establishment to be a Constituent College of the University.

7. Establishment of Colleges, Campuses, Faculties, Schools, Institutes and Centres

(1) The Council may, on the advice of the Senate, establish Colleges within the University or campuses to offer training and courses of instruction consistent with its mission and objects whose functions and powers shall be as provided for by the Statutes provided that such campuses shall operate with the approval of the Commission.

(2) A College or campus which is established shall consist of such faculties, schools, institutes or centres as may be provided for by the Statutes.

8. Affiliation and Collaboration with other Institutions

(1) The University is affiliated to Lukenya College and Lukenya Schools.

(2) The affiliation is in ownership, financing and management.

(3) The University may collaborate with any individual, other individual organizations, groups or institutions, government and government agencies; or international organisations as may be provided for in the Statutes.

9. Conferment of Degrees, Grant of Diplomas, Certificates and other Awards

(1) Subject to this Charter, the University shall—

- (a) confer Bachelor's degrees, Master's degrees, Doctorate degrees and other awards;
- (b) grant diplomas, certificates and other academic awards 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 endeavor worthy of such a degree or academic distinction.

(2) Subject to this Charter, the University may award fellowships, scholarships, bursaries and prizes and make other awards as may be provided for in the Statutes.

10. Convocation

(1) There shall be a convocation of the University which shall consist of such members as prescribed by the Statutes.

(2) The convocation shall be convened for purposes of conferment and granting of awards and for such other functions as may be outlined in the Statutes.

11. Withdrawal of Degrees, Diplomas, Certificates and Other Awards

The Council may, subject to this Charter, and on the recommendation of the Senate, for good cause, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

[Subsidiary]

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

12. Membership of the University.

The members of the University shall be—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Vice-Chancellor;
- (f) the Senate;
- (g) the University Management Board;
- (h) the Deputy Vice-Chancellors;
- (i) the Principals of Constituent Colleges;
- (j) the Principals of Colleges within the University;
- (k) the Registrars;
- (l) the Deans and Directors;
- (m) the University Librarian;
- (n) the staff of the University;
- (o) the Head of Finance;
- (p) the Heads of Colleges, Schools and Institutes;
- (q) the Medical Officer;
- (r) the Corporation Secretary and Chief Legal Officer of the University;
- (s) the Students;
- (t) the Convocation;
- (u) the Alumni; and
- (v) such other members of the staff of the University or any other body formally admitted into association with the University, as the Council may determine from time to time.

13. Governance of the University

The governance of Lukenya University shall be vested in the following organs—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Students Association; and
- (f) the Alumni Association.

14. Sponsor

The Sponsor for the University is Lukenya University Trust established under the Trustee (Perpetual Succession) Act (Cap. 164).

15. The Board of Trustees

(1) The Board of Trustees of the Sponsor shall be the Board of Trustees of the University and shall—

- (a) appoint members of the Council;
- (b) raise funds for the benefit of the University in accordance with any written law or financing arrangement under section 51A of the Act;
- (c) promote the objects of the University;

- (d) appoint the Chancellor; and
- (e) undertake such other function or duties as may be conferred upon the Board of Trustees by relevant legal instrument.

(2) The Board of Trustees may establish a Secretariat to manage the affairs of the Board of Trustees.

16. Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the Board of Trustees.

(2) The Chancellor shall be a holder of at least a Master's Degree from a recognized University in a relevant field and having served for a period of not less than twenty years in distinguished positions in either public or private sector.

(3) A person shall be qualified to be appointed as the Chancellor if the person is a distinguished person of good standing in the society.

(4) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, recommend to the Board of Trustees a visitation of the University;
- (c) may from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.

(5) The office of the Chancellor shall become vacant if the Chancellor—

- (a) resigns from office by notice in writing addressed to the chairperson of the Board of Trustees;
- (b) is, by reason of physical or mental infirmity, unable to exercise the functions of his office to the satisfaction of the Board of Trustees;
- (c) is declared bankrupt or makes any arrangements or propositions with creditors generally;
- (d) fails to perform the duties of his office for a continuous period of six months without a valid reason; or
- (e) dies.

17. The Council

(1) There is established a Council which shall be appointed by the Board of Trustees as follows—

- (a) the Chairperson who shall be a distinguished person who holds a minimum of a Master's degree from a recognized University or its equivalent with over twenty-five-years' work experience in a corporate environment;
- (b) seven persons with distinguished qualifications and experience as follows—
 - (i) one person of the rank of a Professor in their respective field and a holder of an earned Doctor of Philosophy degree;
 - (ii) an advocate of the High Court of Kenya with ten years post admission experience and a member of the Law Society of Kenya in good standing;
 - (iii) a financial expert with ten years' experience and a holder of either a Bachelor of Commerce degree with a CPA (K) or its equivalent or a holder of a Master's Degree in Economics;
 - (iv) a banker with over ten years' experience and a holder of a minimum of a bachelors' degree in relevant field;

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- (v) a business professional with a proven record of having started and grown a successful business for not less than ten years;
 - (vi) a person with over ten years' experience in managing large institutions at national and or international levels; and
 - (vii) a person appointed to represent interest of the Board of Trustees, and
- (c) the Vice-Chancellor, who shall be the Secretary and an *ex officio* member of the Council.

(2) In the absence or incapacity of the Chairperson, the Council shall appoint from amongst themselves, any other person, except an *ex officio* member, to be the acting Chairperson.

(3) Members of the Council shall, except the Vice-Chancellor, hold office for a term of three years and shall be eligible for re-appointment for one further term.

(4) The Council may establish such committees as may, in the opinion of the Council, lead to its more efficient and effective functioning.

(5) Where the office of a member of the University Council becomes vacant, the Chairperson shall notify the vacancy to the Board of Trustees.

(6) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from office in writing addressed to the Secretary of the Council;
- (b) has the appointment terminated by the Board of Trustees;
- (c) is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required to the satisfaction of the Board of Trustees;
- (d) is absent for three consecutive Council meetings without good reason;
- (e) is found to be involved in unbecoming behaviour as determined by the Council, in consultation with the Board of Trustees;
- (f) is found to be directly or indirectly involved in any business conflicting with the function of the University and fails to disclose the conflicting interest;
- (g) is declared bankrupt; or
- (h) dies.

(7) The Board of Trustees shall replace a member of the Council within sixty days upon being notified of the vacancy.

(8) The Vice-Chancellor shall be the secretary to the Council.

(9) The procedure, rules and regulations of meetings of the Council shall be prescribed in the Statutes.

(10) The Council shall regulate its own rules of procedure and may amend or modify them from time to time provided that such rules of procedure are consistent with the provisions of the Act and this Charter and provided further that where any such rules of procedure are in conflict with or inconsistent with the provisions of the Act, the Universities.

(11) In addition to the powers and responsibilities vested to it under the Act and this Charter, the Council shall be responsible for the general supervision and control over the affairs of the University, and the power to prescribe regulations and policies of the University, including powers to—

- (a) manage, supervise and administer the assets of the University in such a manner as best promotes the purpose for which the University is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the University;
- (c) receive any grants, donations or endowments on behalf of the University and make legitimate disbursements therefrom;
- (d) enter into association, collaboration or linkages with other bodies or organizations within or outside Kenya as the University may consider

- desirable or appropriate and in furtherance of the purpose for which the university is established;
- (e) open a banking account or accounts for the funds of the University.
 - (f) employ the staff of the University;
 - (g) approve any proposed amendments to this Charter of the University;
 - (h) make Statutes for the University under this Charter in accordance with the Act;
 - (i) promote the objects of the University and to solicit or raise funds either directly or through any other agency or entity established for that purpose, or other friends and supporters of the University and to apply such funds for the purpose and objects of the University;
 - (j) hold, control and administer the property, funds and resources of the University and to borrow or raise money for the purposes of the University upon such security and other terms as may be required;
 - (k) establish, promote, create and/or participate in the establishment, promotion, creation of a subsidiary, subsidiaries or an affiliated legal entity or entities either directly by itself or through or in partnership with other legal entity or entities in furtherance of the objects and purposes of the University including income generating activities to sustain the operations of the University;
 - (l) formulate or approve the principles, policies and plans governing the activities and operations of the University so as to ensure that the academic staff enjoy academic freedom in their research and educational work;
 - (m) prepare or have prepared and revised from time to time statutes, rules and regulations for the efficient and effective operation of the University;
 - (n) review and approve the creation of any standing component of the University, such as faculties, colleges, campuses, programmes, institutes, standing committees and councils and other administrative bodies necessary to assist or improve the working of the University;
 - (o) approve the plans of work and annual budget of the University submitted by the Vice-Chancellor;
 - (p) enquire of, and consider reports submitted by the Vice-Chancellor relating to the activities of the University and the execution of the plans of work and to direct the Vice-Chancellor to submit reports relating to any matters as may be specified by the Council from time to time;
 - (q) to create such academic or administrative positions as it may consider necessary for the purposes of the University and to approve appointments to such of these positions as it may specify, including the positions of provost, deans, directors, head of the library, professors and associate professors;
 - (r) undertake responsibility for the financial integrity of the University, including responsibility for ensuring sustainability and effectiveness of its future operations, their continuity and the preservation of the autonomy of the University;
 - (s) approve all affiliations and other similar arrangements through which institutions or individuals may become associated with the University;
 - (t) enter into agreements, contracts, collaborations, understandings and arrangements with governments, organizations, institutions, bodies, individuals and other persons for the purpose of carrying out its functions and activities.
 - (u) take all such initiatives, as it may consider necessary or desirable for the efficient or effective management and functioning of the University; and
 - (v) perform such other functions as may be assigned to it by the Board of Trustees.

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18. Students' Association

(1) There shall be a Students' Association of the University as provided for in the Act and which shall comprise of all students of the University.

(2) The Students' Association shall elect a Students Council which shall have the following functions—

- (a) overseeing and planning, in consultation with the Senate and the University Management Board, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
- (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;
- (c) undertaking such other functions as provided in its governance instruments approved by the Senate; and
- (d) undertaking such other functions as provided in its governance instrument as approved by the University Council.

(3) The Senate shall formulate, review and approve a constitution for governing the affairs of the Students' Association.

19. Alumni Association

(1) The University Management may establish an Alumni Association as provided for in the Act, which shall consist of the graduates of the University and any other persons as may be provided by its constitution, beginning with the first graduation, and such other persons as may be declared to be members by the Council.

(2) The objectives and the governance of the Alumni Association shall be guided by a constitution drawn up by the Alumni of the University.

(3) The constitution of the Alumni Association shall be approved by the Council and shall not be inconsistent with this Charter.

(4) The functions of the Alumni Association shall be—

- (a) to promote academic and professional excellence;
- (b) to encourage unity among the graduates of the University;
- (c) to engage in development projects of the University;
- (d) to promote the University's welfare through sponsorship programmes; and
- (e) to promote co-operation between the University, community and industry.

(5) The Alumni Association shall be responsible to the Vice-Chancellor.

PART IV – MANAGEMENT OF THE UNIVERSITY

20. Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council.

(2) The terms and conditions of appointment of the Vice-Chancellor shall be as provided for in the Statutes.

(3) The Vice-Chancellor shall be the Chief Executive Officer of the University and shall—

- (a) have the overall responsibility for the direction, organisation, administration and academic programmes of the University;
- (b) be the Chairperson of the Senate and the University Management Board;
- (c) be responsible to the Council for the general conduct and discipline of staff and students of the University; and
- (d) carry out any other duty or responsibility as may be assigned by the Council.

(4) The Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment for one further term.

(5) The office of the Vice-Chancellor shall become vacant if the Vice-Chancellor—

- (a) resigns from the office by notice in writing addressed to the Chairperson of the Council;
- (b) is, by reason of physical or mental infirmity, unable to exercise the functions of his office;
- (c) is declared bankrupt by court of law or makes any arrangements or propositions with creditors generally;
- (d) fails to perform the duties of his office without a valid reason; or
- (e) dies.

(6) The Vice-Chancellor shall be the Secretary during consultative meetings that involve the Council, the Chancellor or the Board of Trustees, and in the absence of the Vice-Chancellor the Deputy Vice-Chancellor shall be the Secretary. In the absence of the Vice-Chancellor and the Deputy Vice-Chancellor, the members present shall appoint from among themselves one to be the Secretary.

(7) The provisions of this paragraph shall apply, with necessary modifications, to the Principal of a Constituent College.

21. University Management Board

(1) There shall be a University Management Board which shall assist the Vice-Chancellor with the day-to-day management operations of the University and implementation of the policies of the University and further undertake such other functions as shall be set out in this charter.

(2) The membership of the University Management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson; and
- (b) the Deputy Vice-Chancellors;
- (c) the Registrar;
- (d) the Chief Financial Officer;
- (e) the Corporation Secretary and Chief Legal Officer;
- (f) the Quality Assurance Officer; and
- (g) any other members as may be provided for in the Statutes.

(3) The functions of the Management Board shall be—

- (a) to formulate and propose rules and regulations to the Council for the administration of the University;
- (b) to manage and administer the daily operations of the University;
- (c) to formulate and implement the University plans, policies, strategies and programmes;
- (d) prepare, review, and recommend annual budgets and monthly financial statements to the Board through the Council;
- (e) collect fees;
- (f) facilitate annual audit of the University accounts;
- (g) establish and maintain efficient and effective policies and procedures in all areas of financial management;
- (h) make recommendations to the Council concerning matters of capital development and University staff establishment; and
- (i) to perform any other function as prescribed in the Statutes or as directed by the Council.

22. Senate

(1) There shall be a Senate of the University which shall be responsible for all academic matters of the University.

(2) The membership of the Senate shall be—

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- (a) the Vice-Chancellor, who shall be Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of each constituent college 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 Deans, Directors and Chairpersons of Academic Departments;
 - (h) the Principals of Colleges;
 - (i) the Directors of Schools and Institutes;
 - (j) the Professors of the University;
 - (k) the University Librarian;
 - (l) the Corporation Secretary and Chief Legal Officer;
 - (m) two Student Representatives; and
 - (n) such other members as may be provided for in the Statutes.
- (3) The Deputy Vice-Chancellor (Academics) shall be the Secretary of the Senate.
- (4) The Senate shall set admission and graduation standards and requirements.
- (5) The Senate shall initiate and implement academic policies of the University that have previously been approved by the Council and shall perform such other academic functions as are prescribed by the Council from time to time.
- (6) The Senate shall select, examine and admit students.
- (7) The office of a member of the Senate shall become vacant if the member—
- (a) ceases to be a member of the University;
 - (b) ceases to be a member of Senate by virtue of the office held;
 - (c) contravenes any of the membership requirements;
 - (d) is declared bankrupt;
 - (e) by majority vote of the members of the Senate present and voting, and with approval of the Council, his membership is revoked; or
 - (f) dies.
- (8) The functions, powers and duties of the Senate shall be—
- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) proposing Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) proposing Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
 - (d) deciding which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (e) initiating proposals relating to the conduct of the University's academic programmes or affairs generally and making representations thereon to the Council;
 - (f) recommending to the Council the establishment, or abolishing or harmonizing of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may from time to time deem necessary;

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- (g) subject to the Act, making recommendations to the Council for the establishment or abolition or supervision, degree and other academic programmes and their titles in the University;
 - (h) setting the dates of the academic year and determining the schedule of academic programmes within the academic year;
 - (i) approving all syllabi of the University;
 - (j) making regulations governing methods of assessing and examining the academic performance of students;
 - (k) evaluating academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
 - (l) regulating the conduct of examinations;
 - (m) appointing internal and external examiners and recommending to the Council the terms and conditions for their appointment;
 - (n) approving the examination results;
 - (o) subject to the Act, approving the award of degrees including the award of honorary degrees and other academic distinctions;
 - (p) determining which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University
 - (q) determining the procedure to be followed in the conferment of the degrees and other awards;
 - (r) determining the design of academic dress and prescribing its use;
 - (s) evaluating research, teaching, staffing and general work of anybody or a section of the University and if it so wishes reporting and making recommendations thereon to the Council;
 - (t) promoting and administering the extra-mural, external and extension work of the University;
 - (u) promoting research and innovation work in the University;
 - (v) promoting co-operation and linkages with other institutions of higher learning and industry;
 - (w) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
 - (x) developing, implementing and promoting quality assurance systems and structures in all University operations;
 - (y) promoting the welfare of students and staff in the University;
 - (z) proposing regulations and procedures for the discipline of students and making recommendations thereof to the Council;
 - (aa) receiving proposals from various Boards and Faculties, Institutes, Schools, Centers and considering their recommendations and make appropriate decision;
 - (bb) recommending to the Council appropriate criteria for appointment and promotion of academic staff of the University;
 - (cc) reviewing the Statutes from time to time and presenting recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
 - (dd) determining 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 The Senate may establish such committees as it deems necessary for efficient and effective discharge of its functions.
- (9) Subject to the Act, this Charter, and the Statutes the Senate may regulate its own procedures, the conduct of its business and the conduct of its meetings.

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(10) The Senate shall recommend to the Council any amendments to the Statutes and make regulations governing such matters as are within its powers in accordance with this Charter and the Act.

23. Deputy Vice-Chancellors

(1) The Council shall appoint such Deputy Vice-Chancellors as may be necessary to assist the Vice-Chancellor in matters prescribed in the Statutes.

(2) A Deputy Vice-Chancellor shall operate under the general authority of the Vice-Chancellor and shall exercise such powers and perform such duties as may be specified by the Statutes.

(3) The Deputy Vice-Chancellors shall hold office for a term of three years on terms and conditions of service as may be prescribed by the Council.

(4) The provisions of this paragraph shall apply with necessary modifications to a Principal of each Constituent Colleges.

24. Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed by the Council through a competitive recruitment process and shall be the academic and administrative head of the Constituent College.

(2) The Principal shall hold office upon such terms and for such periods as may be provided for by the Statutes and upon expiration of that period, shall be eligible for re-appointment for one further term.

25. The Principals of Colleges within the University

The Council shall, for each College and Campus of the University, appoint Principals for Colleges within the University through a competitive recruitment process who shall be the academic and administrative head of the College and shall, under the general authority of the Vice-Chancellor, have such powers and duties as may be provided for by the Statutes.

26. Staff of the University

(1) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Librarian and all members of staff who are engaged in teaching and research.

(2) The administrative staff of the University shall consist of the Registrars, the Directors, Finance Officer, Legal Officer and such other members of staff not being engaged in teaching or research, as the Council may determine from time to time.

(3) The technical staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may determine from time to time.

(4) The support staff of the University shall consist of the staff engaged in general duties and such other persons as the Council may determine from time to time.

27. Performance of Duties during Incapacity of an Office Holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may appoint one of the Principals of the colleges within the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the Council shall appoint a member of the academic staff at the level of professor to perform the functions of the Vice-

Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor and the Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity subject to a maximum of one hundred and eighty calendar days.

(5) In this paragraph, "incapacity" includes absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may otherwise be provided for in the Statutes.

PART V – FINANCIAL PROVISIONS

28. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing the 1st January and ending the 31st December of each year or such other period as may be prescribed by the Statutes.

(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.

(3) The University Management Board shall propose and submit annual estimates to the Council two months before the commencement of the financial year for its approval in consultation with the Board of Trustees.

29. Sources of Funds and Resources

(1) The funds and resources of the University shall be derived from—

- (a) tuition fees and other charges;
- (b) research, consultancies and training;
- (c) donations and grants;
- (d) income from University auxiliary enterprises and investments;
- (e) endowments, gifts, trusts and bequests; and
- (f) such other sources as the University may from time to time identify.

(2) The University Management shall propose and the Council shall, in consultation with the Board of Trustees, approve the fees to be charged by the University.

(3) Any funds received by the University from any donor shall, unless otherwise approved by the University, be used or channeled exclusively for the intended purpose as agreed between such donor and the University.

(4) The University shall not accept funds which may limit or compromise its freedom or integrity.

30. Investment of Funds

(1) The Board of Trustees may invest any of its funds not immediately required for its purposes, as it may determine.

(2) All investments made under this paragraph shall be held in the name of the University.

31. Annual Estimates

(1) The Vice-Chancellor shall, two months before the commencement of a financial year, submit an annual budget of estimates of revenue and expenditure of the University to the Council for approval.

(2) The annual estimates shall make provisions for all 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;

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- (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) The Vice-Chancellor shall submit Quarterly Financial Reports to the Council within the financial year.

(4) The University Council shall submit the Quarterly Financial Reports accompanied with reports of recommended actions to the Board of Trustees.

(5) No expenditure shall be incurred for the purposes of the University except in accordance with an annual budget approved by the Council in consultation with the Board of Trustees.

32. Accounts and Audit

(1) The Board of Trustees shall, in consultation with the Council, cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities.

(2) The Council shall appoint a firm of external auditors to audit the accounts of the University within four months of the closing of each financial year.

(3) The Vice-Chancellor shall submit properly kept books of accounts of the University to the external Auditors within a period specified by the Statutes from the end of every financial year.

(4) Within the period specified by the Statutes, the external auditors shall report on the examination and audit of the accounts of the University to the Council for approval and availed to the Commission whenever required.

(5) The Council shall receive and discuss the audit report then take relevant action.

(6) The University Management shall formulate and the Council shall approve policies and procedures to govern financial management function of the University. Such policies and procedures shall be in line with the Public Finance Management Act (Cap. 412A) and or any other relevant law.

PART VI – MISCELLANEOUS PROVISIONS

33. Instruments of Governance

(1) The University shall be governed by the Act, this Charter and the Statutes.

(2) The University shall conspicuously display all its instruments of accreditation in its key premises.

(3) Where any instrument of accreditation is revoked in accordance with the Act, the instruments shall be returned to the Commission within fourteen days of the revocation.

34. Instruments of Authority

(1) Subject to this Charter, the University shall possess the following instruments of authority—

- (a) the Mace;
- (b) the Common Seal; and
- (c) the University Logo.

(2) The Council may decide on other instruments to be used as instruments of authority and identity of the University provided that such instruments are recognized by the law.

(3) The Vice-Chancellor shall be the custodian of the University instruments of authority and identity.

(4) The instruments of authority shall be used in a manner that—

- (a) respects and abides by the rule of law;
- (b) abides by this Charter, the Statutes, policies and procedures;
- (c) protects and preserves the institution, its assets, and its image;
- (d) promotes the goals and objectives of the University;
- (e) upholds the University Mission, Vision, Philosophy and Values; and
- (f) values and recognises people.

(5) The Council shall prescribe and regulate the use of the University instruments of authority and identity.

35. Common Seal

(1) The Common Seal of the University shall be kept in such custody and used only as the Board of Trustees or the Council shall direct, as specified in the Statutes.

(2) A document or an instrument duly sealed by authorised officers of the University shall be binding and considered as properly executed by the University.

(3) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor and or other person duly authorised by the Council.

(4) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially noticed, and unless and until the contrary is proved, any order or authorisation of the Council under this paragraph shall be deemed to have been duly given.

(5) 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 under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorised by the Council on its behalf.

(6) No person, body, authority and or organisation performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, shall use the Common Seal and Logo of Lukenya University except with the consent of the Council and or authorised representative of the Council.

36. Statutes

(1) In the performance of its functions under this Charter, the 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 the Statutes shall—

- (a) establish colleges, campuses, faculties, institutes and schools of the University;
- (b) provide a description of degrees, diplomas and certificates offered by the University;
- (c) define the requirements for conferment of degrees and award of diplomas and certificates;
- (d) provide for the manner in which examinations shall be conducted;
- (e) set the terms and conditions of service, and schemes of service, including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University;
- (f) describe the constitution and procedure of meeting of the Council, and the establishment, composition and terms of reference of committees of the Council;

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- (g) prescribe the rules and regulations for the Students' Association;
- (h) determination and collection of fees and other charges; and
- (i) any other matter that may be necessary for the better carrying out of the requirements set out in Act and this Charter.

(2) The Statutes may from time to time be approved, amended or revoked by a resolution passed by two-thirds majority of all the members present and entitled to vote at a Council meeting specifically convened for that purpose, unless the enactment, amendment or revocation is *ultra vires* the provisions of this Charter.

37. Protection of Name

(1) Notwithstanding the provisions of any other written law, no public officer performing the function relating to the registration of companies or business names shall accept for such registration any name which includes the words "Lukenya", and "University" together in any order, unless the application for such registration is accompanied by the written consent of the Board of Trustees and the Council.

(2) Any person who, except with the written consent of the Council, uses the words "Lukenya" and "University", together in any order and in furtherance of, or in connection with any advertisement for any trade, business, publication, calling or profession, shall be guilty of an offence.

(3) Nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to such person of any degree, diploma, certificate or other award of the University.

(4) A person shall not use the name of the University as established by this Charter for the purposes of advertisement, publication, business, trade, or profession.

38. Variation and Revocation of this Charter

This Charter may be varied or revoked as provided for in the Act.

39. Dissolution of the University

Subject to the provisions of this Charter, if in the event of the dissolution or winding up of the University, there shall remain, after the satisfaction of all its debts and liabilities, any funds, assets or property they will be vested in the Board of Trustees.

40. Interpretation of this Charter

This Charter shall be valid and effectual in law according to its true intent and meaning and shall be construed, subject to the provisions of the Universities Act (Cap. 210), in the best interest of the University and the promotion of its objectives.

41. Transitional

(1) The Council in place at the time of grant of this Charter, shall continue to be in place for the remainder of their term after which appointment shall be made in accordance with this Charter.

(2) The Council in place at the time of grant of this Charter may make Statutes for the University under this Charter and the Statutes so made shall be deemed to be made under this Charter.

(3) The persons occupying the offices of the Vice-Chancellor and the Deputy Vice-Chancellors of Lukenya University immediately before the award of this Charter, shall continue to discharge their responsibilities and exercise such powers as set out in the Act and this Charter with respect to the University for the remainder of their term after which appointment shall be made in accordance with this Charter.

(4) All persons who were members of staff of Lukenya University immediately before the award of this Charter shall be deemed to have been appointed under this Charter on the same terms and conditions of service

(5) All the students of Lukenya University, who were pursuing degree, diploma, certificate, and post graduate degree programmes as at the commencement date of this Charter, shall be deemed to be students of the University and shall complete their courses and be awarded degrees, diploma, certificate, and post graduate degree programmes certificate, as the case may be, of Lukenya University.

THE CHARTER FOR THARAKA UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

Paragraph

PREAMBLE

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2. Interpretation

PART II – ESTABLISHMENT AND FUNCTIONS OF THARAKA UNIVERSITY

3. Establishment and Incorporation of the University
4. Vision
5. Mission
6. Philosophy
7. Functions, Aims and Objectives of the University
8. Establishment of Colleges and Campuses within the University
9. Establishment of Constituent Colleges
10. Conferment, granting, cancellation, and withdrawal, revocation of Degrees, Diplomas, Certificates and other awards.
11. Award of Scholarships

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

12. Membership of the University
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THE CHARTER FOR THARAKA UNIVERSITY

[Legal Notice 168 of 2022]

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Tharaka University, situated in Tharaka Nithi County in the Republic of Kenya;

AND WHEREAS the said Tharaka University has applied to the Commission for University Education, for the grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Tharaka University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Tharaka University has complied with the provisions of the Universities Act (Cap. 2012);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary in the Ministry of Education on the said institution and the Cabinet Secretary in the Ministry of Education is satisfied that Tharaka University, should be granted the Charter;

AND WHEREAS the Cabinet Secretary in the Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that granting of the Charter to Tharaka University 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, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Tharaka University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Tharaka University Charter, 2022.

2. Interpretation

In this Charter, unless the context otherwise requires –

“Alumni Association” means the Alumni Association of the University established under paragraph 14 of this Charter;

“Campus College” means a College Established under paragraph 8 of this Charter;

“Chancellor” means the Chancellor of the University;

“Constituent College” means a College established under paragraph 9 of this Charter;

“Council” means the Council of the University established under paragraph 14 of this Charter;

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor of the University appointed in accordance paragraph 20 of this Charter;

“faculty” means a faculty of the University established under the Statutes;

“graduate” means a person upon whom a degree has been conferred or a diploma or certificate awarded;

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“incapacity” means inability to perform functions of the office concerned;

“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, Assistant Lecturer, or Tutorial Assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University;

“Librarian” means the person appointed to be the librarian of the University;

“University Management Board” means the Board established under paragraph 18;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for education;

“Principal” means the Principal of the University College or Constituent College appointed under paragraphs 21 and 22 of this Charter;

“Professor” means a Professor of the University;

“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;

“Statutes” means statutes of the University made by the Council under this Charter;

“student” means a person registered by the University for the purposes of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

“University” means the Tharaka University established under paragraph 3 of this Charter; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed under paragraph 17 of the Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THARAKA UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is hereby established a University to be known as the Tharaka University.

(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 moveable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as, may be necessary or expedient for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University shall be the successor to Tharaka University College established by the Tharaka University College Order, Legal Notice Number 146 of 4th August, 2017.

(4) All rights, duties, obligations, liabilities and assets held by Tharaka University College existing at the commencement of this Charter, shall automatically and fully be transferred to and vest in the Tharaka University and any reference to Tharaka University College in any contract or document shall for all purposes be deemed to be a reference to Tharaka University.

4. Vision

A Centre of excellence in teaching, research, innovation and outreach for societal transformation.

5. Mission

To create a strong knowledge base through teaching, research and innovation, and to disseminate this knowledge to produce all rounded graduates with problem solving skills for positive societal transformation.

6. Philosophy

The University subscribes to three core values; sustainability, excellence and integrity. In pursuit of these values and its dedication to achieving the vision, the University shall use its resources to inculcate a culture of knowledge generation, preservation, management and dissemination for positive societal transformation.

7. Functions, Aims and Objectives of the University

(1) The objects and functions of the University shall be to—

- (a) provide directly, or in collaboration with other institutions of higher learning, facilities for university education including technological, scientific and professional education;
- (b) participate in the discovery, transmission and preservation and enhancement of knowledge and to stimulate the intellectual life and the economic, social, cultural, scientific and technological development of Kenya;
- (c) provide and advance University education and training to appropriately qualified candidates, leading to the conferment of degrees and the award of diplomas and certificates and such other qualifications as the Council and the Senate shall determine from time to time;
- (d) conduct examinations for such academic awards as may be provided for in the Statutes of the University;
- (e) inculcate a culture of lifelong learning, responsible citizenry and innovation in technology, engineering and mathematics within the institution and society; and
- (f) examine and approve proposals for the establishment of colleges, campuses, faculties, schools, institutes, departments, resource and research centres, and new programs of study.

(2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with the Constitution, the Act and 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.

8. Establishment of Colleges and Campuses within the University

(1) The Council may, on the advice of the Senate, establish Colleges and Campuses within the University whose functions and powers shall be provided for in the Act and the Statutes.

(2) A College and a Campus established within the University shall consist of such faculties, schools, institutes, departments, centres and other resource and administrative units as may be provided for by the Statutes.

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9. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and on 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.

10. Conferment, granting, cancellation, and withdrawal, revocation of Degrees, Diplomas, Certificates and other awards.

(1) Subject to the Act and this Charter, the University may—

- (a) award a Certificate and Diploma and such other qualifications as may be provided for by the Statutes;
- (b) confer a Bachelors, Masters or Doctorate Degree and such other University qualifications as may be provided for by the Statutes; or
- (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 endeavor worthy of such a degree or academic distinction as may be provided for in the Statutes.

(2) Subject to this Charter, the University Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or such other award as may be provided for in the Statutes.

11. Award of Scholarships

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

12. Membership of the University

(1) The members of the University shall be—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principal of Constituent Colleges;
- (f) the Principal of colleges and Campuses College within the University;
- (g) the members of the Senate;
- (h) the University Management Board;
- (i) the Registrars of the University;
- (j) the Finance Officer of the University;
- (k) Deans of Faculties, Directors and Chairpersons of Departments;
- (l) the Librarian;
- (m) the Corporation Secretary and Chief Legal Officer of the University;
- (n) the Professors of the University;
- (o) the Dean of Students;
- (p) all staff of the University;
- (q) the Lecturers of the University;
- (r) the Students of the University;
- (s) the convocation,
- (t) the Alumni;

- (u) the members of staff of the University and;
- (v) 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 set out in the Statutes.

13. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed and who shall hold office in accordance with the Act.

(2) The term of office shall be in accordance with the provisions of the Act.

(3) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;
- (c) may arrange for visitation into the general administration and organization of the University in such a manner as may be provided by the Statutes; and
- (d) may from time to time give advice to the Council which he considers necessary for the betterment of the University.

(4) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided for by the Statutes.

14. The Council

(1) There shall be a Council of the University appointed in accordance with the Act.

(2) A member of the Council, other than an *ex officio* member, shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(3) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from the office in writing addressed to the Vice-Chancellor;
- (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the members' office to the satisfaction of the Council;
- (c) fails to attend three consecutive Council meetings;
- (d) is adjudged bankrupt by a court of competent jurisdiction;
- (e) is found by a competent court of law to be guilty of a criminal offence;
- (f) contravenes the provisions of Chapter six of the Constitution; and
- (g) dies.

(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 in accordance with the Charter and the Statutes.

(6) The Council shall exercise prudent leadership, innovative enterprise, and good judgement in directing the University and shall always act in the best interest of the University.

(7) Subject to this Charter, the Council shall be the governing body of the University.

(8) The University—

- (a) may enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate; and

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- (b) may, after consultation with the Senate, make regulations governing the conduct and discipline of students of the University.

15. Functions of the Council

The Council shall have the following functions—

- (a) employing staff;
- (b) approving the Statutes of the University;
- (c) approving the budget;
- (d) administering the property and funds of the University in a manner and for the purposes which shall promote the interest of the University; but the Council shall not charge or dispose of immovable property of the University except in accordance with the procedures laid down by the Government of Kenya;
- (e) receiving donations, endowments, gifts, grants or other monies on behalf of the University and making disbursements therefrom to the University or other bodies or persons;
- (f) approving the appointment criteria and the terms and conditions of service of staff;
- (g) providing for the welfare of the staff and students of the University;
- (h) ensure that a proper management structure is in place and make sure that the structure functions to maintain corporate integrity, reputation and responsibility;
- (i) approve, monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University;
- (j) constantly review the viability and financial sustainability of the University, and shall do so at least once every year;
- (k) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (l) perform such other duties as may be provided for in the Statutes.

16. The Students' Association

(1) There shall be a Students' Association established under the Act, this Charter and the Statutes.

(2) There shall be a Students' Association established in accordance with the Act.

(3) The functions of the Students' Association shall be to—

- (a) 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;
- (b) draw to the attention of the appropriate authority, where necessary, special needs from particular students;
- (c) offer suggestions to the Senate or its equivalent on matters affecting the wellbeing of students; and
- (d) undertake such other functions as provided in its governance instrument as approved by the Council.

17. The Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other person as may be determined by the Statutes.

(2) The functions of the Alumni Association shall be—

- (a) to bring together graduates and former students of the University;
- (b) to engage in fund raising activities to assist the University; and
- (c) to promote the University's welfare and image.

(3) The Alumni Association shall govern the conduct of its own proceedings.

(4) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council, and may exercise such other functions as the Statutes may prescribe.

PART IV – MANAGEMENT OF THE UNIVERSITY

18. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the Act.

(2) The Vice-Chancellor shall be the Chief Executive Officer of the University and as further provided for in this Charter and the Statutes shall—

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the direction, organization, administration and programmes of the University; and
- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes.

(3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

19. The University Management Board

(1) There shall be established a University Management Board which shall assist the Vice-Chancellor in the day-to-day management operations of the University and implementation of the policies of the University and shall—

- (a) ensure efficient management of the human resources, programmes, facilities and finances of the University;
- (b) plan for the development and needs of the University; and
- (c) develop strategies for the generation of revenue to secure adequate financial support for the University.

(2) The membership of the University Management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges and Campuses;
- (d) the Registrar of the University;
- (e) the Finance Officer of the University;
- (f) the Corporation Secretary and Chief Legal Officer of the University; and
- (g) the Planning and Development Officer.

(3) The Management Board may co-opt any other member as it may deem fit.

(4) The Deputy Vice-Chancellor (Finance and Administration) shall provide secretariat services to the Management Board.

20. The Senate

(1) There shall be a Senate of the University which shall be in charge of all academic matters of the University.

(2) The membership of the Senate shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of the constituent colleges;
- (d) the Principals of each college and campus of the University;
- (e) the Registrars of the University;
- (f) the Deans of the faculties, and Directors of Schools, Institutes and Centres;

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- (g) the Chairpersons of Departments of the University;
 - (h) the Professors of the University;
 - (i) two members elected by the Academic Board or equivalent Board of each Constituent University College from among the members of that Board;
 - (j) the Librarian;
 - (k) the Dean of Students;
 - (l) the Corporation Secretary and Chief Legal Officer;
 - (m) one representative of each of the faculty or school boards appointed by the respective boards from among its members; and
 - (n) two members elected by the students' organization, who shall however 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.
- (3) The membership of the Senate may include such other persons as the Council may determine from time to time under the Statutes.
- (4) The Senate may co-opt any other person as may be provided for in the Statutes.
- (5) The Deputy Vice-Chancellor (Academics) shall provide secretariat services to the Senate.
- (6) The Senate shall have the following functions, powers and duties—
- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of University and reporting its findings thereon to the Council;
 - (b) proposing regulations for consideration by the Council regarding the eligibility of persons for admission to a course of study;
 - (c) proposing regulations for consideration by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;
 - (d) deciding which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University and to report its decision thereon to the Council; and
 - (e) initiating proposals relating to the conduct of the University generally and to discuss any matter relating to the University and making representation thereon to the Council.
 - (f) regulating the conduct of examinations;
 - (g) approving the examination results;
 - (h) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
 - (i) developing, implementing and promoting quality assurance systems and structures in the University operations;
 - (j) receiving proposals from various boards and faculties, institutes, schools, centres and considering their recommendations and making appropriate decisions;
 - (k) recommending to the Council appropriate criteria for appointment and promotion of academic staff;
 - (l) determining 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; and
 - (m) making regulations governing such other matters as are within its powers in accordance with this Charter and the Statutes.

(7) The Senate may establish committees consisting of members of the Senate or such other persons as it may deem fit, and may delegate any of its powers or functions to the Chairperson or any such committees.

(8) The Senate may recommend to the Council the withdrawal of any degrees or other distinctions or titles, or the revocation of any diplomas or certificates granted by the University, and withdrawal of all privileges connected therewith in accordance with the Statutes.

21. The Deputy Vice-Chancellors

(1) There shall be two or more Deputy Vice-Chancellors of the University who shall be appointed in accordance with the Act.

(2) The Deputy Vice-Chancellors shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for in the Statutes.

(3) The Deputy Vice-Chancellors of the University shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

22. The Principals of Colleges and Directors of Campuses within the University

(1) The Council shall appoint for each College a Principal and for each Campus a Director as provided for in the Statutes.

(2) The Principal or a Campus Director shall be the academic and administrative head of the College or Campus respectively and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for in the Statutes.

(3) The Principal and the Campus Director shall hold office upon such terms and for such period as may be specified in the Statutes.

23. Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed in accordance with the provisions of the Act.

(2) The Deputy Vice-Chancellors 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.

24. Convocation

(1) There shall be a Convocation of the University which shall consist of such members as may be prescribed by the Statutes.

(2) The convocation shall be convened for purposes of the conferment of awards and for such other functions as may be provided for in the Statutes.

25. Staff of the University

(1) The Senior Management Staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, Principals of Constituent Colleges, the Deans of Schools, Faculties and Directors of Institutes and such other members of staff as the Council may determine from time to time.

(2) The academic staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, Principals of University Colleges and Campuses, Deans of Faculties, Schools, the Librarian and all members of staff who are engaged in teaching and research.

(3) The administrative staff of the University shall consist of the Registrars and such other members of staff, not being engaged in teaching or research, as the Council may determine from time to time.

(4) 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 teaching departments, and as the Council may determine from time to time.

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(5) The support staff of the University shall consist of those staff engaged in general duties and such other persons as the Council may from time to time determine.

(6) All members of staff of the University may, subject to this Charter, be appointed either—

- (a) in such manner and upon such terms and conditions of service as may be 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.

(7) The Council may, subject to such restrictions as it may impose, delegate, either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.

(8) All members of staff of the University shall—

- (a) be employed in accordance with the statutes or as otherwise specifically provided by the statutes or by the terms of a particular appointment; and
- (b) be subject to the general authority of the Council and of the Vice-Chancellor.

26. Performance of Functions in the Absence of an Office Holder

(1) In the absence 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 subject to a maximum period of one hundred and eighty days.

(2) In the absence of the Vice-Chancellor and all the Deputy Vice-Chancellors, the Council shall appoint one of a member of the University staff to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum period of one hundred and eighty days.

(3) In the absence of the Vice-Chancellor, the Deputy Vice-Chancellors or the Principals of colleges within the University, the Council shall appoint a member of staff to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum period of one hundred and eighty calendar days.

(4) In the absence of any member of the staff of the University other than the Vice-Chancellor, and the Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of absence.

PART V – FINANCIAL PROVISIONS

27. Financial Year

(1) The financial 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.

(2) In the event of any change in the financial year, and for the purposes of transition from the old financial year to a new financial year consequent upon the change, the transition period, whether more or less than twelve months, shall be deemed for the purposes of this Charter to be a financial year.

28. Annual Estimates

(1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for the year.

(2) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) 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) the proper maintenance of the buildings and grounds of the University;
- (d) the proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) the proper funding of the cost of teaching and research of and in the University;
- (f) development expenditure; and
- (g) the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefit, insurance or replacement of building or equipment, or in respect of such other matters as the Council may think fit.

(3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

29. Accounts and Audit

(1) The Council shall cause to be kept all proper books of accounts of the income, expenditure, assets and liabilities of the University.

(2) The accounts of the University shall be audited and reported upon in accordance with the Act and any other relevant laws of Kenya.

(3) The accounts of the University shall be audited by the Auditor-General and all relevant financial management regulations provided by the Ministry for the time being responsible for public finance.

30. Funds and Property of the University

(1) The funds of the University shall include—

- (a) capitation grants;
- (b) income generating activities undertaken by the University;
- (c) loans from the government and financial institutions;
- (d) such subscriptions, donations or bequests as the Council may, subject to any other written law, regulations and guidelines, appeal for and receive from the general public for the benefit of the University.

(2) Unexpended balances of grants may be expended from one year to the next in accordance with the Act.

PART VI – MISCELLANEOUS PROVISIONS

31. Instruments of Authority

(1) The University shall possess the following instruments of Authority—

- (a) the Mace;
- (b) the Common Seal; and
- (c) the University Logo.

(2) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct or as specified in the Statutes.

(3) A document or an instrument duly sealed by authorised officers of the University shall be binding and considered as properly executed by the University.

(4) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor or any other person duly authorised by the Council.

(5) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially noticed, and unless and until the contrary is proved, any order or authorisation of the Council under this paragraph shall be presumed to have been duly given.

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(6) 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 under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorised by the Council on its behalf.

(7) No person, body, authority or organisation performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, shall use the Common Seal and Logo of Tharaka University except with the consent of the Council and or authorised representative of the Council.

32. Statutes

(1) The Council shall, subject to the provisions of the Act and this Charter, make statutes, generally for governance, control and administration of the University, for better carrying into effect the purposes of this Charter, and for all purposes connected, and in particular for—

- (a) the establishment of Campuses, Colleges, Faculties, Schools, Institutes, Centers, and Departments of the University;
- (b) the description of degrees, diplomas, certificates and other academic qualifications;
- (c) the requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) the conduct of examinations;
- (e) prescribing fees and other charges;
- (f) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University;
- (g) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;
- (h) prescribing the rules and regulations for the students' organizations; and
- (i) providing for or prescribing anything, which, under this Charter, may be provided for or prescribed by the Statutes.

(2) Notwithstanding subparagraph (i), 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) The Statutes shall only be made or amended by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.

33. Protection of Name

(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 any such registration any name which includes the word 'Tharaka' together with the word 'University' unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who except with the written consent of the Council, uses the word 'Tharaka' together with the word 'University' in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or imprisonment for a term not exceeding twelve months, or both.

(3) Provided that nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to him of a degree, diploma or certificate by the University.

34. Revocation of Order

(1) The Tharaka University College Order of Legal Notice 146 of 4th August 2017 is revoked.

(2) Notwithstanding subparagraph (1), all agreements, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets, and other property acquired by 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) The Statutes or regulations made under the Order and in force immediately before the grant of this Charter shall continue in force but may be amended or revoked by the Statutes or regulations made under this Charter.

35. Transitional

(1) Upon the grant of Charter—

- (a) the University Council of the Tharaka University College shall continue to be in place and shall function as the University Council of Tharaka University until such time that the substantive University Council shall have been appointed;
- (b) the University Council of Tharaka University College shall develop Statutes for Tharaka University under this Charter and the Statutes so made shall be deemed to have been made under this Charter;
- (c) the persons occupying the positions of Principal and Deputy Principals of Tharaka 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, this Charter and the Statutes of Tharaka University College until the Vice-Chancellor and other officers of the University are appointed and assume office;
- (d) all persons who were members of staff of Tharaka University College shall be members of staff of Tharaka University and shall be deemed to have been appointed under this Charter on the same terms and conditions of service.

(2) The students of the Tharaka University College who were pursuing diploma and certificate programmes courses immediately before the award of this Charter shall be awarded diplomas and certificates of Tharaka University.

(3) A student pursuing degree programmes at Tharaka University College immediately before the award of this Charter and who has completed more than 50% of the subject matter of the programme or less than 50% in exceptional cases to be determined by the Senate, may upon such an award have an option—

- (a) to continue and be awarded a degree of the Tharaka University; or
- (b) to be awarded a degree of the Chuka University.

(4) The option referred to in subparagraph (3) shall only be exercised by a student subject to an agreement between the Tharaka University and the Chuka University, after consideration of relevant matters including—

- (a) availability of space; and
- (b) the accreditation of the relevant academic programme.

36. Variation and Revocation of the Charter

This Charter may be varied, amended or revoked in accordance with the provisions of the Act.

THE CHARTER FOR TOM MBOYA UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR TOM MBOYA UNIVERSITY

[Legal Notice 164 of 2022]

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Tom Mboya University situated in Homa Bay County in the Republic of Kenya;

AND WHEREAS the said Tom Mboya University has applied to the Commission for University Education for grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Tom Mboya University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Tom Mboya University has complied with the provisions of the Universities Act (Cap 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary in the Ministry of Education on the said institution, and the Cabinet Secretary in the Ministry of Education is satisfied that Tom Mboya University should be granted the Charter;

AND WHEREAS the Cabinet Secretary in the Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that granting of the Charter to Tom Mboya University 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 (Cap. 210), I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the Tom Mboya University.

PART I – PRELIMINARY

1. Short title

This Charter may be cited as the Tom Mboya University Charter.

2. Interpretation

In this Charter, unless the context requires otherwise—

"academic staff" means any person appointed to teach, train or to do research at a university and any other employee designated as such by the University Council;

"Act" means the Universities Act (Cap. 210);

"accreditation" means the procedure by which the Commission for University Education formally recognizes an institution as a University;

"administrative staff" means staff responsible for the administrative duties in the University established under paragraph 25 of this Charter;

"Alumni Association" means the association established under paragraph 17 of this Charter;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters related to University Education;

"Council" means the governing organ of the University established under paragraph 15 of this Charter;

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"Chancellor" means the Chancellor of the University as defined in paragraph 13 of this Charter;

"College" means a College of the University established pursuant to paragraph 8 of this Charter;

"Committees" mean committees of the University set up by the governing organs of the University to perform such functions and discharge such responsibilities in accordance with their appointments;

"constituent college" means a Constituent College of the University established under paragraph 10 of this Charter;

"Convocation" means a formal ceremony at the University as established under paragraph 24 of this Charter;

"Dean" means a person appointed to head a faculty, school or an institute of the University;

"Deputy Vice-Chancellor" means a person appointed as the Deputy Vice-Chancellor of the University under paragraph 21 of this Charter;

"Director" means a person appointed as a Director under the Statutes;

"distance learning" means the mode of delivering education through use of print, audio-visual, electronic or other technical media;

"faculty" means an academic sub-division or school of the University established under this Charter;

"financial year" means the period of twelve months as provided for under paragraph 27 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 the Senate shall determine;

"Institute" means an administrative and academic entity which may consist of centers engaged in specialized teaching or research in specific areas of academic enterprise;

"Institution" means an institution or facility used or to be used wholly or partly for the conduct of university education;

"Registrar" means a person appointed in accordance with the Statutes as a Registrar of the University;

"School" means a school of the University established under the Statutes;

"Senate" means the Senate of the University established under paragraph 19 of this Charter;

"Staff Association" an association of the Staff recognized by the Council as being representatives of the staff of the University;

"Statutes" means Statutes of the University made by the Council under paragraph 32 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 for in the Statutes;

"University Management Board" means the University Management Board of the University provided by paragraph 20 of this Charter;

"University" means the Tom Mboya University, established under paragraph 3 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 18 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

(1) There is established a University to be known as Tom Mboya University.

(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, disposing or leasing of movable and immovable property;
- (c) receiving, investing, borrowing and lending money; and
- (d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University shall be the successor of Tom Mboya University College, established by the Tom Mboya University College Order, Legal Notice No. 55 of 2016.

(4) All rights, duties, obligations, liabilities and assets held by Tom Mboya University College or by any other body on behalf of Tom Mboya University College existing at the commencement of this Charter, shall automatically and fully be transferred to and vest in Tom Mboya University and any reference to Tom Mboya University College in any contract or document shall for all purposes be deemed to be a reference to the Tom Mboya University.

4. Vision and Mission

- (a) Vision: A premier internationally recognized University distinguished for its teaching, research, and innovation.
- (b) Mission: To transform and sustainably contribute to society through teaching, research and innovation; knowledge creation, application and outreach.

5. Philosophy

Facilitating the creation, sharing, elective exploitation, and utilization of knowledge within the framework articulated by law and its Statutes for the greatest benefit and wellbeing of society.

6. Aim of the University

The aim of the University shall be to—

- (a) provide high quality education and relevance in its programmes and activities;
- (b) generate high quality research and innovations outputs with impacts on national development goals; and
- (c) transfer and commercialise technology from the University and other international organizations to the benefit of students, the University and the industry.

7. Functions of the University

(1) The functions of the University shall be to—

- (a) provide education directly, or in collaboration with other institutions, and in so doing provide for the integration of teaching, research and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

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- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcome of research by various means and commercially exploit the results of such research;
- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and stimulation of intellectual life in the economic, social, cultural, scientific and technological development;
- (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (f) inculcate a culture of innovation in technology, engineering and science, amongst staff, students, and society;
- (g) promote education in science, agriculture, engineering, and mathematics and technology within the institution and society;
- (h) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (i) participate in scholarly work, the discovery, transmission, utilization, preservation and enhancing knowledge and stimulating the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (j) offer continuing professional development courses;
- (k) determine the curriculum and its mode of delivery and specifying the admission criteria;
- (l) conduct examinations;
- (m) grant and confer such academic awards as may be provided for in the Act and the Statutes;
- (n) establish new colleges, faculties, schools, institutes, departments, other resource and administrative units and centers;
- (o) promote the general welfare of staff and students;
- (p) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (q) generally, facilitate the development and provision of appropriate and accessible academic programmes and other programmes;
- (r) charge fees and tariffs; and
- (s) mobilize resources.

(2) The University shall not discriminate against any person with regard to admission to the University or appointment and promotion of staff on the basis of race, ethnicity, place of origin or residence or other local connections, economic and social standing, colour, creed, physical ability or gender, pregnancy, marital status, religion, conscience, belief, culture, dress, language or birth, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

8. Establishment of Colleges and Campuses within the University

(1) The Council may, on the advice of the Senate, establish colleges and campuses within the University whose functions and powers shall be provided for in the Statutes.

(2) A College or campus established within the University shall consist of such faculties, schools, institutes, departments, centers and other resource and administrative units as may be provided for by the Statutes.

9. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and on 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.

10. Conferment, granting, cancellation and withdrawal of Degrees, Diplomas, Certificates and other awards

(1) Subject to the Act and this Charter, the University may—

- (a) award a Certificate and Diploma and such other qualifications as may be provided for by the Statutes;
- (b) confer a Bachelors, Masters or Doctorate Degree and such other University qualifications as may be provided for by the Statutes; or
- (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 endeavor worthy of such a degree or academic distinction as may be provided for in the Statutes.

(2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or such other award as may be provided for in the Statutes.

11. Award of Scholarships

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, GOVERNANCE AND ADMINISTRATION OF THE UNIVERSITY

12. Membership of the University

(1) The members of the University shall be—

- (a) the Chancellor;
- (b) the Council;
- (c) the Vice-Chancellor;
- (d) the Deputy Vice-Chancellors;
- (e) the Principals of Constituent Colleges;
- (f) the Principals of Colleges and Campuses with the University;
- (g) the members of the Senate;
- (h) the University Management Board;
- (i) the University Registrars;
- (j) the Corporation Secretary and Chief Legal Officer;
- (k) the Director of Finance;
- (l) the University Librarian;
- (m) the Chief Medical Officer;
- (n) the Information and Communication Technology Director;
- (o) the academic staff;
- (p) the non-academic staff;
- (q) the Chaplain;
- (r) the students;
- (s) the alumni;
- (t) the members of the Alumni Association; and

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- (u) such other persons as may be declared members of the University by the Council on the recommendation of the Senate.

(2) The members of the University shall enjoy such rights and privileges as may be set out in the Statutes.

13. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the President in accordance with the Act.

(2) The functions of the Chancellor and tenure of office shall be in accordance with the provisions of the Act.

(3) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided in the Act and the Statutes.

14. The Council

(1) There shall be a University Council which shall be appointed according to the provisions of the Act.

(2) The University Council shall consist of—

- (a) the Chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for University education;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance;
- (d) not more than five members appointed in accordance with the provisions of the Act; and
- (e) the Vice-Chancellor who shall be the Secretary to the Council and an *ex officio* member.

(3) The members 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 one further term.

(4) The Council shall be the governing body of the University.

(5) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from his office by notice in writing addressed to the appointing authority through the Vice-Chancellor;
- (b) is unable to exercise the functions of his office by reasons of physical or mental infirmity to the satisfaction of the appointing authority;
- (c) is adjudged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangement for the benefit of creditors;
- (d) is adjudged or declared by any competent court or tribunal to be of unsound mind;
- (e) is convicted of an offence and is sentenced to imprisonment for a period of six months or more;
- (f) is guilty of gross misconduct; or
- (g) dies.

(6) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to the appointing authority.

(7) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance with this Charter and the Statutes.

(8) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always charter in the best interest of the University.

15. Functions of the Council

The Council shall have the following functions—

- (a) developing and approving the Statutes of the University;
- (b) determining the method of recruitment, appointment and promotion of all staff of the University;
- (c) conferring the titles of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer, or Honorary Fellow on the recommendation of the Senate;
- (d) approving the budget;
- (e) promoting and making financial provisions and facilities for execution of the functions of the University;
- (f) determining all fees payable to the University after on the recommendation of the Senate;
- (g) approving the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as the 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 varying such investments from time to time by sale or re-investment or otherwise subject to the Act;
- (h) mobilizing resources subject to the relevant laws and procedures;
- (i) approving the sale, purchase, exchange, lease, or leasing movable and immovable property on behalf of the University subject to the laid down government procedures;
- (j) approving the borrowing of money on behalf of the University subject to laid down government procedures and for that purpose and subject to the Act, mortgaging or charging all or any part of the property unless the conditions of the property so held provide otherwise and giving such other security whether upon movable or immovable property or otherwise as the Council may deem fit;
- (k) on the recommendation of the Senate, providing for the creation of new divisions, faculties, schools, institutes, departments, centers of other bodies of learning, research and production in the University, in accordance with the Statutes, whether newly established or by the sub-division of any existing body and approving the abolition or subdivision of any such body;
- (l) on the recommendation of the Senate, instituting fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research.
- (m) approving the terms and conditions upon which internal and external examiners may be appointed by the Senate;
- (n) empowering committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairperson or to any Committee the powers to approve the annual estimates of expenditure of the University without reference to the Council;
- (o) approving regulations governing the conduct and discipline of the students of the University;
- (p) receiving donations, endowments, gifts, grants or other moneys on behalf of the University and making legitimate disbursements therefrom;
- (q) approving the Constitution of the Students Association and so far as is reasonably practicable, ensuring that the Students' Association operates in a fair and democratic manner and is accountable for its finances;
- (r) providing for the welfare of the Staff and Students of the University;

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- (s) approving regulations governing the recruitment, conduct and discipline of the staff of the University;
- (t) monitoring and evaluating the implementation of strategies, policies, and the management criteria and plans of the University;
- (u) constantly reviewing the viability and financial sustainability of the University, and doing so once every year;
- (v) ensuring that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (w) performing such other duties as may be provided for in the Statutes.

16. Students' Association

(1) There shall be a Students' Association established under the Act, this Charter and the Statutes.

(2) There shall be a student's Council in accordance to section 41(3) of the Act.

17. Alumni Association

(1) There shall be an Alumni Association as provided for in section 42 of the Act, this Charter and the Statutes.

(2) The Alumni Association shall consist of members as provided for under Section 42(1) of the Act, this Charter and the Statutes.

PART IV – MANAGEMENT OF THE UNIVERSITY

18. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the provisions of the Act.

(2) The Vice-Chancellor shall be the Chief Executive Officer of the University and as further provided for in this Charter and Statutes shall—

- (a) be the academic and administrative head of the University;
- (b) have overall responsibility for the direction, organization, administration and programmes of the University; and
- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes.

(3) The Vice-Chancellor shall hold office for a term of five years, and shall be eligible for re-appointment for one further term.

19. The Senate

(1) There shall be the Senate of the University whose membership shall be—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent Colleges;
- (d) the Principal of each College and Campus;
- (e) the Registrars;
- (f) all the Deans of faculties and Schools, the Directors of Institutes, Schools and Centres, and other academic units;
- (g) the Associate Deans and Directors;
- (h) the Chairpersons of Departments;
- (i) the full Professors of the University;
- (j) the University Librarian;
- (k) the Director of Finance;
- (l) the Corporation Secretary or Chief Legal Officer;

- (m) the Chief Medical Officer; and
 - (n) two members elected by the Students' Association, who shall however 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, general discipline of students or other related matters.
- (2) The membership of the Senate shall include such other persons as the Council may determine from time to time under the Statutes.
- (3) The Senate shall have the following functions—
- (a) satisfying itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) proposing regulations to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) proposing regulations to be made by the Council regarding the standard of proficiency to be gained in each examinations for degree, diploma, certificate or other awards of the University;
 - (d) establishing Campus and Academic Boards;
 - (e) deciding which persons have attained such standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (f) setting the dates for academic year and determining the schedule of academic programmes;
 - (g) regulating the conduct of examinations;
 - (h) approving the examination results;
 - (i) making regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
 - (j) developing, implementing and promoting quality assurance systems and structures in all University operations;
 - (k) discontinuing a student from a programme of study on academic grounds;
 - (l) receiving proposals from various boards and faculties, institutes, schools, centres and considering their recommendations and making appropriate decisions;
 - (m) reviewing Statutes from time to time and presenting recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
 - (n) recommending to the Council appropriate criteria for appointment and promotion of academic staff;
 - (o) determining 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; and
 - (p) making regulations governing such other matters as are within its powers in accordance with this Charter and the Statutes.
- (4) The Deputy Vice-Chancellor (Academic Affairs) shall be the Secretary to the Senate.
- (5) The Senate shall exercise full responsibility over the academic work of the University.
- (6) The Senate may establish committees consisting of such members of the Senate or such other persons as it may deem fit, and may delegate any of its powers or functions to the Chairperson or any such committees.
- (7) The Senate may recommend to the Council the withdrawal of any degrees or other distinctions or titles, or the revocation of any diplomas or certificates granted by

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the University, and withdrawal of all privileges connected therewith in accordance with the provisions of the Statutes.

20. The University Management Board

(1) There shall be a University Management Board which shall perform the functions provided for in this Charter and the Statutes.

(2) The University Management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges;
- (d) the Registrars;
- (e) the Corporation Secretary;
- (f) the Chief Legal Officer; and
- (g) the Director of Finance;

(3) The Chairperson of the Management Board may invite other officers of the University to attend its meetings when specific matters pertaining to their departments or offices are being discussed but such officers shall be in attendance only and shall not be eligible to vote.

(4) The Deputy Vice-Chancellor (Administration) shall be the Secretary to the Management Board.

21. The Deputy Vice-Chancellors

(1) There shall be two or more Deputy Vice-Chancellors of the University who shall be appointed in accordance with the provisions of the Act.

(2) The Deputy Vice-Chancellors shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the Statutes.

(3) The Deputy Vice-Chancellors of the University shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

22. Principals of Colleges and Campuses within the University

(1) The Council shall appoint for each college a Principal and for each campus a Director as provided for in the Statutes.

(2) The Principal or a campus Director shall be the academic and administrative head of the college or campus respectively and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided by the Statutes.

(3) The Principal and the campus director shall hold office for a term as specified in the Statutes.

23. Principals of Constituent Colleges

(1) The Principal of a constituent college shall be appointed in accordance with the provisions of the Act.

(2) The Principal shall hold office for a period of five years and shall be eligible for re-appointment for one further term.

24. Convocation

(1) There shall be a convocation of the University which shall consist of such members as may be prescribed by the Statutes.

(2) The convocation shall be convened for purposes of the conferment of awards and for such other functions as may be provided for in the Statutes.

25. Staff of the University

(1) The Senior Management Staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, and such other members of staff as the Council may determine from time to time.

(2) The Teaching Staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Librarian and all members of staff who are engaged in teaching and research.

(3) The Administrative Staff of the University shall consist of the Registrars, the Directors, Finance Officer and such other members of staff not being engaged in teaching or research, as the Council may determine from time to time.

(4) The Technical Staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar areas in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may determine from time to time.

(5) The support staff of the University shall consist of the staff engaged in general duties and such other persons as the Council may determine from time to time.

(6) All members of staff of the University shall, subject to this Charter, be appointed either—

- (a) in the manner and upon the prevailing terms and conditions of service; 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.

(7) The Council may, subject to such restrictions as it may impose, delegate to any person, committee, or body either generally or specifically the power to appoint any member of the staff of the University.

(8) All members of staff of the University shall—

- (a) be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment; and
- (b) be subject to the general authority of the Council and of the Vice-Chancellor.

26. Performance of Functions in Absence of Office Holders

(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 subject to a maximum period of one hundred and eighty calendar days.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may appoint a Principal of any of the colleges within the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum period of one hundred and eighty calendar days.

(3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the Council shall appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum period of one hundred and eighty calendar days.

(4) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor and the Deputy Vice-Chancellors, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity for a maximum period of one hundred and eighty calendar days.

(5) In this paragraph, "incapacity" includes absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may otherwise be provided for in the Statutes.

[Subsidiary]

PART V – FINANCIAL PROVISIONS

27. Financial Year

(1) The financial year of the University shall be the period of twelve months commencing on the 1st July in one year and ending on the 30th June in the following 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.

28. Annual Estimates

(1) The Council shall cause annual estimates to be prepared in accordance with section 44 of the Act.

(2) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.

(3) The annual estimates shall make provisions for all the estimated expenditure of the University for the financial year concerned, and shall provide for—

- (a) expenditure on salaries, allowances and other charges in respect of members of the University;
- (b) expenditure of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
- (c) expenditure for proper maintenance of buildings and grounds of the University;
- (d) expenditures for proper maintenance, repair and replacement of equipment and other movable property of the University;
- (e) funding for the cost of teaching, research and outreach activities of the University;
- (f) development expenditure; and
- (g) 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 determine from time to time.

29. Accounts and Audit

(1) The Council shall cause proper books of accounts of income, expenditure, assets and liabilities of the University to be kept in accordance with section 47(1) of the Act.

(2) The accounts of the University shall be audited and reported upon in accordance with the provisions of section 47 of the Act, and the Public Audit Act (Cap 412B).

(3) The accounts of the University shall be audited by the Auditor-General in accordance with the provisions of the Public Audit Act (Cap 412B), the Public Finance Management Act (Cap 412A), and all relevant financial management regulations provided by the Ministry for the time being responsible for public finance.

30. Funds and Property of the University

(1) The funds of the University shall be sourced in accordance with the provisions of sections 44(3) and 45 of the Act, and shall include—

- (a) capitation grants;
- (b) income generating activities undertaken by the University;
- (c) loans from government and financial institutions;
- (d) such subscriptions, donations or bequests as the Council may, subject to any other written law, regulations and guidelines, appeal for and receive from the general public for the benefit of the University.

(2) Unexpended balances of grants may be expended from one year to the next in accordance with provisions of section 46 of the Act.

PART VI – MISCELLANEOUS PROVISIONS

31. Instruments of Authority

(1) The Tom Mboya University shall possess the following instruments of authority—

- (a) the Mace;
- (b) the Common Seal; and
- (c) the University Logo.

(2) The Common Seal of the University shall be kept in such custody as the University may direct and shall not be used except in the manner authorized by the University.

(3) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the University—

- (a) where they are required to be under seal, if sealed with the common seal of the University and authenticated by the Chairperson of the Council and any other officer of the University so authorized by the University in the provisions of this Charter; and
- (b) where not so required, if executed in that behalf by a member authorized by the Council for that purpose.

(4) A deed, instrument, contract or other documents executed in accordance with subparagraph (3) shall be effective in law to bind the University and its successor and may be varied or discharged in the same manner as that in which it was executed.

32. The Statutes

(1) In the performance of its functions under this Charter, the 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—

- (a) the establishment of faculties, schools, institutes and centers of the University;
- (b) the description of degrees, diplomas, certificates and other academic qualifications;
- (c) the requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (d) the conduct of examinations;
- (e) prescribing fees and other charges;
- (f) prescribing the rules and regulations for the conduct and association 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) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (i) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

(2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the 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 of the members present and voting, being not less than half of the total membership of the Council.

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33. Protection of Name

(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 "Tom Mboya" and "University" together in any order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the words "Tom Mboya" and "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 five million shillings, or to imprisonment for a term not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona-fide* use by any person of any title in pursuance of the grant to her or him of a degree, diploma or certificate by the University subject to authorization.

(4) 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 acronym which includes the letters "TMUSBE" together in that order, unless the application for the registration is accompanied by the written consent of the Council.

34. Revocation of Order

(1) The Tom Mboya University College Order of Legal Notice No. 55 of 8th April 2016 is revoked.

(2) Notwithstanding subparagraph (1), all agreements, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets, and other property acquired by 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.

35. Transitional

(1) The staff of the Tom Mboya University College existing prior to the award of this Charter shall be deemed to be employees of the University under the same terms and conditions of service.

(2) The students of the Tom Mboya University College pursuing diploma and certificate programmes courses immediately before the award of this Charter shall be awarded diplomas and certificates of Tom Mboya University.

(3) Any student pursuing a degree programme at the Tom Mboya University College immediately before the award of this Charter and who has completed more than 50% of the subject matter of the programme, or less than 50% in exceptional cases to be determined by the Senate, may upon such award have an option—

- (a) to continue and be awarded a degree of the Tom Mboya University; or
- (b) to be awarded a degree of the Maseno University.

(4) The option referred to in subparagraph (3) shall only be exercised by a student subject to an agreement between the Tom Mboya University and the Maseno University, after consideration relevant matters including—

- (a) the availability of space; and
- (b) the accreditation of the relevant academic programme.

(5) Upon the grant of this Charter—

- (a) the Council of the Tom Mboya University College shall continue to be in place and shall function as the Council of the Tom Mboya University until the appointment of the substantive Council of the University; and
- (b) the Council of the Tom Mboya University College referred to in subparagraph (4)(a) may develop Statutes for Tom Mboya University under this Charter and the Statutes so made shall be deemed to have been made under this Charter;

(6) The persons occupying the positions of Principal and Deputy Principals of the Tom Mboya University College shall continue to discharge their responsibilities and exercise such powers as set out in the Act, this Charter and Statutes of Tom Mboya University until the Vice-Chancellor and other officers of the University are appointed and assume office.

36. Variation and Revocation of the Charter

This Charter may be varied, amended or revoked in accordance with the provisions of the Act.

THE CHARTER FOR ZETECH UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR ZETECH UNIVERSITY

[Legal Notice 163 of 2022]

PREAMBLE

WHEREAS Zetech University Limited wishes to establish an institution in the name of Zetech University, situated in Kiambu County within the Republic of Kenya;

AND WHEREAS the said Zetech University has applied to the Commission for University Education, for the grant of a 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of Zetech University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that Zetech University has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education on the said institution, and the Cabinet Secretary Ministry of Education is satisfied that Zetech University be granted the Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education has submitted the Charter to me with recommendations thereon;

AND WHEREAS I am satisfied that the granting of the Charter to Zetech University 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, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defence Forces, of the Republic of Kenya, grant the Charter annexed hereto to Zetech University.

PART I – PRELIMINARY**1. Short title**

This Charter shall be cited as the Zetech University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"academic staff" means any person appointed to teach, train or to do research at a university and any other employee designated as such by the Council;

"academic year" means a continuous period of teaching examination and study, organised on a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

"Act" means the Universities Act (Cap. 210);

"administrative staff" means the employees of the University who are not directly engaged in teaching or research as the Council may from time to time determine;

"affiliated institution" means an institution which has an academic linkage with the University for the purpose of granting of degrees and award of diplomas and certificate in accordance with the Statutes;

"Alumni Association" means the organisation of all graduates and former students of the University as defined under paragraph 20 of this Charter;

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"alumni" means a member of the convocation of the University;

"Board of Trustees" means the Board of Trustees established under the Trust Deed incorporated and registered under the Trustees (Perpetual Succession) Act (Cap. 164);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for University Education;

"Campus" means a Campus established in the University pursuant to Paragraph 8 of this Charter;

"Chairperson of the Council" means the Chairperson of Zetech University Council appointed under paragraph 17 of this Charter;

"Chancellor" means the Chancellor of Zetech University appointed under paragraph 16 of this Charter;

"Charter" means the Zetech University Charter;

"College" means a College established by the University pursuant to the recommendation made under paragraph 8 of this Charter but does not include a Constituent College;

"Commission" means the Commission for University Education established under the Act;

"constituent college" means a Constituent College of a university established under the Act;

"Council" means the Council of the University established under paragraph 17 of this Charter;

"Dean" means dean of a faculty, school or centre as appointed in accordance with the Statutes;

"Dean of Students" means the person appointed to be in charge of the student experience and welfare in accordance with the Statutes;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor appointed by the Council of the University under paragraph 27 of this Charter;

"faculty" means a division within the University comprising of one subject area, or a number of related subject areas;

"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;

"School" means a school of the University established under the Statutes;

"Senate" means the Senate of the University established under paragraph 25 of this Charter;

"Sponsor" means Zetech University Limited incorporated under the Companies Act;

"Statutes" means Statutes of the University made by the Council under this Charter;

"student" means a person for the time being registered by the University for the purpose of obtaining a qualification of the University or any other person who is determined by the Senate to be a student and shall be further provided for in the Statutes;

"Students Association" means the organization of students recognized by the Council as being an organization representative of the students of the University and as provided for in the Statutes;

"University Management Board" means the University Management Board established under paragraph 26 of this Charter;

"University" means Zetech University established under paragraph 3 of this Charter;

"Vice-Chancellor" means a person appointed as the Vice-Chancellor of the University in accordance with paragraph 23 of this Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment of the University

(1) There is established a University to be known as Zetech University.

(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 or 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 is the successor of the Zetech University constituted in accordance with the Letter of Interim Authority dated 26th August, 2014.

(4) All rights, duties, obligations, staff, liabilities and assets held by Zetech University or by anybody on behalf of Zetech University, existing at the commencement of this Charter, shall be automatically and fully transferred to the University, and any reference to Zetech University in any contract or document shall, for all purposes, be deemed to be reference to the University established under paragraph 3 (1) of this Charter.

4. Vision, Mission, philosophy and Core values

(1) Vision: A leading University in Research, Innovation, Knowledge Creation and Dissemination.

(2) Mission: To Promote Excellence in Education and Research by Integrating Innovation, Entrepreneurship and Technology to Impact Society.

(3) Philosophy: Nurturing and Inspiring an Intellectually Curious, Adaptable and Innovative Generation that is guided by its Core Values.

(4) The core values of the University are—

- (a) integrity;
- (b) commitment to excellence;
- (c) innovation;
- (d) customer focus; and
- (e) teamwork.

5. Objectives and functions of the University

(1) The University's objective is to provide high quality education in training, research, innovation, knowledge dissemination which leverage on information technology, business and entrepreneurship consistent with the Vision, Mission, Philosophy and Core values of the University.

(2) Without prejudice to the generality of subparagraph (1), the objects and functions of the University shall be to—

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;

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- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and stimulating the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;
- (f) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (g) promote of education in, arts and humanities, social sciences, business administration and law, natural sciences, Information and Communication Technology, engineering, agriculture and health sciences;
- (h) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (i) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (j) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (k) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (l) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- (m) promote critical enquiry and creativity in education, training and research within the institution;
- (n) foster the general welfare of staff and students;
- (o) provide opportunities for development and further training for staff of the institution;
- (p) develop and provide educational, cultural, professional and technical services to the community and in particular the fostering of corporate social responsibility;
- (q) provide programmes, products, and services in ways that reflect the principles of equity and social justice; and
- (r) generally facilitate the development and provision of appropriate and accessible academic and other programmes.

(3) 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, color, creed, physical ability or gender.

(4) No barrier based on any of the distinctions set out in subparagraph (3) 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.

(5) The University may charge such fees or levies as the Council may, with the advice of the Senate, approve from time to time, for students admitted to the University for defraying expenses connected with their education.

6. Powers of the University

(1) The University shall do all lawful acts and things necessary or convenient to be done in connection with the performance of the objects of the University.

(2) Without prejudice to the generality of subparagraph (1), the University shall have powers to—

- (a) impose, demand and receive fees, subscriptions and deposits and impose charges and act on behalf of the University such as property, legacy, endowment, bequest or gift for the purpose of education or research or otherwise for the furtherance of the work of the University;
- (b) regulate its affairs in accordance with its independent ethos and traditions having regard to—
 - (i) the promotion and preservation of equality of opportunity and access; and
 - (ii) effective and efficient use of resources.
- (c) through the Council and in accordance with this Charter, exercise overall responsibility over its governance and future development;
- (d) with the approval of the Council, enter into affiliations or academic linkages with any individuals, groups or institutions as provided for in the Statutes;
- (e) establishing a Campus, College or a Constituent College which shall be headed by a Principal and shall have the functions, powers and structures as specified in the Statutes;
- (f) admit into the University candidates for degrees, diplomas, certificates or other awards of the University and be open to all persons accepted as being qualified by the Senate, without distinction of ethnic origin, sect, creed, social status or gender; no barrier based on any such distinction shall be imposed upon any person as a condition of his becoming, or continuing to be, a student or graduate of the University;
- (g) erecting buildings and structures and carrying out such works;
- (h) soliciting for grants, endowments, donations and gifts for purposes of supporting the University activities;
- (i) appointing agents;
- (j) engaging persons to perform services for the University;
- (k) fronting and promoting the image of the University by all lawful means including undertaking corporate social responsibility; and
- (l) doing all other things necessary in advancing knowledge and discharge of the functions of the University.

7. Establishment of Constituent Colleges

The Cabinet Secretary may, on the recommendation of the Council, and on the advice of the Commission for University Education, by order published in the *Gazette*, establish or declare an institution of learning or higher education or any training establishment to be a Constituent College of the University.

8. Establishment of Colleges, Campuses, Schools and Institutions

(1) The Council may, on the advice of the Senate, establish Colleges or Campuses, to offer training and courses of instruction consistent with its mission and objects whose functions and powers shall be as provided by the Statutes.

(2) A College or Campus which is established under this paragraph shall consist of such faculties, schools, institutes or centres as may be provided by the Statutes.

9. Conferment of Degrees, Diplomas, Certificates and other Awards

(1) Subject to this Charter, the University shall—

- (a) grant degrees Bachelors', Masters', Doctorate and other awards, diplomas, certificates and other academic awards as may be provided for by the Statutes;

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- (b) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavor worthy of such a degree or academic distinction.

(2) Subject to this Charter, the University may award fellowships, scholarships, bursaries and prizes and make other awards as may be provided for in the Statutes.

10. Convocation

(1) There shall be Convocation of the University, which shall consist of such members as prescribed by the Statutes.

(2) The convocation shall be convened for purposes of conferment of awards and for such other functions as may be outlined in the Statutes.

11. Withdrawal of Degrees, Diplomas, Certificates and other Awards

Subject to this Charter, the Council may on the recommendation of the Senate, for good cause cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards or recognitions as may be provided for in the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

12. Membership of the University

(1) The members of the University shall be—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Vice-Chancellor;
- (f) the Deputy Vice-Chancellors;
- (g) the Chief Operations Officer;
- (h) the Principals of Constituent Colleges;
- (i) the Principals of Colleges within the University;
- (j) the Deans, Directors of Faculties, Schools or Institutes;
- (k) the Senate;
- (l) the University Faculty;
- (m) the Registrars;
- (n) the University Librarian;
- (o) the University Religious Leaders;
- (p) the Dean of Students;
- (q) the Chief Legal Officer;
- (r) the Staff of the University;
- (s) the Students;
- (t) the Alumni;
- (u) the Convocation; and
- (v) such other members of staff of the University or any other body formally admitted into association with the University, as the Council may determine from time to time.

(2) The members of the University shall enjoy such rights and privileges as may be provided for in the Statutes.

13. Governing organs

(1) The governance of the University shall be vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Vice-Chancellor;
- (f) the Management Board;
- (g) the Senate;
- (h) the Alumni Association; and
- (i) the Students Association

(2) The Governance organs of the University may set up committees for the better carrying out of the functions of the University as specified by the Statutes.

14. Sponsor

(1) The Sponsor of the University is Zetech University Limited.

(2) The Sponsor shall, in addition to any other functions set out in this Charter—

- (a) appoint members of the Board of Trustees;
- (b) raise funds for the benefit of the University; and
- (c) promote the objects of the University;

15. Board of Trustees

The Board of Trustees of the University shall be appointed by the Sponsor and shall have the following powers—

- (a) to appoint members of the Council;
- (b) to raise funds for the benefit of the university in accordance with any written law or financing arrangement in accordance with section 51A of the Act;
- (c) to promote the objects of the University;
- (d) to appoint the University Chancellor; and
- (e) to undertake such other function or duties as may be conferred upon the Board of Trustees by relevant legal instrument.

16. The Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the Board of Trustees in accordance with the provisions of this Charter and the Statutes.

(2) The Chancellor shall, in addition to the responsibilities set out under section 38 of the Act—

- (a) be the titular head of the university and shall, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) may from time to time, recommend to the Board of Trustees a visitation of the University;
- (c) from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University; and
- (d) enjoy such powers and privileges and perform such other functions as may be provided in the Statutes.

(3) A person appointed as a Chancellor shall be of high moral character and integrity in accordance with Chapter Six of the Constitution.

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(4) The functions of the Chancellor under subparagraph (2) may in the absence or incapacity of the Chancellor be performed by the Chairperson of the Council for a period not exceeding three months.

(5) The office of the Chancellor shall become vacant if the Chancellor—

- (a) resigns from office by notice in writing addressed to the Board of Trustees;
- (b) is, by reason of physical or mental infirmity, unable to exercise the functions of his office to the satisfaction of the Board of Trustees;
- (c) is declared bankrupt or makes any arrangements or propositions with creditors generally;
- (d) fails to perform the duties of his office for a continuous period of six months without a valid reason; or
- (e) dies.

17. The Council

(1) There shall be a Council of the University which shall be appointed by the Board of Trustees, as follows—

- (a) the Chairperson who shall have at least a master's degree and who shall be appointed by the Sponsor;
- (b) five persons with distinguished qualifications and experience in management one of whom has at least ten years' experience in university management;
- (c) one person of integrity and wide experience in finance and who should be a member in good standing of the relevant professional body; and
- (d) the Vice-Chancellor, who shall be the Secretary and an *ex officio* member of the Council.

(2) The Council may, in consultation with the Board of Trustees, co-opt not more than two persons into the Council, if it deems necessary.

(3) In the absence or incapacity of the Chairperson, the Council shall appoint any other person, except an *ex officio* member, from among its members to serve as the acting Chairperson.

(4) A member of the Council, other than an *ex officio* member, shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(5) The office of a member of the Council shall become vacant if the member—

- (a) not being an *ex officio* member, resigns from office in writing addressed to the Secretary of the Council;
- (b) is, by reason of physical or mental infirmity or otherwise, unable to discharge his duties as required to the satisfaction of the Council in consultation with the Board of Trustees;
- (c) is absent for three consecutive Council meetings without good reason;
- (d) is found to be involved in unbecoming behaviour as determined by the Council, in consultation with the Board of Trustees;
- (e) is found to be directly or indirectly involved in any business conflicting with the function of the University and fails to disclose the conflicting interest;
- (f) is declared bankrupt; or
- (g) dies.

(6) Where the office of a member of the Council becomes vacant under subparagraph (5), the Secretary to the Council shall notify the vacancy to the Board of Trustees.

(7) The procedure, conduct and regulation of the affairs of the Council shall be as prescribed in the Statutes.

(8) The Council may appoint committees to carry out specific functions as it may direct.

(9) For all meetings of the Council, the number and the quorum shall be as prescribed in the Statutes.

18. Functions of the Council

(1) The functions of the Council shall be to—

- (a) formulate the policies of the University;
- (b) recruit, promote or remove staff of the University;
- (c) with the approval of the Board of Trustees, receive donations, endowments, gifts, grants or other monies and authorise disbursements;
- (d) provide for the welfare of staff and students of the University;
- (e) make and approve the Statutes of the University;
- (f) support the Board of Trustees in resource mobilisation for the development of the University;
- (g) approve the budget of the University and monitor its utilisation;
- (h) provide guidance in administering of the University property in a manner that promotes the best interest of the University;
- (i) appoint the Vice-Chancellor, the Deputy Vice-Chancellors and the Principals of Constituent Colleges through a competitive process, in accordance with the Statutes; and
- (j) undertake any other functions as stipulated in the Act, this Charter and the Statutes.

(2) All documents made on behalf of the Council, and all decisions of the Council, shall be signified under the hand of the Chairperson, the Vice-Chancellor, and any other member of the University designated by the Council.

19. Students' association

(1) There shall be the Students' Association whose members shall be elected in accordance with procedures prescribed in the Statutes.

(2) The Students' Association shall—

- (a) be the main forum through which students may express their views;
- (b) operate under the general direction of the Senate in the manner prescribed by the Statutes;
- (c) oversee and plan, in consultation with the Senate, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
- (d) draw the attention of the appropriate authorities, where necessary, to the special needs of the students; and
- (e) undertake other functions as provided in its governance instruments approved by the Senate.

20. Alumni Association

(1) There shall be an Alumni Association of the University to be known as Zetech University Alumni Association or any other name approved by the University.

(2) The Alumni Association shall consist—

- (a) graduates of the University; and
- (b) such other persons as may be prescribed by the Statutes.

(3) The Alumni Association of the University shall—

- (a) provide services that contribute to the University's development;
- (b) participate in the process of branding the University;
- (c) have the right to meet and discuss any matter relating to their welfare; and

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- (d) on invitation by the University, participate in graduations and other activities of the University in the manner prescribed by the Statutes.

(4) The Senate shall propose rules for promotion of the Alumni Association and make recommendations thereof to the Council.

PART IV – MANAGEMENT OF THE UNIVERSITY

21. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council.

(2) The Vice-Chancellor shall be the chief executive officer of the University and shall—

- (a) have the overall responsibility for the direction, organisation, administration and academic programmes of the University;
- (b) be the Chairperson of the Senate and the University Management Board;
- (c) be responsible to the Council for the general conduct and discipline of staff and students of the University; and
- (d) carry out any other duty or responsibility as may be assigned by the Council.

(3) The Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment for one further term.

(4) The office of the Vice-Chancellor shall become vacant if the Vice-Chancellor—

- (a) resigns by notice in writing addressed to the Chairperson of the Council;
- (b) is, by reason of physical or mental infirmity, unable to exercise the functions of his office;
- (c) is declared bankrupt by court of law or makes any arrangements or propositions with creditors generally;
- (d) fails to perform the duties of his office without a valid reason; or
- (e) dies.

(5) The provisions of this paragraph shall apply, with necessary modifications, to the Principal of a Constituent College.

22. The Senate

(1) There is established a Senate of the University which shall be responsible for all academic matters of the University.

(2) The Senate shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Constituent Colleges and Colleges within the University;
- (d) the Deputy Principals of Colleges;
- (e) the Chief Operations Officer;
- (f) the Registrars;
- (g) the Deans and the Directors;
- (h) the Dean of Students;
- (i) the Chairpersons of the teaching departments;
- (j) the Professors;
- (k) the Librarian;
- (l) the Head of Information and Communication Technology;
- (m) the Head of Quality Assurance;
- (n) two members elected by the Academic Board or equivalent body of each Constituent College from among the members of that Board or Constituent College;

- (o) one representative of each of the faculty Boards appointed by that Board from among its members;
 - (p) two members elected by the Students' Association except that the members of the Students' Association shall not be entitled to attend deliberations of the Senate on matters relating to examination results and any other matters which are considered by the Chairperson of Senate to be confidential; and
 - (q) any other members as specified in the Statutes.
- (3) The Deputy Vice-Chancellor (academic affairs) shall be the Secretary to the Senate.
- (4) The office of a member of the Senate shall become vacant if the member—
- (a) ceases to be a member of the University;
 - (b) ceases to be a member of Senate by virtue of the office held;
 - (c) contravenes any of the membership requirements;
 - (d) is declared bankrupt;
 - (e) is voted out by majority vote of the members of the Senate present and voting, and with approval of the Council; or
 - (f) dies.

23. Functions of the Senate

- (1) The functions of the Senate shall be to—
- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;
 - (b) to propose Statutes to be made by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
 - (c) to propose Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
 - (d) decide which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
 - (e) initiate proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
 - (f) 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;
 - (g) subject to the Act, to make recommendations to the Council for the establishment or abolition or supervision, degree and other academic programmes and their titles in the University;
 - (h) set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
 - (i) approve all syllabi of the University;
 - (j) make regulations governing methods of assessing and examining the academic performance of students;
 - (k) evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
 - (l) regulate the conduct of examinations;
 - (m) appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
 - (n) approve the examination results;

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- (o) subject to the Act, approve the award of degrees including the award of honorary degrees and other academic distinctions;
- (p) determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (q) to determine the procedure to be followed in the conferment of the degrees and other awards;
- (r) determine the design of academic dress and prescribe its use;
- (s) evaluate research, teaching, staffing and general work of anybody or section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (t) promote and administer the extra-mural, external and extension work of the University;
- (u) promote research and innovation work in the University;
- (v) promote co-operation and linkages with other institutions of higher learning and industry;
- (w) make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (x) develop, implement and promote quality assurance systems and structures in all University operations;
- (y) promote the welfare of students and staff in the University;
- (z) propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
- (aa) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
- (bb) recommend to the Council appropriate criteria for appointment and promotion of academic staff of the university;
- (cc) review the Statutes from time to time and to present recommendations thereon to the Council provided that the Statutes shall be reviewed at least once every five years;
- (dd) 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.

(2) The Senate shall exercise such other powers as may be conferred on the Senate by the Act, the Statutes or by the regulations and to do such other acts as the Council shall authorize.

(3) Notwithstanding any of the provisions of this Charter, the Council shall not initiate any action in respect of subparagraph (a), (b) or (c) of subparagraph (3) except upon receipt of a report, or reject or amend any regulations as proposed without further reference to the Senate.

(4) The procedure, conduct, regulation of the affairs of the Senate shall be determined by the Statutes.

24. University Management Board

(1) There shall be a University Management Board whose membership shall be as follows—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Chief Operations Officer;
- (d) the Principals of Constituent Colleges and Colleges within the University;

- (e) the Registrars and Directors; and
 - (f) such other member of the Senior Management as the Council may determine in accordance with the Statutes.
- (2) The functions of the University Management Board shall be—
- (a) assisting the Vice-Chancellor on day-to-day management of the University;
 - (b) implementing University policies;
 - (c) ensuring effective, efficient and prudent use of resources;
 - (d) administering the University finances, and in furtherance of that function#
 - (i) prepare, review, and recommend annual budgets and monthly financial statements to the Board through the Council;
 - (ii) collect fees; and
 - (iii) facilitate annual audit of the University accounts;
 - (iv) establish and maintain efficient and effective policies and procedures in all areas of financial management;
 - (v) make recommendations to the Council concerning matters of capital development and University staff establishment;
 - (e) recommending prudent operational systems to the Council relating to schemes of service, salaries, benefits and other staff motivational schemes;
 - (f) overseeing the preparation of all publications of University documents;
 - (g) advising the Council on general matters pertaining to statutory and legal compliance; and
 - (h) being responsible for all matters necessary for the successful functioning of the University, as delegated by the Council.

25. The Deputy Vice-Chancellors

(1) The Council shall appoint such Deputy Vice-Chancellors as may be necessary to assist the Vice-Chancellor in matters prescribed in the Statutes.

(2) A Deputy Vice-Chancellor shall be responsible to the Vice-Chancellor and shall exercise such powers and perform such duties as may be specified by the Statutes.

(3) A Deputy Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment for one further term.

(4) The provisions of this paragraph shall, with the necessary modifications, apply to the Principals of a Constituent College.

26. Principals of Colleges within the University

The principals of Colleges within the University shall be appointed in accordance with the Statutes.

27. Chief Operations Officer

(1) There shall be a Chief Operations Officer or any other designated title appointed by the Council who shall be the head of the Administration, Finance, Planning and Development Division of the University.

(2) The procedure for appointment of the Chief Operations Officer and his functions shall be specified in the Statutes.

28. Staff of the University

(1) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Librarian and all members of staff who are engaged in teaching and research.

(2) The administrative staff of the University shall consist of the Registrars, the Directors, Finance Officer and such other members of staff not being engaged in teaching or research, as the Council may determine from time to time.

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(3) 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 determine from time to time.

(4) The support staff of the University shall consist of those staff engaged in general duties and as the Council may determine from time to time.

29. Performance of functions in absence of an office-holder

(1) In the event of the incapacity or absence of the Vice-Chancellor, the Chairperson of the Council may, in consultation with the Board, appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chairperson of Council may appoint any member of the academic staff at the rank of at least a senior lecturer to perform the functions of the Vice-Chancellor during the period of absence.

(3) In the event of the incapacity of any other member of the University Management Board, the Vice-Chancellor may appoint a suitable person to perform the functions of the member during the period of absence.

(4) A person appointed to perform the functions of any office under this paragraph shall do so for not more than one hundred and eighty days.

PART V – FINANCIAL PROVISIONS

30. Financial year and budget

(1) The financial year of the University shall be the period of twelve months commencing the 1st January and ending the 31st December of each year or such other period as may be prescribed by the Statutes.

(2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year, because of this change, the transitional period, whether more or less than twelve months, shall be regarded as a financial year for the purposes of this Charter.

(3) The University Management Board shall propose and submit annual estimates to the Council two months before the commencement of the financial year for its approval in consultation with the Board of Trustees.

(4) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year in performance of its functions, and in particular shall provide for—

- (a) the payment of salaries, allowances, and other charges in respect of the University;
- (b) the payment of any pensions, gratuities and other charges in respect of retirement benefits which may be payable out of the funds of the University;
- (c) the proper maintenance, development of the buildings and grounds of the University;
- (d) the proper maintenance, repair and replacement of the equipment and other moveable property of the University;
- (e) the funding of the cost of training, research and community service;
- (f) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters as the Council in consultation with the Board may think fit;
- (g) the funding of student scholarships; and
- (h) the operating costs of the University.

(5) No expenditure shall be incurred for the purposes of the University except in accordance with an annual budget approved by the Council in consultation with the Board of Trustees.

(6) The University Management Board shall submit quarterly financial reports to the Board of Trustees through the Council within each financial year.

31. University Funds and resources

(1) The Funds and resources of the University may be derived from—

- (a) tuition and other fees;
- (b) donations and grants made to the University;
- (c) endowments;
- (d) gifts, bequests and trusts;
- (e) income from auxiliary activities such as consultancy; and
- (f) other sources as the University may identify from time to time.

(2) Any funds received by the University from any donor shall, unless otherwise approved by the University, be used or channeled exclusively for the intended purpose as agreed between such donor and the University.

(3) The University shall not accept funds which may limit or compromise its freedom or integrity.

32. Internal Audit Unit

(1) The University Management Board shall establish an Internal Audit Unit, which shall be responsible for internal control and assurance regarding the achievement of the objectives of the University and which shall be responsible to the Council.

(2) The Internal Audit Unit shall—

- (a) ensure effective and efficient operation of the University financial systems;
- (b) institute firm Internal Control for the maintenance of the integrity, ethical values and competence of staff of the University;
- (c) identify and analyse any risks that may face the University and advise on sound management practices for handling such risks;
- (d) ensure that University Management Policies and Directives are strictly adhered to;
- (e) monitor and assess the quality of performance of all the University management systems and to recommend corrective action whenever a system does not perform as intended;
- (f) identify, capture and communicate relevant information in a form and timeframe that enables officers of the University to carry out their responsibilities and maintain accountability for the University's Assets; and
- (g) do or perform all such other transactions or acts for the proper performance of its functions, and for the furtherance of the provisions of this Charter.

(3) Within a period of six months after the end of the financial year, the auditor shall report on the examination and audit of the accounts of the University to the Council.

33. Investment of Funds

(1) The Board of Trustees may invest any of its funds not immediately required for its purposes, as the Board of Trustees may determine.

(2) All investments made under this paragraph shall be held in the name of the University.

34. Accounts and audit

(1) The Board of Trustees shall in consultation with the Council cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities.

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(2) A firm of external auditors appointed by the Board of Trustees shall audit the accounts of the University.

(3) The accounts of the University shall be submitted to the auditors at the end of every financial year as prescribed by the Statutes.

(4) Within a period specified by the Statutes, the external auditors shall report on the examination and auditor's report of the accounts of the University to the Board of Trustees.

(5) The certified copy of the auditors' report referred to in subparagraph (4) shall not be provided to any other persons or institution without the authority of the Board of Trustees.

PART VI – MISCELLANEOUS PROVISIONS

35. Instruments and symbols of Governance

(1) The University shall be governed as guided by the Act, this Charter and the Statutes.

(2) The symbols of authority shall be the seal, the mace, and the logo.

(3) The University shall conspicuously display all its instruments of accreditation in its key premises.

(4) Where any instrument of accreditation is revoked under the Act, the instruments shall be returned to the accrediting authority within fourteen days of the revocation.

36. Instruments of Authority

Subject to this Charter, the University shall possess the University Mace, the Common Seal for signification of documents and the University Logo as its instruments of Authority.

37. Common Seal

(1) The Common Seal of the University shall be kept in such custody and used only as the Board of Trustees or Council shall direct, as specified in the Statutes. A document or an instrument duly sealed by authorised officers of the University shall be binding and considered as properly executed by the University.

(2) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor and or other person duly authorised by the Council.

(3) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially noticed, and unless and until the contrary is proved, any order or authorisation of the Council under this paragraph shall be presumed to have been duly given.

(4) 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 under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorised by the Council on its behalf.

(5) No person, body, authority and or organisation performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, shall use the Common Seal and Logo of Zetech University except with the consent of the Council and or authorised representative of the Council.

38. Statutes

(1) In the performance of its functions under this Charter, the Council shall, subject to the 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 the Statutes shall—

- (a) establish colleges, campuses, faculties, institutes and schools of the University;
- (b) provide a description of degrees, diplomas and certificates offered by the University;
- (c) define the requirements for conferment of degrees and award of diplomas and certificates;

- (d) provide for the manner in which examinations shall be conducted;
- (e) set the terms and conditions of service, and schemes of service, including the appointment, dismissal and recommendation of retirement benefits of the members of staff of the University;
- (f) describe the constitution and procedure of meeting of the Council, and the establishment, composition and terms of reference of committees of the Council;
- (g) prescribe the rules and regulations for the Students' Association;
- (h) determination and collection of fees and other charges;
- (i) any other matter that may be necessary for the better carrying out of the requirements set out in Act and this Charter.

(2) Despite subparagraph (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) The 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 ($\frac{3}{4}$) of the members present and voting, being not less than half of the total membership of the Council.

(4) The Statutes or regulations made by the Council under this Charter shall be published in the Kenya *Gazette*.

39. Protection of name

(1) Notwithstanding the provisions of any other written law, a public officer performing functions relating to the registration of companies, business, trust or societies shall not accept for registration an entity that includes the name "Zetech" and "University" together in any order, unless the application for the registration is accompanied by the written consent of the Board of Trustees.

(2) Any person who except with the written consent of the Board of Trustees, uses the words "Zetech University" together or in any order, and or 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 period not exceeding three years, or to both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona-fide* use by any person in pursuance of the functions of the University.

40. Fair administration, conflict of interest and liabilities

(1) The Council, the Senate, and the University Management Board shall, in the performance of their functions, uphold the rights of any person who is likely to be affected, and in this regard shall be guided by the provisions of section 63 of the Act.

(2) Where a member of the University has a personal interest in any contract or matter considered by the Council or any governing organ, that member shall disclose that interest and dissociate from the deliberations and decision making.

(3) No matter or thing done by a member of the University if the matter or thing is done *bona fide* for executing the functions, powers or duties of the University render that member personally liable to any action, claim or demand.

(4) The provisions of this paragraph shall not relieve the University of the liability to pay lawful compensation or damages to any person for any injury sustained or loss incurred.

(5) If any offence under this Charter is committed by the University with the connivance of any staff, that staff shall be held personally liable of the offence.

41. Dispute Resolution

In the event that a dispute arises in regard to interpretation of this Charter such dispute shall in the first instance be resolved amicably in accordance with procedures laid down in

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the Statutes and in the event that an amicable solution cannot be reached, such matter shall not be taken before a court of law unless it has first been referred to—

- (a) an arbitrator appointed by both parties; or
- (b) if the parties fail to agree on an arbitrator, the dispute has been referred to the arbitrator with demonstrated experience in the arbitration matters appointed by the Chartered Institute of Arbitrators.

42. Transitional

(1) The Council in place immediately before the grant of this Charter, shall continue to be in place for the remainder of their term.

(2) The Council in place immediately before the grant of this Charter may make Statutes for the University under this Charter and the Statutes so made shall be deemed to be made under this Charter.

(3) The persons occupying the offices of the Vice-Chancellor and the Deputy Vice-Chancellors of Zetech University immediately before the grant of this Charter, shall continue to discharge their responsibilities and exercise such powers as set out in the Act and this Charter with respect to the University for the remainder of their term.

(4) All persons who were members of staff of Zetech University shall be deemed to have been appointed under this Charter on the same Terms and Conditions of Service.

(5) All the students of Zetech University, who were pursuing degree, diploma, certificate, and post graduate degree programmes as at the commencement date of this Charter, shall be deemed to be students of the University and shall complete their courses and be awarded degrees, diploma, certificate, and post graduate degree programmes certificate, as the case may be, of Zetech University.

43. Variation or revocation of this Charter

This Charter may be varied or revoked in accordance with the Act.

44. Dissolution of the University

Subject to the provisions of this Charter, in the event of the dissolution or winding up of the University, after the satisfaction of all its debts and liabilities, the remainder of funds, assets or properties will be vested in the sponsor of the University.

THE CHARTER FOR THE EAST AFRICAN UNIVERSITY

ARRANGEMENT OF PARAGRAPHS

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THE CHARTER FOR THE EAST AFRICAN UNIVERSITY

[Legal Notice 167 of 2022]

PREAMBLE

WHEREAS the BDK Universities Network International Kenya Ltd wishes to establish an institution in the name of the East African University, situated in Kajjado County in the Republic of Kenya;

AND WHEREAS the said the East African 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 (Cap. 210);

AND WHEREAS the Commission for University Education has visited and inspected the said institution, and is satisfied that the objects of the East African University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for University Education is also satisfied that the East African University has complied with the provisions of the Universities Act (Cap. 210);

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education, on the said institution, and the Cabinet Secretary, Ministry of Education, is satisfied that the East African University should be granted this Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education, has submitted the Charter to me with recommendation thereon;

AND WHEREAS, I am satisfied that the granting of the Charter to the East African University 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 (Cap. 210), I, Uhuru Muigai Kenyatta, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the East African University.

PART I – PRELIMINARY**1. Short Title**

This Charter may be cited as the East African University Charter.

2. Interpretation

In this Charter, unless the context otherwise requires—

"Act" means the Universities Act (Cap. 210);

"Alumni Association" means association of all graduates and former students of the University established under paragraph 19 of this Charter;

"Cabinet Secretary" means Cabinet Secretary for the time being responsible for university education;

"College" means a college established within the University but does not include a Constituent College as established under paragraph 9 of this Charter;

"Chairperson of Council" means the Chairperson of the Council of the University;

"Chancellor" means the Chancellor of the East African University appointed in accordance with paragraph 16 of this Charter;

"constituent college" means a constituent college of the University established under paragraph 8 of this Charter;

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"Council" means the Council of the University established under paragraph 17 of this Charter;

"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor of the University under paragraph 23 of this Charter;

"faculty" means an academic administrative unit within the University comprising several departments and concerned with a major division of knowledge;

"graduate" means a person upon whom a degree or other academic qualification has been conferred by the University;

"Institute" means an institute of the University established by the Statutes;

"lecturer" means a person or the staff of the University who is a full professor, associate professor, senior lecturer, lecturer or assistant lecturer or a person who holds any other teaching or research post which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

"Librarian" means the officer appointed to be the librarian of the University;

"University Management Board" means the Management Board of the University under paragraph 22 of this Charter;

"School" means an academic unit within the University, headed by a dean and equivalent to a Faculty, comprising several departments, with focus on cluster of related disciplines;

"Staff Association" means an association or union of staff recognized by the Council as being representative of staff on matters of terms and conditions of employment;

"Senate" means the Senate of the University constituted under paragraph 21 of this Charter;

"Statutes" means a set of regulations of the University formulated by the Council under paragraph 36 of this Charter;

"Students' Association" means an association of students recognized by the Council as being representative of the students of the University under paragraph 18 of this Charter;

"University" means The East African University established under paragraph 3 of this Charter;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under paragraph 20 of this Charter;

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is established a University to be known as the East African University.

(2) The University shall be a body corporate and 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) borrowing or lending money; and
- (d) doing or performing all such other things or acts for the furtherance of the provisions of this Charter which may lawfully be done or performed by a body corporate.

(3) The University is the successor of the East African University constituted under a Letter of Interim Authority granted on 2nd November,

(4) All rights, duties, obligations, staff, liabilities and assets held by the East African University or by anybody on behalf of the East African University, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. Vision

The Vision of the University is to be a leading institution and centre of excellence in university teaching, research and development.

5. Mission

To transmit quality knowledge, conduct research and provide community service to the region and the world at large.

6. Philosophy

To be a fountain of knowledge, which produces holistic, and all-round graduates who shall be a vanguard of change in the community.

7. Objects and Functions of the University

- (1) The objects and functions of the University shall be to—
- (a) provide directly, or in collaboration with other institutions facilities for technological, professional, and scientific education;
 - (b) advance knowledge and its practical application by research and other means;
 - (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
 - (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
 - (e) contribute to industrial and technological development of society directly or in collaboration with industry and other organizations;
 - (f) develop new programmes of study including those that culminate in degrees, diplomas and certificates;
 - (g) establish colleges, faculties, schools, institutes, departments, resource centres and administrative units as may be appropriate;
 - (h) inculcate a culture of innovation in technology, engineering, science and humanities, and promote intellectual property rights amongst staff, students, and society;
 - (i) promote education in humanities, sciences, technology, engineering and mathematics within the institution and society;
 - (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
 - (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
 - (l) provide quality educational, research, cultural, social, recreational, sporting, and other facilities;
 - (m) facilitate student mobility between programmes of study at different tertiary institutions, and the University;
 - (n) promote critical inquiry and creativity in education, training and research within the institution;
 - (o) participate in commercial ventures and activities that promote the objectives of the institution;
 - (p) foster the general welfare of staff and students;

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- (q) provide opportunities for development and further training for staff and students of the institution;
- (r) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (s) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
- (t) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate; and
- (u) facilitate the development and provision of academic and other programmes that are appropriate and accessible.

(2) Admission to the University as candidates for degrees, diplomas, certificates or other awards shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender.

(3) 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.

(4) The University shall charge such fees or levy as the Council may, with the advice of the Senate, approve from time to time, for students admitted to the University for defraying expenses connected with their education.

8. Establishment of Constituent Colleges

The Cabinet Secretary may, on the advice of the Council and on 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.

9. Establishment of Campus Colleges and Colleges within the University

(1) The Council may, on the advice of the Senate, establish Colleges and campuses 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, or centres as may be provided for by the Statutes.

10. Conferment of Degrees and Grant of Diplomas, certificates and other awards

(1) Subject to this Charter, the University may—

- (a) confer Bachelor's, Master's and Doctorate degrees;
- (b) grant diplomas, certificates or such other awards as may be provided for by the Statutes; or
- (c) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service towards the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction;

(2) Subject to this Charter, the Council may, on the recommendation of Senate, cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

11. Award of Scholarships

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

12. Membership of the University

The Members of the University shall be—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Vice-Chancellor;
- (f) the Deputy Vice-Chancellors;
- (g) the Principals of each Constituent College;
- (h) the Principals of Campuses and Colleges within the University;
- (i) the members of Senate;
- (j) the Lecturers;
- (k) the Librarian;
- (l) the Registrars;
- (m) the Finance Officer;
- (n) the Legal Officer;
- (o) the members of the Alumni Association;
- (p) the non-teaching staff;
- (q) the Students; and
- (r) such other members from any other body formally admitted into association with the University or with any of its Constituent Colleges, as the Council may determine from time to time.

13. Governance of the University

The governance of the University shall be vested in the following bodies mandated to perform the functions and exercise powers conferred under this Charter—

- (a) the Sponsor;
- (b) the Board of Trustees;
- (c) the Chancellor;
- (d) the Council;
- (e) the Vice-Chancellor;
- (f) the Management Board;
- (g) the University Senate;
- (h) the Alumni Association; and
- (i) the Students Association

14. The Sponsor

(1) The Sponsor of the East African University is BDK Universities Network International Kenya Ltd.

(2) The Sponsor shall, in addition to any other functions set out in this Charter—

- (a) appoint members of the Board of Trustees;
- (b) raise funds for the benefit of the University;
- (c) promote the objects of the University;
- (d) initiate the process of variation of this Charter; and
- (e) in consultation with the Cabinet Secretary appoint a person to administer or manage the University in case of revocation of this Charter.

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15. The Board of Trustees

(1) The Board of Trustees appointed under paragraph 14(2)(a) shall act and exercise all legal rights, powers and privileges of the University as provided for in the Act, this Charter and the Statutes.

(2) Notwithstanding subparagraph (1), the Board of Trustees shall have and exercise the following functions—

- (a) appointing members of the Council;
- (b) raising funds for the benefit of the University;
- (c) promoting the objects of the University; and
- (d) appointing the Chancellor.

16. The Chancellor

(1) The Board of Trustees shall, in consultation with the Sponsor, appoint the Chancellor of the University.

(2) A person who is appointed Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(3) The Chancellor—

- (a) shall be the titular head of the University and shall, in the name of the University, confer degrees and award diplomas, certificates and any other awards of the University;
- (b) may from time to time, recommend to the Board of Trustees a visitation of the University in such a manner as shall be described in the statutes;
- (c) may from time to time give advice to the Council which the Chancellor considers necessary for the betterment of the University;
- (d) shall enjoy such powers and privileges and perform such other functions as may be provided in this Charter and the statutes.

(4) The functions of the Chancellor under subparagraph (3) may in the absence or incapacity of the Chancellor be performed by the Chairperson of the Council for a period not exceeding three months.

(5) The office of the Chancellor shall become vacant if the Chancellor—

- (a) resigns from office by notice in writing addressed to the Chairperson of the Board of Trustees;
- (b) is unable to, by reason of physical or mental infirmity, gross misconduct or conflict of interest, exercise the functions of the office to the satisfaction of the Board of Trustees;
- (c) is adjudged bankrupt or makes any arrangements or propositions with creditors generally; or
- (d) dies.

17. The Council

(1) There shall be a Council of the University which shall be appointed by Board of Trustees.

(2) The membership of the Council shall comprise of—

- (a) the Chairperson who shall be a professor with ten years' experience in management of university education;
- (b) one person of integrity and wide experience in finance who shall be a member of good standing of the Institute of Certified Public Accountants of Kenya for over seven years;
- (c) one person holding a leadership position in the public or private sector appointed by the Board of Trustees;

- (d) one person appointed by the Sponsor from amongst its shareholders or directors;
 - (e) two senior academic scholars, not being employees of the University, with a rank of an associate professor and at least ten years' experience in management of university education;
 - (f) the Vice-Chancellor, who shall be an *ex officio* member.
- (3) The Council may co-opt such other persons whose skills or experience are necessary for the purposes of the functions of the Council for such period as it may deem appropriate.
- (4) The members of the Council, other than *ex officio* members, shall hold office for a term of three years and shall be eligible for re-appointment for one further term.
- (5) The office of a member of Council shall become vacant if the member—
- (a) not being an *ex officio* member, resigns from office in writing addressed to the Vice-Chancellor;
 - (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of his office to the satisfaction of the Council;
 - (c) is adjudged bankrupt by a court of competent jurisdiction, or enters into a composition or scheme of arrangement for the benefit of creditors;
 - (d) is guilty of gross misconduct;
 - (e) fails to meet the requirements of Chapter Six of the Constitution; or
 - (f) dies.
- (6) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to the appointing authority.
- (7) The procedure, conduct and regulations of the affairs of the Council shall be determined in accordance with this Charter and the Statutes.
- (8) 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.
- (9) The members of the first Council, other than the *ex officio* members, shall at the first meeting after their appointment determine by lot which of their numbers shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council.
- (10) The functions of the Council shall be to—
- (a) formulate the policies of the University;
 - (b) recruit, promote or dismiss staff of the University;
 - (c) with the approval of the Board of Trustees, receive donations, endowments, gifts, grants or other monies and authorise disbursements;
 - (d) open bank accounts for the funds of the University;
 - (e) provide for the welfare of staff and students of the University;
 - (f) ensure that a proper management structure is in place and make sure that the structure, functions to maintain corporate integrity, reputation and responsibility.
 - (g) monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University.
 - (h) review the viability and financial sustainability of the University, and shall do so at least once every year.
 - (i) in consultation with the Board of Trustees and the Sponsor, administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University. However, the Council shall not charge or dispose of immovable property of the University except in accordance with the procedures laid down by the Board of Trustees and the Sponsor;

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- (j) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements there from to the University or other bodies or persons;
- (k) provide for the welfare of staff and students of the University; enter into association with other universities, university colleges or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate as provided;
- (l) approve regulations governing the conduct and discipline of the students of the University;
- (m) approve regulations governing the conduct and discipline of the staff of the University;
- (n) raise funds and secure financial support for the University;
- (o) determine University fees and other charges;
- (p) establish scholarships, bursaries and other awards;
- (q) approve the terms and conditions of service and criteria for recruitment, appointment and promotion of staff;
- (r) approve the regulations governing staff and student conduct;
- (s) approve academic affiliations and associations with other colleges and institutions;
- (t) establish its Committees;
- (u) establish university colleges, campuses, departments, faculties, schools, institutes and any other teaching facility.
- (v) approve the statutes of the University and cause them to be published in the *Kenya Gazette*;
- (w) approve the annual University budget;
- (x) appoint Vice-Chancellors, Deputy Vice-Chancellors and principals of Constituent Colleges through a competitive process in consultation with the Board of Trustees and the Sponsor;
- (y) confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (z) in consultation with the Board of Trustees and the Sponsor, promote and make financial provisions and facilities for the execution of the functions of the University;
- (aa) in consultation with the Board of Trustees and the Sponsor and subject to the laid down procedures, to approve the sale, purchase, exchange, or lease, or take on lease any movable and immovable property on behalf of the University;
- (bb) subject to the laid down procedures and in consultation with the Board of Trustees and the Sponsor, 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;
- (cc) receive, on behalf of the University, donations, endowments, gifts, development grants or other moneys and make legitimate disbursements wherefrom in consultation with the Board of Trustees and the Sponsor;
- (dd) approve the constitution of the Students' Association and so far as is reasonably practicable, ensure that the Students' Association operates in a fair and democratic manner;
- (ee) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (ff) undertake any other functions as stipulated in the Act, this Charter and the Statutes.

18. Students' Association

(1) There is established a student's association of the University which shall consist of all students of the University.

(2) The student's association constitution shall have its constitution, which shall be subject to the approval of the Senate and the Council.

(3) The student's association shall elect a Student's Council which shall have the following functions—

- (a) overseeing and planning students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being, in consultation with the Council;
- (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students; and
- (c) undertaking other functions as provided in its governance instruments approved by the Council.

19. Alumni Association

(1) There shall be an Alumni Association of the University which shall consist of the graduates of the University and such other persons as may be prescribed by the Statutes.

(2) The Alumni Association shall participate in the process of appointment of the Chancellor within the provisions of the Act and the Statutes.

(3) The Alumni Association shall have the right to meet and discuss any matter relating to the University and to transmit the resolutions thereon to the Council and the Senate, and may exercise such other functions as may be prescribed in the Statutes.

(4) The Senate shall propose rules for promotion of the Alumni Association and make recommendations thereof to the Council.

PART IV – MANAGEMENT OF THE UNIVERSITY**20. The Vice-Chancellor**

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council in consultation with the Board of Trustees and who shall be the Chief Executive Officer of the University.

(2) The Vice Chancellor shall—

- (a) be the academic and administrative head of the University;
- (b) have the overall responsibility for the direction, organization, administration and programmes of the University;
- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes;
- (d) assume administrative responsibilities for the day-to-day running of the University and its management.
- (e) provide leadership in achieving the vision and the mission of the Institution;
- (f) direct, promote and co-ordinate all the programmes and activities of the University;
- (g) act as the representative of the University and be its spokesperson on its external relations;
- (h) preside over the Senate and the University Management Board meetings in accordance with the Statutes;
- (i) be responsible for the general welfare, conduct and discipline of staff and students;
- (j) work collegially with the personnel of the University for the realization of its objectives; and
- (k) have such responsibilities and duties as may be provided for in the Statutes.

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(3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(4) The terms and conditions of service of the Vice-Chancellor shall be prescribed by the Statutes or the instrument of appointment.

21. The Senate

(1) There shall be a Senate of the University which shall comprise of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principal of each Constituent College;
- (d) the Principal of each College within the University;
- (e) the University Librarian;
- (f) the Deans of Schools, Directors of Institutes and Boards, Directorates and Centres;
- (g) the full Professors of the University;
- (h) the Dean of Students;
- (i) the Chairpersons of the teaching departments of the University;
- (j) the Registrars;
- (k) the Finance Officer;
- (l) the Chief Medical Officer;
- (m) the Chief Legal Officer;
- (n) two members elected by the Academic Board of each Constituent College from among the members of such Board;
- (o) not more than two Professors from each Constituent College;
- (p) one representative of each of the Boards of the Faculties, Institutes and Schools elected by that Board from among its members who are not Professors and are not members of the Senate by virtue of any other provision of this subparagraph;
- (q) two representatives of the students being the President and the Secretary of the Students' Council; and
- (r) any other member co-opted by the Senate.

(2) The members of the students' Association shall not participate in any deliberation of the Senate which the chairperson considers confidential or which relate to examinations, grades and such other issues that may pose a conflict of interest.

(3) The functions of the Senate shall be to—

- (a) satisfy itself regarding the content and academic standards of any course of study in respect of any degree, diploma, certificate or other award of the University, and to report its findings thereon to the Council;
- (b) recommend to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may deem necessary from time to time;
- (c) appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (d) determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (e) determine the design of academic dress and prescribe its use;
- (f) promote the extra-mural, external and extension work of the University;
- (g) promote research and innovation work in the University;
- (h) promote co-operation and linkages with other institutions of higher learning and industry;

- (i) make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (j) develop, implement and promote quality assurance systems and structures in all University academic operations;
- (k) promote the welfare of students;
- (l) receive proposals from various academic Boards and Faculties, Institutes, Schools, Centres and considering their recommendations and making appropriate decisions;
- (m) recommend to the Council appropriate criteria for appointment and promotion of the academic staff of the university;
- (n) review the Statutes from time to time and to present recommendations thereon to the Council;
- (o) 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;
- (p) propose regulations to be made by the Council regarding the eligibility of persons for admission to a course of study;
- (q) propose regulations to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;
- (r) advise the Council on appointment, promotion and appraisal criteria of academic staff;
- (s) decide which persons have attained such standard of proficiency and are otherwise fit to be awarded a Degree and conferred Diplomas and Certificates of the University;
- (t) initiate proposals relating to the conduct of the University generally, and to discuss any matter relating to the University and making representations thereon to the Council;
- (u) make regulations governing such other matters as are within its powers in accordance with this Charter or the Statutes; and
- (v) form such committees that shall be necessary for it to perform its duties.

(4) Notwithstanding any other provisions of this Charter, the Council shall not initiate any action in respect of any of the matters mentioned in subparagraphs (a) to (v), of subparagraph (3) except upon receipt of a report or proposal there under.

(5) The Council shall not amend any regulations so proposed without further reference to the Senate.

22. The University Management Board

- (1) There shall be a University Management Board which shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University;
 - (d) the Registrars;
 - (e) the Finance officer;
 - (f) the Legal Officer;
 - (g) the Director of Students Welfare;
 - (h) the Director, Information Communication Technology; and
 - (i) any such other members as may be determined from time to time by the Board.

[Subsidiary]

(2) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—

- (a) the efficient management of the human, physical and financial resources of the University;
- (b) making proposals to the Council and the Senate on policies that have application across the entire institution;
- (c) develop and coordinate the University strategic and development plans;
- (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the university;
- (e) establish any University charges and fees; and
- (f) any other matters related to the management of the University.

23. The Deputy Vice-Chancellors

(1) The Council shall appoint two or more Deputy Vice-Chancellors of the University through a competitive process.

(2) The Deputy Vice-Chancellors shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the Statutes.

(3) The Deputy Vice-Chancellor of the University shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

24. The Principals of Constituent Colleges

(1) The Principal of a Constituent College shall be appointed competitively by the Council in consultation with the Board of Trustees 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 may be eligible for re-appointments for one further term.

25. The Principals of Colleges within the University and Campuses

(1) The Council shall, for each College, 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 periods as may be provided for in the Statutes and shall be eligible for re-appointment for one further term.

26. The Staff of the University

(1) The academic staff of the University shall consist of the Vice-Chancellor, Deputy Vice-Chancellors, Principals of Colleges and Campuses within the University, Professors, Librarian of the University and all members of staff who are engaged in teaching, research or extension in the University.

(2) The administrative or management staff of the University shall consist of members of staff not engaged in teaching or research work and shall include—

- (a) the Deputy Vice-Chancellor (Administration and Finance); and
- (b) non-teaching Departmental Heads.

(3) The technical staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar environment in the teaching department under the general direction of the heads of the teaching departments, and as the Council may determine from time to time.

(4) The support staff of the University shall consist of the staff engaged in general duties and as the Council may determine from time to time.

(5) 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 the services prescribed by the Statutes; or
- (b) in the case of a person seconded to the services of the University from the services of another institution, the government or any other institution, on terms and condition agreed upon between the Council and the seconding body.

(6) The Council may, subject to such restrictions as it may impose, delegate to any person or Committee either generally or specifically, the power to appoint any member of staff of the University.

(7) All members of staff shall—

- (a) be employed on a full-time basis except as otherwise specifically provided by the Statutes or by the terms of a particular appointment; and
- (b) be subject to the general authority of the Council and of the Vice-Chancellor.

27. Performance of Functions in absence of office holder

(1) In the event of the incapacity of the Vice-Chancellor, the Council shall, in consultation with the Board of Trustees and the Chancellor, appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of three months.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may, in consultation with the Board of Trustees and the Chancellor, appoint a member of academic staff of the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of three months.

(3) In the event of the incapacity of any member of staff of the University other than the Vice-Chancellor, or Deputy Vice-Chancellor, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity subject to a maximum of up to three months.

(4) In this paragraph, "incapacity" includes absence from Kenya or the inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

(5) Subject to the provisions of this paragraph, at the expiry of the above prescribed period, the position shall fall vacant and the process of filling the position as provided for in the Act, the Statutes, and regulations shall commence.

PART V – FINANCIAL PROVISIONS

28. Financial Year

(1) The financial year of the University shall be the period of twelve months which shall commence on the first day of January and ending on the thirty first day of December each year.

(2) In the event of any change in the financial year and for purposes of the transition from the old financial year to a new financial year consequent upon change, the transitional period, whether more or less than twelve months, shall be deemed for the purpose of this Charter to be a financial year.

29. University Funds and Resources

The funds of the University shall be derived from—

- (a) income from University auxiliary enterprises and investments;
- (b) tuition fees and other charges;
- (c) research grants; and consultancies;
- (d) research grants; and consultancies;
- (e) endowments, gifts and trusts; and
- (f) such other sources as the University may from time to time identify.

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30. Investment of Funds

(1) The University may invest any of the University funds in investments portfolios approved by the Council.

(2) The Council may place or deposit with such banks or financial institutions, as it may determine, any fund not immediately required for use by the University.

(3) The Council may, in consultation with the Board of Trustees, create or appoint other corporate bodies to manage its investments, pensions, provident funds, properties.

31. Annual Estimates

(1) The Council shall, three months before the commencement of a financial year, cause to be prepared an annual budget of estimates or revenue and expenditure of the University for that year.

(2) The budget shall make provision for all the estimated expenditure of the University for the fiscal year concerned, and in particular shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the University;
- (b) 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) the funding of the cost of institutional scholarships, teaching and research activities;
- (d) the development of the physical plan;
- (e) the proper maintenance of the building and grounds of the University;
- (f) the proper maintenance, repair and replacement of the equipment and other movable property of the University; and
- (g) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Board of Trustees deem fit.

(3) The annual budget shall be approved by the Council and ratified by the Board of Trustees before the commencement of the financial year to which it relates.

(4) No expenditure shall be incurred for the purposes of the University, except in accordance with subparagraph (3) above, or in pursuance of an authorization of the Board of Trustees.

32. Accounts and Audit

(1) The Council shall cause to be kept proper books and records of accounts of Income and expenditure, assets and liabilities of the University.

(2) The accounts of the University shall be audited annually by a firm of external auditors appointed by the Council.

(3) An auditor appointed under subparagraph (ii) shall report directly to the Council.

(4) The fees for the external auditors shall be fixed and paid by the Council.

(5) Within a period of three months from the end of each fiscal year, the Vice-Chancellor shall submit to the Council audited accounts of the University.

(6) The University shall maintain an internal audit.

PART VI – MISCELLANEOUS PROVISIONS

33. Instruments and symbols of Governance.

(1) The University shall be governed by the Act, this Charter and the Statutes.

(2) The symbols of authority shall be the seal, the mace, and the University logo.

(3) The University shall conspicuously display all its instruments of accreditation in its main premises.

(4) Where an instrument of accreditation is revoked under the Act, such instrument shall be returned to the accrediting authority within fourteen days of the revocation.

34. Instruments of Authority

Subject to this Charter, the University shall possess the University Mace, the Common Seal for signification of documents and the University Logo as its instruments of Authority.

35. Common Seal

(1) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct, as specified in the Statutes.

(2) The Common Seal of the University shall be authenticated by the signatures of—

- (a) the Vice-Chancellor; and
- (b) one other member of the Council duly authorized by the Council.

(3) The Common Seal of the University when affixed to any document and duly authenticated under this paragraph shall be judicially and officially noticed, and, unless and until the contrary is proved, order or authorization of the Council under this paragraph shall be deemed to have been duly given.

36. Statutes

(1) In the performance of its functions under this Charter, the 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—

- (a) the establishment of colleges, faculties, institutes and schools of the University;
- (b) the description of degrees, diplomas, certificates;
- (c) the defining of the requirements for conferment of degrees and award of diplomas and certificates;
- (d) the conduct of examinations;
- (e) prescribing fees and boarding charges;
- (f) setting the terms and conditions of service, and schemes of service, including the appointment, dismissal and recommendation of retiring benefits of the members of staff of the University;
- (g) describing the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council; and
- (h) prescribing the rules and regulations for student Association.

(2) Despite subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the Senate without first ascertaining the opinion of the Senate.

(3) The Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourth of the members present and voting, being not less than half of the total membership of the Council.

37. Variation and revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the Act.

38. Protection of the University Name

(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 an entity that includes the words "The East African" and "University" together in any order, unless the application for registration is accompanied by the written consent of the Council.

[Subsidiary]

(2) Any person who, except with the written consent of the Council, uses the words "The East African University" and "University", together in any order, and or 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 both.

(3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona fide* use by any person of any title in pursuance of the grant to her or him of a degree, diploma or certificate by the University.

39. Dissolution of the University

Subject to this Charter, if on the winding up or the dissolution of the University, there shall remain, after the satisfaction of all its debts and liabilities, any funds, assets and property, such funds, assets or property, shall be transferred to the Board of Trustees of the East African University Trust.
