

**THIRD SCHEDULE**

[Section 61A, Act No. 48 of 2016, s. 30.]

**LETTER OF INTERIM AUTHORITY**

Pursuant to section 14 of the Universities Act, this \_\_\_\_\_ day of 20 \_\_\_\_\_ the Cabinet Secretary has granted \_\_\_\_\_ (*name of university*) a Letter of Interim Authority authorising the university to operate in accordance with the provisions of sections 15, 16 and 17 of this Act.

Signed by Cabinet Secretary \_\_\_\_\_

**CHARTER**

Pursuant to section 13 of the Universities Act, this day of \_\_\_\_\_ 20 \_\_\_\_\_ the Commission accredits \_\_\_\_\_ (*name of university*) to be established as a university in accordance with the provisions of this Act.

Signed by Cabinet Secretary \_\_\_\_\_



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**THE UNIVERSITY OF NAIROBI CHARTER 2013**

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# THE UNIVERSITY OF NAIROBI CHARTER

## THE UNIVERSITY OF NAIROBI CHARTER

IN EXERCISE of the powers conferred by section 19 of the Universities Act 2012, the Minister for Higher Education, Science and Technology certifies that the Charter set out in the Schedule hereto has been granted to The University of Nairobi in accordance with the provisions of the Act.

*1<sup>st</sup> March*

Dated the....., 2013



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

**SCHEDULE**  
**THE UNIVERSITIES ACT, 2012**  
**THE UNIVERSITY OF NAIROBI CHARTER**  
**PREAMBLE**

**WHEREAS** the University was established at inception in 1956 as the Royal Technical College;

**AND WHEREAS** the University was transformed into the second University College of East Africa as the Royal College Nairobi in 1964;

**AND WHEREAS** the Royal College Nairobi was renamed University College Nairobi;

**AND WHEREAS** the University was incorporated in 1970 and has been operating under the University of Nairobi Act, 1985 Cap. 210 Laws of Kenya (now repealed);

**AND WHEREAS** the Kenya Government now wishes to Charter the University of Nairobi situated in Nairobi County in the Republic of Kenya;

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

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

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

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

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

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

**NOW WHEREFORE**, by these presents, be it known in exercise of the powers conferred upon me by section 19 of the Universities Act, 2012, I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to The University of Nairobi.

## **PART I - PRELIMINARY**

### **1. Short Title**

This Charter may be cited as the University of Nairobi Charter, 2013.

### **2. Interpretation.**

In this Charter, unless the context requires otherwise: -

**“Acts”** means University Act No 42 of 2012.

**“Charter”** means the Charter granted to the University of Nairobi;

**“Administrative Staff”** means a member of staff of the University in Grades 5 to 15, who is appointed for general purposes of performing duties related to general management and administration of the University;

**“Alumni Association”** means the organization of the Alumni Association where the following shall be eligible for full membership registration upon payment of the prescribed fee:

- a) All persons who have successfully completed their studies at the University (*persons holding awards of the University, and*)
- b) Persons granted honorary degrees by the University, and
- c) Full time permanent staff members who are not former University of Nairobi students and who obtained a degree from another recognized institution.

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

**“Chairman of Council”** means the Chairman of Council of the University as defined in the Charter;

**“Chancellor”** means the Chancellor of the University referred to in Section 12 of the Charter;

**“College”** means:

- a) a College specified in the Schedule hereof; and
- b) a College established within the University pursuant to an order made under Section 7 of the Charter;

**“Commencement Date”** means the date as defined by this Charter and as declared by notice of gazette;

**“Constituent College”** means any institution declared to be or established as a constituent college of the University under section 8 of the Charter;

**“Convocation”** means the Convocation of the University established under Section 21 of the Charter;

**“Council”** means the Council of the University established under Section 18 of the Charter;

**“College Principal”** means the Principal of a college appointed under Section 16 (1) of the Charter.

**“Deputy Vice Chancellor”** means a Deputy Vice Chancellor appointed by the Council of the University under Section 15(a) of the Charter;

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

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

**“Deputy Principal”** means the person appointed by the Council to be designated as an Deputy Principal in the University;

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

**“Fiscal Year”** means the financial year of the University determined under Section 24(1) of the Charter;

**“Graduate”** means a person upon whom a degree has been conferred by the University;

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

**“Lecturer”** means a person on the staff of the University who is a full professor, associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant or a person who holds any other teaching or research post which the Council, on the recommendation of the Senate, has recognized as a post having academic status in the University;

**“Senate”** means the Senate of the University established under Section 18(1) of the Charter;

**“School”** means a school of the University established by the Statutes;

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

**“Statutes”** means statutes of the University made by the Council under Section 29 of the Charter;

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

**“Students Organisation”** means an association of students recognized by the Council as being an organization representative of the students of the University and as provided by section of the Charter;

**“Support Staff”** means a member of staff of the University in any of the Grades I to 4 who is appointed for purposes of providing support services for the general management and administration of the University;

**“Teaching Staff”** means a member of staff of the University who is in terms of appointment, a lecturer of the University;

**“Technical Staff”** means a member of staff of the University who is appointed to conduct general clerical, laboratory and field courses, and assist in the conduct of lectures, examinations and research of the University;

**“University”** means the University of Nairobi constituted under section 3(1);

**“University Executive Board”** means the University Executive Board of the University provided by Section 20 of the Charter.

**“University Secretary”** means the person appointed by the Council to be designated as a University Secretary in the University; and

**“Vice-Chancellor”** means the Vice-Chancellor of the University appointed under Section 11(1) of the Charter.

## **PART II - ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY**

### **3. Establishment and Incorporation of the University**

- 1) The University is the successor to the University of Nairobi established by the University of Nairobi Act, Cap. 210 Laws of Kenya (now repealed) and subject to this Act,
- 2) The University is a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of:-
  - a) suing and being sued;

- b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
  - c) receiving, investing, borrowing and lending money; and
  - d) doing or performing any such other things or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.
- 3) All rights, duties, obligations, liabilities and assets of the University of Nairobi held by anybody on behalf of the University of Nairobi, existing at the commencement of this Charter, shall be automatically and fully transferred to the University and any reference to the University of Nairobi in any contract or document shall for all purpose be deemed to be a reference to the University.

#### **4. Mission**

The Mission of the University is to provide quality University education and training and to embody the aspirations of the Kenyan people and the global community through creation, preservation, integration, transmission and utilization of knowledge.

#### **5. Philosophy**

The University is guided by the philosophy for the need to connect to and inspire the Kenyan Community, to provide leadership and stewardship and to give hope and faith to the Kenyan society that it can excel in whatever it chooses to do with passion, moral responsibility and a strong sense of patriotism.

#### **6 Functions and Objects of the University**

- 1) The objects and functions of the University shall be:-
- a) to provide directly, or in collaboration, with other institutions of higher learning, facilities for University education, including technological, professional and scientific education and for research;
  - b) to advance knowledge and its practical application by research and other means;
  - c) to disseminate the outcomes of research by various means, and commercially exploit the results of such research;
  - d) to participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development of Kenya;
  - e) to contribute to industrial and technological development of society in collaboration with industry and other organizations;
  - f) to make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
  - g) to make proposals for the establishment of colleges, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate;
  - h) to inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
  - i) to promote education in science, technology, engineering, and mathematics within the institution and society;

- j) to develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- k) to provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- l) to provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- m) to play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- n) to provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;
- o) to facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
  - p) to promote critical enquiry and creativity in education, training and research within the institution;
  - q) to participate in commercial ventures and activities that promote the objectives of the institution;
  - r) to foster the general welfare of staff and students;
  - s) to provide opportunities for development and further training for staff of the institution;
  - t) to develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
  - u) to provide programmes, products, and services in ways that reflect the principles of equity and social justice;
  - v) to conduct examinations for, and to grant such, academic awards as may be provided for in the statutes and to syndicate examinations for awards at other institution as may be approved by the Senate;
  - w) generally facilitate the development and provision of appropriate and accessible academic and other programmes.
  - x) subject to the Universities Charter, to co-operate with the Government in the planned development of University education and, in particular, to examine and approve proposals for new faculties, new subjects of study submitted to it by any constituent college or other post-secondary institution;
- 2) Admission to the University as candidates for degrees, diplomas, certificates, or other awards of the University shall be open to all persons accepted as being qualified by the Senate in accordance with this Charter, without distinction of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender; and no barrier based on any such distinction shall be imposed upon any person as a condition of his becoming, or continuing to be, a professor, lecturer, graduate or student of the University, or of their holding any office therein, nor shall any preference be given to, or advantage be withheld from any such distinction.

## **7. Establishment of Colleges within the University**

- a) The Colleges specified in the Schedule are declared to be colleges established within the University.

- b) The Council may, on the advice of the Senate, establish colleges within the University whose functions and powers shall be provided for in the statutes.
- c) A College established within the University shall consist of such faculties, schools, institutes, or centre as may be provided for by the statutes.
- d) The Colleges set out in the Schedule hereof shall be deemed to be the Colleges of the University established in accordance with this Charter, provided that the Council may amend the Schedule from time to time on recommendation of Senate.

#### **8. Establishment of Constituent Colleges**

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

#### **9. Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards**

- 1) Subject to this Charter, the University may:
  - a) grant Diplomas or Certificates or other awards;
  - b) confer the degrees of Bachelor, Master and Doctor and such other degrees as may be provided for by the Statutes; and
  - c) Confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.
- 2) Subject to this Charter, the University Council on the recommendation of Senate may cancel or withdraw such certificates, diplomas, degrees, including honorary degrees, or any other awards as may be provided for in the statutes.

#### **10. Award of Scholarships**

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

### **PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY**

#### **11. Membership of the University**

The members of the University shall be:-

- a) the Chancellor;
- b) the Chairman of Council;
- c) the Vice-Chancellor;
- d) the Deputy Vice-Chancellors;
- e) the Principals of Constituent Colleges;
- f) the Principals of Colleges within the University;
- g) the members of the Council;
- h) the members of the Senate;



- i) the members of the governing body of each constituent college;
- j) the Lecturers;
- k) the Finance Officer;
- l) the Chief Legal Officer;
- m) the Librarian;
- n) the secretary to the governing body of each constituent college;
- o) the students;
- p) Alumni;
- q) the convocation; and
- r) such other members of staff of the University or any other body formally admitted into association with the University or with any of its constituent colleges as the Council may from time to time determine.

## **12. The Chancellor**

- 1) There shall be a Chancellor of the University who shall be appointed by the President and hold office in accordance to the provisions of the Charter and the schedule thereof;
- 2) A person who is appointed by the President to be the Chancellor shall hold office for a term of five years subject to re-appointment with accordance with the procedure set out in the Charter.
- 3) The Chancellor shall: -
  - a) be the titular head of the University and shall, in the name of the University confer degrees and grant diplomas, certificates and other awards of the University.
  - b) may from time to time, recommend to the Cabinet Secretary for a visitation of the University;
  - c) may from time to time give advice to the Council which he considers necessary for the betterment of the University.
  - d) enjoy such powers and privileges and perform such other functions as may be provided in the Charter.
- 4) Where the Chancellor is unable for any reason to perform the functions of office, the Chairman of the Council of the University shall perform such functions, and shall for that purpose be deemed to be Chancellor.
- 5) There shall be a Chancellor of the University who shall be appointed by the President in accordance to the provisions of Section 38(1) of the Act.
- 6) The functions of the Chancellor and the tenure of the office shall be in accordance to the provisions of Section 38(2) of the Act.
- 7) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided under Section 38(3) of Act and Statutes.

## **13. Chairman of Council**

- 1) There shall be a Chairman of Council of the University who shall be appointed according to the provisions of the Universities Act;

- 2) The Chairman of Council shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

#### **14. Vice-Chancellor**

- 1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the provisions of the Act.
- 2) The Vice-Chancellor shall be the Chief Executive of the University and as further provided for in the Charter and shall:-
  - a) be the academic and administrative head of the University;
  - b) have overall responsibility for the direction, organization, administration and programmes of the University; and
  - c) have such responsibilities and duties as may be provided for in Charter.
- 3) The Vice-Chancellor shall hold office for a term of five years and may be eligible for a further term of five years.

#### **15. The Deputy Vice-Chancellors**

- a) The Council shall, in consultation with the Chancellor, appoint from among the professors of the University, two or more Deputy Vice-Chancellors, who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided for by the statutes.
- b) The Deputy Vice-Chancellor shall hold office upon such terms and for such period as may be provided for by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

#### **16. The Principals of Colleges within the University**

- 1) The Council shall, in consultation with the Chancellor, for each college within the University, appoint a Principal who shall be the academic and administrative head of the college and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the statutes.
- 2) The Principal shall hold office upon such terms and for such period as may be provided for by the statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

#### **17. Principals of Constituent Colleges**

- 1) The Principal of a Constituent College shall be appointed competitively by the Cabinet Secretary on the recommendation of the University Council and shall be the academic and administrative head of the Constituent College.
- 2) The Principal shall hold office upon such terms and for such period as may be provided for by the Statutes and upon expiration of that period shall be eligible for re-appointment for one further term.

## **18. The Council**

- 1)** The Council of a public University or constituent college of such a University shall consist of nine persons appointed by the Cabinet Secretary as follows:
  - a)** the Chairperson;
  - b)** the Principal Secretary in the Ministry for the time being responsible for the University education
  - c)** the Principal Secretary in the Ministry for the time being responsible for the University finance;
  - d)** five members appointed by the Cabinet Secretary through an open process; and
  - e)** the Vice-Chancellor who shall be an ex-officio member and the secretary to the Council;
- 2)** Subject to subsection (3), a member of the Council, other than an ex-officio member, Shall hold office for a period of three years, but may be eligible for re-appointment for a further one term.
- 3)** The office of a member of the Council shall become vacant: -
  - a)** if, not being an ex-officio member, the member resigns his/her office by writing under his/her hand addressed to the secretary to the Council;
  - b)** if the Council is satisfied that such member is, by reasons of physical or mental infirmity, unable to exercise the functions of her/his office;
  - c)** upon death of the member.
- 4)** Where the office of a member of the Council becomes vacant, the Vice-Chancellor, under subsection (3), shall forthwith notify the vacancy to the appropriate appointing authority.
- 5)** The procedure, conduct and regulation of the affairs of the Council shall be vested in the Council.
- 6)** The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always Charter in the best interest of the University.
- 7)** Subject to this Charter and without prejudice to any legislation, trust deed or other instrument by or under which a constituent college is established, the government, control and administration of the University shall be vested in the Council.
- 8)** Notwithstanding subsection (1), the Council shall have power: -
  - a)** to determine the method of recruitment, appointment and promotion of all staff of the University;
  - b)** to appoint and determine the terms and conditions of service for all staff of the University;
  - c)** to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting Professors, Honorary Professor, Honorary Lecturer or Honorary Fellow;
  - d)** to approve the budget;
  - e)** to promote and to make financial provisions and facilities for execution of the functions of the University;
  - f)** to determine, after considering the recommendations of the Senate, all fees payable to the University;
  - g)** to approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as Council may from time to time deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties, including rents and subject to the Act with the powers of varying such investment from time to time by sale or re-investment or otherwise;

- h)** subject to the laid down government procedures to approve sale, purchase, exchange, lease, or take on, lease movable and immovables property on behalf of the University;
  - i)** subject to the laid down government procedures, to approve the borrowing of money on behalf of the university; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovables property or otherwise as the Council may deem fit;
  - j)** on the recommendation of the Senate to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centers or other bodies of learning, research and production in the University, whether formed by the sub-division of any one or more than one of any such new body or otherwise, and for the abolition from time to time of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;
  - k)** to institute on the recommendation of the Senate fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
  - l)** to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
  - m)** to empower committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
  - n)** to approve regulations governing the conduct and discipline of the students of the University;
  - o)** to receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
  - p)** to approve the constitution of the Students Organization and so far as is reasonably practicable, to ensure that the Students' Organization operates in a fair and democratic manner and is accountable for its finances;
  - q)** to provide for the welfare of the staff and students of the University;
  - r)** to approve regulations governing the recruitment, conduct and discipline of the staff of the University;
  - s)** to monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
  - t)** to constantly review the viability and financial sustainability of the University, and shall do so once every year;
  - u)** to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards;
  - v)** to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.
- 9)** All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of the Chairman, the Vice-Chancellor or a Deputy Vice-Chancellor responsible for administration and finance or any other members of the Council generally or specifically authorized by the Council in that behalf.
- 10)** The Council shall ensure that a proper management structure is in place and make sure that the structure, functions to maintain corporate integrity, reputation and responsibility.

- 11) The Council shall monitor and evaluate the implementation of strategies, policies, and management criteria and plans of the University.
- 12) The Council shall constantly review the viability and financial sustainability of the University, and shall do so once every year.
- 13) The Council shall ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards.

#### 19. Senate

- 1) There shall be Senate of the University, as provided for in the Statutes, whose membership shall be:-
  - a) the Vice-Chancellor, who shall be the Chairperson;
  - b) the Deputy Vice-Chancellors;
  - c) the Principals of each constituent college;
  - d) the Principals of each college within the University;
  - e) Deputy Principals;
  - f) the Deans of the faculties and Directors of Schools, institutes, centres and other academic units;
  - g) the Chairpersons of the teaching departments of the University;
  - h) two professors proposed from each college and elected by the academic board from within each college;
  - i) two members elected by the academic board or equivalent body (*if any*) of each constituent college from among the members of such board or body;
  - j) the librarian;
  - k) one representative of each of the academic boards of the faculties, institutes and schools appointed by that academic board from among those of its members who are not professors and are not members of the Senate by virtue of any other provision of this subsection;
  - l) the director of students affairs or the equivalent;
  - m) the head of information, communication and technology services of the University;
  - n) six students to be elected by the students' organisation of the University; except that the members of the students organization shall not be entitled to attend deliberations of the Senate on matters which are considered by the Chairman of the Senate to be confidential and/or which relate to the general discipline of students, examination results, the academic performance of students and other related matters; and
  - o) such other member as Council may determine in accordance with the Statutes.
- 2) The Deputy Vice-Chancellor for the time being in charge of Academic Affairs shall be the secretary to the Senate in accordance with Section 35(1)(b) of the Act.
- 3) Notwithstanding the provisions of the Universities Act, the Senate shall have the following powers and duties:-
  - a) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
  - b) to approve all syllabi of the University;

- c) to make regulations governing methods of assessing and examining the academic performance of students;
  - d) to evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
  - e) to regulate the conduct of examinations;
  - f) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
  - g) to approve the examination results;
  - h) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
  - i) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University
  - j) to determine the procedure to be followed in the conferment of the degrees and other awards;
  - k) to determine the design of academic dress and prescribe its use;
  - l) to evaluate research, teaching, staffing and general work of any body or section of the University and if it so wishes to report and make recommendations thereon to the Council;
  - m) to promote and administer the extra-mural, external and extension work of the University;
  - n) to promote research and innovation work in the University;
  - o) to promote co-operation and linkages with other institutions of higher learning and industry;
  - p) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
  - q) to develop, implement and promote quality assurance systems and structures in all University operations;
  - r) to promote the welfare of students and staff in the university;
  - s) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
  - t) to discontinue a student from a programme of study on academic grounds;
  - u) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
  - v) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the university;
  - w) to review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
  - x) to determine general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.
  - y) to make regulations governing such other matters as are within its powers in accordance with this Charter or the statutes.
- 4) Notwithstanding any of the provision of this Charter, Council shall not initiate any action in respect of paragraph (a), (b) or (c) of subsection (3) except upon receipt of a report or proposal thereunder, and the Council shall not reject any such report, or amend any regulations as proposed without further reference to Senate.

## **20. The University Executive Board**

- 1) There shall be a University Executive Board which shall function as the Management Board as provided for in the Charter and the Statutes, whose membership shall be:
  - a) the Vice-Chancellor, who shall be the Chairperson;
  - b) the Deputy Vice-Chancellors;
  - c) the Principals of Colleges within the University;
  - d) the Deputy Principals;
  - e) Finance Officer
  - f) such other member of senior management as the Council may determine in accordance with the Statutes.
- 2) The University Executive Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for:
  - a) the efficient management of the human, physical, and financial resources of the University;
  - b) the implementation of the University's policies;
  - c) making proposals to the Council and Senate on policies that have a University wide application;
  - d) the coordination of the University strategic and development plans; and
  - e) any other matters related to the management of the University.

## **21. The Convocation**

- 1) There shall be a Convocation of the University which shall consist of graduates of the University and such other persons as may be prescribed by the statutes.
- 2) The Convocation shall have the right to meet and discuss any matter relating to the University and to transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the statutes may prescribe.

## **22. The Staff of the University**

- 1) The staff of the University of Nairobi existing prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of the University subject to the statutes.
- 2) The Academic Staff of the University of Nairobi shall consist of the librarian and all members of staff who are engaged in teaching and research.
- 3) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the librarian and all members of staff who are engaged in teaching and research.
- 4) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges of the University, the Deputy Principals and such other members of staff as the Council may from time to time determine.
- 5) The administrative staff of the University shall consist of the registrars, the directors and such other members of staff engaged in general administration as the Council may, from time to time determine.

- 6) The technical staff of the University shall consist of those staff engaged in laboratory, field instruction, workshops and such similar environs in the teaching departments under the general direction of the heads of the teaching departments, and as the Council may from time to time determine.
- 7) The support staff of the University shall consist of those staff engaged in general duties and as the Council may from time to time determine.
- 8) All members of staff of the University shall, subject to this Charter, be appointed by the Council either:-
  - a) in the manner and upon the terms and conditions of service prescribed by the statutes; or
  - b) in the case of a person seconded to the service of the University from the service of another university or similar institution, the Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.
- 9) The Council may, subject to such restrictions as it may impose, delegate, either generally or specially, to any person or committee the power to appoint any member of staff of the University.
- 10) All members of the staff of the University shall:
  - a) be subject to the general authority of the Council and of the Vice-Chancellor; and
  - b) be deemed to be employed on a full time basis except as otherwise specifically provided by the statutes or by the terms of a particular appointment.

### **23. Performance of Functions in Absence of Office Holder**

- 1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity for a maximum period of one hundred and eighty calendar days.
- 2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Chancellor after consultation with the Chairman of the Council may appoint one of the Principals of the Colleges of the University to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.
- 3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, the Chancellor after consultation with the Chairman of the Council may appoint a member of the academic staff at the level of professor to perform the functions of the Vice-Chancellor during the incapacity for a maximum period of one hundred and eighty calendar days.
- 4) In the event of the incapacity of any member of staff of the University, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the incapacity for a maximum period of one hundred and eighty calendar days.
- 5) In this section, “**incapacity**” means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes and whereupon at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in the Act, Statutes, and or regulations shall commence.

## **PART IV—FINANCIAL PROVISIONS**

### **24. Financial Year**

- 1) The financial year of the University shall be the period of twelve months commencing on 1 July and ending on 30 June in the following year.



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

## **25. Investments of Funds**

- 1) The Council may invest any of the funds of the University in securities, treasury bonds, trust funds or in any other securities which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may, from time to time, approve for the purpose.
- 2) The Council may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the University.

## **26. Annual Estimates**

- 1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.
- 2) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide:
  - a) for the payment of the salaries, allowances and other charges in respect of the staff of the University;
  - b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
  - c) for the proper maintenance of the buildings and grounds of the University;
  - d) for the proper maintenance, repair and replacement of the equipment and other movable property of the University;
  - e) for the proper funding of the cost of teaching and research activities of and in the University;
  - f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retiring benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may think fit.
- 3) Annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after the Cabinet Secretary has given his approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.
- 4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

## **27. Accounts and Audit**

- 1) The Council shall cause to be kept all audit proper books and records of account of the income, expenditure, assets and liabilities of the University.
- 2) Within a period of three months from the end of each financial year, the Council shall submit to the Auditor-General or an auditor appointed under section (3), the accounts of the University together with:

- a) a statement of income and expenditure during that year; and
  - b) a statement of the assets and liabilities of the University on the last day of that year.
  - c) Any other financial statement as may be prescribed from time to time.
- 3) The accounts of the University shall be audited by the Auditor General in No. 12 of 2003 or an auditor appointed by the Council with the approval of the Cabinet Secretary in concurrence with the Auditor-General and the provisions of the Public Audit Act, 2003.
  - 4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and section 24 No. 12 of 2003 (3) and (4) of the Public Audit Charter, 2003 shall apply to any report made under this paragraph;
  - 5) The employment of an auditor shall not be terminated by the Council without the consent of the Cabinet Secretary in concurrence with the Auditor-General.
  - 6) The Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.
  - 7) An auditor appointed under subsection (3) shall report directly to the Auditor-General on any matter relating to the directions given under subsection (5).
  - 8) Within a period of six months after the end of the financial year, the auditor shall report on the examination and audit of the accounts of the University to the Council and the Cabinet Secretary; and where the auditor has been appointed under subsection (3) he shall also transmit a copy of the report and accounts to the Auditor-General.
  - 9) Nothing in the Charter shall be construed as prohibiting the Auditor-General from carrying out the inspection of the University accounts or records if it appears to him desirable.
  - 10) Notwithstanding anything in this Charter, the Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and section 19(3) and (4) of the Exchequer and Audit Act shall, mutatis mutandis, apply to any report made under this section.
  - 11) In the exercise of his powers and duties under this Charter, the Auditor-General and any auditor appointed under this section shall have the same powers as those conferred on the Auditor-General by the Constitution and section 8 of the Exchequer and Audit Act.
  - 12) The Cabinet Secretary shall lay the auditor's report before the National Assembly as soon as practicable after the report has been submitted to him under this section.
  - 13) The fee for any external auditor shall be fixed and paid by the Council.

## **PART V — MISCELLANEOUS PROVISIONS**

### **28. The Common Seal**

- 1) The common seal of the University shall be kept in such custody and used only as the Council shall direct.
- 2) The common seal of the University shall be authenticated by the signatures of the Vice-Chancellor together with any other person duly authorized by the Council and of a Deputy Vice-Chancellor.
- 3) The common seal of the University when affixed to any document and duly authenticated shall be judicially and officially noticed, and, unless and until the contrary is proved, any order or authorization of the Council under this section shall be presumed to have been duly given.

## **29. The Statutes**

- 1)** In the performance of its functions under this Charter, the Council shall, subject to this Charter, make statutes generally for the government, control and administration of the University and for the better carrying into effect of the purposes of this Charter, and in particular for the:-
  - a)** establishment of colleges, faculties, schools, institutes and centre's of the University;
  - b)** description of degrees, diplomas, certificates and other academic qualifications;
  - c)** requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
  - d)** conduct of examinations;
  - e)** prescribing fees and other charges;
  - f)** prescribing the rules and regulations for the conduct and organisation of student affairs;
  - g)** the settlement of the terms and conditions of service, including the appointment, dismissal, remuneration and retiring benefits, of the members of the staff of the University;
  - h)** the constitution and procedures of the meetings of the Council and the establishment, composition and terms of reference of committees of the Council;
  - i)** prescribing the rules and regulations for the students organization; and
  - j)** providing for or prescribing anything, which, under this Charter, may be provided for or prescribed by the statutes.
- 2)** Notwithstanding subsection (1), the Council shall not make, amend or revoke, any statutes relating to the functions or privileges of the Chancellor, Vice-Chancellor or Senate without first ascertaining the opinion of the Senate.
- 3)** Statutes shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths (3/4) of the members present and voting, being not less than half of the total membership of the Council.
- 4)** Provided that the Council of the University immediately at the pronouncement of the Charter of the University shall have the powers to make statutes for the University under the Charter.
- 5)** Statutes or regulations made by the Council under this Charter shall be published in the Gazette but section 27, 31(e) and 34 of the Interpretation Act, Cap. 2, shall not apply to the statutes or to the regulations.
- 6)** Notwithstanding the generalities of paragraph (4) the Statutes made hereof shall not be in force before the commencement of the University of Nairobi Charter.

## **30. Protection of Name**

- 1)** Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies names shall accept for such registration any name which includes the words "University", the word "Nairobi" or "Kenya" together in any order, unless the application for the registration is accompanied by the written consent of the Council.
- 2)** Any person who except with the written consent of the Council, uses the word "University", the word "Nairobi" or "Kenya" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, shall be guilty of an offence and

shall be liable on conviction to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.

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

### **31. Repeal and Savings: Chapter 210.**

- 1) The University of Nairobi Act, in this section referred to as the former Act, is repealed.
- 2) Notwithstanding the repeal of the former Act, all Charters, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired in virtue of, that Act, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.
- 3) Notwithstanding the provisions of this Charter, the persons constituting the Council of the University of Nairobi shall continue to discharge responsibilities and exercise such powers and functions as set out in the Act until the Council of The University is appointed.
- 4) All statutes or regulations made under the former Act and in force immediately prior to the commencement of this Charter shall continue in force but may be amended or revoked by a statute or regulations made under this Charter.

### **32. Transition**

- 1) There shall be a transition period to provide for the full implementation of the Charter and appointment by the Cabinet Secretary of the Council of the University of Nairobi upon the commencement of this Charter.
- 2) During the transition period the following shall take place:
  - a) the Council of the University of Nairobi shall continue to be in place and shall function as the Council of the University of Nairobi until such time that the substantive Council shall have been appointed;
  - b) the Council of the University of Nairobi may make statutes for the University under this Charter and the statutes so made shall be deemed to have been made under this Charter;
  - c) the persons occupying the positions of Principal, Deputy Principals and Executive Deans of the University shall continue to discharge their responsibilities and exercise such powers as set out in the Act and statutes of the University until the Vice-Chancellor and other officers of the University are appointed and assume office.

## **SCHEDULE**

### **COLLEGES OF THE UNIVERSITY**

- 1) The College of Education and External Studies
- 2) The College of Agriculture and Veterinary Sciences

- 3) The College of Architecture and Engineering
- 4) The College of Biological and Physical Sciences
- 5) The College of Health Sciences
- 6) The College of Humanities and Social Sciences

Given under my hand and the public seal of Kenya

1<sup>st</sup> March  
on the..... day of ..... 2013



**Mwai Kibaki**  
President

1<sup>st</sup> March  
Dated the .....day of ..... 2013



**MARGERET KAMAR**  
Minister for Higher Education, Science and Technology

