



REPUBLIC OF KENYA

THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)

CHARTER

FOR

KAIMOSI FRIENDS
UNIVERSITY



LEGAL NOTICE NO.....

THE UNIVERSITIES ACT, 2012
(No 42 of 2012)

CHARTER FOR KAIMOSI FRIENDS UNIVERSITY

IN EXERCISE of the powers conferred by section 19 of the Universities Act, 2012, the Cabinet Secretary, Ministry of Education certifies that the Charter set out in the Schedule hereto has been granted to Kaimosi Friends University in accordance with the provisions of the Act.

Dated this 28th day of July 2022.

GEORGE MAGOHA,
Cabinet Secretary, Ministry of Education.

SCHEDULE

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

CHARTER FOR KAIMOSI FRIENDS UNIVERSITY

PREAMBLE

WHEREAS the Government of Kenya wishes to establish an institution in the name of Kaimosi Friends University situated in Vihiga County in the Republic of Kenya;

AND WHEREAS the said Kaimosi Friends University has applied to the Commission for University Education, for the grant of a Charter to provide for the establishment, control, governance and administration of the University and for connected purposes, in the manner prescribed by the Universities Act, 2012;

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

AND WHEREAS the Commission for University Education is also satisfied that Kaimosi Friends University has complied with the provisions of the Universities Act, 2012;

AND WHEREAS the Commission for University Education has submitted a draft Charter, the text whereof is annexed hereto, to the Cabinet Secretary, Ministry of Education on the said institution and the Cabinet Secretary, Ministry of Education is satisfied that Kaimosi Friends University should be granted the Charter;

AND WHEREAS the Cabinet Secretary, Ministry of Education has submitted the Charter to me with recommendations thereon;

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

NOW THEREFORE, by these presents, be it known that in exercise of the powers conferred upon me by section 19 of the Universities Act, No. 42 of 2012, I, Uhuru Kenyatta, President and Commander-in-Chief of the Defense Forces of the Republic of Kenya, hereby grant the Charter annexed hereto to Kaimosi Friends University.

KAIMOSI FRIENDS UNIVERSITY CHARTER

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KAIMOSI FRIENDS UNIVERSITY CHARTER

PART 1- PRELIMINARY

1. Short Title:

This Charter may be cited as Kaimosi Friends University Charter, 2022.

2. Interpretation

In this Charter, unless the context otherwise requires—

“academic year” means a continuous period of teaching, examination and study organized in a full year mode, semester mode, trimester mode and quarter mode and extending over not less than thirty weeks in a calendar year;

“Act” means the Universities Act, 2012;

“affiliated institution” means an institution which has an academic linkage with the University for the purpose of granting certificates, diplomas and degrees in accordance with the Statutes;

“Alumni” means a person who is a former student of the University who completed an approved programme of study and qualified for the award of the degree, diploma or certificate and staff of the University.

“Alumni Association” means the Alumni association of the University established under paragraph 15 of this Charter;

“Annual Estimates” means the estimates approved under paragraph 28 of this Charter in respect of any financial year;

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

“Campus” means a campus established in the University pursuant to paragraph 7 of this Charter.

“Chairperson of Department” means the person appointed by the Vice-Chancellor to be the Chairperson of a teaching department or the head of any unit of the University;

“Chancellor” means the Chancellor of the University appointed under paragraph 12 of this Charter;

“College” means a College established by the University pursuant to the recommendation made under paragraph 7 of this Charter but does not include a Constituent College;

“Commission” means the Commission for University Education established by section 4 of the Act;

“Constituent College” means a Constituent College established under paragraph 8 of this Charter;

“Council” means the Council of the University established under paragraph 13 of this Charter;

“Dean” means dean of a faculty, school or centre as appointed by the Vice-Chancellor in accordance with the Statutes;

“Dean of Students” means the person appointed to be the Dean of Students of the University in accordance with the Statutes.

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor appointed under paragraph 19 of this Charter;

“Director” means a person appointed by the Vice-Chancellor as a head of a Directorate, institute or center in the University;

“Librarian” means the person appointed to be a University Librarian of the University.

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

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

“Lecturer” means a scholar with qualifications in the relevant discipline, teaching experience and engagement in research and publication;

“Principal” means a person appointed under paragraphs 20 and 21 of this Charter to be Principal of a campus, college or a Constituent College;

“Professor” means a Professor of the University, but does not include an Associate Professor;

“Faculty or school” means a faculty or school as defined by the Statutes;

“Staff Union” means a union of staff as defined by the Labour Relations Act, 2007;

“student” means a person for the time being registered by the University for the purpose of obtaining a qualification of the University or any person who is determined by the Senate to be a student;

“Students’ Association” means the organization of students recognized by the Council as being an organization representative of the students of the University;

“Senate” means the Senate of the University established under paragraph 17 of this Charter;

“University” means the Kaimosi Friends University established by paragraph 3 of this Charter;

“University Management Board” means the University Management Board of the University provided by paragraph 18 of this Charter.

“Vice-Chancellor” means the Vice Chancellor of the University appointed under paragraph 16 of this Charter.

PART II — ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and incorporation of the University

- (1) There is hereby established a University to be known as Kaimosi Friends University.
- (2) The University shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name, be capable of—
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
 - (c) receiving, investing, borrowing and lending money; and
 - (d) carrying out or performing any such functions or acts, including entering into such contracts as may be necessary or expedient, for the proper performance and furtherance of the provision of this Charter, which may lawfully be done by a body corporate.
- (3) The Kaimosi Friends University shall be the successor to Kaimosi Friends University College established under Legal Notice No. 87 of 2015.
- (4) All rights, duties, obligations, staff, liabilities and assets held by Kaimosi Friends University College or by anybody on behalf of the Kaimosi Friends University College, existing at the commencement of this Charter, shall be automatically and fully transferred to the University, and any reference to Kaimosi Friends University in any contract or document shall, for all purposes, be deemed to be a reference to the University established under subparagraph 3(1) of this Charter.

4. Vision and Mission

(a) Vision

To be a center of excellence in teaching, innovation and holistic development.

(b) Mission

To provide quality education and training, research and innovation to meet the needs of a dynamic Society.

5. Philosophy

The University endeavors to be ranked amongst the world class universities based on academic excellence and research that impact on societal needs.

6. Functions, Aims and Objectives of the University

- (1) The functions of the University shall be to —
 - (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for university education including technological, scientific, professional education and research;
 - (b) advance knowledge and its practical application by research, innovation and other means;
 - (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
 - (d) participate in technological innovation as well as in the discovery, creation, transmission and enhancement of knowledge, and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
 - (e) contribute to industrial and technological development of society in collaboration and partnership with industry and other organizations;
 - (f) develop quality and relevant degrees, diplomas and certificates programmes;
 - (g) establish colleges, faculties, schools, centres, institutes, departments, and other resources and administrative units as may be appropriate;
 - (h) inculcate and promote a culture of innovation, critical inquiry and creativity in art, science, technology, engineering, and education, amongst staff, students, and society;
 - (i) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
 - (j) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
 - (k) provide high quality facilities for educational, research, residential, commercial, cultural, social, recreational, sporting, and other activities;
 - (l) facilitate student mobility between programmes of study at different universities;
 - (m) participate in commercial ventures and activities that promote the objectives of the institution;
 - (n) foster the general welfare of staff, students, and the community;
 - (o) provide opportunities for development and further training for staff of the institution;
 - (p) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular fostering of corporate social responsibility;
 - (q) facilitate the development, provision, and expansion of services, programmes, and other products in ways that are easily accessible and reflect the principles of equity and social justice;
 - (r) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;

6. Functions, Aims and Objectives of the University

- (1) The functions of the University shall be to —
- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for university education including technological, scientific, professional education and research;
 - (b) advance knowledge and its practical application by research, innovation and other means;
 - (c) disseminate the outcomes of research by various means, and commercially exploit the results of such research;
 - (d) participate in technological innovation as well as in the discovery, creation, transmission and enhancement of knowledge, and to stimulate the intellectual life in the economic, social, cultural, scientific, and technological development;
 - (e) contribute to industrial and technological development of society in collaboration and partnership with industry and other organizations;
 - (f) develop quality and relevant degrees, diplomas and certificates programmes;
 - (g) establish colleges, faculties, schools, centres, institutes, departments, and other resources and administrative units as may be appropriate;
 - (h) inculcate and promote a culture of innovation, critical inquiry and creativity in art, science, technology, engineering, and education, amongst staff, students, and society;
 - (i) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
 - (j) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
 - (k) provide high quality facilities for educational, research, residential, commercial, cultural, social, recreational, sporting, and other activities;
 - (l) facilitate student mobility between programmes of study at different universities;
 - (m) participate in commercial ventures and activities that promote the objectives of the institution;
 - (n) foster the general welfare of staff, students, and the community;
 - (o) provide opportunities for development and further training for staff of the institution;
 - (p) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular fostering of corporate social responsibility;
 - (q) facilitate the development, provision, and expansion of services, programmes, and other products in ways that are easily accessible and reflect the principles of equity and social justice;
 - (r) conduct examinations for, and grant such, academic awards as may be provided for in the Statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate;

- (s) determine who may teach, what may be taught, and how it may be taught in the University;
- (t) promote socio-economic development in line with the country's development agenda; and
- (u) ensure the University sustainability and adoption of the best practices in University management and institutionalization of systems of checks and balances.

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

(3) The University shall charge such fees or levy as may, from time to time, be approved by the Council for students admitted to the University for defraying expenses connected with their education.

7. Establishment of Colleges and Campuses within the University

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

(2) A College established within the University shall consist of such faculties, schools, institutes, departments, centers and other resource and administrative units as may be provided for by the Statutes.

8. Establishment of Constituent Colleges

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

9. Conferment, granting, cancellation and withdrawal of Degree, Diplomas, Certificates and other awards.

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

- (a) award diplomas or certificates or other awards;
 - (b) confer the degrees of Bachelors, Masters and Doctorate and such other degrees as may be provided for by the Statutes; and
 - (c) confer honorary degrees or any other academic distinction upon a person who has rendered distinguished service to the advancement of any branch of learning or who has otherwise rendered service in any field of human endeavor worthy of such a degree or academic distinction as may be provided for in the Statutes.
- (2) Subject to this Charter, the Council may, on the recommendation of the Senate, cancel or withdraw such certificates, diplomas and degrees, including honorary degrees, or any other awards as may be provided for in the Statutes.

10. Awards of Scholarships

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

PART III- MEMBERSHIP, GOVERNANCE AND MANAGEMENT OF THE UNIVERSITY

11. The membership of the University

- (1) The members of the University shall be—
- (a) the Chancellor;
 - (b) the Council;
 - (c) the Vice-Chancellor;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Principals of Constituent Colleges;
 - (f) the Principals of Colleges and Campus within the University;
 - (g) the members of the Senate;
 - (h) the University Management Board;
 - (i) the Lecturers;
 - (j) the Registrars;
 - (k) the Librarians;
 - (l) the Corporation Secretary and Chief Legal Officer of the University;
 - (m) the Finance Officer;
 - (n) the Dean of Students;
 - (o) the members of Governing Body of each Constituent College;
 - (p) the Students;

- (q) the Alumni;
 - (r) the non-teaching staff; and
 - (s) such other persons as may be declared members of the University by the Council on the recommendation of the Senate.
- (2) The members of the University shall enjoy such rights and privileges as may be outlined in the Statutes.

12. The Chancellor

- (1) There shall be a Chancellor of the University who shall be appointed and hold office in accordance with the Act.
- (2) The Chancellor—
 - (a) shall be the titular head of the University and shall, in the name of the University confer degrees and grant diplomas, certificates and other awards of the University;
 - (b) may from time to time, direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;
 - (c) may arrange for visitation into the general administration and organization of the University in such a manner as may be provided by the statutes;
 - (d) may from time to time give advice to the Council which he considers necessary for the betterment of the University.
- (3) The Chancellor shall enjoy such powers and privileges and perform such other functions as may be provided by the statutes.

13. The Council

- (1) There shall be a Council of the University whose members shall be appointed in accordance with the Act.
- (2) The Council shall consist of—
 - (a) the Chairperson who shall be appointed by the President;
 - (b) the Principal Secretary in the Ministry for the time being responsible for the university education;
 - (c) the Principal Secretary in the Ministry for the time being responsible for finance;
 - (d) five members appointed by the Cabinet Secretary through an open process in such a manner as may be prescribed in the guidelines issued by the Cabinet Secretary; and
 - (e) the Vice-Chancellor or, in the case of a Constituent College, the Principal of such College, who shall be an *ex officio* member of the Council.
- (3) Subject to this paragraph, a member of the Council, other than an *ex-officio* member, shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

- (4) The members of Council other than the *ex-officio* members shall at the first meeting after their appointment determine by lot which of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council.
- (5) The Council shall be the governing body of the University.
- (6) The office of a member of the Council shall become vacant if the member—
 - (a) not being an *ex-officio* member, resigns from office by notice in writing addressed to the Vice-Chancellor;
 - (b) is, by reasons of physical or mental infirmity, unable to exercise the functions of the office of the member to the satisfaction of the Council;
 - (c) is adjudged bankrupt by a court of competent jurisdiction or enters into composition or scheme or arrangement for the benefit of creditors;
 - (d) is adjudged or declared by any court of competent jurisdiction or tribunal to be of unsound mind;
 - (e) is convicted of an offence by a court of competent jurisdiction and sentenced to imprisonment for a term exceeding six months;
 - (f) is guilty of gross misconduct; or
 - (g) dies.
- (7) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to appropriate appointing authority.
- (8) The procedure, conduct and regulation of the affairs of the Council shall be determined in accordance to this Charter and the Statutes.
- (9) The Council shall exercise prudent leadership, innovative enterprise, and good judgment in directing the University and shall always charter in the best interest of the University.
- (10) Subject to this Charter, the functions of the Council shall include—
 - (a) subject to the provisions of the Act and after consultation with the Senate, to make Statutes for the University;
 - (b) to approve policies of the University;
 - (c) to make and approve Statutes for the University;
 - (d) to determine the method of recruitment, appointment and promotion of all staff of the University;
 - (e) to appoint and determine the terms and conditions of service for all staff of the University;
 - (f) to confer after receiving a report from the Senate, the title of Emeritus Professor, Visiting professors, Honorary Professor, Honorary lecturer or Honorary Fellow;
 - (g) to approve the budget of the University;
 - (h) to promote and to make financial provisions and facilities for execution of the functions of the University;
 - (i) to determine, after considering the recommendations of the Senate, all fees payable to the University;
 - (j) to approve the investment of any money belonging to the University, including any unutilized income, in such stocks, funds, fully paid shares or securities as the Council may from time to time deem fit in accordance with the general law for the investment of trust moneys or in the purchase of freehold or leasehold properties yielding rents and subject to the provisions of the Act, with the powers of varying such investment from time to time by sale or re-investment or otherwise;

- (k) subject to the laid down Government procedures, to approve the sale, purchase, exchange, or take-over, or lease of movable and immovable property on behalf of the University;
 - (l) subject to the laid down Government procedures, approve the borrowing of money on behalf of the University; and for that purpose and subject to the Act, to mortgage or charge all or any part of the property unless the conditions of the property so held provide otherwise, and to give such other security whether upon movable and immovable property or otherwise as the Council may deem fit;
 - (m) on the recommendation of the Senate, to provide in accordance with the Statutes, for the creation of new divisions, faculties, schools, institutes, departments, centres or other bodies of learning, research and production in the University, whether formed by subdivision of one or more than one of any such body, and to approve the establishment, abolition or subdivision of any such body however so described;
 - (n) on the recommendation of the Senate, to institute fellowships, scholarships, studentships, exhibitions, bursaries, prizes and other aids to study and research;
 - (o) to approve the terms and conditions upon which internal and external examiners shall be appointed by the Senate;
 - (p) to empower committees to act jointly with any Committees appointed by the Senate, provided that the Council shall not delegate to the Chairman or to a Committee the powers to approve without further reference to the Council the annual estimates of expenditure;
 - (q) to approve regulations governing the conduct and discipline of the students of the University;
 - (r) to receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make legitimate disbursements wherefrom;
 - (s) to approve the constitution of the Students Organization and so far as is reasonably practicable, to ensure that the Students' Organization operates in a fair and democratic manner and is accountable for its finances;
 - (t) to provide for the welfare of the staff and students of the University;
 - (u) to approve regulations governing the recruitment, conduct and discipline of the staff of the University;
 - (v) to monitor and evaluate the implementation of strategies, policies, and plans of the University;
 - (w) to constantly review the viability and financial sustainability of the University, and shall do so once every year;
 - (x) to ensure that the University complies with the constitution, other relevant laws, regulations, governance practices, accounting and auditing standards; and
 - (y) to perform such other duties as may be contained in the Statutes and may have such other powers as contained in the Act.
- (11) The Council shall ensure that a proper management structure is in place and ensure that the structure functions to maintain corporate integrity, reputation and responsibility of the University.
- (12) The Council may delegate the exercise of any of its functions or duties set out in this Charter or other written law to committees, member or employee of the Council.

14. Students' Association

- (1) There shall be a Students' Association of the University as provided for in the Act and which shall comprise of all students of the University.
- (2) The Students' Association shall elect a Students Council which shall have the following functions—
 - (a) overseeing and planning, in consultation with the Senate and the University Management Board, students' activities for the promotion of academic, spiritual, moral, harmonious communal life and social well-being;
 - (b) drawing the attention of the appropriate authorities, where necessary, to the special needs of the students;
 - (c) undertaking such other functions as provided in its governance instruments approved by the Senate; and
 - (d) undertaking such other functions as provided in its governance instrument as approved by the University Council.
- (3) The Senate shall formulate, review and approve a constitution for governing the affairs of the Students' Association in accordance with the Statutes.

15. The Alumni Association

- (1) There shall be an Alumni Association of the University which shall consist of graduates of the University and such other persons as may be prescribed by the Statutes.
- (2) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council or the Senate, and may exercise such other functions as the Statutes may prescribe.
- (3) The Senate shall propose rules for consideration by the Council regarding establishment and promotion of the Alumni Association.

PART IV – MANAGEMENT OF THE UNIVERSITY

16. The Vice-Chancellor

- (1) There shall be a Vice-Chancellor of the University who shall be appointed in accordance with the Act.
- (2) The Vice-Chancellor shall be Chief Executive Officer of the University and shall—
 - (a) be the academic and administrative head of the University;
 - (b) have overall responsibility of the direction, organization, administration and programmes of the University; and

- (c) have such responsibilities and duties as may be provided for in this Charter and the Statutes.
- (3) The Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one a further term.

17. The Senate

- (1) There shall be Senate of the University, whose membership shall consist of—
- (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principal of each Constituent College;
 - (d) the Principal of each College and Directors of Campuses of the University;
 - (e) the Finance Officer;
 - (f) the Registrars;
 - (g) the Deans of Faculties, Schools, Institutes, Centres and other academic units that admit students;
 - (h) the Chairpersons of Departments;
 - (i) the Professors of the University;
 - (j) the Corporation Secretary and Chief Legal Officer;
 - (k) the members elected by the Academic Board or equivalent body of each Constituent College from amongst its members;
 - (l) the University Librarian;
 - (m) the Dean of Students;
 - (n) the Directors for the time being responsible for various units in the University;
 - (o) one representative of each of the staff union;
 - (p) two members elected by the Students' Association, who shall however not be entitled to attend deliberations of the Senate considered by the Chairperson to be confidential or which relate to examinations, the general discipline of students, and other related matters; and
 - (q) such other member as Senate may determine in accordance with the Statutes.
- (2) The Deputy Vice-Chancellor (Academic Affairs) shall be the Secretary to the Senate.
- (3) The powers and duties of the Senate shall be, to—
- (a) satisfy itself regarding the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of the University;

- (b) propose Statutes to be approved by the Council regarding the eligibility of persons for admission to degree, diploma and certificate programmes;
- (c) propose Statutes to be made by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificates or other awards of the University;
- (d) decide which persons have attained prescribed standards of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other awards of the University;
- (e) initiate proposals relating to the conduct of the University's academic programmes or affairs generally and to make representations thereon to the Council;
- (f) recommend to the Council the establishment, or abolition or harmonization of Faculties, Schools, Institutes, Units, Departments, and Centres as the Senate may from time to time deem necessary;
- (g) subject to the Act, make recommendations to the Council for the establishment or abolition or supervision, degrees and other academic programmes and their titles in the University;
- (h) set dates of the academic year and to determine the schedule of academic programmes within the academic year;
- (i) approve all syllabi of the University;
- (j) make regulations governing methods of assessing and examining the academic performance of students;
- (k) evaluate academic records of both undergraduate and postgraduate candidates for the purpose of admission into the University;
- (l) regulate the conduct of examinations;
- (m) appoint internal and external examiners and recommend to the Council the terms and conditions for their appointment;
- (n) to approve the examination results;
- (o) subject to the Act, to approve the award of degrees including the award of honorary degrees and other academic distinctions;
- (p) determine which qualifications or credits from other universities or institutions shall be acceptable as equivalent to particular qualifications of the University;
- (q) determine the procedure to be followed in the conferment of the degrees and other awards;
- (r) determine the design of academic dress and prescribe its use;

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

- (4) The Senate shall exercise such other powers as may be conferred by the Act, the Statutes or by the regulations and do such other acts as the Council may authorize.
- (5) Notwithstanding the provisions of this Charter, the Council shall not initiate any action with respect to academic matters or reject or amend any regulations relating to academic matters, as proposed by the Senate without further reference to the Senate.

18. The University Management Board

- (1) There shall be a University Management Board which shall function as provided for in this Charter and the Statutes.
- (2) The University Management Board shall consist of —
 - (a) the Vice-Chancellor, who shall be the Chairperson;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Principals of Colleges within the University;
 - (d) the Registrars;
 - (e) the Finance Officer;
 - (f) the Corporation Secretary and Chief Legal Officer;
 - (g) the Dean of Students; and
 - (h) such other member of Senior Management as the Council may determine in accordance with the Statutes.
- (3) The Chairperson of the Management Board may invite other officers of the University to attend management board meetings when specific matters pertaining to their departments or offices are being discussed and such officers shall be in attendance but not be eligible to vote.
- (4) The University Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall, in this respect, be responsible for—
 - (a) the efficient management of the human, physical, and financial resources of the University;
 - (b) ensuring that resources are available to various units of the University to ensure efficient operations;
 - (c) making proposals to the Council and the Senate on policies that have a University wide application;
 - (d) coordinating and implementing the University strategic and development plans;
 - (e) ensure that decisions of the Council are implemented;
 - (f) implementing the University policies;
 - (g) recommending to the Council budgets for approval for programmes for various sections of the University;
 - (h) forming management committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine for efficient running of the University;
 - (i) monitoring and evaluation of the University projects and the use of resources; and
 - (j) performance such other functions as may be delegated by the Council.

- (5) The Deputy Vice-Chancellor (Administration) shall be the secretary to the University Management Board.

19. Deputy Vice-Chancellors

- (1) There shall be such number of Deputy Vice-Chancellors as may be appropriate, who shall be appointed in accordance with the Act and who shall be under general authority of the Vice-Chancellor and shall exercise such powers and performs such duties as may be provided for by the Statutes;
- (2) A Deputy Vice-Chancellor shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

20. Principals of Constituent Colleges

- (1) The Principal of a constituent college shall be appointed in accordance with the Act and shall be the academic and administrative head of such college.
- (2) The Principal shall hold office upon such terms and for such period as may be provided for by the Statutes and shall be eligible for re-appointment for one further term.

21. Principals of Colleges and Campuses within the University

- (1) The Council shall appoint for each college a Principal and for each campus a Director in accordance with the Statutes.
- (2) The Principal or campus Director shall be the academic and administrative head of the college or campus, as the case may be and shall, under the general authority of the Vice-Chancellor, have such other powers and duties as may be provided for by the Statutes.
- (3) The Principal and the campus director shall hold office for such period as may be specified in the Statutes.

22. Staff of the University

- (1) The Senior Management Staff of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals of Colleges of the University, and such other members of staff as the Council may determine from time to time.
- (2) The Teaching Staff of the University shall consist of the all members of staff who are engaged in teaching, research or extension in the University.

- (3) The Administrative Staff of the University shall consist of the Registrars, the Directors, the Finance Officer and such other members of staff not engaged in teaching or research, as the Council may determine from time to time.
- (4) The Technical Staff of the University shall consist of the staff engaged in laboratory, field instruction, workshops and such similar areas in the teaching departments under the general direction of the heads of such teaching departments, and as the Council may determine from time to time.
- (5) The support staff of the University shall consist of the staff engaged in general duties and such other persons as the Council may determine from time to time.
- (6) The members of staff of the University shall, subject to this Charter, be appointed either:
 - (a) in the manner and upon the terms and conditions of the services prescribed by the Statutes; and
 - (b) in the case of a person seconded to the services of the University from the services of another institution, the Government or any other public services, on terms and condition agreed upon with the Council.
- (7) The Council may, subject to such restrictions as it may impose, delegate either generally or specifically, to any person, committee, or body, the power to appoint any member of the staff of the University.
- (8) All members of staff of the University shall—
 - (a) be employed in accordance with the Statutes or otherwise specifically provided by the Statutes or by the terms of a particular appointment;
 - (b) be subject to the general authority of the Council and of the Vice-Chancellor; and

23. Convocation

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

24. Performance of Functions in the absence of Office holder

- (1) In the event of the incapacity of the Vice-Chancellor, the Council shall appoint one of the Deputy Vice-Chancellors to carry out the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.
- (2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellors, the Council may appoint a Principal of any of the colleges of the University to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.
- (3) In the event of the simultaneous incapacity of the Vice-Chancellor, the Deputy Vice-Chancellors, and the Principals of Colleges of the University, the Council may appoint a member of the academic staff at the level of Professor to perform the functions of the Vice-Chancellor during the period of incapacity subject to a maximum of one hundred and eighty calendar days.
- (4) In the event of the incapacity of any other member of staff of the University, the Vice-Chancellor may appoint a suitable person to perform the functions of the said officer during the period of incapacity subject to a maximum period of one hundred and eighty calendar days.
- (5) In this paragraph, "incapacity" includes absence from Kenya or inability for any other reason to perform the functions of the office concerned or as may otherwise be provided for in the Statutes.
- (6) At the expiry of the period provided in this paragraph the position in respect of which the vacancy has arisen shall be filled following the prescribed procedure.

PART V—FINANCIAL PROVISIONS

25. Financial Year

- (1) The financial year of the University shall be the period of twelve months commencing on 1st of July and ending on 30th of June in the following year.
- (2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to a new financial year consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed, for the purposes of this Charter, to be a financial year.

26. Funds of the University

The funds of the University shall comprise—

- (a) such sums as may be granted to the University by the Exchequer;
- (b) such monies or assets as may accrue to or vest in the University in the course of performance of its functions under this Charter and the Statutes; and
- (c) all monies from any other source provided for or donated or lent to the University with the approval of the Council.

27. Investments of Funds

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

28. Annual Estimates

- (1) Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.
- (2) The annual estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide—
 - (a) for the payment of the salaries, allowances and other charges in respect of the staff of the University;
 - (b) for the payment of the pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the University;
 - (c) for the proper maintenance of the buildings and grounds of the University;
 - (d) for the proper maintenance, repair and replacement of equipment and other movable property of the University;
 - (e) for the funding of the cost of teaching, research and outreach activities of the University;
 - (f) for development purposes; and
 - (g) for the creation of such funds to meet future or contingent liabilities in respect of retiring benefits insurance or replacement of building or equipment and in respect of such other matters as the Council may think fit.
- (3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval, and after

the approval, the Council shall not increase any sum provided in the estimates without the consent of the Cabinet Secretary.

- (4) No expenditure shall be incurred for the purpose of the University except in accordance with the annual estimates approved under subparagraph (3) or in pursuance of an authorization of the Council given with the prior approval of the Cabinet Secretary.

29. Accounts and Audit

- (1) The Council shall cause to be kept all proper books of accounts of the income, expenditure and assets of the University.
- (2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor-General, the accounts of the University together with—
- (a) a statement of income and expenditure during that financial year; and
 - (b) a statement of the assets and liabilities of the University on the last day of that financial year.
- (3) The accounts of the University shall be audited and reported upon in accordance with the provisions of the Public Audit Act, 2015 and any other relevant law.
- (4) The Auditor-General may transmit to the Cabinet Secretary a special report on any matters incidental to his powers under this Charter, and the Public Audit Act, 2015.

PART VI- MISCELLANEOUS PROVISIONS

30. Instruments of Governance

- (1) The University shall conspicuously display all its instruments of governance.
- (2) Where any instrument is revoked under this Charter, the University shall, within fourteen days of such revocation, return the original instrument of governance to the Commission subject to the provisions of this Charter.

31. Instruments of Authority

- (1) Subject to this Charter, the University shall possess the following instruments of Authority—
- (a) the University Mace;
 - (b) the Common Seal;
 - (c) the University Logo; and
 - (d) the Assessment Report.

- (2) The Common Seal of the University shall be kept in such custody and used only as the Council shall direct.
- (3) The Common Seal of the University shall be authenticated by the signatures of the Vice-Chancellor and any other person duly authorized by the Council.
- (4) The Common Seal of the University when affixed to any document and duly authenticated shall be judicially noticed, and unless and until the contrary is proved, any order or authorization of the Council under this paragraph shall be presumed to have been duly given.
- (5) All documents other than those required by law to be under Seal, made on behalf of the Council and all decisions of the Council shall be under the hand of the Chairperson, the Vice-Chancellor or the respective Deputy Vice-Chancellor or any other member of the Council duly authorized by the Council on its behalf.
- (6) The Mace shall be kept in such custody as the Council may direct.
- (7) The Mace shall be used as specified in the Statutes.
- (8) No person, body, authority or organization performing any function related to administration, registration of companies, business, trade, advertisement, calling, profession, use of the Common Seal and Logo of the Kaimosi Friends University except with the consent of the Council and the authorized representative of the Council.

32. Statutes

- (1) The Council may, subject to the provisions of the Act and this Charter, make Statutes generally for the governance, control and administration of the University, for the better carrying into effect the purposes of this Charter, and for all purposes connected, and in particular for—
 - (a) the establishment of Campuses, Colleges, Faculties, Schools, Institutes, Centers, and Departments of the University;
 - (b) the description of degrees, diplomas, certificates and other academic qualifications;
 - (c) the requirement for conferment of degrees and award of diplomas, certificates and other academic qualifications;
 - (d) the conduct of examinations;
 - (e) prescribing fees and other charges;
 - (f) setting the terms and conditions of service, including the appointment,

dismissal and recommendation of retirement benefits of the members of staff of the University;

- (g) the constitution and procedure of meetings of the Council, and the establishment, composition and terms of reference of committees of the Council;
 - (h) prescribing the rules and regulations for the students' organizations;
 - (i) providing for or prescribing anything, which, under this Charter, may be provided for by the Statutes;
- (2) Notwithstanding subparagraph (1), the Council shall not make, amend or revoke any Statutes relating to the functions and privileges of the Chancellor, Vice-Chancellor or Senate without reference to the Senate.
 - (3) The Statutes shall only be made or amended by a resolution passed at a meeting of the Council supported by a majority of not less than three-fourths of the members present and voting, being not less than half of the total membership of the Council.
 - (4) The Statutes or regulations made by the Council under this Charter shall be published in the Gazette.

33. Protection of Name

- (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies, business or societies shall accept for such registration any name which includes the words "Kaimosi Friends", together with the word "University", together in any order, unless the application for the registration is accompanied by the written consent of the Council.
- (2) Any person who except with the written consent of the Council, uses the words " Kaimosi Friends", together with the word "University", together in any order, in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling, or profession, commits an offence and shall be liable on conviction to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding three years, or to both.
- (3) Notwithstanding the foregoing, nothing in this paragraph shall be construed as preventing the *bona-fide* use by any person of any title in pursuance of the grant to her/him of a degree, diploma or certificate by the University subject to the Act.

34. Revocation of Kaimosi Friends University College Legal Notice No. 87 of 2015

- (1) The Kaimosi Friends University College (Legal Notice No. 87 of 2015) is revoked.
- (2) Notwithstanding subparagraph (1), all agreements, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets, and other property acquired by virtue of that Order, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

35. Transitional

- (1) Notwithstanding the provisions of this Charter, the persons constituting the Council of Kaimosi Friends University College shall continue to discharge responsibilities and exercise such powers and functions as set out in the Legal Notice until the Council of Kaimosi Friends University is appointed.
- (2) Statutes made by Council of Kaimosi Friends University College shall be deemed to be made by Council of Kaimosi Friends University under this Charter.
- (3) The persons occupying the positions of the Principal and the Deputy Principals of Kaimosi Friends University College shall continue to discharge their responsibilities and exercise such powers as acting Vice-Chancellor and acting Deputy Vice-Chancellors respectively of Kaimosi Friends University as set out in the Act and the Statutes of Kaimosi Friends University until the Vice-Chancellor and other officers of the University are substantively appointed and assume office.
- (4) Any student pursuing degree programmes at Kaimosi Friends University College immediately before the grant of this Charter and who has completed more than 50% of the subject matter of the programme, or less than 50% in exceptional cases to be determined by the Senate, may upon such award have an option—
 - (a) to continue and be awarded a degree of the Kaimosi Friends University; or
 - (b) be awarded a degree of the Masinde Muliro University of Science and Technology.
- (5) The option referred to in subparagraph (4) shall only be exercised by a student subject to an agreement between the Kaimosi Friends University and the Masinde Muliro University of Science and Technology, after consideration of several matters including—
 - (c) the availability of space; and
 - (d) the accreditation of the relevant academic programme.

36. Variation and Revocation of this Charter

This Charter may be varied, amended or revoked in accordance with the Act.

Given under my hand and the public seal of the Republic of Kenya on

the 2nd day of August 2022.



**UHURU MUIGAI KENYATTA,
President.**

Dated this 28th day of July 2022.



**GEORGE MAGOHA,
Cabinet Secretary, Ministry of Education**