

NATIONAL COUNCIL FOR
LAW REPORTING
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SPECIAL ISSUE

2429

Kenya Gazette Supplement No. 185

30th December, 2013

(Legislative Supplement No. 77)

LEGAL NOTICE NO. 225

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

CHARTER FOR KISII UNIVERSITY

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

SCHEDULE

Preamble

WHEREAS the Government of Kenya wishes to establish Kjsii University situated in Kisii County in the Republic of Kenya;

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

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

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

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

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

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

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

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PART I—PRELIMINARY

1. This Charter may be cited as the Kisii University Charter, 2013. Short Title.
2. In this Charter, unless the context requires otherwise— Interpretation.
- “Act” means the Universities Act Number 42 of 2012;
- “Administrative Staff” means a member of staff of the University in any of the Grades V to XV, who is appointed for general purposes of performing duties related to general management and administration of the University;
- “alumni” means persons who are former students of the University or Egerton University (Kisii University College), Egerton University (Kisii Campus) and Former Kisii Teachers’ College who completed an approved programme of study and qualified for the award of a degree, diploma or certificate;
- “Alumni Association” means the organization of all graduates and former students of the University established under section 22 of this Charter;
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for university education;
- “Campus” means a campus established under section 8 of this Charter;
- “Chairman” means the Chairman of Council of the University as appointed under section 14 of this Charter;
- “Chancellor” means the Chancellor of the University as appointed under section 13 of this Charter;
- “College” means a College established within the University pursuant to an Order made under Section 8 but does not include a Constituent College;
- “Commission” means the Commission for University Education established under the provisions of the Act;
- “Constituent College” means a Constituent College of the University established under section 9 of this Charter;
- Convocation” means the convocation of the University established under Section 24 of this Charter;
- “Council” means the Council of the University established under Section 19 of this Charter;
- “Deputy Vice Chancellor” means the Deputy Vice Chancellor appointed by the Council of the University under Section 16 of this Charter;
- “Director” means the person appointed by the Council to be designated as a Director in the University;

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

“Financial Year” means the Financial Year of the University as provided for in Section 27 of this Charter;

“Graduate” means a person upon whom a degree, diploma or certificate of the University or Egerton University (Kisii University College), Egerton University (Kisii Campus) or former Kisii Teachers’ College has been conferred or awarded;

“Institute” means an Institute of the University established under the Statutes;

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

“Order” means the Kisii University College Order, 2007;

“Senate” means the Senate of the University established under Section 20 of this Charter;

“School” means a School of the University established under the Statutes;

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

“Statutes” means Statutes of the University made by the Council under section 32 of this Charter;

PART II— ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. (1) There is hereby established a University to be known as Kisii University in accordance with the provisions of this Charter.

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

- (i) suing and being sued;
- (ii) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (iii) receiving, investing, borrowing and lending money; and
- (iv) doing or performing any such other functions or acts, including entering into such contracts as may be necessary or expedient, for the furtherance of the provision of this Charter which may be done by a body corporate.

(3) The University shall be the successor to the Kisii University College constituted under the Kisii University College Order, 2007.

(4) Subject to this Charter, all rights, liabilities and assets held on behalf of the Kisii University College, existing at the commencement of this Charter, shall be automatically and fully transferred to the University.

4. (1) The Vision of the university is to be a World Class University in the advancement of academic excellence, research and social welfare

Vision and Mission.

(2) The Mission of the University is to train human resource that meets the development needs of the country and international labour market, sustain production of quality and relevant research, disseminate knowledge, skills, values and competencies for the advancement of humanity.

5. The University is anchored in the philosophy of creative, scientific, technological, innovative and critical thinking responsive to societal needs and service to humanity.

Philosophy.

6. The aims of the University are to—

Aims.

- (a) produce competent graduates;
- (b) Offer high quality education;
- (c) generate appropriate knowledge, skills, competencies, and innovation outputs that impact on the national development goals and social welfare; and
- (d) produce, transfer and disseminate appropriate technology for the benefit of the University, industry and society in general.

7. (1) The functions of the University are to—

Functions.

- (a) provide directly, or in collaboration with other institutions, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research, innovation, extension and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
- (d) participate in technological innovation as well as in the discovery, transmission and enhancement of knowledge and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
- (e) contribute to industrial and technological development of society in collaboration with industry and other organizations;

- (f) make proposals for new programmes of study including those that culminate with degrees, diplomas and certificates;
- (g) make proposals for the establishment of colleges, campuses, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate from time to time;
- (h) inculcate a culture of innovation in science, technology and engineering, amongst staff, students, and society;
- (i) promote education in liberal arts, science, technology, engineering, and mathematics within the institution and society;
- (j) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (k) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (l) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (m) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (n) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other critical facilities and amenities;
- (o) facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
- (p) promote critical enquiry and creativity in education, training and research within the institution;
- (q) participate in commercial ventures and activities that promote the objectives of the institution;
- (r) foster the general welfare of staff and students;
- (s) provide opportunities for further development and training for staff of the institution;
- (t) develop and provide educational, cultural, professional, technical and vocational services to the community and

in particular the fostering of corporate social responsibility;

- (u) provide programmes, products, and services in ways that reflect the principles of equity, equality, parity and social justice;
- (v) conduct examinations for and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;
- (w) generally facilitate the development and provision of appropriate and accessible academic and other useful programmes.
- (x) provide training that promotes regional integration, international cohesion for sustainable socio-economic development and poverty reduction;
- (y) provide training that promotes environmental sustainability;
- (z) play a leading role in promoting training on leadership, ethics and integrity.

(2) In achieving its aims and functions, the University shall not discriminate against any person on grounds of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

8. (1) The Council may, on the advice of the Senate, establish colleges and campuses within the University whose functions and powers shall be provided for under the Statutes.

Establishment of Colleges and Campuses.

(2) A college or campus established within the University shall consist of such faculties, schools, institutes, centres, departments and other resource and administrative units as may be provided for under the Statutes.

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

Establishment of Constituent Colleges.

10. (1) Subject to the provisions of the Act and this Charter, the University may—

Conferment, Granting, Cancellation and Withdrawal of Degrees and Other Awards.

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

- (c) confer honorary degrees or any other academic distinction to a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction as may be provided for under the Statutes.

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

Award of
Scholarship.

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

PART III—MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

Membership of
the University.

12. (1) The members of the University are:

- (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 and Campuses within the University;
- (g) the Registrars;
- (h) the University Librarian;
- (i) the Finance Officer;
- (j) the Chief Legal Officer;
- (k) the members of the Council;
- (l) the members of the Senate;
- (m) the Lecturers;
- (n) the students;
- (o) the non-teaching staff of the University;
- (p) the members of the Alumni Association; and
- (q) such other members of staff of the University or any other body formally admitted into association with the University, as the Council may from time to time determine.

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

13. (1) There shall be a Chancellor of the University who shall be appointed by the President in accordance with the provisions of the Act.

Chancellor.

(2) The functions of the Chancellor and tenure of office shall be in accordance with the provisions of the Act.

(3) The Chancellor shall enjoy such powers and privileges, and perform such other functions as may be provided under the Statutes.

14. (1) There shall be a Chairman of the Council who shall be appointed in accordance with the provisions of the Act.

Chairman of Council.

(2) The Chairman of the Council shall hold office for a period of three years, provided that the person so appointed shall be eligible for re-appointment for a further one term.

Vice-Chancellor.

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

(2) The Vice-Chancellor shall hold office for a period of five years and shall upon the expiration of the period be eligible for re-appointment for a further one term.

16. (1) The Council shall appoint two or more Deputy Vice-Chancellors, through a competitive process.

Deputy Vice-Chancellor.

(2) The Deputy Vice-Chancellor shall, under the general direction of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the statutes.

(3) A Deputy Vice-Chancellor shall hold office for a period of five years and shall be eligible for re-appointment for a further term of five years.

17. (1) The Council shall appoint for each college and campus a Principal.

Principals of Colleges and Campuses.

(2) A Principal shall be the academic and administrative head of the campus or college and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for under the Statutes.

(3) The Principal shall hold office for a period of five years and shall upon expiration of that period be eligible for re-appointment for a further one term of five years.

18. (1) The Principal of a Constituent College shall be appointed in accordance with the provisions of the Act.

Principals of Constituent Colleges.

(2) The Principal shall hold office for a period of five years and shall upon expiration of that period be eligible for re-appointment for a further one term.

19. (1) There shall be a Council of the University whose members shall be appointed in accordance with the provisions of the Act.

Council.

(2) The member of the Council, other than an *ex-officio* members, shall hold office for a period of three years, and shall be eligible for re-appointment.

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

- a) if, not being an *ex-officio* member, the member resigns from office in writing addressed to the Vice-Chancellor;
- b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and
- c) upon death of the member.

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall in writing notify the Cabinet Secretary of the vacancy.

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

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

Functions of the Council.

20. The Council shall be the governing body of the university.

The Council shall—

- (a) subject to the provisions of the Act and after consultation with the Senate, make rules and regulations;
- (b) make and approve Statutes for gazette in accordance with the provisions of the Act;
- (c) determine the procedures of recruitment, appointment and promotion of all staff of the University;
- (d) appoint and determine the terms and conditions of service for all staff of the University;
- (e) confer, after receiving a report from the Senate, the title of Emeritus Professor, Honorary Professor, Honorary Lecturer or Honorary Fellow;
- (f) approve budgets of the University;
- (g) promote and make financial provisions and facilities for execution of the functions of the University and to determine, after considering the recommendations of the Senate, all fees payable to the University;
- (h) approve the investment of any money belonging to the University including any unutilized income, in such stocks, funds, fully paid shares or securities as the Council may from time to time deem fit, in accordance with the general law for the investment of trust moneys or in the purchase of

- freehold or leasehold properties yielding rents and subject to the provisions of the Act, with the powers of varying such investment from time to time by sale or re-investment or otherwise;
- (i) subject to the laid down Government procedures, approve the sale, purchase, exchange, or take-over, lease movable and immovable property on behalf of the University;
 - (j) subject to the laid down Government procedures, approve the borrowing of money on behalf of the University; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovable property or otherwise as the Council may deem fit;
 - (k) on the recommendation of the Senate, provide in accordance with the Statutes, for the creation of new colleges, campuses, divisions, faculties, schools, institutes, departments, centres or other bodies of learning, research, extension, and production in the University, whether formed by the 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;
 - (l) institute on the recommendation of the Senate, fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study, research and extension;
 - (m) approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
 - (n) empower committees to act jointly with any committees appointed by the Senate, provided that the Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
 - (o) approve regulations governing the conduct and discipline of the students of the University;
 - (p) receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements therefrom;
 - (q) approve the constitution of the Students Association and so far as is reasonably practicable, ensure that the Students' Organization operates in a fair and democratic manner and is accountable for its finances;
 - (r) provide for the welfare of the staff and students of the University;

- (s) approve regulations governing the recruitment, conduct and discipline of the staff of the University;
- (t) monitor and evaluate the implementation of strategies, policies, and the management criteria and plans of the University;
- (u) constantly review the viability and financial sustainability of the University, and shall do so once every year;
- (v) ensure that the University complies with all the relevant laws, regulations, governance practices, accounting and auditing standards; and
- (w) perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.

Senate.

21. (1) There shall be the Senate of the University, which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of each constituent college;
- (d) the Principals of each college and campus within the University;
- (e) all the Deans of faculties and Schools, the Directors of Institutes and Centres and other academic units;
- (f) the Chairpersons of Departments;
- (g) full professors of the University;
- (h) two members elected by the academic board or equivalent body (if any) of each constituent college from among the members of such board or body;
- (i) the University Librarian;
- (j) one representative of each of the college and campus academic boards appointed by the respective boards from amongst its members;
- (k) one representative of each of the school academic boards appointed by the respective boards from amongst its members;
- (l) the Dean of students;
- (m) the head of information, communication and technology services of the University;
- (n) the Director of Technical, Vocational Education and Training;
- (o) two members elected by the students' organization, who shall not be entitled to attend deliberations of the Senate on

matters which are considered by the Chairperson of the Senate to be confidential or which relate to examinations, the general discipline of students, and other related matters; and

- (p) such other member as Council may determine in accordance with the Statutes.

(2) The members of the Students' Association shall not participate in the deliberations of the Senate related to examinations, grades and such other issues that may pose a conflict of interest.

(3) The Deputy Vice-Chancellor for the time being in charge of teaching and learning shall be the secretary to the Senate.

(4) The functions of the Senate shall be—

- (a) recommend to the Council the establishment, or abolition or harmonization of faculties, schools, institutes, units, departments, and centres as the Senate may from time to time deem necessary;
- (b) subject to the provisions of the Act, to make recommendations to the Council for the establishment, abolition or supervision, degree and other academic programmes and their titles in the University;
- (c) to set the dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (d) to approve all syllabi and curricula of the University;
- (e) to make regulations governing methods of assessing and examining the academic performance of students;
- (f) to evaluate academic records of applicants for both undergraduate and postgraduate programmes for purposes of admission into the University;
- (g) to regulate the conduct of examinations;
- (h) to appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (i) to approve the examination results;
- (j) subject to the provisions of the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
- (k) to determine which qualifications or credits from other Universities or institutions shall be acceptable as equivalent to particular qualifications of the University
- (l) to determine the procedure to be followed in the conferment of the degrees and other awards;

- (m) to determine the design of academic dress and prescribe its use;
- (n) to evaluate research, teaching, staffing and general work of any body or section of the University and if it so wishes to report and make recommendations thereon to the Council;
- (o) to promote and administer the extra-mural, external and extension work of the University;
- (p) to promote research, extension and innovation work in the University;
- (q) to promote co-operation and linkages with other institutions of higher learning and industry;
- (r) to make regulations governing the award of fellowships, scholarships, bursaries, prizes and other awards;
- (s) to develop, implement and promote quality assurance systems and structures in all University operations;
- (t) to promote the welfare of students and staff in the University;
- (u) to propose regulations and procedures for the discipline of students and make recommendations thereof to the Council;
- (v) to discontinue a student from a programme of study on academic grounds;
- (w) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;
- (x) to recommend to the Council appropriate criteria for appointment and promotion of all staff of the university;
- (y) to review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years;
- (z) to determine general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.

(5) Notwithstanding any of the provision of this Charter, the Council shall not initiate any action in respect of subsection (3) except upon receipt of a report or proposal thereunder, and the Council shall not reject any such report, or reject or amend any regulations as proposed without further reference to Senate.

(6) The Senate shall exercise such other powers as may be conferred to it by the provisions of the Act, the Statutes or by the rules and regulations, and to do such other acts as the Council shall authorize.

22. There shall be a Students' Organization established in accordance with the Statutes.

Students'
Association.

23. (1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other persons as may be determined by the Statutes.

Alumni
Association.

(2) The functions of the Alumni Association shall be—

- (a) to bring together graduates and former students of the University.
- (b) to engage in fund raising activities to assist the University; and
- (c) to promote the University's welfare and image.

(3) The Alumni Association shall govern the conduct of its own proceedings.

(4) The Alumni Association shall act as an interactive forum for its members and may perform such other functions in accordance with the provisions of the Act and the Statutes.

PART IV—MANAGEMENT OF THE UNIVERSITY

24. (1) There shall be a University Management Board which shall function as the Executive Board as provided for in the provisions of the Act and the Statutes.

University
Management
Board.

(2) The management Board shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of Colleges and campuses within the University;
- (d) the Registrars; and
- (e) the Finance Officer.

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

(4) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall—

- (a) be responsible for the efficient management of the human, physical and financial resources of the University;
- (b) coordinate and control the development, planning, management and administration of the University and its resources in accordance with approved policies, rules and regulations;

- (c) submit proposals to the University Council concerning annual financial estimates, development priorities, staff development plans, terms and conditions of service, fund raising strategies, student welfare, public relations policies, academic partnerships and linkages with other institutions, collaborations with industry, as well as any policies and any matters related to the development, management and administration of the University;
- (d) authorize the initiation of legal proceedings or defend or compromise legal proceedings in the name of and on behalf of the University;
- (e) advise the Council on matters concerning management, administration, and academic affairs of the University;
- (f) propose to the University Council rules and regulations for the administration of the University and for the execution of its programmes and plans;
- (g) establish any University charges and fees; and
- (h) perform any other duties related to the management of the University.

Staff of the University.

25. (1) The teaching staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges within the University, the University Librarian and all members of staff who are engaged in teaching and research.

(2) The senior management staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of colleges and campuses of the University, Registrars and Finance Officer.

(3) The administrative staff of the University shall consist of the Registrars, Finance Officer, the directors not being engaged in teaching or research and such other members of staff engaged in general administration as the Council may, from time to time determine.

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

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

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

- (a) in the manner and upon the terms and conditions of service prescribed by the Statutes; or
- (b) in the case of a person seconded to the service of the University from the service of another institution, the

Government or any other public service, on terms and conditions agreed upon between the Council and the seconding body.

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

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

- (a) be subject to the general authority of the Council and of the Vice-Chancellor; and
- (b) be deemed to be employed in accordance with the Statutes or as otherwise specifically provided by the Statutes or by the terms of a particular appointment.

26. (1) In the event of incapacity of the Chancellor, the President may appoint a person to form functions of the Chancellor for a period of three months.

Performance of functions in the event of incapacity of the office holders.

(2) In the event of incapacity of the Vice-Chancellor, the Cabinet Secretary on the recommendation of the Council may appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor for a period of three months.

(3) In the event of simultaneous incapacity of the Vice-Chancellor and all the Deputy Vice-Chancellors, the Chairperson of the Council, in consultation with the Chancellor, may appoint a member of the academic staff of the University to perform the functions of the Vice-Chancellor for a maximum period of three months.

(4) In the event of incapacity of any member of staff of the University other than the Vice-Chancellor, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer for a period of three months.

(5) In this section, "incapacity" means absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may be provided for in the Statutes.

(6) Subject to the provisions of this section, at expiry of the above prescribed period, the position shall fall vacant and the process of filling up the position as provided for in the Act, Statutes, and or regulations shall commence.

PART V – FINANCIAL PROVISIONS

27. 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.

Financial Year.

PART VI— MISCELLANEOUS PROVISIONS

Common Seal.

28. (1) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct.

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

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

Statutes.

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

- (i) establishment of colleges, campuses, faculties, schools, institutes and centres of the University;
- (ii) description of degrees, diplomas, certificates and other academic qualifications;
- (iii) requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
- (iv) conduct of examinations;
- (v) prescribing fees and other charges;
- (vi) prescribing the rules and regulations for the conduct and organisation of student affairs;
- (vii) setting the terms and conditions of service, including the appointment, dismissal and recommendation of retirement benefits of the members of the staff of the University;
- (viii) constitution and procedure of meetings of the Council, the Senate, and the University Management Board and provide for the establishment, composition and terms of reference of their respective committees; and
- (ix) providing for or prescribing anything, which, under this Charter may be provided for or prescribed by Statutes.

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

Protection of Name.

30. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "University", or "Kisii" together in any

order, unless the application for the registration is accompanied by the written consent of the Council.

(2) Any person who, except with the written consent of the Council, uses the word "University", or "Kisii" together in any order and in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding Kenya Shillings three million, or to imprisonment for a term not exceeding three years, or to both.

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

31. (1) The Kisii University College Order, 2007 is revoked.

Repeal.

(2) Notwithstanding the revocation of the Kisii University College Order, all acts, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired by virtue of, that Order, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

32. All the students of Kisii University College who were pursuing degree, diploma and certificate programmes as at the commencement date of this Charter, shall be allowed to complete their courses and shall be awarded degrees, diplomas and certificates of the University.

Transition.

33. This Charter may be revoked or varied in accordance with the provisions of the Act.

Variation and
Revocation of this
Charter.

Given under my hand and the Public Seal of the Republic of Kenya on the 6th day of February, 2013.

MWAI KIBAKI,
President.

Dated the 6th February, 2013.

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