



LAWS OF KENYA



**UNIVERSITIES ACT**

CHAPTER 210B

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**CHAPTER 210B**

**UNIVERSITIES ACT**

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## CHAPTER 210B

## UNIVERSITIES ACT

[Date of assent: 11th July, 1985.]

[Date of commencement: 1st August, 1985.]

**An Act of Parliament to make better provisions for the advancement of university education in Kenya and for connected purposes**

[L.N. 158/1985, Act No. 13 of 1988.]

## PART I – PRELIMINARY

**1. Short title**

This Act may be cited as the Universities Act.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“**charter**” means a charter granted by the President under this Act;

“**Commission**” means the Commission for Higher Education established by section 3;

“**course of study**” means the structure for degrees or other academic qualifications and the subjects of study in the course;

“**course regulations**” means any regulations or statutes of a university concerning the course of study for a degree or other academic qualification of that university;

“**public university**” means a university maintained or assisted out of public funds;

“**private university**” means a university established with funds other than public funds.

“**university**” means the University of Nairobi established by the University of Nairobi Act (Cap. 210), Moi University established by the Moi University Act (Cap. 210A), and any other university, whether public or private, established after the commencement of this Act;

## PART II – THE COMMISSION FOR HIGHER EDUCATION

**3. Establishment of the Commission for Higher Education**

(1) There is hereby established a Commission, to be known as the Commission for Higher Education, which shall be a body corporate with perpetual succession and a common seal.

(2) The Commission shall be capable in its corporate name of—

(a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

#### 4. Constitution of the Commission

(1) The Commission shall consist of—

- (a) a chairman and vice-chairman appointed by the President;
- (b) not more than fifteen and not less than eleven members appointed by the President by virtue of their experience in university education and research;
- (c) the Permanent Secretary to the Ministry for the time being responsible for university education;
- (d) the Permanent Secretary to the Ministry for the time being responsible for finance;
- (e) four persons appointed by the Minister to represent other areas of university education;
- (f) the Chief Secretary;
- (g) the Director of Personnel Management;
- (h) such other persons, not more than three in number, as the Commission may co-opt;
- (i) the Permanent Secretary to the Ministry for the time being responsible for planning and national development.

(2) The members of the Commission, other than *ex officio* members, shall hold office for a period of five years and shall then retire but shall be eligible for re-appointment.

(3) A member of the Commission other than an *ex officio* member or a member appointed under section 4(1)(e), may resign his appointment by a letter in writing addressed to the President.

(4) A member of the Commission appointed under section 4(1)(e) may resign his appointment by a letter in writing addressed to the Minister.

(5) A member of the Commission co-opted under section 4(h) may resign his appointment by a letter in writing addressed to the Commission.

[Act No. 19 of 1985.]

#### 5. Secretary to the Commission

(1) There shall be a secretary to the Commission who shall be appointed by the Minister and who shall be the chief executive of the Commission responsible for the management of the Commission's day-to-day business.

(2) The secretary shall be an *ex officio* member of the Commission but shall have no voting rights.

**6. Functions of the Commission**

The functions of the Commission shall be—

- (a) to promote the objectives of university education, namely the development, processing, storage and dissemination of knowledge for the benefit of mankind;
- (b) to advise the Minister on the establishment of public universities;
- (c) to accredit universities;
- (d) to co-ordinate the long-term planning, staff development, scholarship and physical development of university education;
- (e) to promote national unity and identity in universities;
- (f) to liaise with Government departments and the public and private sectors of the economy in matters relating to overall national manpower development and requirements;
- (g) to co-operate with the Government in the planned development of university education;
- (h) to examine and approve proposals for courses of study and course regulations submitted to it by private universities;
- (i) to receive and consider applications from persons seeking to establish private universities in Kenya and make recommendations thereon to the Minister;
- (j) to make regulations in respect of admission of persons seeking to enrol in universities and to provide a central admissions service to public universities;
- (k) to ensure the maintenance of standards for courses of study and examinations in the universities;
- (l) to advise and make recommendations to the Government on matters relating to university education and research requiring the consideration of the Government;
- (m) to collect, examine and publish information relating to university education and research;
- (n) to plan and provide for the financial needs of university education and research, including the recurrent and non-recurrent needs of universities;
- (o) to determine and recommend to the Minister the allocation of grants of money for appropriation by Parliament to meet the needs of university education and research and review expenditure by universities of moneys appropriated by Parliament;
- (p) to advise the Government on the standardization, recognition and equation of degrees, diplomas and certificates conferred or awarded by foreign and private universities;
- (q) to co-ordinate education and training courses offered in post secondary school institutions for the purposes of higher education and university admission;
- (r) to arrange for regular visitations and inspection of private universities;

- (s) to perform and exercise all other functions and powers conferred on it by this Act.

## **7. Procedure of the Commission**

(1) The chairman shall preside at all meetings of the Commission unless he is absent from a particular meeting in which case the vice-chairman shall preside.

(2) In the event of the chairman and the vice-chairman being absent from a meeting of the Commission the members present shall elect one of the members present at that particular meeting to preside.

(3) The Commission shall meet at least four times in each year, but the chairman may, and upon application in writing by five members shall, convene a special meeting of the Commission at any time.

(4) The quorum necessary for the transaction of the business of the Commission shall be twelve.

(5) All questions at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting.

(6) The chairman shall have, in case of equality of votes, a casting vote in addition to his deliberative vote.

(7) The Commission shall cause minutes of all proceedings of meetings of the Commission to be entered in books kept for that purpose.

(8) Subject to this Act, the Commission shall regulate its own proceedings.

## **8. Committees**

(1) The Commission shall, by resolution, appoint a Central Universities Admissions Committee and a Universities Grants Committee.

(2) The Universities Grants Committee shall consist of such members as may be appointed by the Commission.

(3) The Central Universities Admissions Committee shall consist of—

- (a) the chairman of the Commission;
- (b) The vice-chancellors of the public universities;
- (c) the Chief Secretary;
- (d) the Permanent Secretary to the Ministry for the time being responsible for university education;
- (e) the Director of Personnel Management;
- (f) seven other members appointed by the Commission.

(4) The Commission shall delegate to the Universities Grants Committee such of its functions as it may determine.

(5) The Central Universities Admissions Committee shall advise the Commission on the following matters—

- (a) the co-ordination of admissions to public universities on a national basis;

- (b) the establishment and maintenance by such means as it considers appropriate of equivalent educational standards as a prerequisite for university admission;
- (c) prescribing the minimum requirements upon compliance with which a person may become academically qualified for admission to a university.

(6) The Commission may, by resolution, appoint such other committees as it may think fit.

(7) The Commission shall prescribe the powers, duties and procedures of committees appointed by it under this section and the terms of office of persons appointed to those committees.

[L.N. 167/1985.]

### PART III – PROVISIONS RELATING TO PUBLIC UNIVERSITIES

#### **9. Powers of the Minister in relation to public universities**

(1) The Minister shall, on the advice of the Commission, promote university education for the benefit of the people of Kenya through the establishment and progressive development of public universities.

(2) For the purpose of exercising his powers under subsection (1), the Minister may from time to time formulate a development plan for the expansion of public universities consistent with the national plan for the economic and social development of Kenya.

### PART IV – ESTABLISHMENT OF PRIVATE UNIVERSITIES

#### **10. Application of Part**

This Part shall apply to private universities.

#### **11. Establishment of private universities**

(1) Every private university intended to be set up in Kenya shall be established by a charter granted by the President in accordance with the provisions of this Act.

(2) Any person wishing to establish a private university in Kenya shall make application in writing to the Commission in the prescribed manner, for the grant of a charter setting up the private university.

(3) An application for the grant of a charter shall be accompanied by a draft of the charter containing the matters specified under section 13.

(4) The Commission shall consider every application made under subsection (1) and submit it to the Minister together with its recommendations or observations and the Minister shall submit the application to the President together with any recommendations or observations which he may wish to make thereon.

#### **12. Granting of charters**

If, after considering the documents submitted to him under section 11(4), the President is of the opinion that the grant of a charter to the institution concerned

may be of benefit to the future development of university education in Kenya he may grant a charter either in form of the draft submitted to him or in such other form as he may consider appropriate.

### **13. Matters to be specified in a charter**

In addition to any other matter which the President may consider necessary, a charter shall contain the following matters—

- (a) the name of the private university;
- (b) the aims and objectives for which the private university is to be established;
- (c) the membership and government of the private university;
- (d) the extent to which, and the form in which, regulations may be made by such body of the private university as may be specified for the better functioning of the institution; and
- (e) the financial control and expenditure and the administrative control of other property of the university.

### **14. Publication of charter**

The Minister may, by notice in the *Gazette*, publish the charter and with effect from the date of publication of the charter the institution established by the charter shall be a body corporate by the name cited in the charter with perpetual succession and a common seal, and shall, in that 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 and lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts for the proper performance of its functions under the charter which may lawfully be done or performed by a body corporate.

### **15. Protection of name**

(1) Notwithstanding any other written law, no public officer performing functions relating to the registration of companies, business names or trade marks shall accept for registration a name which is identical to, or so similar as to be liable to confuse the public with, the name of a private university to which a charter has been granted under this Act unless the consent of the governing body of the university has been obtained.

(2) A person who, except with the written consent of the governing body of the university concerned, uses the name of the university to which a charter has been granted under this Act in furtherance of, or as, or in connection with, an advertisement for, any trade, business, calling or profession, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

**16. Variation and revocation of charter**

(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 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 generally.

(3) Where a charter is revoked under subsection (2) the Minister shall forthwith cause a notice of the revocation to be published in the *Gazette*, and the private university concerned shall cease to be a university at the expiry of one year from the date of publication of the notice; except so however that the revocation of a charter shall not affect the validity of the degrees previously granted by the university.

**PART V – MISCELLANEOUS PROVISIONS****17. Financial year**

(1) The financial year of the Commission shall be the period of twelve months commencing on such day in each year as the Government 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 the new financial year consequent upon that change, the transitional period, whether more or less than twelve months, shall be deemed for all the purposes of this Act to be a financial year.

**18. Annual estimates**

(1) The Commission shall submit to the Minister an estimate of its expenditure and income during the succeeding financial year six months before the commencement of the financial year.

(2) The Minister shall communicate to the Commission his approval of the annual estimates at least one calendar month before the commencement of the financial year.

(3) The annual estimates shall make provisions for all the estimates of expenditure of the Commission for the financial year and shall provide for—

- (a) the cost of administration of the Commission including payment of salaries, allowances, pensions, gratuities and other charges whatsoever payable to the staff and members of the Commission;
- (b) the payment of reimbursement to the members of the Commission;
- (c) the maintenance of any property vested in the Commission.

(4) No expenditure shall be incurred for the purposes of the Commission except in accordance with the annual estimates approved under subsection (2).

**19. Accounts and audit**

(1) The Commission shall cause to be kept all proper books and records of accounts for the income and expenditure and assets of the Commission.

(2) Within three months from the end of each financial year, the secretary of the Commission shall submit to the Auditor-General (Corporations) the accounts of the Council together with—

- (a) a statement of income and expenditure during the year; and
- (b) a statement of the assets and liabilities of the Commission existing at the end of the year.

[Act No. 13 of 1988, Sch.]

## **20. Appointment of auditors**

(1) The accounts of the Commission shall be audited by the Auditor-General (Corporations).

(2) The Auditor-General (Corporations) shall present to the Commission, within a period of six months after the end of each financial year, a report of the examinations and audit of the accounts and the report shall also be forwarded to the Minister.

(3) The Minister shall lay the Commission's report and the Auditor-General's (Corporations) report before the National Assembly within thirty days after the receipt of the reports by him, or if the National Assembly is not then sitting, within fourteen days after the commencement of the next sitting.

[Act No. 13 of 1988, Sch.]

## **21. Rules**

The Minister may, after consultation with the Commission, make rules generally for better carrying into effect of the provisions of this Act and in particular providing for the following purposes—

- (a) for the recruitment and terms and conditions of service, pension and other benefits for the employees of the Commission;
  - (b) enabling the Commission to make provisions for the boarding and lodging facilities for students in public universities;
  - (c) prescribing anything which may be prescribed under this Act.
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**CHAPTER 210B**

**UNIVERSITIES ACT**

**SUBSIDIARY LEGISLATION**

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**UNIVERSITIES (ESTABLISHMENT OF UNIVERSITIES) (STANDARDIZATION, ACCREDITATION AND SUPERVISION) RULES, 1989**

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[Subsidiary]

**UNIVERSITIES (ESTABLISHMENT OF UNIVERSITIES) (STANDARDIZATION,  
ACCREDITATION AND SUPERVISION) RULES, 1989**

[L.N. 56/1989, L.N. 160/2002.]

**PART I – PRELIMINARY**

**1. Citation**

These Rules may be cited as the University (Establishment of Universities) (standardization, Accreditation and Supervision) Rules, 1989.

**2. Interpretation**

In these Rules, unless the context otherwise requires—

“**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

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- (c) otherwise embark upon or continue with any activity preparatory to the establishment of facilities for university education,

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 UNIVERSITIES

### 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

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(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;

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- (d) the university when established is likely 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 constituting an interim authority to operate in the manner specified in paragraph (2) until such time as it is suspended or revoked, or until accreditation is granted in the manner set out in Part V.

(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 resources;
- (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. Refusal, 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 matter 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.

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[Subsidiary]

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).

[Subsidiary]

(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—

- (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
  - (iv) 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.

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**[Subsidiary]**

(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 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 Minister 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 OBLIGATION****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

[Subsidiary]

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

(1) 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.

### 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

(1) 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 Minister who may give such orders or instructions as he may consider necessary.



FIRST SCHEDULE—continued

Form ACC/CHE 2

(r. 5)

CERTIFICATE OF REGISTRATION OF AN EXISTING UNIVERSITY

This is to certify that—

Name of university .....

Administered or governed by .....

Postal address .....

Telephone..... being 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 ....., 20 .....

Commission Secretary



Form ACC/CHE 3

(rr. 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.

Universities

[Subsidiary]

FIRST SCHEDULE, Form ACC/CHE 3—continued

Name .....
Designation .....
Authorized signature .....
Full postal address .....

Form ACC/CHE 4

(r. 9)

LETTER OF INTERIM AUTHORITY TO ESTABLISH A NEW UNIVERSITY

Interim Authority is hereby given to—

Name .....
Address ..... Telephone .....

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 ....., 20 .....

Commission Secretary



SECOND SCHEDULE

[Rule 11 and 13.]

STANDARDS FOR PHYSICAL FACILITIES

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;

## [Subsidiary]

“**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;

“**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 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.

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**[Subsidiary]**

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 theaters, 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 theater;
- (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.

[Subsidiary]

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 (Cap. 242) 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 alternations 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.

### 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.

**[Subsidiary]**

- 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 (Cap. 242) 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 – ACADAMIC 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

No. of students	Space in square metres with desk and chair	Space in square metres with chairs only
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

[Subsidiary]

17. The total usable space provided for classroom 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

Course	Usable space in square metres per FTSE
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 office 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;
  - (v) 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 space 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;

**[Subsidiary]**

- (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 shall 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

Functional area	Minimum ceiling heights in metres
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 IB, 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 theater 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—

[Subsidiary]

TABLE 4 – Minimum space per seat in auditorium, lecture theatre and assembly hall

No. of Seats	Assignable space per seat in square metres
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 theaters 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—

TABLE 5 – Laboratory assignable space per FTSE

Laboratory Specialty	Assignable space per FTSE in square metres
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,

**[Subsidiary]**

- (iv) adequate lighting free of flare 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 specializations in medicine, surgery, obstetrics and gynaecology, pediatrics, 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 smitting and jewellery and museology laboratory;
- (b) workshop space for modeling 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.

[Subsidiary]

**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;
- (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 laborites 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.

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**[Subsidiary]**

**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;

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

#### 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;

[Subsidiary]

- (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 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 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;
- (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

**[Subsidiary]**

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, washhand 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 washhand 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, washhand 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 washhand 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 owing 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 owing 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 close 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.

## [Subsidiary]

**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 master plan 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 car 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 tenniquoit 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

[L.N. 160/2002.]

Activity	Fees (KSh.)
1. Application fee	50,000
2. Activities leading to granting of interim authority:	
(a) Evaluation of one academic programme	40,000
(b) Inspection of institution	90,000
(c) Issuance of letter of interim authority	60,000
3. Activities leading to award of charter:	
(a) Evaluation of one academic programme	80,000
(b) Evaluation of draft charter	30,000
(c) Inspection of institution	180,000
(d) Award of charter	120,000

*Universities*

[Subsidiary]

THIRD SCHEDULE—*continued*

Activity	Fees (KSh.)
4. Re-inspection of a chartered private university:	
(a) Evaluation of one academic programme	160,000
(b) Re-inspection of institution	600,000
5. Annual subscription fees	20,000

**UNIVERSITIES ACT**

[Cap. 210B.]

**UNIVERSITY OF EASTERN AFRICA, BARATON**

**CHARTER**

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, 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 Minister for Education on the said institution and the Minister is satisfied that the University of Eastern Africa, Baraton, be granted the charter;

AND WHEREAS the Minister 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, I, Daniel Toraitich amp ,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.

**CHARTER OF THE UNIVERSITY OF EASTERN AFRICA, BARATON, 1991**

[L.N. 111/1991.]

**ARRANGEMENT OF SECTIONS**

**PART I – PRELIMINARY**

*Section*

1. Short title.
2. Interpretation.

**PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY**

3. Establishment and incorporation.
4. The common seal and signification of documents.
5. Affiliated colleges.
6. Philosophy and objectives of the University.

**[Subsidiary]***Section*

7. Functions.
8. Degrees, diplomas, certificates and other awards.

## PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership.
10. Governance.
11. The Chancellor.
12. The Constituency.
13. The University Council.
14. The Administrative Board.
15. The General Faculty Assembly.
16. Committees.

## PART IV – ADMINISTRATION OF THE UNIVERSITY

17. The Vice-Chancellor.
18. The Deputy Vice-Chancellor.
19. The Registrar of Admissions and Records.
20. The Business Manager.
21. The Dean of Students.
22. Performance of duties during incapacity of office holder.

## PART V – FINANCIAL PROVISIONS

23. Funds and resources.
24. Budgeting.
25. Accounts and audit.

## PART VI – MISCELLANEOUS PROVISIONS

26. Statutes.
  27. Protection of name.
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**CHARTER OF THE UNIVERSITY OF EASTERN AFRICA, BARATON, 1991**

[L.N. 111/1991.]

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

PART I – PRELIMINARY

**1. Short title**

This Charter may be cited as the University of Eastern Africa, Baraton, Charter, 1991.

**2. Interpretation**

In this Charter, unless the context otherwise requires—

“**Act**” means the Universities Act (Cap. 210B);

“**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;

“**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: 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.;

**[Subsidiary]**

“**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 AND FUNCTIONS 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 Chairman 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 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;

**[Subsidiary]**

- (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 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 whose desires a high quality education and who is willing to co-operate with the policies of 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.

[Subsidiary]

(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 to 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.

[Subsidiary]

**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-chairman;
- (c) the Executive Director of the East African Union as second vice-chairman;
- (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;

**[Subsidiary]**

- (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 chairman; 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 Chairman;
- (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.

**[Subsidiary]**

- (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;
  - (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.

**[Subsidiary]**

(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 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.

(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.

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**CHARTER OF THE CATHOLIC UNIVERSITY OF EASTERN AFRICA, 1992**

ARRANGEMENT OF SECTIONS

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[Subsidiary]

PART VI – MISCELLANEOUS PROVISIONS

*Section*

- 32. Statutes.
  - 33. Protection of name.
-

**CATHOLIC UNIVERSITY OF EASTERN AFRICA CHARTER, 1992**

[L.N. 397/1992, Corr. No. 67/1992.]

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

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, 1989;

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

AND WHEREAS the Minister 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;

New wherefore, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act, I, Daniel Tor. oitich 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, 1992.

**2. Interpretation**

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

“**Act**” means the ‘Universities Act (Cap. 210B);

“**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.

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**[Subsidiary]**

“**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;

“**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;

[Subsidiary]

(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-Chairman 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.

[Subsidiary]

**6. Affiliation of institutions**

The University may enter into various types of academic linkages or affiliations within the AMECEA region as provided for 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 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;

## [Subsidiary]

- (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**

- (1) The members of the University shall be—
- (a) the Roman Pontiff or the Holy See;

**[Subsidiary]**

- (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;
- (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* Chairman 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 Chairman 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-Chairman 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 Chairman or of three members of the Council.

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**[Subsidiary]**

(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 *Sapientia 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 cannon 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;
- (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;

[Subsidiary]

- (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
- (f) 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 chairman;
- (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;

**[Subsidiary]**

- (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-Chairman 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;
  - (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 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. The Librarian**

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

[Subsidiary]

#### **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, 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.

[Corr. No. 67/1992.]

### **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—

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

[Subsidiary]

- (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 section 31(5).

[Corr. No. 67/1992.]

(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;

**[Subsidiary]**

- (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.

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APPENDIX

1. Hekima College—The Jesuit School of Theology.
  2. Tangaza Theological College.
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**UNIVERSITIES ACT**

[Cap. 210B.]

**DAYSTAR UNIVERSITY, 1994**

[L.N. 373/1994.]

**CHARTER**

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;

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 the Universities Rules, 1989;

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

AND WHEREAS the Minister 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, 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.

**CHARTER FOR DAYSTAR UNIVERSITY**

**ARRANGEMENT OF SECTIONS**

**PART I – PRELIMINARY**

*Section*

1. Short title.
2. Interpretation.

**PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY**

3. Establishment and Incorporation of Daystar University.
4. The Mission of the University.
5. The Philosophy of the University.
6. The Objects of the University.

**[Subsidiary]***Section*

7. The Functions of the University.
8. Colleges and Affiliated Institutions.
9. Conferment of Degrees, Diplomas, Certificates and Other Awards.
10. The Use of the Common Seal of the University.

**PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY**

11. Membership.
12. Governance of the University.
13. Daystar Company Limited.
14. The Chancellor.
15. The Council.
16. Functions of the Council.
17. The Senate.

**PART IV – MANAGEMENT OF THE UNIVERSITY**

18. The Management Board.
19. The Vice-Chancellor.
20. The Deputy Vice-Chancellors.
21. The Principals.
22. The Directors.
23. The Deans.
24. The Staff of the University.
25. Performance of Duties During the Incapacity of an Office Holder.
26. The Alumni Association.

**PART V – FINANCIAL PROVISIONS**

27. University Fiscal Year.
28. Sources of University Funds.
29. Investment of University Funds.
30. University Annual Budget.
31. Accounts and Audit.

**PART VI – MISCELLANEOUS PROVISIONS**

32. The Statutes.
  33. Protection of Name.
-

**A CHARTER TO ESTABLISH DAYSTAR UNIVERSITY**

[L.N. 373/1994.]

**A Charter to provide for the establishment, control, governance and administration of Daystar University, and for connected purposes.**

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

This Charter may be cited as the Daystar University Charter, 1994.

**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);

“**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;

“**Satutes**” means the statutes of Daystar University made by the Council under section 32;

**[Subsidiary]**

“**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 interdenominational 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 Daystar 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—
  - (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;

**[Subsidiary]**

- (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.

**[Subsidiary]**

(2) The Common seal of the University shall be authenticated by the signature of the Chairman 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 Chairman of the Council;
- (b) Vice-Chairman 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 in the following persons and bodies—

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

**13. Daystar Company Limited**

The DayStar 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 Chairman 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 Chairman of the Council;
- (b) Vice-Chairman 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;

**[Subsidiary]**

- (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;
    - (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.

[Subsidiary]

(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 Chairman of the Council, as its chairman, 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.

**[Subsidiary]**

(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 Chairman 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 Chairman;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals;
- (d) the Directors;
- (e) the Deans of Faculties;
- (f) the Chairmen 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;

[Subsidiary]

- (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 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 Chairman;
- (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;

**[Subsidiary]**

- (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) under take any other functions and duties as maybe 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;
- (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;

[Subsidiary]

- (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—

- (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 on 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;

**[Subsidiary]**

- (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 of 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.

(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;

**[Subsidiary]**

- (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.

[Subsidiary]

(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 statute shall not be in contravention of any provision of this Charter.

**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 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 of the University.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**SCOTT THEOLOGICAL COLLEGE, 1997**

[L.N. 536/1997.]

**CHARTER**

WHEREAS the African 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;

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

AND WHEREAS the Minister 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, 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.

**CHARTER FOR SCOTT THEOLOGICAL COLLEGE, 1997**

## ARRANGEMENT OF SECTIONS

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*Section*

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2. Interpretation.

## PART II – ESTABLISHMENT AND FUNCTIONS OF THE COLLEGE

3. Establishment and Incorporation of Scott Theological College.
4. Type of Institution.
5. Mission of the College.
6. Distinctives of the College.
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**[Subsidiary]***Section*

8. Objects of the College.
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10. Academic affiliations.
11. Conferment of degrees, diplomas, certificates and other awards.
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**A CHARTER TO ESTABLISH SCOTT THEOLOGICAL COLLEGE, 1997**

[L.N. 536/1997.]

**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, 1997.

**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, 1985;

“**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;

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

“**Chairman of the Governing Council**” means the Chairman 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;

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**[Subsidiary]**

“**Financial Year**” means the financial year of Scott Theological College established 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 Government Council as Registrar under section 27;

“**Statutes**” means the Statutes of Scott Theological College promulgated by the Governing Council under section 40;

“**Student**” means a person registered as such by the College;

“**Student Council**” means the body of students of the College established under section 32;

“**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-Chairman**” means the Vice-Chairman 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;

[Subsidiary]

- (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 distinctive 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 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

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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 had 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 bornagain 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.

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- (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 1 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;
- (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 prayers and worship;

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- (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 fulfill 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.

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(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 judgment 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 services in the advancement of ecclesiastical or theological endeavors, 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) Chairman of the Governing Council;

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- (c) Members of the Governing Council;
- (d) Principal;
- (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 Father and 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 guilty 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 Government 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) Chairman 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 Chairman 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) Chairman of the Governing Council;
- (b) Chairman 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 Government Council for special services. A co-opted member shall serve for no 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.

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(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 Chairman 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 Chairman, or determined by a simple majority of members present, to be a matter of policy.

(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 Chairman shall be entitled to an original and to a casting vote.

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

- (a) Chairman, appointed by the Central Church Council;
- (b) Vice-Chairman, 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-Chairman 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-Chairman of the Governing Council shall perform such functions of the Chairman of the Governing Council as are necessary to be performed during the absence or incapacity of the Chairman.

(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 judgment 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. Chairman of the Governing Council**

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

(2) The Chairman 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 Chairman 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 fulfillment 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 fulfillment 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 fulfillment 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;

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- (j) provide direction and approval for the expansion and development of the College;
- (k) authorise academic affiliation 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 organizations 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;
- (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 Colleges;
- (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) Chairman of the Governing Council, as its chairman;
- (b) Vice-Chairman;
- (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 Chairman 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 chairman;
- (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;

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- (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;
- (t) administer scholarship; fellowship 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 Chairman;
  - (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 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;

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- (d) recommend to the Academic Council and the Governing Council, management polices 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 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.

**[Subsidiary]****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.

**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.

[Subsidiary]

(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, Head 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 Chairman of the Governing Council, or in his absence, the Vice-Chairman, 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 Chairman of the Governing Council, in consultation with the Central Church Council.

**[Subsidiary]**

(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—

- (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 account 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.

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[Subsidiary]

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 Chairman 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 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.

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(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 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 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 *bona fide* 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 varied or revoked in accordance with section 16 of the Universities Act, (Cap. 210B).

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**UNIVERSITIES ACT**

[Cap. 210B.]

**UNITED STATES INTERNATIONAL UNIVERSITY, 1999**

[L.N. 181/1999.]

**CHARTER**

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 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 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 Minister for

Education on the said institution and the Minister is satisfied that the United States International University, be granted the charter;

AND WHEREAS the Minister 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, I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, grant the charter annexed thereto to United States International University.

**CHARTER FOR UNITED STATES INTERNATIONAL UNIVERSITY, 1999**

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

**[Subsidiary]**

## PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

*Section*

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## PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

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10. The Trustees.
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18. The Vice-Chancellor.
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**A CHARTER TO ESTABLISH UNITED STATES INTERNATIONAL UNIVERSITY,  
1999**

[L.N. 181/1999.]

PART I – PRELIMINARY

**1. Short title**

This Charter may be cited as the United States International University Charter, 1999.

**2. Interpretation**

In this Charter, unless the context otherwise requires—

“**Academic employees**” means all employees on academic terms of service and includes faculty;

“**Act**” means the Universities Act, (Cap. 210B);

“**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. 210B);

“**Faculty**” means all teaching staff of USIU;

“**Faculty Senate**” means the institution established under section 13;

“**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.

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**[Subsidiary]**

(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) This 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, analyze, 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

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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 eligibly 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 under 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
- (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

(1) 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;

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- (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 other wise 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.

(2) Graduation ceremonies at which degrees are conferred shall be held at least once a year and shall be conducted in accordance with the procedures prescribed by a resolution 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.

**PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY****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 chairman, and vice-chairman, 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 chairman. The specific time and place of the meetings will be determined by the chairman 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 chairmen 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

**[Subsidiary]**

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 chairman 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;
  - (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.

**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.

[Subsidiary]

(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.

(4) The Staff Council shall exercise such powers and functions as may be provided for in its constitution, as approved by the Chancellor and the Board upon recommendation of the Vice-Chancellor which powers and functions shall include—

- (a) contributing to the success of the University, the growth and welfare of its staff employees;

**[Subsidiary]**

- (b) making studies, reports and recommendations on all matters which have significant bearing on the work, benefits and environment of the staff;
- (c) working jointly with other associations at the University; and
- (d) representing the staff within the University governance system.

(5) standing committees shall be established by the Staff Council.

(6) The Staff Council shall establish a calendar of regular business meetings at the first meeting of each session.

**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.

**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.

## PART IV – ADMINISTRATION OF THE UNIVERSITY

**18. The Vice-Chancellor**

(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 approved 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.

[Subsidiary]

## **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 (12) 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 (12) 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 (6) 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—

- (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. Statutes**

(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. 210B).

(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 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 generally.



**UNIVERSITIES ACT**

[Cap. 210B.]

**AFRICA NAZARENE UNIVERSITY, 2002**

[L.N. 166/2002.]

**CHARTER**

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;

AND WHEREAS the Commission for the 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 the Africa Nazarene University 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 Minister for Education on the said institution, and the Minister 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, I, Daniel Toroitich arap Moi, president and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hereby grant the Chapter annexed hereto to Africa Nazarene University.

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**CHARTER FOR AFRICA NAZARENE UNIVERSITY**
**ARRANGEMENT OF SECTIONS****PART I – PRELIMINARY***Section*

1. Short title.
2. Interpretation.

**PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY**

3. Establishment and Incorporation of Africa Nazarene University.
4. Location of the University.
5. Vision and Mission of Africa Nazarene University.
6. Philosophy of the University.
7. Aims and Objectives of the University.

**[Subsidiary]***Section*

8. Functions of the University.
9. Establishment of Colleges, Seminaries, Faculties, Schools and Institutes.
10. Conferment and withdrawal of Degrees and other Awards.

## PART III – MEMBERSHIP OF THE UNIVERSITY

11. Membership of the University.
12. Alumni Association.

## PART IV – GOVERNANCE AND MANAGEMENT OF THE UNIVERSITY

13. Organs of Governance.
14. Chancellor of the University.
15. University Council.
16. Functions of the University Council.
17. Vice-Chancellor of the University.
18. Senate.
19. Administrative Board.
20. Deputy Vice-Chancellors.
21. Staff of the University.
22. Performance of Duties during the Incapacity of an Office Bearer.

## PART V – FINANCIAL PROVISIONS

23. Funds of the University.
24. Financial Year.
25. Annual Budget.
26. Audit.

## PART VI – MISCELLANEOUS PROVISIONS

27. Common Seal and Signification of Documents.
  28. Power to make Statutes.
  29. Protection of Name.
  30. Variation and Revocation of the Charter.
  31. Dissolution of the University.
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**A CHARTER TO ESTABLISH AFRICA NAZARENE UNIVERSITY, 2002**

[L.N. 166/2002.]

**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, 2002.

**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;

“**church**” means the Church of the Nazarene;

“**Council**” means the Council of the University established in accordance with section 15;

“**deputy vice-chancellor**” means a Deputy Vice-Chancellor of the 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, 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;

**[Subsidiary]**

“**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 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 the 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 granted under the Universities Act (Cap. 210B).

(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 accepts 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 student 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 fulfill 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—

- (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) Instill in the students values that will help them stand up against discrimination on the basis of race, denomination, gender or irrelevant handicaps.

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[Subsidiary]

## 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 of 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.

**[Subsidiary]**

(4) The Chancellor, shall among other qualifications, be a holder of at least a master degree and shall have had wide experience in the management of institutions of higher education, public service, church or community service.

**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 this 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 the 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.

**[Subsidiary]****18. Senate**

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;
- (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, certificates 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;

[Subsidiary]

- (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 scholarship, 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 there under 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 of 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.

**[Subsidiary]**

(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.

(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 the office.

**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

[Subsidiary]

- (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 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 University for that year.

(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.

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[Subsidiary]

PART VI – 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 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 Kenya, and if such a person be a member of staff of the University he or she shall be liable to disciplinary action by the Council:

Provided that nothing in this subsection shall be constructed 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.

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**UNIVERSITIES (CO-ORDINATION OF POST SECONDARY SCHOOL  
INSTITUTIONS FOR UNIVERSITY EDUCATION) RULES, 2004**

ARRANGEMENT OF RULES

*Rule*

1. Citation.
  2. Interpretation.
  3. Application for validation of programmes.
  4. Appointment of Committee.
  5. Issuance of certificate of validation.
  6. Register of institutions
  7. Effect of validation.
  8. Variation and revocation of certificate of validation.
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  10. Preparation of course standards.
  11. Submission and evaluation of reports.
  12. Application for authority to collaborate.
  13. Effects of grant of authority to collaborate.
  14. Variation and revocation of authority to collaborate.
  15. Obligations of institutions.
  16. Fees.
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[Subsidiary]

**UNIVERSITIES (CO-ORDINATION OF POST SECONDARY SCHOOL  
INSTITUTIONS FOR UNIVERSITY EDUCATION) RULES, 2004**

[L.N. 112/2004.]

**1. Citation**

These Rules may be cited as the Universities (Co-ordination of Post Secondary School Institutions for University Education) Rules, 2004.

**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 sub-rule (1) shall be in Form PSSI/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;

[Subsidiary]

- (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) but who is not an employee or a sponsor of the applicant; and
- (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 sub-rule (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 sub-rule (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 coloration;

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**[Subsidiary]**

- (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 sub-rule (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 sub-rule (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 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 sub-rule (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;

[Subsidiary]

- (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 Schedule to the affected institution and shall cause the notice to be published in the *Gazette*.

(5) A certificate of validation issued under these Rules shall be deemed revoked on the date of publication of the notice under sub-rule (4) but such revocation shall not—

- (a) affect the validity of programmes and academic awards granted by the institution before the date of revocation; or
- (b) affect the study of students admitted to the programmes before the date of revocation.

### 9. Misrepresentation by institution

It shall be an offence for a person or post secondary school institution to advertise or in any other manner pass off an institution as an institution offering validated programmes if a certificate of validation has not been granted to such an institution, or after such certificate has been revoked in accordance with these Rules.

### 10. Preparation of course standards

(1) The Commission shall prepare and publish in the *Gazette* course standards for the purposes of co-ordination of programmes post secondary school institutions.

(2) Notwithstanding the generality of paragraph (1), the course standards shall set out—

- (a) the minimum entry requirements for admission to any programmes offered at a post secondary school institution;
- (b) the minimum number and duration of courses that shall be offered;
- (c) the proficiency assessed in terms of content and contact hours, which students are expected to attain in respect of the programmes;
- (d) the level or academic training which persons seeking recruitment into the teaching staff of the post secondary school institution shall possess;
- (e) the basic ethical standards that shall regulate the conduct of all members of the post secondary school institutions.

(3) The Commission may, at the request of a post secondary school institution or of its own motion indicate the specific steps to be taken towards the attainment of the course standards referred to in sub-rule (2).

### 11. Submission and evaluation of reports

(1) Every post secondary school institution issued with a certificate of validation shall prepare and submit to the Commission—

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

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**[Subsidiary]**

(2) The Commission shall deliberate on the reports submitted under sub-rule (1) and make any comments or give any instructions for action 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.

(3) 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.

(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 sub-rule (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 sub-rule (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 the 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

[Subsidiary]

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 sub-rule (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.

[Subsidiary]

SCHEDULE

Form PSSI/CHE 1

(r. 3(2))

APPLICATION FOR VALIDATION OF PROGRAMMES

- 1. Name of Institution .....
- 2. Postal and Physical Address .....
- 3. Telephone .....
- 4. (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) .....
- 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

SCHEDULE—continued

Form PSSI/CHE 3

(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 .....

[Subsidiary]

SCHEDULE, Form PSSI/CHE 5—continued

- 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 .....
- 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) .....

SCHEDULE—continued

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 .....

Physical Address .....

Telephone .....

To offer the programme known as .....

For the award of .....

Dated this ..... day of ..... 20 .....

COMMISSION SECRETARY

SEAL

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**UNIVERSITIES ACT**

[Cap. 210B.]

**KENYA METHODIST UNIVERSITY, 2006**

[L.N. 130/2006.]

**CHARTER**

This Legal Notice shall be deemed to have come into operation on 28th June, 2006.

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 Minister for Education on the said institution and the Minister is satisfied that the Kenya Methodist University, be granted the Charter;

AND WHEREAS the Minister 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, 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.

**CHARTER FOR KENYA METHODIST UNIVERSITY**

**ARRANGEMENT OF SECTIONS**

**PART I – PRELIMINARY**

*Section*

1. Short title.
2. Interpretation.

**PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY**

3. Establishment and incorporation of Kenya Methodist University.
4. Affiliation of Institutions.
5. Mission, philosophy and objectives.

**[Subsidiary]***Section*

6. Functions of the University.
7. Conferment and revocation of degrees, diplomas, certificates and other awards.
8. Common seal.

## PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

9. Membership.
10. Governance.
11. Chancellor.
12. Board of Trustees.
13. Council.
14. Senate.
15. Alumni Association.

## PART IV – ADMINISTRATION OF THE UNIVERSITY

16. Vice-Chancellor.
17. Management Board.
18. Deputy Vice-Chancellor.
19. Principals of Constituent colleges.
20. Registrars.
21. University Librarian.
22. Deans.
23. Financial Controller.
24. University Chaplain.
25. Performance of duties during the incapacity of an office bearer.

## PART V – FINANCIAL PROVISIONS

26. Financial year, estimates and budget.
27. Audit.
28. Funds and resources.

## PART VI – MISCELLANEOUS PROVISIONS

29. Interpretation of Charter.
  30. Statutes.
  31. Protection of name.
  32. Dissolution of the University.
  33. Variation and revocation of Charter.
-

**A CHARTER TO ESTABLISH KENYA METHODIST UNIVERSITY, 2006**

[L.N. 130/2006.]

**A Charter to provide for the establishment, control, governance and administration of Kenya Methodist University and for connected purposes.**

## PART I – PRELIMINARY

**1. Short Title**

This Charter may be cited as the Kenya Methodist University Charter, 2006.

**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 210B of the Laws of Kenya);

“**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 of the Laws of Kenya) 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;

“**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 Kenya Methodist 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.

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**[Subsidiary]**

(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. 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**

## (1) 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;
- (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.

**[Subsidiary]**

(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;
- (f) one representative of affiliated institutions;
- (g) two members of the Board of Trustees;
- (h) one person as the Board of Trustee 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.

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**[Subsidiary]**

(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.

(3) The Vice-Chancellor shall be the chairperson of the Senate.

(4) The Registrar for the time being in charge of academic affairs shall be secretary to the Senate.

(5) 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.

(6) 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.

**[Subsidiary]**

(7) The Senate shall establish such committees as it deems necessary for efficient and effective discharge of its functions.

(8) The Senate shall receive and deliberate on the reports from the committees and constituents colleges.

(9) 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.

(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.

[Subsidiary]

(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.

[Subsidiary]

### **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.
- (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;

**[Subsidiary]**

- (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.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**PAN AFRICA CHRISTIAN UNIVERSITY CHARTER, 2008**

[L.N. 45/2008.]

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 Minister for Education on the said institution, and the Minister is satisfied that Pan Africa Christian University be granted the Charter;

AND WHEREAS the Minister 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, 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 University.

**CHARTER FOR PAN AFRICA CHRISTIAN UNIVERSITY**

## ARRANGEMENT OF SECTIONS

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*Section*

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4. Mission and philosophy of the University.
5. The objectives and functions of the University.
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**[Subsidiary]**

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*Section*

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**CHARTER FOR PAN AFRICA CHRISTIAN UNIVERSITY, 2008****1. Short title**

This Charter may be cited as the Pan Africa Christian University Charter, 2008.

**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;

“**faculty**” means an academic sub-division 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 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 and incorporation of the University**

(1) There is established Pan Africa Christian University.

(2) The University is a body corporate which—

(a) is to have a Seal;

**[Subsidiary]**

- (b) may sue and be used;
- (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 the 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 orthodox. 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 servanthood.

**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 Africa 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 equipments necessary for carrying out academic and research programmes;
- (e) to conduct examinations and award degrees, diplomas, certificates and other awards of the University;

[Subsidiary]

- (f) to establish linkages, affiliations or collaborative ventures with individual, 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 functions, 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 in contracts;
- (e) acquire, hold and dispose of real or personal property;
- (f) erect buildings and structures and carry out works;
- (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;
- (b) authenticated by the signature of the Vice-Chancellor and countersigned by one other University officer as authorized by the Council.

(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. Members

The members of the University are—

- (a) Trustees;
- (b) the Chancellor;
- (c) the Members of the University Council;
- (d) the Vice-Chancellor;

**[Subsidiary]**

- (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; and
- (e) the Senate.
- (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 chairman 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 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

[Subsidiary]

- (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 Chairman 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 Chairman, the Council is to appoint any other person from among members to serve as the Chairman 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 Chairman;
- (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 a vacant under sub-section (5), the chairman 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.

(9) For all meetings of the Council, the number and the quorum is to be determined in the Statutes.

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[Subsidiary]

**13. Functions of the Council**

- (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 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 Board**

- (1) 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 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 organization;
  - (j) one representative of faculty;
  - (k) one representative of staff; and
- (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;

**[Subsidiary]**

- (c) to propose regulations to be approved by the Council regarding the eligibility of persons for admission to a course of study;
- (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 programmes 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. The 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, organization, 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.

[Subsidiary]

#### **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
- (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 the University staff are subject to the authority of the University Council through the Executive Board and the Vice Chancellor.

#### **27. Student's 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 University,
- (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

[Subsidiary]

- (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 incapacity or absence of the Vice Chancellor and Deputy 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.

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[Subsidiary]

### 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 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.

### 33. Investment of funds

The Executive Board, with approval of the Council, may—

- (a) invest; or
- (b) deposit with a bank;
- (c) 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 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 African 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; or
- (e) profession,
- (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.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**STRATHMORE UNIVERSITY CHARTER, 2008**

[L.N. 86/2008.]

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 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 Minister for Education on the said institution, and the Minister is satisfied that Strathmore University be granted the Charter;

And whereas the Minister 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, 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.

**CHARTER FOR STRATHMORE UNIVERSITY, 2008**

## ARRANGEMENT OF SECTIONS

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**A CHARTER TO ESTABLISH STRATHMORE UNIVERSITY CHARTER, 2008**

[L.N. 86/2008.]

## PART I – PRELIMINARY

**1. Short title**

This Charter may be cited as the Strathmore University Charter, 2008.

**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 organisation 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;

“**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;

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**[Subsidiary]**

“**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 organisation.

(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;
- (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.

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[Subsidiary]

### 8. The seal

(1) The seal of the University is to be kept by the University Secretary in 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 Chairman 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 authorisation 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 subsection (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.

[Subsidiary]

**14. Functions of the University Council**

(1) The functions of the University Council are—

- (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 authorise 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 authorise the payment or application of moneys 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.

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**[Subsidiary]**

(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.

(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 membership to the Board.

(6) A Faculty Board is to have powers to establish Departmental or Centre Boards.

(7) 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.

(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.

**[Subsidiary]**

- (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.

**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.

[Subsidiary]

(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.

**[Subsidiary]**

(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.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**KENYA HIGHLANDS EVANGELICAL UNIVERSITY CHARTER, 2010**

WHEREAS the Board of Trustees of Kenya Highlands Evangelical University, situated in the Republic of Kenya, wishes to establish an institution in the name of Kenya Highlands Evangelical University;

AND WHEREAS the said Kenya Highlands Evangelical 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 Evangelical University are consistent with the advancement of university education in Kenya;

AND WHEREAS the Commission for Higher Education is also satisfied that Kenya Highlands Evangelical 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 Minister for Higher Education, Science and Technology on the said institution and the Minister is satisfied that Kenya Highlands Evangelical University has met the minimum requirements to be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of these powers conferred upon me by section 12 of the Universities Act, 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 Evangelical University.

**KENYA HIGHLANDS EVANGELICAL UNIVERSITY CHARTER**

## ARRANGEMENT OF SECTIONS

## PART I – PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

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

3. Establishment and Incorporation of Kenya Highlands University.
4. Philosophy of the University.
5. Objects and functions of the University.

**[Subsidiary]***Section*

6. Powers of the University.
7. The Common Seal.

## PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

8. Members.
9. Governance.
10. Board of Trustees.
11. The Chancellor.
12. The University Council.
13. Functions and powers of the University Council.
14. The Management Board of the University.
15. The Senate.

## PART IV – ADMINISTRATION OF THE UNIVERSITY

16. Officers of the University.
17. The Vice-Chancellor.
18. The Deputy Vice-Chancellor.
19. Registrar.
20. University librarian.
21. University Chaplain.
22. The Dean.
23. The Director.
24. Other principal officers.
25. Staff of the University.
26. Performance of Duties during the incapacity of the Vice-Chancellor and other senior officers.
27. Students Association.
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**KENYA HIGHLANDS EVANGELICAL UNIVERSITY CHARTER, 2010**

[L.N. 41/2011.]

## PART I – PRELIMINARY

**1. Short title**

This Charter may be cited as the Kenya Highlands Evangelical University Charter, 2010

**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 Evangelical University incorporated under the Trustees (Perpetual Succession) Act, (Cap. 164);

“**Charter**” means the Charter for Kenya Highlands Evangelical 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;

“**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 Evangelical 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.

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

**3. Establishment and Incorporation of Kenya Highlands Evangelical University**

(1) There is established a university to be known as Kenya Highlands Evangelical University which shall be constituted in accordance with the provisions of this Charter.

**[Subsidiary]**

(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.

**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 (I 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.

[Subsidiary]

(4) Notwithstanding the provisions of sub-section (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;
- (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;

**[Subsidiary]**

- (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 endeavour.
- (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 postdoctoral 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.

**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.

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[Subsidiary]

### 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.

(2) 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.

(3) The Vice-Chancellor shall be the secretary to the Council.

(4) Members of the Council other than the *ex-officio* members shall hold office for a term of five years renewable for one further term.

(5) 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;

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- (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.

(6) The procedure, conduct and regulation of the Council meetings shall be as prescribed in the Statutes.

(7) 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.

(8) 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 behaviour;
- (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 interrelationship between the university and other institutions of learning;
- (h) determine the various academic staff ranks and management staff positions;

**[Subsidiary]**

- (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;
- (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 Chairman 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.

[Subsidiary]

## 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.

(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.

**[Subsidiary]**

(6) The University staff may establish a University Staff Welfare Association to cater for welfare of the University staff members which

**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.

**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 Evangelical 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.

## PART V – FINANCIAL PROVISIONS

**29. Financial Year and Budget**

(1) The fiscal year of the University shall be the period of and 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

[Subsidiary]

**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.

[Subsidiary]

(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.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**MOUNT KENYA UNIVERSITY CHARTER**

WHEREAS the Board of Trustees 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 Minister for Higher Education, Science and Technology on the said institution, and the Minister is satisfied that Mount Kenya University be granted the Charter;

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

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

NOW WHEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 12 of the Universities Act, 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.

**MOUNT KENYA UNIVERSITY CHARTER, 2011**

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2. Interpretation.

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**[Subsidiary]**

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[Subsidiary]

**MOUNT KENYA UNIVERSITY CHARTER, 2011**

[L.N. 8/2011.]

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

This Charter may be cited as the Mount Kenya University Charter, 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 Trustees of Mount Kenya University Trust incorporated under the Trustees (Perpetual Succession) Act, (Cap.164);

“**Campus**” means a tuition facility used wholly or partly for the conduct of university education;

“**Constituent Campus**” means an extension Campus established by the University;

“**Centre**” means a facility used wholly or partly for marketing and promotion of the university;

“**Chancellor**” means a person appointed as the Chancellor of the University under section 11;

“**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 or school of the University established under this Charter;

“**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**” means provision of training, research and community services for non commercial purposes;

“**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;

“**Senate**” means the Senate of the University established under section 17;

“**Staff**” means the staff of the University as set out in this Charter;

“**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 the person appointed by the Board as the Vice-Chancellor of the University under section 19.

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

### 3. Establishment and Incorporation of Mount Kenya University

(1) There is established a non-profit making 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.

### 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 the 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;

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**[Subsidiary]**

- (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 establish or liaise with development foundations to advance the cause of the University within and without Kenya.
- (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;
  - (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;

**[Subsidiary]**

- (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 the Trustees or Managers of 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.

**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 social responsibility; and
- (l) doing all other things necessary in advancing knowledge and discharge of its functions.

**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.

**[Subsidiary]**

(2) The Common Seal of the University shall be authenticated by the signature of the Chairman of the University Council and the Vice-Chancellor or any other University officer as prescribed by the Statutes.

(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.

**PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY****8. Members**

The members of the University shall 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) Principals of Constituent 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) University Librarian;
- (l) the Registrar(s);
- (m) the Legal Secretary;
- (n) the Finance Director;
- (o) the Human Resource Director;
- (p) the Marketing Director;
- (q) Chaplain(s);
- (r) members of the Senate; and
- (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.

**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 of Trustees;
- (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.

**10. Board of Trustees**

The Board of Trustees 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 University matters as within the mandates of Trustees as spelt out in Trust Deed and Certificate of Incorporation.

**11. The Chancellor**

(1) The Chairman of the Board of Trustees may be the Chancellor, in absence of any other person appointed by the Board.

(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 who shall, in this capacity, be the Pro-Chancellor or any other person assigned by the Board.

(4) In the event of incapacity of the Chancellor, the Board shall appoint the Pro-Chancellor 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.

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[Subsidiary]

## 12. The Pro-Chancellor(s)

(1) The Board shall 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) shall be appointed upon the terms and conditions of service prescribed by the Statutes or the instrument of appointment.

## 13. The University Council

(1) There is established a Council to be known as the University Council appointed by the Board subject to subsection (2) and shall consist of—

- (a) the Chairman;
- (b) the Vice-chairman;
- (c) the Vice-Chancellor, who shall be the secretary and an *ex officio* member;
- (d) Pro-Chancellor(s) as an *ex officio* member; and
- (e) not more than ten persons appointed by the Board.

(2) The Board shall appoint not more than four members of the Board to the Council.

(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 Chairman and the Vice-Chairman, the Council shall appoint any other person, except an *ex officio* member, from among its members to serve as the Chairman 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;
- (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 sub-section (8), the Secretary to the Council shall notify the vacancy to the appointing body.

[Subsidiary]

(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.

#### **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 senior 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 cooperation with other universities, or other institutions of learning;
- (g) approve the recommendations or proposals for establishment of constituent colleges, 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.

#### **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-Chancellor, for the time being in charge of Finance and Administration, as the Secretary or in his or her absence any other Deputy Vice-Chancellor; and
- (c) not more than eight other members of the University designated by the Board in consultation with the Council.

(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.

**[Subsidiary]****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 Board;
  - (e) to recommend prudent operational systems to the Council relating to schemes of service, salaries, benefits and other staff motivational schemes to be approved by the Board;
  - (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.

**17. 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(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;
  - (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;

**[Subsidiary]**

- (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 a faculty;
- (j) approve the academic calendar;
- (k) formulate and recommend to the Council regulations governing the conduct and discipline of faculty and students of the University;
- (l) recommend changes that may be made in the Statutes for the better management of academic affairs;
- (m) recommend 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 semester.

(6) The procedure, conduct, regulation of the affairs of the Senate shall be determined by the Statutes.

#### 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 consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor(s);
- (c) the Legal Secretary;
- (d) Principals of Constituent Colleges;
- (e) Registrar(s);

**[Subsidiary]**

- (f) Finance Director;
- (g) Marketing Director;
- (h) the University Librarian;
- (i) Human Resource Director;
- (j) Chaplain(s);
- (k) Directors; and
- (l) 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 Board.
- (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 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 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 Board 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-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. The Legal Secretary**

(1) The Legal Secretary shall be appointed by the Board upon terms and conditions of service prescribed by the Statutes or the instrument of appointment.

(2) The Legal Secretary shall be an advocate of the High Court of Kenya.

(3) The Legal Secretary shall be responsible for legal services and such other duties as may be set out by the Board.

**22. Principals of Constituent Colleges**

(1) There shall be Principals of Constituent Colleges appointed by the Council in consultation with the Board, as may be necessary.

(2) The duties, responsibilities and terms of office of Principals of Constituent Colleges shall be prescribed by the Statutes or the instrument of appointment.

(3) Principals of Constituent Colleges shall be answerable to the Vice-Chancellor.

**23. Registrar(s)**

(1) There shall be the Registrar(s) of the University appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Registrar(s) shall be prescribed by the Statutes or the instrument of appointment.

(3) The Registrar(s) shall be answerable to the Deputy Vice-Chancellor.

**24. Finance Director**

(1) There shall be the Finance Director, who shall report to the Deputy Vice Chancellor (Administration and Finance), appointed by the Council in consultation with the Board.

(2) The terms and conditions of service of the Finance Director shall be prescribed in the Statutes or the instrument of appointment.

**25. Marketing Director**

(1) There shall be the Marketing Director of the University appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Marketing Director shall be prescribed by the Statutes or the instrument of appointment.

**26. Human Resource Director**

(1) There shall be the Human Resource Director of the University appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Human Resource Director shall be prescribed by the Statutes or the instrument of appointment.

**27. Chaplain(s)**

(1) There shall be the Chaplain(s) of the University appointed by the Council.

(2) Terms of employment, duties and responsibilities of the Chaplain(s) shall be prescribed by the Statutes or the instrument of appointment.

[Subsidiary]

**28. 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.

**29. 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.

**30. 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.

**31. 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.

**32. 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.

**33. School and Departmental Academic Committee(s)**

(1) Each School or Department shall have a committee that shall be responsible for all academic matters within that school or department.

(2) The membership of each of such committees shall be as prescribed in the Statutes.

(3) Each of the committees shall constitute itself into a school or departmental board of examiners whenever so required and shall meet to deliberate on issues and processes relating to examination results.

(4) Terms of reference of the committees and frequencies of their meetings shall be as prescribed in the Statutes.

**34. 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 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.

**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.

(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.

**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 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.

**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.

**[Subsidiary]**

(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;
- (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 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 Council and the Board within each financial year.

**39. Accounts and Audit**

(1) The Board shall 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 Finance Director 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.

**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.

(2) The Internal Audit Unit shall—

- (a) ensure effective and efficient Operation of the University Financial Systems;

[Subsidiary]

- (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.

#### 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 University may determine.

### PART VI – MISCELLANEOUS PROVISIONS

#### 43. Statutes

(1) The affairs of the University are to be managed and regulated under Statutes or Regulations made and approved in accordance with the provisions of this Charter.

(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.

[Subsidiary]

**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.

**45. Conversion of a Constituent College or Campus into a 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 Mount Kenya University Trust Registered Trustees.

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**UNIVERSITIES ACT**

[Cap. 210B.]

**AFRICA INTERNATIONAL UNIVERSITY CHARTER, 2011**

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;

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 Minister for Higher Education, Science & Technology on the said institution, and the Minister is satisfied that Africa International University be granted the Charter;

AND WHEREAS the Minister 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, I, Mwai Kibaki, President and Commander-in-Chief of the Kenya Defence Forces, grant the Charter annexed hereto to Africa International University.

**ARRANGEMENT OF SECTIONS**

**PART I – PRELIMINARY**

*Section*

1. Short title.
2. Interpretation.

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

3. Establishment and Incorporation of the University.
4. Common Seal.
5. The University Philosophy.
6. The University Statement of Faith.
7. The University Objectives and Functions of the University.
8. Powers of the University.

**[Subsidiary]**

## PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

*Section*

9. Membership.
10. Governance.
11. Board of Trustees.
12. The Chancellor.
13. The University Governing Council.
14. Functions of the Council.
15. The Senate.
16. The Management Board of the University.
17. Functions of the Management Board of the University.

## PART IV – ADMINISTRATION OF THE UNIVERSITY

18. Officers of the University.
19. The Vice-Chancellor.
20. The Deputy Vice-Chancellors.
21. Registrar.
22. University librarian.
23. Deans, Academic Heads or Chairpersons of the University.
24. Directors.
25. Dean of Students.
26. Heads of Departments.
27. Staff of the University.
28. Students' Association.
29. Alumni Association.
30. University Staff Welfare Association.
31. Performance of functions in the absence of office holder.

## PART V – FINANCIAL PROVISIONS

32. The University Fiscal year.
33. Annual Budget.
34. Accounts and Audit.
35. Funds and Resources.
36. Investment of Funds.

## PART VI – MISCELLANEOUS PROVISIONS

37. Statutes.
  38. Protection of Name.
  39. Variation and Revocation of the Charter.
  40. Dissolution of the University.
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**AFRICA INTERNATIONAL UNIVERSITY CHARTER, 2011**

[L.N. 42/2011.]

## PART I – PRELIMINARY

**1. Short Title**

This Charter may be cited as the Africa International University Charter, 2011.

**2. Interpretation**

In this Charter, unless the context otherwise requires—

“**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;

“**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.

**[Subsidiary]**

(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);

**[Subsidiary]**

- (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), 1Cor.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**

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
- (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.

(3) 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.

[Subsidiary]

**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;

[Subsidiary]

- (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 chairman 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.

**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;

**[Subsidiary]**

- (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;

[Subsidiary]

- (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.

**[Subsidiary]**

(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.

(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.

[Subsidiary]

### **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.

### **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 Students' Association.
- (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.

**[Subsidiary]**

(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.

**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.

[Subsidiary]

(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.

### 36. Investment of Funds

(1) 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.

[Subsidiary]

**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 B).

**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.

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