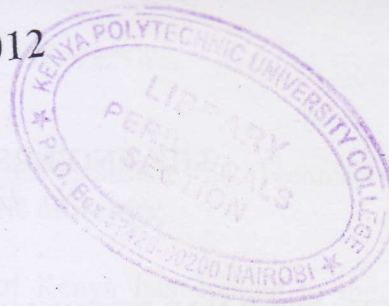


THE UNIVERSITIES ACT, 2012

(No. 42 of 2012)



CHARTER

for

THE TECHNICAL UNIVERSITY OF KENYA

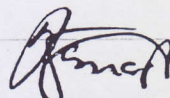
LEGAL NOTICE NO.....

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

CHARTER FOR TECHNICAL UNIVERSITY OF KENYA

IN EXERCISE of the powers conferred by section 21 of the Universities Act, 2012, the Minister for Higher Education, Science and Technology certifies that the Charter set out in the schedule hereto has been granted to the Technical University of Kenya in accordance with the provisions of the Act.

Dated the 15th JANUARY....., 2013.



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

SCHEDULE

THE UNIVERSITIES ACT, 2012



THE TECHNICAL UNIVERSITY OF KENYA

WHEREAS the Government of Kenya wishes to establish the Technical University of Kenya in Nairobi County in the Republic of Kenya;

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

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

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

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

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19(1) (a) of the Universities Act, 2012, I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the Technical University of Kenya.

SCHEDULE

THE UNIVERSITIES ACT, 2012

THE TECHNICAL UNIVERSITY OF KENYA



WHEREAS the Government of Kenya wishes to establish the Technical University of Kenya in Nairobi County in the Republic of Kenya;

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

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

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

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

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

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

NOW WHEREFORE, by these presents, be it known in exercise of the powers conferred upon me by section 19(1) (a) of the Universities Act, 2012, I, Mwai Kibaki, President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, grant the Charter annexed hereto to the Technical University of Kenya.

CHARTER FOR THE TECHNICAL UNIVERSITY OF KENYA

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

- 1– Short Title.
- 2– Interpretation.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

- 3– Establishment and Incorporation of the University.
- 4– Vision and Mission.
- 5– Philosophy.
- 6– Functions and Objects of the University.
- 7– Establishment of Colleges of the University.
- 8– Establishment of Constituent Colleges.
- 9– Conferment, Granting, Cancellation and Withdrawal of Degrees, Diplomas, Certificates and other Awards.
- 10– Award of Scholarships.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

- 11– Membership of the University.
- 12– The Chancellor.
- 13– Chairman of Council
- 14– The Vice-Chancellor.
- 15– The Deputy Vice-Chancellor.
- 16– Principals of Campuses and Colleges.
- 17– The Council.
- 18– The Functions of the Council.
- 19– The Senate.
- 20– The Management Board.
- 21– Students' Association.
- 22– The Alumni Association.
- 23– The Staff of the University.
- 24– Performance of Functions in the event of incapacity of an office holder.

PART IV – FINANCIAL PROVISIONS

- 25– Financial Year.

PART V – MISCELLANEOUS PROVISIONS

- 26– Instruments of Authority.
- 27– Interpretation of the Charter.

28- The Common Seal and Signification of Documents.

29- Statutes.

30- Protection of the Name.

31- Repeal.

32- Transitional provision.

33- Variation and Revocation of the Charter.



PART I – PRELIMINARY

1. Short Title

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

2. Interpretation

In this Charter, unless the context requires otherwise –

“academic staff” means any person appointed to teach, train or do research at the University and any other employee designated as such by the Council;

“Act” means the Universities Act, 2012;

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

“Chairman of Council” means the Chairman of Council appointed under section 14;

“Chancellor” means the Chancellor of the University established under section 13;

“College” means a college established under section 8;

“Constituent College” means a constituent college established under section 9;

“Council” means the Council of the University established under section 18;

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor of the University appointed under section 16;

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

“graduate” means a person who is awarded a degree, diploma or certificate of the University or the former Kenya Polytechnic University College;

“incapacity” means inability to perform functions of the office as defined under section 26;

“Institute” means an institute established under the Statutes;

“lecturer” means a member of staff of the University who is, in terms of appointment, a Professor, an Associate Professor, Senior Lecturer, Lecturer, Assistant Lecturer, Teaching Assistant, or a person who holds any other teaching post which the Council has recognized as a post having academic status in the University;

“Management Board” means the Management Board established under section 21;

"Principal" means a Principal appointed by the University Council under section 17;

"Professor" means an Associate Professor or a Full Professor of the University;

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

"Senate" means the Senate of the University established under section 20;

"staff" means the staff of the University as provided by section 24;

"Staff Association" means an association of the staff recognized by the Council as being an association representative of the Staff of the University as provided for by the Statutes;

"Statutes" means the Statutes of the University made by the Council under this Charter;

"Students' Association" means an association of the students recognized by the Council being an organization representative of the students of the University and as provided for by the Statutes under section 22;

"University" means the Technical University of Kenya as established under section 3 of the Charter; and

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 15 of the Charter.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

3. Establishment and Incorporation of the University

(1) There is hereby established a public University to be known as the Technical University of Kenya.

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

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

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

(4) All rights, duties, obligations, assets and liabilities of the Kenya Polytechnic University College existing at the commencement of this Charter shall be automatically transferred to and vested in the University.

4. Vision and Mission

(1) The vision of the University is to be a top rated university of technology.

(2) The mission of the University is to provide quality technological education and training and to contribute towards the technological advancement of society through research and innovation.

5. Philosophy

The Technical University of Kenya is founded on the belief that economic development of a nation is achievable fundamentally through technological advancement. Such technological progress is feasible through a strong industrial base which enhances production of competitive goods and services for both the local and external markets. Industrialization requires a critical mass of personnel with requisite technical skills. In order to produce these personnel, the training and education must be of practical nature that is also anchored on solid theoretical foundations.

The Technical University of Kenya shall be a centre of excellence for the training of personnel in technological, creative, business and management skills. The institution shall therefore play a leading role in economic development of Kenya by imparting skills that are appropriate to the real world of work, even as it aims to produce holistic graduates with the flexibility to fit into the demands of a constantly changing world.

6. Functions and objects of the University

(1) The functions of the University shall be to —

- (a) provide directly, or in collaboration, with other institutions of higher learning, facilities for technological, professional, and scientific education;
- (b) advance knowledge and its practical application by research and other means;
- (c) disseminate the outcomes of research by various means, and commercially exploit the results of 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) foster and create partnerships, linkages, and community engagements for cooperation with stakeholders, industry, and other institutions;
- (g) introduce new programmes of study including those that culminate in degrees, diplomas and certificates;
- (h) to establish colleges, faculties, schools, institutes, departments, and other resource and administrative units as may be appropriate;
- (i) inculcate a culture of innovation in technology, engineering, and science, amongst staff, students, and society;
- (j) promote education in science, technology, engineering, and mathematics within the institution and society;
- (k) develop an institution of excellence in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (l) provide a multi-level system of education and training that is relevant to the needs of the community covering a wide range of fields and levels with provision for recognition of prior learning and flexibility of transition between educational levels;
- (m) provide for the development of technical and vocational education and training and related activities within the institution and the wider society;
- (n) play a leading role in the development and expansion of opportunities for technological and vocational education and training;
- (o) provide high quality educational, research, residential, commercial, cultural, social, recreational, sporting, and other facilities;

- (p) facilitate student mobility between programmes of study at different technical training institutions, polytechnics, and universities;
- (q) promote critical enquiry and creativity in education, training and research within the institution;
- (r) participate in commercial ventures and activities that promote the objectives of the institution;
- (s) foster the general welfare of staff and students;
- (t) provide opportunities for development and further training for staff of the institution;
- (u) develop and provide educational, cultural, professional, technical and vocational services to the community and in particular the fostering of corporate social responsibility;
- (v) provide programmes, products, and services in ways that reflect the principles of equity and social justice;
- (w) conduct examinations for, and grant such, academic awards as may be provided for in the statutes, and to syndicate examinations for awards at other institutions as may be approved by the Senate; and
- (x) facilitate the development and provision of appropriate and accessible academic and other programmes.

(2) The University may admit any person for degree, diploma, certificate and any other awards as may be prescribed by the Senate and no person shall be discriminated on the basis of race, ethnicity, place of origin or residence or other local connections, political opinion, colour, creed, physical ability or gender.

(3) The University shall not discriminate or prevent a person from becoming a professor, lecturer, graduate or student of the University, or of their holding any office therein, nor shall any preference be given to, or advantage withheld from any person on the grounds of any such distinction.

7. Establishment of Colleges of the University.

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

(2) A college which is established shall consist of such faculties, schools, institutes, or centres as may be provided by the Statutes.

8. Establishment of Constituent Colleges.

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

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

(1) Subject to this Charter, the University shall **have** power to—

- (a) confer degrees, diplomas, certificates or **any** other awards in accordance with the Statutes
- (b) confer honorary degrees or any other **academic** distinction to a person who has rendered distinguished service to the advancement of any branch of learning **or** who has otherwise rendered service in any field of human endeavour worthy of such a degree or academic distinction.

(2) The Council, on the recommendation of the **Senate**, may cancel or withdraw such certificates, diplomas, degrees, including **honorary** degrees, or any other awards as may be provided for in the Statutes.

10. Award of Scholarships

The University may award scholarships, bursaries, and **prizes** and make other awards as may be provided for in the Statutes.

PART III – MEMBERSHIP AND GOVERNANCE OF THE UNIVERSITY

11. Membership of the University

The members of the University shall be—

- (a) the Chancellor of the University;
- (b) the Chairman of Council;
- (c) the members of the Council;
- (d) the members of the Senate;
- (e) the Vice-Chancellor;
- (f) the Deputy Vice-Chancellors;
- (g) the Principals of campuses, colleges and constituent colleges;

- (h) Executive Directors;
- (i) the University Secretary;
- (j) the Academic Registrar;
- (k) the University Librarian;
- (l) members of the governing body of each constituent college;
- (m) the Professors of the University;
- (n) the lecturers of the University;
- (o) the Alumni;
- (p) the students of the University; and
- (q) such other members of staff of the University or any other body formally admitted into association with the University or with any of its Constituent Colleges, as the Council may from time to time determine.

12. The Chancellor.

(1) There shall be a Chancellor of the University who shall be appointed and shall hold office in accordance to the provisions of the Act.

(2) The Chancellor shall hold office for a term of five years and shall be eligible for reappointment for one further term.

13. Chairman of Council.

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

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

14. The Vice-Chancellor

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

(2) The Vice-Chancellor shall have such other powers and duties as may be provided for in the Statutes.

15. The Deputy Vice-Chancellors

(1) The Council shall competitively appoint two or more Deputy Vice-Chancellors, who shall, under the general authority of the Vice-Chancellor, exercise such powers and perform such duties as may be provided by the Statutes.

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

16. The Principals of Campuses and Colleges

(1) The Council shall, through a competitive process, appoint for each campus or college a Principal who 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 by the Statutes.

(2) A Principal shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

17. The Council

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

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

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

(a) if, not being an *ex-officio* member, the member resigns from office in writing addressed to the Vice-Chancellor;

(b) if the Council is satisfied that the member is, by reasons of physical or mental infirmity, unable to exercise the functions of the office; and

(c) upon death of the member.

(4) Where the office of a member of the Council becomes vacant, the Vice-Chancellor shall forthwith notify the vacancy to the appointing authority.

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

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

18. Functions of the Council

(1) The Council shall be the governing body of the University.

(2) The Council shall—

(a) shall administer the property and funds of the University in a manner and for the purposes which shall promote the interest of the University; but the Council shall not charge or dispose

of immovable property of the University except in accordance with the procedures laid down by the Government of Kenya;

- (b) shall receive, on behalf of the University, donations, endowments, gifts, grants or other moneys and make disbursements therefrom to the University or other bodies or persons;
- (c) shall provide for the welfare of the staff and students of the University;
- (d) enter into association with other universities, or other institutions of learning, whether within Kenya or otherwise, as the Council may deem necessary and appropriate;
- (e) after consultation with the Senate, make regulations governing the conduct and discipline of the students of the University;
- (f) after consultation with the University Management Board make regulations governing the conduct and discipline of the staff.

19. The Senate

consist of —

- (1) There shall be a Senate of the University which shall

- (a) the Vice-Chancellor, who shall be the Chairperson;
- (b) the Deputy Vice-Chancellors;
- (c) the Principals of constituent colleges;
- (d) the Principals of colleges within the University;
- (e) Executive Directors;
- (f) Deans of Schools;
- (g) the Directors of Institutes, Centres and other academic units;
- (h) the Chairpersons of Departments;
- (i) full Professors of the University;
- (j) the Academic Registrar;
- (k) the director for the time being in charge of library and learning resource centre services;
- (l) the director of students affairs or the equivalent;



(m) the head of information, communication and technology services of the University;

(n) the director for the time being responsible for Technical and Vocational Education and Training;

(o) two members elected by the academic board or equivalent body of each constituent college from among the members of such board or body;

(p) one representative of each of the college academic boards appointed by the respective boards from amongst its members;

(q) one representative of each of the school academic boards appointed by the respective boards from amongst its members;

(r) two members elected by the Students' Association; and

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

(2) The members of the Students' Association shall not participate in the deliberations of the Senate, which the Chairperson considers to be confidential or which relate to examinations, grades and such other issues that may pose a conflict of interest.

(3) The Deputy Vice-Chancellor, in-charge of academic affairs shall be the secretary to the Senate.

(4) The functions of the Senate shall be —

(a) to determine the content and academic standard of any course of study in respect of any degree, diploma, certificate or other award of University and to report its findings thereon to the Council;

(b) to propose regulations for consideration by the Council regarding the eligibility of persons for admission to a course of study;

(c) to propose regulations for consideration by the Council regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;

(d) to decide which persons have attained the prescribed standard of proficiency and are otherwise fit to be granted a degree, diploma, certificate or other award of the University and to report its decision thereon to the Council;

- (e) to recommend to the Council the ~~establishment~~, or abolition or harmonization of Faculties, ~~Schools~~, Institutes, Units, Departments, and Centres as the ~~Senate~~ may from time to time deem necessary;
- (f) to make recommendations to the Council for the establishment or abolition of, ~~degree~~ and other academic programmes and their titles in the ~~University~~;
- (g) to set the dates of the academic ~~year~~ and to determine the schedule of academic programmes ~~within~~ the academic year;
- (h) to evaluate academic records of ~~both~~ undergraduate and postgraduate candidates for the ~~purpose~~ of admission into the ~~University~~;
- (i) to regulate the conduct of examinations;
- (j) to recommend the internal and ~~external~~ examiners, their terms and conditions for their appointment;
- (k) to approve the examination results;
- (l) to approve the award of degrees ~~including~~ the award of honorary degrees and other academic ~~distinctions~~;
- (m) to determine which qualifications ~~or~~ credits from other Universities or institutions shall be ~~acceptable~~ as equivalent to particular qualifications of the ~~University~~;
- (n) to determine the procedure to be ~~followed~~ in the conferment of the degrees and other awards;
- (o) to determine the design of academic ~~dress~~ and prescribe its use;
- (p) to evaluate research, teaching, staffing ~~of~~ the University and if it so wishes to report and make ~~recommen~~dations thereon to the Council;
- (q) to promote and administer the ~~extra-mural~~, external and extension work of the University;
- (r) to promote research and innovation ~~work~~ in the University;
- (s) to promote co-operation and linkages ~~with~~ other institutions of higher learning and industry;
- (t) to develop, implement and promote ~~quality~~ assurance systems and structures in all University ~~academic~~ operations;
- (u) to promote the welfare of students and ~~staff~~ in the university;

(v) to discontinue a student from a programme of study on academic grounds;

(w) to receive proposals from various Boards and Faculties, Institutes, Schools, Centers and to consider their recommendations and make appropriate decision;

(x) to recommend to the Council appropriate criteria for appointment and promotion of academic staff of the university;

(y) to review the Statutes from time to time and to present recommendations thereon to the Council provided that all Statutes shall be reviewed at least once every five years; and

(z) to determine general policy matters relating to the library, laboratory facilities, teaching aids, workshops and such other academic services which are in its view necessary for the furtherance of the academic objectives of the University.

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

20. The Management Board

(1) There shall be a Management Board which shall consist of —

(a) the Vice-Chancellor, who shall be the Chairperson;

(b) the Deputy Vice-Chancellors;

(c) the Principals of Colleges;

(d) the Executive Directors;

(e) the University Secretary, who shall be the secretary to the Board and an *ex-officio* member; and

(f) such other member of senior management as the Council may determine in accordance with the Statutes.

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

(3) The Management Board shall assist the Vice-Chancellor in the day-to-day management of the University and shall in this respect, be responsible for—

- (a) the efficient management of the human resources, programmes, facilities and finances of the University;
- (b) planning for the development of the University;
- (c) developing strategies for the generation of revenue to secure adequate financial support for the University;
- (d) making proposals to the Council and Senate on policies that have a University-wide application; and
- (e) any other matters related to the management of the University.

21. Students' Association

There shall be a Students' Association which shall be established in accordance with the Statutes.

22. 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 determined by the Statutes.

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

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

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

(4) The Alumni Association shall have the right to meet and discuss any matter relating to the University and transmit resolutions thereon to the Council and the Senate, and may exercise such other functions as the Statutes may prescribe.

23. The Staff of the University.

(1) The persons who were members of staff of the Kenya Polytechnic University College, prior to the commencement of this Charter, including those on secondment and contract, shall be deemed to be employees of the University subject to the statutes.

(2) All members of staff of the University shall be appointed either—

- (a) in the manner and upon the terms **and** conditions of service prescribed by the 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.

(3) 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 staff of the University.

(4) All members of staff of the University shall **be** subject to the general authority of the Council and of the Vice-Chancellor.

24. Performance of functions in the event of incapacity of an office holder

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

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

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

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

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

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

PART IV - FINANCIAL PROVISIONS

25. Financial Year

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

PART V - MISCELLANEOUS PROVISIONS

26. Instruments of Authority.

(1) The instruments of authority are a Mace, Logo, and Seal.

(2) The Instruments of Authority of the University shall be kept in such custody and used only as the Council shall direct.

27. Interpretation of the Charter

This Charter shall be valid and effectual in law according to its true intent and meaning and shall be construed, subject to the provisions of the Charter, in the best interest of the University and promotion of its objectives.

28. The Common Seal and Signification of Documents

(1) The Common Seal of the University shall be kept in such custody as the Council may direct and shall not be used except upon the order of the Council.

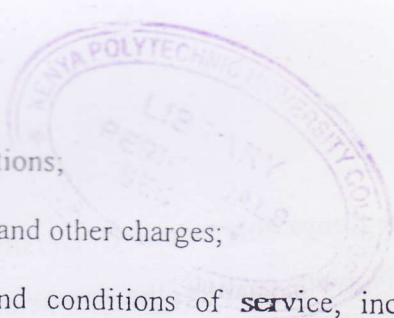
(2) The Common Seal shall be authenticated by the signature of the Vice-Chancellor and any other person duly authorized by the Council.

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

29. Statutes

(1) In the performance of the functions under this Charter, the Council shall make Statutes generally to regulate the affairs of the University and for the better carrying into effect the purposes of this Charter, and in particular for the —

- (a) establishment of Campuses, Colleges, Faculties, Schools, Institutes, Centres and Departments of the University;
- (b) description of degrees, diplomas, certificates and other academic qualifications;
- (c) requirements for conferment of degrees and award of diplomas, certificates and other academic qualifications;

- 
- (d) conduct of examinations;
 - (e) prescription of fees and other charges;
 - (f) setting of 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) prescription of the rules and **regulations** for the Students' Association; and
 - (i) provision for or prescription of **anything**, which, under this Charter, may be provided for or **prescribed** by Statutes.

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

(3) The Statutes shall only be made by a resolution **passed** at a meeting of the Council supported by a simple majority of the total **membership** of the Council.

30. Protection of the Name

(1) Notwithstanding the provisions of any other **written** law, no public officer performing functions relating to the registration of **companies**, businesses or societies shall accept for any such registration any name **which** includes the word 'Technical', 'University', and 'Kenya' together in any **order** unless the application for the registration is accompanied by the written **consent** of the Council.

(2) Any person who except with the written **consent** of the Council, uses the word 'Technical', 'University', and 'Kenya' **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 one million Kenya shillings, **or** imprisonment for a term not exceeding three years, or both.

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

31. Repeal.

(1) The Kenya Polytechnic University College Order, 2007 is repealed.

(2) Notwithstanding the provisions of subsection (1) all charters, directions, orders, appointments, requirements, authorisations, other things given, taken or done under, and all funds, assets and other property acquired in virtue of, that Order, shall, so far as not inconsistent with this Charter, be deemed to have been given, taken, done or acquired under this Charter.

32. Transitional provision

(1) There shall be a transition period to provide for the appointment of the Council of the University by the Cabinet Secretary and for the full implementation of the Charter upon the commencement of this Charter.

(2) During the transition period —

- (a) the Council of the Kenya Polytechnic University College shall continue to be in place and shall function as the Council of the University until such time that the substantive Council shall have been appointed;
- (b) the Council of the Kenya Polytechnic University College may make statutes for the University under this Charter and the statutes so made shall be deemed to have been made under this Charter; and
- (c) the persons occupying the positions of Principal, Deputy Principals and Deans of Faculties of the Kenya Polytechnic University College shall assume the respective offices of Vice-Chancellor, Deputy Vice-Chancellors and Principals of Colleges, in acting capacity, until the Vice-Chancellor, Deputy Vice-Chancellor and Principals of Colleges of the University are appointed and take office. Provided that the Council shall appoint the Principal, Deputy Principals and Deans of Faculties in acting capacity in the offices of Vice-Chancellor, Deputy Vice-Chancellors and Principals of Colleges respectively.

(3) For the purpose of this section “transition period” shall be a period not exceeding one hundred and eighty calendar days from the date of grant of the Charter.

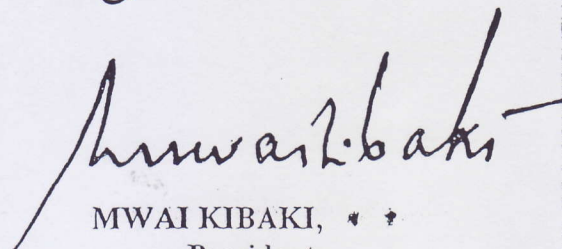
(4) The students of the Kenya Polytechnic University College pursuing diploma and certificate programmes as at the commencement of the Charter shall complete their courses and shall be awarded diplomas and certificates of the University.

33 . Variation and Revocation of the Charter

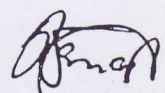
This Charter may be varied or revoked in accordance with the Act.

Given under my hand and the public seal of Kenya on

the ^{15th} day of January, 2013.


MWAI KIBAKI, * *
President.

Dated the ^{15th} JANUARY, 2013


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